DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

21 November 2002

Thursday, 21 November 2002

Answers to questions:

Thursday, 21 November 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.

Status of Women—Select Committee
Report

MS GALLAGHER (10.32): Pursuant to order, I present the following report:

> Status of Women in the ACT—Select Committee—Report—*The Status of Women in the ACT*, dated 15 November 2002, together with the minutes of proceedings.

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

Leave granted.

MS GALLAGHER: I move:

> That the report be authorised for publication.

Question resolved in the affirmative.

MS GALLAGHER: I move:

> That the report be noted.

It is with great pleasure that I rise today to speak to the report of the Select Committee on the Status of Women in the ACT. The committee was formed on 11 December last year as a result of the Labor Party's election promise to establish a committee to investigate and report on issues and programs relating to women in the ACT with the intention that this report assist government in delivering policy and services to women in the second and third year of this term.

On 11 December, I joined with Ms Dundas and Mrs Cross to form this committee. The terms of reference to guide the committee's work were broad and covered such things as equality of opportunity, economic independence and security, access to and support of healthy lifestyles, barriers to participation, violence prevention and personal and community safety for women, and targeted support for women from specific groups within the community.

The committee has tried to ensure that all views put to the committee have received recognition in the report. To commence the inquiry, the committee called for submissions from the community, and we received 30 of them. The committee held two public hearings and received evidence from 17 organisations and individuals. The

committee also met with members of the Ministerial Council on Women and representatives from Winnunga Nimmityjah, and received briefings from the ACT Office for Women.

Early on, the committee discussed how we could best use our limited time to produce a report that provided an honest and useful document to government to assist in future decision-making processes. I believe the report that we have tabled this morning does this.

To begin, the report details demographic information about women in the ACT. We look at what barriers exist to accessing programs and services. We make findings about gaps in current services and what areas should be a priority. Finally, we offer some comment on government's strategic directions in relation to the Office for Women and women's policy.

For the majority of women, the status of women in the ACT is good. Fifty-two per cent of the population here are women. There are high levels of women in education, high levels of women graduates and high levels of women in employment. Women have higher than average income in the ACT, above the national average. The health status of women is generally better than the national average, and ACT women are physically more active than the national average. However, for some women in the ACT, life is hard, it is tough, and it is these women that need government resources the most.

Before I continue on covering some of the findings of the committee, I would like to inform members of the key finding of the committee's investigation. The committee found that the needs of isolated women in the community are the most in need of a priority focus by government decision makers. The committee heard repeatedly from witnesses and submissions that isolated women were in great need, and that more services to women need to be provided by outreach services to ensure that these women are reached by government and government-funded services.

What we learned during this inquiry was that isolation is not restricted to particular women from particular backgrounds, be it cultural, economic or social. Rather, many factors can lead to women being isolated. The committee found that many factors can influence isolation for women in the community, including age, homelessness, poverty, substance abuse, health, and particularly mental health issues, disability, violence, caring responsibilities, indigenous background and other cultural backgrounds.

It is these women who find themselves isolated by one or more of these factors, which the committee believes should be the priority for government attention. In total, there are 59 recommendations throughout the report. I will not go into each one, as I am certain that my committee colleagues would also like to provide comment here. But I will mention a few. By doing this, I do not intend to give some recommendations priority over others. They are all equally important, and deserve to be treated as such.

Firstly, I will touch on the area of mental health. Almost all witnesses and submitters advised the committee that additional resources must be directed to the mental health sector as a matter of urgency. The committee heard that gaps in mental health services had meant that they had failed many women, especially those women who may be

marginalised and isolated, and that the service gaps are largely due to inadequate resourcing.

There was certainly a view put that gender-sensitive services may deliver better outcomes for women, and that increased outreach work in the community in this area is a priority. The committee made several recommendations in relation to women and mental health, particularly in terms of increased outreach gender-specific services and provision of support to women with mental health issues who may have dependent children to care for. A woman in this position—that is, with dependent children—needs not only to have treatment for her own health, but also to be certain that her children will be well cared for, and in some situations that her housing will be safe.

This is a similar situation for women seeking treatment for substance abuse issues. The committee received evidence that, if a woman is to enter detox for up to three months, her decision to seek treatment would be made easier if she knew that her children would be supported and her housing secure. The committee made several recommendations in this area. Again, for most women our health is good, and to a large extent most women are adequately catered for in the ACT health system. But, again, the committee learnt that for isolated women—whether the isolation be through such reasons as mental illness or substance abuse—life and health are not so good. Unless we address the isolation caused as a result of their circumstance, these women can remain in need and untouched by government services.

The most disappointing issue for me personally was to realise that, in 2002, violence against women is still the most serious issue facing women, not only in the ACT but across all jurisdictions in Australia and across the world. Any research of government websites for women, be it in the UK, the US or Australia, shows that they all have lists of government frameworks and strategies to combat violence against women. Perhaps it is timely that this report is being tabled today, shortly before the universal day for the elimination of violence against women on 25 November. In evidence to the committee from the Australian Federal Police, the committee heard that, in 2001 in the ACT, women and girls accounted for 45 per cent of victims of crime against the person. They comprised 43 per cent of the victims of assault and, sadly, 86 per cent of the victims of sexual assault.

A large portion of crimes committed against women and girls are perpetrated by someone known to them. Close to half of all assaults against females were perpetrated by offenders known to the victim, and, of the 119 sexual assaults against females recorded during 2001, 75, or 63 per cent, were committed by an offender known to the victim.

The committee deliberated on the issue of violence against women extensively and received valuable contributions from the Domestic Violence Crisis Service, the Rape Crisis Centre, Toora Women's Shelter and other organisations about the problem of violence against women in the ACT.

The committee made 17 recommendations in relation to this topic, such as providing more crisis accommodation and increasing support to address violence against women in the Aboriginal and Torres Strait Islander community. We also made a recommendation that the Protection Orders Act needs to be reworked to regain stand-alone domestic violence laws.

The committee believed that more support should be provided to women and children trying to re-establish their lives after living with violence, and that additional resources need to be provided to organisations such as the Rape Crisis Centre to extend counselling support for women.

Importantly, under this topic the committee has also made recommendations in relation to early intervention and violence prevention, and they focus primarily on the next generation—our children. We need to look after the children who witness violence and support them so we can try to break the increasing problem of inter-generational violence.

The committee also recommends that a working party be made up of various representatives from law enforcement, health promotion, the women's sector, community organisations and education to look at implementing an across-the-board information and education campaign regarding all aspects of violence against women, with the view of including violence prevention education as a part of school curriculum.

The important point here is that violence against women is serious and prevalent, and we need to educate our children that violence against women is not acceptable or condoned. We also need to ensure that we look after, support and counsel those children and other family members who witness and endure violence in their lives.

The level of violence against women in the ACT indicates that current adult populations have much to learn, and, whilst the committee does comment on strategies to address adults who use violence in their lives, the committee strongly supports measures and strategies to educate future generations against using violence against women.

I would now like to touch on the issue of economic independence for women. Women in the ACT still earn less than men and the income gap is larger in the lower skilled occupations. A big impact on economic independence for women is child care. In the majority, women remain primary caregivers and the cost of full-time, long-day care for one child is anything between $200 and $300 a week. These fees are a huge burden on family incomes, and particularly single parents.

Another example of a barrier to economic independence is the wages of women, and here I will again use child care as the example. In 1997, 97.5 per cent of child-care professionals were women. A level 1 child-care worker at the maximum can earn $22,000 a year, a junior aged 17 in full-time work receives about $11,000 a year, and a level 4 child-care worker, who is actually the head of the room and designs all the programs for our children, earns a maximum of $29,000 a year. Many of these workers cannot afford child care themselves. Whilst these problems remain largely out of reach of the ACT government, the committee does look forward to the ACT government report into demand and staffing in ACT child care.

In terms of employment, the committee focused on the ACT public service, as this is an employment base where the ACT government can exert significant influence. The committee notes and supports current arrangements which encourage women's participation in the service, and the committee encourages the continuation and enhancement of flexible arrangements to encourage women's participation in the work

force. This should be done through legislation, certified agreements and conditions within these agreements, such as part-time arrangements, return-to-work programs and the monitoring of promotion and merit selection exercises.

Paid maternity leave has been around for years in the public service. It is well documented that this employment condition recognises the valuable contribution of women in the workplace, as well as valuing the need for family-friendly work practices. The committee notes that paid maternity leave is a strong contributor to keeping women in the work force and encouraging women to return after having children. Along the lines of best practice, the committee recommends increasing paid maternity leave in the ACT public service from 12 to 14 weeks in line with the 2001 International Labour Organisation's resolution No 183. The committee notes the recent decision of the Northern Territory government to introduce 14 weeks paid maternity leave in its own public service.

Finally, I turn to some recommendations relating to strategic direction for government, and particularly for the Office for Women. The committee was appreciative of the assistance of the office to the committee throughout this inquiry. The committee has given extensive consideration to ideas to assist guiding women's policy within government. The committee acknowledges that the government, through the Office for Women and through the Ministerial Advisory Council on Women, has already undertaken significant work in the area of women's policy and current issues for women. We also acknowledge the Women's Action Plan and recognise what a valuable document this is. This committee's report should not be seen to replace this work, but I hope it is viewed in conjunction with and as complementary to the work already undertaken and currently under way.

In the area of strategic directions, the committee recommends:

- the Office for Women be given a small budget to fund one-off programs for women—for example, administrative support for seminars and programs such as the Women's Constitutional Convention

- work on another Women's Action Plan be commenced

- an annual report card for women be produced, using statistical indicators on the status of women in the community—this is dealt with at page 106 of the report and is an idea that we have borrowed from Western Australia

- government produce a budget document which clearly outlines the dollars for women in the budget each year.

The committee noted and supported the government's initiative to have all cabinet submissions go to the Office for Women and that the Office for Women report directly to the Minister for Women. However, the committee was concerned that seeing cabinet submissions at the end of the process may not be as effective as the idea of involving the Office for Women earlier in the policy discussion and cabinet submission process, and the committee comments on this in the report.

The committee identified several areas where improvements or changes in government policy could be made to achieve positive outcomes for women. These areas are: the government policy coordination process, the measurement of outcomes, the development of information and data, the role of the ACT Office of Women in directing policy, and, importantly, providing policy focus in relation to isolated and marginalised women.

This is a comprehensive report. There are a great number of recommendations and I am sure we all understand that all cannot be addressed immediately. However, it is a report which I believe will remain relevant for several years to come and should be viewed as such. I know there is a great deal of hope and expectation surrounding this report, particularly from the women's sector, and I hope that this report goes some way to meeting this expectation.

Mr Speaker, the report is the result of the hard work of many. Firstly, thank you to all the women and organisations who contributed to this inquiry. Without their generosity and willingness to contribute, the committee work would have been much harder and the level of information base significantly lower.

As usual, the support and contribution from the committee office was first-rate. David Skinner was a continuous source of information, coordination and ideas. The role of the committee secretary in producing the report is always understated, and I would like to thank David for making my first committee as chair such a smooth process.

I would also like to thank Lesley Wheeler and Judy Moutia for their assistance with this report. Finally, my thanks to my committee colleagues, Helen Cross and Roslyn Dundas, for working together to produce the report that we are all proud of. It was a pleasure to be a member of this committee, and it is with some sadness that this committee dissolves with the tabling of this report.

MRS CROSS (10.48): I echo the words of my committee chair, Ms Gallagher, who was a delight to work with, as was the other committee member, Ms Dundas. We actually had a lot of fun working on this committee.

I am delighted to speak on this report as it gives a very deep analysis of experience and issues that impact on women in the nation's capital. Over the past decade, the percentage of women in our territory has gone up 13 per cent. This means that since 1991, the number of females from the age of birth up to and over 65 has risen to 157,118—5,000 more than the male population. Yet, according to the findings of the report, solving the problems and needs of the territory's women has not kept pace with this increase. Indeed, there is a great deal to be done.

This is particularly evident for those who are of indigenous or culturally and linguistically diverse backgrounds. It is especially evident in the case of young women where matters of sexual and reproductive health are concerned. The committee heard that more needed to be done to reach and teach those women from culturally and linguistically diverse backgrounds. It has therefore recommended an investigation into the provision of more support to community groups.

This should include increasing the distribution of printed material for young women. This material should be written in various languages applicable to the district. The Multicultural Women's Advocacy Group informed the committee that there was a need for an increase in the number of female interpreters. These would assist women from non-English-speaking backgrounds. It also noted that present translation services do not have a wide enough range of languages to fulfil the need. The advocacy group pointed to the interpreting service offered in the Wollongong area. There, interpreters are employed on a contract basis. They are on call day and night, 24 hours a day, and are paid only for the work they do. The committee sees merit in this recommendation. It also recommends training of organisations to educate women from non-Caucasian backgrounds. This would include sexual and reproductive issues.

The committee also believes governments should liaise with their respective college and university campuses to provide student organisations appropriate material on women's health matters. These include relating to sensitive cultural issues such as religious taboos.

As far as the Australian indigenous population is concerned, the committee learned that Aboriginal and Torres Strait Islander numbers in the ACT are outpacing the rest of the country. Since 1991 the indigenous population in the ACT has risen by a staggering 125 per cent. This compares to the national average of 55 per cent, and by the end of June this year there were 3,576 indigenous people living in the ACT. The committee was disturbed to learn that the death rate for indigenous women is almost nine times that of non-indigenous women. The territory's own community-controlled Aboriginal health service's staff at Winnunga Nimmityjah pointed out that the health problems affecting indigenous women are the result of a number of factors. These include dislocation, alcohol misuse, poor nutrition, high tobacco use and socio economic barriers.

In general, the health of women in the ACT is better than the national average. However, there are a number of major concerning factors which present themselves. These include that one in 10 young women are underweight while at the other end of the spectrum one in 10 older women are either obese or overweight, and they consume harmful amounts of alcohol. Another statistic that showed itself was that a quarter of all women smoke.

The committee presents these findings as part of the overall snapshot of women's health. It notes a paper which was produced by the United Nations Commission on the Status of Women. The paper concluded:

> Understanding the sources of ill health for women means understanding how cultural and economic forces interact to undermine their social status.

As for the psychological wellbeing and mental health of women, the committee was told mainstream services are inadequate in dealing with these problems. This was because they did not have the cultural and social tools to earn the respect and trust of patients who need help. Thus, the committee recommends that the government discuss the problems with indigenous people and indigenous groups with a view to more adequately understanding the needs of disadvantaged indigenous women and meeting those needs.

In regard to the general health of women, a submission by the Women's Centre for Health pointed out that the subject cannot be dealt with in isolation. Rather, health is intertwined with work, family, leisure time and relationships, both in and away from the

workplace. Witnesses and submitters shared a common view that that there was a need to raise the level of resources allocated to mental health services.

The committee agreed that women and men have differing health needs, and that therefore diverse responses and solutions are required. So there is still much to be done. But I believe that, if the recommendations in this report are accepted with a true willingness to find solutions, then it will make a difference to the status of women in the ACT.

In conclusion, I would like to say again what a delight it was to work with Katy Gallagher and Roslyn Dundas in putting the report together. I think it is probably one of the most enjoyable committee experiences that I have had. I wish to also thank the secretary of the committee, David Skinner—who was absolutely an asset to this committee, and we could not have done this without you, David, thank you—research officer, Ms Lesley Wheeler, and the administrator, Ms Judy Moutia.

Finally, I want to express deep gratitude to those without whom this report would not have been possible—those who made submissions, those who gave evidence and the organisations which contributed their views and ideas. As a woman from a multicultural background, this committee process was, for me, very significant as it addressed issues affecting women of ethnic and Australian indigenous backgrounds and their ongoing welfare.

I thank the chamber.

MS DUNDAS (10:55): I too rise as a member of this committee to discuss what is an incredibly important report on the status of women in the ACT. I also would like to thank the other members of the committee—the chair, Ms Gallagher, and Mrs Cross—for the work that we were able to do together, with the support of David Skinner, our secretary. Importantly, I would also like to thank the community for embracing, supporting and participating in this inquiry. What we need now is for the community and the government to embrace, support and participate in the implementation of the recommendations of this report so that we truly can improve the status of women in the ACT.

The status of women is never an easy thing to define or measure. Just because we have six women here in this Assembly, or representation on other decision-making bodies, or even a women's words counselling service, this does not mean that everything is fine. Women have had to, and still do, struggle for recognition as valid human persons, for the right to determine the course of our own lives, for genuine respect and all that that brings with it.

So what have we discovered in the course of our deliberations over a year on the status of women? As Ms Gallagher indicated in her speech, the general status of women in the ACT is good, but there is a lot that needs to be done. In our year of deliberations we have barely scratched the surface. We could study this for years and quite possibly still be at the same level of understanding while the status of women shifts around us.

Ms Gallagher has spoken in depth on issues relating to violence against women and the pressing and complex issue of social isolation. I want to speak on the issues of empowerment, not only in helping to break down the problems in relation to isolation but also as a theme throughout the report in all the areas that we looked at—highlighted firstly in the area of advocacy. In the ACT we have government funding for advocacy, coordination and lobbying by lead organisations in areas of social service, multiculturalism and environment, to name just a few—but not for women; not for 52 per cent of the population. The Women's Electoral Lobby and the YWCA of Canberra presented compelling arguments for why it is necessary to have such support for women in the ACT. I quote from their submission:

> Operational funds to women's advocacy groups would allow those groups to engage in grassroots consultation and to improve the quality of the advice they can offer government. Operational funds enable mechanisms which open participation to a broader and more representative group. Operational funds can also mean that those few volunteer hours that are available to women, many of whom already work a double shift, can be spent on policy development and advocacy and not the base-line tasks of administration in order to enable their organisations to participate.

From that, the committee recognised that the opportunities for women in organisations representing women to participate in political and community life are greatly served by adequately resourced advocacy organisations. I bring the government's attention to recommendation 49, where we recommend that the government investigate the provision of ongoing funding for women's advocacy services as a key component to empowering women in the ACT.

This is because funding to support women's organisations to support women in the areas of advocacy supports the empowerment of women, as issues are brought to the forefront by well-resourced lobbying and community consultation. It works to break down isolation as women's organisations are empowered to find women who are suffering isolation and to remind them that they are not alone.

Another area that is important in terms of empowerment is the empowerment of young women in our community. The Youth Coalition in its submission spoke of how much needs to be done to improve the representation of young women in our consultative mechanisms here in the ACT. It said:

> The Youth Coalition believes that the enhancement of the status of young women in the ACT must begin at the most critical area of development. To achieve rights for young women, and to bring these issues to the forefront of government policy, young women and/or the organisations that advocate for young women must be represented on all consultative and ministerial advisory boards. We believe that young women are not adequately represented on, and do not have the opportunity to equally participate in, the major decision making advisory groups in the ACT ...
>
> The ACT Government, as mentioned in the ACT women's action plan, prides itself on having the highest representation in the country of women on boards and committees. However, on closer inspection of this document, and on consultation with the ACT Office for Women, we find that there are no young women represented on any of the important advisory councils. We at the Youth Coalition see this as a significant gap in representation. The Ministerial Advisory Council on Women also has no young female representative and no organisation representing

> the rights of young women. Even after further discussion with the Office for Women, no changes have been made to this council.

It is so important to have young women involved in processes relating to their wellbeing right from the beginning. Just because young women don't have a vote does not mean they don't have a voice. We need to encourage and welcome their participation as key members of our community as soon as we possibly can, so that they are empowered from an early age to stand up and fight for their rights and improve their own status and the status of women around them. We have seen and know that young women's involvement in improving their own status has helped improve the status of all women and of the community.

Another key factor in the status of women is health, as this is a key indicator of social wellbeing. As has been mentioned by my colleagues, health was a key issue as we looked at the status of women in the ACT. Mental health specifically came up again and again as an important factor of how women feel about themselves and how they can participate in the community, and there is a lot that needs to be done in improving the mental health of women here in the ACT and supporting women as they go through difficult times in their lives.

There was also recommendation 12 that we put to the government relating to young women and health. We have in the ACT the Junction Youth Health Centre, which provides an important service to young women, many of whom do not want to go to their family GPs due to concerns over confidentiality and other issues.

But the Junction, as it says in its submission, is run off its feet. It said:

> We need to look at more efficient funding so it can look at alternative hours, taking in more young people and running specific programs for young women. It can also look at referral points or pathways young women can go on to. It may be an outside program, but it all comes together under the umbrella of the Junction. One model alone is not usually enough, because there's nowhere to refer on to. Under that funding, and with the hours it's open, you can build up a dependency with your client group. It's essential that you move them on, but there don't appear to be the service providers and direct workers in the ACT. There's nowhere to send them off to.

Recommendation 12 requests that the government provide additional funding to the Junction health service to extend its hours so that women will be able to access it, but also to enhance the range and breadth of referral pathways for complex clients.

There was also the important issue of sex education in schools for young women, and this is a key issue—empowerment. Young women feel vulnerable sometimes in terms of sex and need to feel that they can practise safe sex to look after their own health and the health of those they are having sex with. But we heard in submissions that young women continue not to practise safe sex and the information they are receiving through schools is being censored. They are not receiving the information they need about sexually transmitted diseases and how they can protect themselves, but also about how to empower themselves to demand safe sex.

There is a key recommendation, recommendation 7, that "the government ensure that factual, comprehensive sex education is taught in all ACT Government schools", and I think this is a key part of empowering young women as they move on into adulthood.

When considering this report, I went back to the debates that we had almost a year ago to set up this committee, to see whether or not we had achieved the goals in terms of looking at the status of women that we set ourselves almost a year ago. I said then, and will say again:

> A sound understanding of the differential impact of existing programs on women is essential in order to plan future policy. For too long the policy process, through its failure to analyse differential impacts, has compounded the disadvantages faced by women in many spheres of life. To compound disadvantage, policy-makers do not merely discriminate. Disadvantage can be perpetrated when policy-makers merely neglect the different roles and situations that women experience relative to men.

I believe this report, and the attention that has been focused on the status of women over the year as we have brought this report together, has brought to the attention of the government and policy-makers just how much needs to be done to improve the status of women in the ACT. *(Extension of time granted.)*

I hope that the government and the community can now work well together, as we in the committee have, to make the recommendations in this report a reality and to truly improve the status of women in the ACT.

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

Legal Affairs—Standing Committee
Scrutiny Report No 22 of 2002

MR STEFANIAK (11.06): I present the following report:

> Legal Affairs—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report No 22, dated 21 November 2002, together with the relevant minutes of proceedings, the confirmed minutes relating to report number 20 and the certified minutes relating to report number 21.

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

Leave granted.

MR STEFANIAK: I move:

> That the report be authorised for publication.

Question resolved in the affirmative.

MR STEFANIAK: I seek leave to make a brief statement.

Leave granted.

MR STEFANIAK: Scrutiny Report No 22 contains the committee's comments on three bills, 21 pieces of subordinate legislation and five government responses. I will have something more to say at a later stage about one of those responses.

I commend the report to the Assembly.

Confiscation of Criminal Assets 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) (11.08): I move:

> That this bill be agreed to in principle.

This bill has been developed to implement the recommendations made by the Australian Law Reform Commission in its 1999 report *Confiscation that Counts*. The Australian Law Reform Commission report concerned the provisions of the Commonwealth Proceeds of Crime Act 1987. Since the ACT Proceeds of Crime Act 1991 contains substantially the same provisions as the Commonwealth legislation, many of the Australian Law Reform Commission's recommendations were relevant to the ACT Proceeds of Crime Act. The government has carefully considered the Australian Law Reform Commission's recommendations in formulating the bill I present today.

When drafting the bill, it soon became clear that it would not be possible to graft new provisions on to the existing scheme in the ACT Proceeds of Crime Act in a way that would result in a readable and user-friendly act. After careful consideration, it was decided the most efficient way to effectively adopt the key elements of the Australian Law Reform Commission's recommendations would be to repeal the existing legislation in its entirety and to replace it with a new bill, written in a modern drafting style that can effectively combine essential elements of the previous scheme with the additions, modifications and clarifications suggested by the ALRC. Members may wish to note that the Commonwealth has taken a similar approach to the reform process. It introduced the Proceeds of Crime Bill 2002 earlier this year to repeal and replace the Commonwealth Proceeds of Crime Act 1987.

In September 2001 my department circulated an exposure draft of the bill to key stakeholders across Australia, including law enforcement authorities, other governments, the legal profession and all members of this Assembly. The bill presented today has been developed in light of the comments received from the exposure draft and in light of the government's commitment at the 5 April 2002 leaders summit to strengthen our efforts to combat serious and organised crime.

At the outset, it is important that members understand what is meant by confiscation. Confiscation includes all measures used in the bill, and previously in the ACT Proceeds of Crime Act, to deprive persons engaged in crime of the material advantage they received as a result of their criminal activity. The concept includes automatic forfeiture

upon conviction for a serious offence and court-ordered forfeiture and court-ordered penalties for the value of the benefits derived by the offender from the crime.

The most significant of the ALRC's recommendations adopted in this bill deal with the inclusion of new civil confiscation measures. The civil confiscation measures proposed by the ALRC include non-conviction-based forfeiture orders for serious offences and non-conviction-based penalty orders for serious offences. The new power to make a civil forfeiture order in relation to serious offences is located in part 5 of the bill, while part 7 includes the new power to make a civil penalty order in relation to the benefits derived by an offender from the commission of a serious offence.

When the ALRC released its report, civil forfeiture mechanisms already existed in New South Wales, in Victoria and under the Commonwealth customs legislation. Since then Western Australia, the Northern Territory and the Commonwealth have introduced legislation that contains civil confiscation measures.

Opponents of civil confiscation measures argue that, due to their punitive effect, confiscation measure should be available only where a person has been convicted of an offence. The government has taken the view that the argument fails to appreciate the philosophical distinction between laws intended to punish an offender, which fall within the ambit of the criminal law, and laws that give effect to the principle that it is unjust for a person to be enriched as a result of their own wrongdoing. As the ALRC observed in its report:

> While a particular course of conduct might at the one time constitute those of criminal offence and grounds for the recovery of unjust enrichment, the entitlement of the state to impose a punishment for criminal offence, and the nature of that punishment, are independent in principle from the right of the state to recover the unjust enrichment and vice versa.

The ALRC noted that there is a long history of the courts responding to unjust enrichment in civil matters where the wrongdoer has not been convicted of any criminal offence. The courts have recognised the need to redress injustices resulting from allowing persons to enrich themselves at the expense of others through significant and continuing developments under the general rubric of the law of restitution. The development of the common law in this area has been driven by public policy recognition of the notion that, as a matter of principle, persons ought not be permitted to become unjustly enriched at the expense of others.

This principle was seen by the ALRC as a significant broadening of the common law, which formerly recognised the concept of unjust enrichment in a more limited way through particular rules such as that denying a person who has unlawfully caused the death of another person from benefiting from the estate of that person.

Similarly, this principle is echoed in developments in the law relating to unfair trade practices, under which the courts can set aside contracts where one party acted unconscionably in obtaining the other party's agreement to the contract, thereby preventing the party that acted unfairly from profiting from that contract.

Clause 3 puts it beyond doubt that this principle forms a major part of the underlying philosophical basis for the bill. That clause sets out the purposes of the bill, which are, in summary, to encourage law-abiding behaviour, to give effect to the principle that people should not be enriched by crime, to deprive people of all material advantage gained from crime, to deprive people of property used to commit crime, to enable the effective tracing and seizure of criminal assets and to enable the territory to enforce interstate confiscation measures.

The ALRC's recommendations regarding the need to expand the range of criminal assets that can be subject to confiscation action and to include in this range any property or benefits generated by the commercialisation of an offender's involvement in crime have been incorporated into provisions found in parts 3, 4, 5 and 7 of the bill dealing with the restraint and forfeiture of tainted property and benefits derived from the commission of offences.

The concept of tainted property includes all property derived, directly or indirectly, from an offence as well as property used, or intended to be used, in the commission of offences. The concept of benefits includes all property, services or other advantages derived from an offence, including any artistic profits flowing from the commercialisation of events associated with the offence, such as the royalties paid to an offender who writes a memoir about his life of crime.

Other significant Australian Law Reform Commission recommendations that are adopted by the bill are, briefly, simplifying the processes for obtaining restraining orders, recasting judicial discretions in relation to the grant of orders, clarifying the Public Trustee's powers to administer restrained and forfeited assets, strengthening the information gathering powers of law enforcement authorities, providing for transaction suspension orders and allowing confiscation applications to be dealt with by inferior courts.

Mr Speaker, having outlined the principles on which the bill is based and highlighted its key features, I believe it is appropriate to consider the circumstances in which the bill might be used. It is undeniable that, historically, measures such as those contained in this bill have been used primarily to combat the illegal narcotics trade and associated organised criminal activity, serious corporate fraud and tax evasion. While these uses are more than capable of justifying the measures in this bill, it is useful to consider how else the bill could be used against serious crime that damages the community as a whole.

An example could be environmental crime where a corporation has caused severe damage to the environment, and even to public health, simply to generate a profit. The penalty order provisions could be used against employers who commit serious occupational health and safety offences so they can increase profits or put in the most competitive tender for a major project and end up causing death or serious injury to their workers. It could be used against white-collar criminals who use the internet to defraud hundreds of people, or against people who sexually exploit children for profit or who force others to work in brothels against their will.

These examples of the potential uses of the bill demonstrate clearly that the aim of the bill, simply put, is to take the profit out of crime. This government wants to put serious offenders out of business, and we believe this bill will help us do that.

I commend the bill and the explanatory memorandum to the Assembly.

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

Discrimination Amendment Bill 2002 (No 2)

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) (11.16): I move:

> That this bill be agreed to in principle.

Mr Speaker, the Discrimination Amendment Bill 2002 (No 2) is introduced as part of this government's commitment to monitoring discrimination laws to make sure that they are providing proper protection for the people of the ACT. The recently announced same-sex relationships policy initiative to remove discriminatory definitions of de facto spouse and replace them with terms inclusive of same-sex partnerships is part of that same process.

The Discrimination Amendment Bill replaces the current definition of "de facto spouse" in the Discrimination Act 1991 with a definition of "domestic partner" that is inclusive of same-sex relationships. A definition of "domestic partnership" is also introduced. These definitions will be proposed for general use as part of the broader policy initiatives to provide equality of treatment in legislation to same-sex partnerships as to de facto marriages.

As a consequence of introducing these broader definitions, the definition of marital status has been replaced by the new term "relationship status", which is inclusive of a range of domestic partnerships other than marriage. "Marital status" has been a ground of unlawful discrimination since the Discrimination Act was introduced in 1991. This bill changes it to "relationship status" to more appropriately express the equality of protection to be given by this legislation to same-sex partnerships and de facto relationships as well as to marriages.

It is appropriate that the Discrimination Act, which is designed to promote equality and protect against discrimination, is amended ahead of other statutes to ensure that same-sex partnerships are treated the same as other domestic partnerships.

The Discrimination Amendment Bill amends the Discrimination Act 1991 in three other areas. The definition of the term "impairment" is expanded to include past, present and future impairment. Impairment is one of the attributes set out in section 7 of the Discrimination Act. As such, it forms a ground for discrimination that the act makes unlawful. The Discrimination Act uses the term "impairment" rather than "disability".

The amendments are designed to protect people against discrimination on the ground of a possible future impairment. With the advances in medical science, particularly in the area of genetic information, it is possible to determine that some people have a greater likelihood of developing an impairment than others. Such predictions are undoubtedly going to become more common and more accurate as time goes by and the science is refined. The possibility of discrimination on the basis of such information exists now and will become more likely as time goes by. It is important that discrimination law keeps pace with these medical developments.

In the Discrimination Act "impairment" includes malfunction of the body, loss of bodily functions, presence in the body of organisms capable of causing disease, intellectual disability and mental illness. With the amendment in this bill, the meaning will be expanded to include an impairment that a person has or is thought to have, an impairment that a person had in the past or is thought to have had in the past and an impairment that a person will have in the future or is thought will have in the future. In this way the Discrimination Act is made to give broader protection from discrimination based on past, present or future impairment.

Discrimination law generally allows some discrimination under certain circumstances. It is a way of balancing the rights of particular groups to have access to work, education and services with the interests of others in the community who may be put to expense and inconvenience in the process. In the Discrimination Act, section 49 allows some discrimination on the grounds of impairment in relation to work. It means that if an employer can show that it would cause unjustifiable hardship to provide special facilities or services in order that a person with an impairment can do a particular job, then the employer can discriminate against the person in deciding whether or not to offer the person employment or in the terms and conditions of employment offered.

The bill amends section 49 so that, in addition, if an employee develops an impairment that requires special facilities or services to allow him or her to continue to do the job and providing those facilities or services would cause the employer unjustifiable hardship, then the employee can be dismissed without unlawful discrimination. In other words, an employer will be able to terminate the employment of a person if the person's impairment is such that, if he or she had not already been employed, the employer could have refused to employ him or her. This brings the ACT legislation into line with equivalent provisions in the Commonwealth Disability Discrimination Act 1992 and removes an unreasonable burden that occasionally falls on employers when an employee develops a serious impairment.

Although the meaning of "impairment" has been expanded by the bill, the exception in section 49 is expressly restricted to present impairments. That means that an employer is allowed to discriminate only on the grounds of a person's present impairment and cannot take into account past or future impairment.

The government is committed to encouraging resolution of disputes through conciliation and other processes that do not require a hearing before a court or tribunal. The Discrimination Act already provides for complaints to be conciliated by the Discrimination Commissioner if at all possible. Clearly a conciliation process is the best option, as it allows the parties to air all their concerns and discuss underlying issues

before agreeing on a resolution. To strengthen the position of conciliated agreements, the bill allows for them to be filed in the tribunal registry and enforced as if they were orders of the tribunal.

I commend the bill to the Assembly.

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

Rehabilitation of Offenders (Interim) Amendment Bill 2002 (No 2)

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) (11.23): I move:

> That this bill be agreed to in principle.

Mr Speaker, this bill makes changes to the Rehabilitation of Offenders (Interim) Act 2002. It also amends the Remand Centres Act 1976 and makes a consequential amendment to the Crimes Act 1900.

The Rehabilitation of Offenders (Interim) Act has been operating since September 2001. Since that time stakeholders have identified a number of deficiencies and inconsistencies in the act that are hindering efficient operation of the territory's parole system and making the job of the Sentence Administration Board unnecessarily difficult.

The bill is designed to fix these problems. For example, it ensures that the Sentence Administration Board will take all reasonable steps to notify a victim who has a made a submission to the board in relation to a parole hearing of the board's decision to make, or not make, a parole order. It allows the chairman of the board to delegate any of his or her functions to a deputy chairperson so that the board can function properly if the chairman is ill, on leave or otherwise unable to perform his or her functions under the act.

Clause 15 of the bill allows the board to issue commitment warrants when a parole order is automatically revoked under the act. This is to ensure the New South Wales prison authorities have the necessary authority to continue to detain offenders whose parole orders have been automatically revoked. Clause 12 allows the board greater flexibility in releasing offenders on parole than is currently the case.

In addition, the bill contains provisions to promote greater transparency in the sentencing process. Section 31 of the Rehabilitation of Offenders (Interim) Act deals with the setting of non-parole periods. This section must be read together with section 360 of the Crimes Act 1900. That section provides that time already spent in custody for the relevant offence must be counted as time already served under a sentence of imprisonment.

However, legislation does not specify how this process is to occur. This has led to uncertainty in relation to some sentences. To rectify the situation, the bill amends the Crimes Act to require courts to state how long the offender has already spent in custody for the relevant offence or offences at the time of sentencing and to take account of this time when passing the sentence.

The bill also aims to strike a more appropriate balance between the rights of victims and offenders. In order to protect victims' safety and privacy, the bill provides that the board must not disclose a victim's personal details—that is, address, phone numbers or email addresses—to an offender. In fairness to offenders, it amends section 96 of the act so that the board may withhold a document only if there is a substantial risk that releasing the document would endanger a person or prejudice the public interest, et cetera. The current threshold in that section is too low. This could result in offenders being denied the opportunity to refute allegations made against them.

Another important aspect of the bill relates to the immunity of board members and witnesses and legal practitioners who appear before the board. Board members are protected against civil action for acts done in good faith in the performance of their functions under the act. This type of protection is common for members of statutory boards and is clearly necessary in the case of this board, given its functions. Its omission from the original act was most likely an oversight.

Witnesses and legal practitioners are given the same protection as a witness or barrister would have before the Supreme Court. Again, this is consistent with the protection given to those appearing before other statutory boards such as the Agents Board and the Health Professions Board.

There are strong public policy reasons for giving this protection. For example, it should encourage witnesses to give frank and fearless advice to the board. However, the amendments will not preclude prosecutions for perjury if such prosecutions are warranted.

The amendment to section 15 of the Remand Centres Act will enable people arrested under the Rehabilitation of Offenders (Interim) Act to be held at a remand centre while they are waiting for the board to convene. This will alleviate the current situation where such people are held inappropriately in the police watch-house. People who are before the board are already able to be held at a remand centre under section 15 of the Remand Centres Act. It is appropriate to extend this provision to cover people who are waiting to be brought before the board.

I commend the bill to the Assembly.

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

Health and Community Care Services (Repeal and Consequential Amendments) 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) (11.29): I move:

> That this bill be agreed to in principle.

Mr Speaker, in introducing this bill, the government brings to an end a curious and debilitating experience in public policy. To be specific, the bill officially brings to a close the disastrous, in the view of many of us, purchaser/provider arrangement for health care services. With the introduction of this bill, the government today delivers a strategic and positive change in the management and delivery of health services in the ACT.

Upon taking office a year ago, the government moved to assess the existing arrangement for health services in the ACT. Several key reports have contributed to this, including the Gallop report on disability services and the review of governance arrangements within the health portfolio commissioned in December 2001 and carried out by Mr Mick Reid, former Director-General of the New South Wales Department of Health.

In responding to the Reid review in June this year, I announced several key changes, including separating disability services into a new department, abolishing the Health and Community Care Services Board and appointing the chief executive of ACT Health as administrator of the health service, pending legislative reform. The legislation I present today officially implements those changes.

The reforms to the health portfolio are very significant for health and for the ACT as a whole. They fundamentally change the way we organise the health portfolio to achieve better governance and better health outcomes and to provide better services for people in the ACT.

In 1996 the previous government introduced the purchaser/provider arrangements in the ACT. The arrangements were in favour at the time, and they copied changes to health in New Zealand made by the conservative government there. The change was ideologically driven, designed to distance the minister from responsibility for accidents in the health system.

I think it is a rich irony that the key benefits supposed to be derived from purchaser/provider turn out to be in precisely those areas where our performance has been found wanting. Purchaser/provider was supposed to deliver role clarity. The Reid Review found confusion. It was supposed to deliver improved accountability, yet both Reid and Gallop reported accountability in the system as diffused and weakened.

It was supposed to deliver efficiency through competition in the marketplace. In a jurisdiction the size of the ACT, not only is this market virtually non-existent and the goal unrealistic but purchaser/provider also plants the seeds of mistrust between parties that would ordinarily work together. Collaboration diminished as new ways of helping people were regarded as commercially sensitive information to be protected from the competition.

Most jurisdictions across the globe have turned away from the divisiveness of purchaser/provider and instead sought more collegial and innovative solutions. Gallop, Reid and others have comprehensively examined the results of this experiment and have declared it a failure.

The legislation I introduce today is part of the government's approach to repair this situation, to replace division with collaboration and to remove legislative impediments to the development of positive relationships across the health sector. If those delivering services to people are not working together, the services they provide will put barriers in the way of consumers.

The focus of the health governance review was accountability within the health portfolio and how to fix it. The governance review described and criticised the situation in which multiple agencies and multiple chief executives were all providing reports to the minister under the Health and Community Care Services Act.

Mr Reid described the situation as dysfunctional, with overlap and duplication leading to ambiguity in the management accountabilities of the various health executives. Most importantly, such a situation seriously compromises the ACT community's confidence in our health system and its capacity to manage itself.

Separate legal identity for the service has operated as a barrier across a range of portfolio matters and caused confusion around whether the territory or the service is the legal employer of staff. Continuation of a separate service appears unwieldy and awkward. On this basis, the most viable and sustainable option for organisational and legislative restructuring is delivered by this repeal bill.

The repeal bill enables the re-creation of the legislative and organisational arrangements as they existed before 1996. The new and whole ACT health entity comprises different administrative units, including Community Care and the Canberra Hospital. All administrative units will retain their corporate identity within the organisation in much the same way as ACT Housing or ACT Forests within their departments. The integrity of the Canberra Hospital is maintained.

The position of chief executive of ACT Health will have full accountability for the portfolio, including policy, planning and service provision. In reality, this arrangement has been in place since June, when the chief executive was appointed as administrator of the services.

The legislation simplifies the legislative arrangements and formalises the practical reality. It centralises authority and clarifies relationships and lines of accountability. Responsibilities which previously were vested in the Health and Community Care Service now clearly become vested in the territory as the proper entity.

The focus of the changes I have described today is to ensure that the health system has in place the right legislative framework to deliver real accountability to the ACT community and, even more importantly, through that accountability to improve health outcomes. While this bill seeks the agreement of the Assembly to legislative change, I acknowledge that it is only the beginning.

Following the health summit in February, I committed to delivering an action plan for health. I am pleased to inform members that the plan will be launched on 26 November. The plan was developed in consultation with the community, consumers, clinicians and health care providers. The plan will detail a new strategic direction for the portfolio and identify key areas for improvement. I am confident that the plan will be realistic, meaningful and measurable.

What I have outlined today is the legislative response to this government's full-scale examination of the purchaser/provider funding arrangements in health. What is clear is the amount of work we all have to do. We did not invent this system, but we will repair it. We will deliver a health system in the ACT the community can have confidence in.

I commend the bill to the Assembly.

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

Suspension of standing and temporary orders

MS DUNDAS (11.35): Mr Speaker, I move:

> That so much of the standing and temporary orders be suspended as would prevent Assembly business, Notice No 1, relating to committee membership, being called on forthwith.

I wish to have my motion relating to the membership of committees debated now as I believe that it needs to be debated before the motion that was adjourned last Thursday. It makes sense to do it in that way.

Question resolved in the affirmative, with the concurrence of an absolute majority.

Standing committees—membership

MS DUNDAS (11.36): I move:

That:

(1) Ms Dundas be discharged from attending the Standing Committee on Education and Mrs Cross be appointed in her place.

(2) Ms Tucker be discharged from attending the Standing Committee on Legal Affairs and Ms Dundas be appointed in her place.

(3) For the duration of the Standing Committee on Community Services and Social Equity's inquiry into the rights, interests and well-being of children and young people in the ACT that Committee comprise four members and, following the tabling of the Committee's report, Ms Dundas be discharged from attending the Committee.

(4) The foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders.

Mr Speaker, this motion was drafted in response to the farcical nature of last Thursday's debate on the make-up of the Assembly's committees. That debate saw members ill prepared, the expectation being that the government and Mrs Cross would support the motion and all problems magically would be solved. No agreement was reached with the other two members of the crossbench, nor with the opposition. In despair, we had to seek adjournment of the debate.

Further discussions have taken place since then, but it appears that no resolution can be reached, so it is with some hesitancy that I bring the issue back to the chamber. My motion has been drafted with the help of the Clerk to produce the desired outcome and it has been circulated to all groupings within this chamber in an attempt to bring about a resolution.

Committee work is one element of being a member of the Legislative Assembly that I do truly enjoy. It is where the big issues can be discussed and investigated, and many points of view are raised. In my experience, there is an air of cooperation in the committees that comes from spending time with members from all parties and hearing the views of all of those parties, as well as inviting the community to express directly to members of the Assembly and bodies of the Assembly their views on what is happening in the ACT.

The committee make-up of one government, one opposition and one crossbench member has served this Assembly well. Even in the estimates hearings, with two government, two opposition and one crossbench member, I felt that all views were able to be represented strongly. I am sure that the government and opposition backbench members will agree that there is an expectation—"requirement" is too strong a word—that the backbench and crossbench members will carry out more committee work than the MLAs who are tied up with other duties.

Now, one year into this Assembly, the crossbench has been expanded by one. This is a situation that none of us foresaw—neither Mrs Cross nor Ms Tucker or I. For Ms Tucker and me, the crossbench has been reconfigured through decisions not of our making. This has meant changes to office locations and changes to the Assembly and

how it operates which have been accepted by Ms Tucker and me in a spirit of cooperation and a desire to get on with the work of the Assembly that we have all been elected to do.

The allocation of committee duties is the final reconfiguration that needs to occur. I believe that I have put together a compromise position, as articulated in my motion. This motion, if accepted by the Assembly, will ensure that each crossbench member will have duties on two standing committees. We have three crossbench members and six committees. It seems sensible that we share the load and work on two committees each. The debate comes down to making a decision on the two committees on which each crossbench member will serve.

I believe that acceptance of my motion would mean that no crossbench member would get membership of both of the two committees that they first wished for, but each crossbench member would get it of one committee that they are committed to. We are committed to all of our committees, let me make that clear, but a committee of first choice. Key to the proposal is that all committees would remain at the make-up of three members. That was a decision that was taken at the beginning and it is a decision that I think works well in terms of there being no doubling up of the committee workload across any sector of the Assembly.

Also, the proposal would not stop other members of the Assembly participating in what the committees are doing that they are not serving on. We have seen, especially in estimates, members come along and ask questions in public hearings and be able to gather information and put forward ideas for other members of Assembly committees to consider. I believe that the arrangement that I have put forward will ensure that the committee work that has been done successfully over the past year by the Assembly will continue.

I reiterate that the expansion of the crossbench from two members to three members was not foreseen or wanted. This proposal is an effort to accommodate what has resulted from the ongoing events of the last six months and to bring about what I believe is the most sensible solution for the crossbench concerning the associated committee duties that come with the change in the make-up of this Assembly. I hope that the Assembly will see the merit of my motion. I know that there are some concerns with it and I am happy to have debate on it, as we have been having for the last number of days, but I do hope that the Assembly will see the need to share the workload evenly among all of us who participate in this Assembly and that we will reach a speedy resolution on matter, so that we can continue focusing on the real issues and the work that we have been elected to do.

MR STEFANIAK (11.42): Mr Speaker, the opposition will be supporting this motion by Ms Dundas. As she says, the situation isn't an easy one to resolve, but the motion is a very sensible compromise. The motion is very similar to an amendment I had previously which could not proceed because my substantive motion was lost in that it recognises that the CSSE Committee—the Standing Committee on Community Services and Social Equity, as it is formally called—is conducting an inquiry and the three members of that committee should remain there to finish that inquiry. That is very important to the running of the Assembly.

Having another member there would go against what we resolved at the start of this Assembly and it is important to recognise that. So, with Mrs Cross' status now changing, she would remain there and we would put Mr Cornwell on the committee. Obviously, a member would come off at the end of that inquiry. Ms Dundas' proposal is very much along those lines. She is proposing that that committee go to four members for the duration of that inquiry, which would allow Mr Cornwell to go on to the committee. Mr Speaker, I have here a letter for you to put him on as the Liberal Party's nominee and, following that inquiry, Ms Dundas would be discharged. That committee would then revert to a committee of three.

We went into the standing orders briefly last Thursday and they are really quite clear here. Standing order 220 says that a committee shall consist of not more than seven members, unless otherwise ordered. It would be very difficult to have seven-member committees in such a small Assembly. Standing order 221 is a very important standing order. It says:

> Membership of committees shall be composed of representatives of all groups and parties in the Assembly as nearly as practicable proportional to their representation in the Assembly.

In November of last year we established standing committees consisting of three members—one government, one opposition and one crossbench—and I think that they have worked well. The membership is not strictly proportional, but it is pretty close. If you wanted to be more strict, I suppose you could have a membership of 2:2:1 or even 3:2:2, if you wanted to have committees of seven, but that would be impractical for an Assembly of the size of this Assembly, given the fact that we do have six standing committees, together with the Administration and Procedure Committee, the house committee.

I think that it is highly desirable that the decision we took in November continue. The crossbencher members, I understand, have made an attempt to work out what should happen. There are three crossbench members and there are six standing committees. It is logical that they be divvied up two each. Ms Dundas' motion is an attempt to strike a very good compromise here. She has indicated that each crossbench member should be on the committee of first choice, the one they are really happy to be on, and one other committee. I am glad she corrected herself when she spoke of members having membership of a committee in which they are interested, as if they are not going to be interested in the other committees, by saying that they are interested in all committees, and they are.

I know that Ms Tucker is very interested in all her committees, likes all of them, and, if this motion were to succeed, would actually leave my committee and Ms Dundas would be appointed in her place. If that were to occur, Ms Tucker, I would be very sorry to see you go, as I have said in committee. Obviously, there are things which you have to compromise on and give up, and so be it.

Ms Dundas: It doesn't look like we will need farewell drinks.

MR STEFANIAK: We may not. But it just makes sense to do that there. Basically, the crossbenchers will get their first choice, something they are really keen to get involved with, and one other committee and they will all bring great contributions to them, no doubt.

I think that this motion keeps the Assembly very much in line with what we decided in November of last year, with what the standing orders state in terms of the composition of committees, and with what has been working very well to date in this Assembly. The problem with having committees of four members, two of whom are from the crossbench, is that that really does skew the situation in that it puts additional burdens on a number of members—already, two of the crossbench members are on three committees plus the house committee, which is quite onerous as they have all sorts of other things to do—and it contravenes standing order 221. I do not think that that situation is terribly desirable. The motion Ms Dundas has put is eminently sensible. She has done a lot of work in relation to it and it is certainly very worthy of support. Accordingly, the opposition will be doing that.

MR HARGREAVES (11.47): I will not take very long in speaking to Ms Dundas' motion. Firstly, she talks about discharging Ms Tucker and appointing herself to the Standing Committee on Legal Affairs. That is none of our business, Mr Speaker, so we do not have any quarrel with that. It is their right to do whatever they want in that regard and we do not have a problem with that part of the motion.

I do not have a problem with the attempt by Ms Dundas to discharge herself from the Standing Committee on Community Services and Social Equity at the end of the current inquiry, except that I would be sorry to see her go because I think that she has been a great contributor to it. But it is Ms Dundas' right to discharge herself and seek appointment to whatever committee she likes. Again, we do not have a problem with those parts of the motion.

We do have a problem with the other two parts of the motion. When I was thinking about the position of this side of the house on supporting the motion or otherwise, I was a bit worried that, if we knocked them off, we would preclude anyone doing so again within 12 months. I am now advised that standing order 136 says that the 12-month period ticks over in a calendar year; so, if you still wanted to do those two things, you could bring them back in February and they could be effected. If this motion does not get up, it is not a forever thing as far as those two passages of the motion are concerned.

Mr Speaker, the amendments that I was moving before were merely machinery amendments to Mrs Cross' motion to enable a member who wants to be appointed to a committee, to contribute to committee work, to be able to do so. It was merely a facilitation amendment and I have foreshadowed a further amendment which will, I hope, enhance that perspective.

However, Mr Speaker, we cannot support this motion on two levels. Firstly, we do not believe that it is the Assembly's position to dictate what the opposition, the crossbench or the government do internally. I do not think that that is right at all. That is not our job. The people concerned can sort out their own internal difficulties. We did not seek to have Mrs Cross reinstated as a member of the Liberal Party when they chose to render

her status as that of an Independent. That is none of our business. We are happy to cash in on it, but it is none of our business.

More importantly, Mr Speaker, the difficulty we have is that there is a precedent being set here with which we are uncomfortable, that is, that the first part of the motion appoints Mrs Cross to be a member of a committee that she does not want to serve on. That is a very bad precedent to set. This Assembly should not be appointing members to committees on which they do not want to serve. In other words, Mr Speaker, had Mrs Cross said that she was happy with this proposal, this side of the house would have been happy to go along with it, but Mrs Cross has indicated that she is not happy with it. Therefore, that precedent cannot be allowed to apply; we cannot allow the Assembly to say to a member, "You must serve on this committee."

To quote Mr Smyth in his dissenting report to the Privileges Committee, be careful about offending the dignity of the house. To require a member to serve on a committee on which that member did not want to serve, in my view, would offend the dignity of the house. For once, probably for the last time, I do agree with Mr Smyth. I am sorry to say to the crossbench members that we cannot support this motion. However, we do wish them the very best of luck in their negotiations come the new year.

MR HUMPHRIES (Leader of the Opposition) (11.51): I want to comment briefly on this motion. Mr Hargreaves raised quite a good point in the course of the debate when he spoke about forcing members to serve on a committee on which they do not wish to serve. The situation here appears to be that Mrs Cross wishes to serve on the CSSE Committee and on the Planning and Environment Committee, but does not wish to serve on the Education Committee. Obviously, she has made an election; she wants to serve on two committees, which is a reasonable workload, and she has nominated two committees.

In general, I think Mr Hargreaves has stated quite accurately the proposition that the Assembly should not force members onto a committee on which they do not wish to serve. That is quite a good point. It is unfortunate that today we are confronted with whether we actually have to force somebody because, for the first time in the life of the Assembly, we have not been able to reach agreement about the composition of committees. These matters have been discussed in the past between members off the floor and it has always been possible to reach agreement. Some of the other people who have been around since the beginning, including you, Mr Speaker, might challenge my recollection, but I do not think that there has ever been an occasion prior to today where we have not had a consensus on the membership of committees.

We are in a position where we are, by virtue of this motion, forcing a member onto a committee on which they say they do not wish to serve. But the problem with not doing what Ms Dundas is proposing is that, effectively, we have to put forward another proposition which is equally obnoxious, that is, that we should abandon the intent and the letter of standing order 221, which requires proportionality on Assembly committees, or we have to force another member of the crossbench who is already on those committees to leave those committees and go somewhere else in order to protect standing order 221.

If we acknowledge that standing order 221 is a valid and appropriate standing order to reflect the make-up of Assembly committees, then, by virtue of the moving of the amendment to this motion which has been foreshadowed by Mr Hargreaves, we do give Mrs Cross her choice with respect to two committees, but we force other members of those committees to make a decision about whether they wish to stay on those committees and defend the spirit of standing order 221. The letter of standing order 221 would be obviated by virtue of the amendment which has been proposed by Mr Hargreaves, but the spirit of it that we have proportionality, that we have one Liberal, one Labor and one crossbench member on each committee, is certainly being violated by virtue of the motion which has been moved as an alternative.

Obviously, the best thing to do would be to reach agreement, but we cannot reach agreement—at least, the crossbench members do not have agreement—as to what should be the composition of those committees. Failing that, given that this is a matter of allocation between the crossbenchers, we believe on this side of the chamber that it should be a matter of the crossbenchers deciding by a majority what ought to happen on those committees. If the majority of the crossbenchers have an arrangement in place which they believe is workable and they cannot get consensus, then we should reflect that decision in the decision that we make as a whole Assembly and we should not intervene in what should be an internal matter, if you like, for the crossbenchers, just as if there were disagreement on the part of members of my party as to which member should serve on a particular committee—

Mrs Dunne: Not that there ever was.

MR HUMPHRIES: Not that there ever was. In that instance, it should not be open to the Assembly to come in and say, "We will choose to put Mr X on instead of Mr Y because we think Mr X is right." The majority of members of the Liberal Party should decide that matter. No doubt, the same situation would apply in the Labor Party; if there were disagreement, the majority would decide and they would sort it out. That seems to me to be the best principle in these circumstances but, in effect, to come in and pick a side is not appropriate. Despite the fact that it does offend against the principle that we do not put people on committees that they do not want to be on, I think that Ms Dundas' motion is the preferable course of action.

If Mrs Cross is dissatisfied with that decision, I suppose she could resign from the committee. She could not be forced to stay on the committee if she did not wish to stay there. But it would be clear that she could not say, "I demand to be on this committee and I don't care if other members of the crossbench aren't prepared to accept my will in this matter. I want it and therefore I will have it." I do not think that that is the attitude that we should accept in respect of a matter like this, Mr Speaker.

MS TUCKER (11.56): I will be supporting this motion. I want to endorse everything that Ms Dundas said. I do not think I should go through all the arguments again. The extra comment that I would make is that, while those of us on the crossbench are not of the same political party, we have certain things in common; in particular, the workload. Mrs Cross is new to the crossbench and, obviously, has not been able yet to participate in the Legislative Assembly proceedings as a crossbench member, but I am assuming that she will fully participate, which will mean speaking to legislation and motions as they come up. The issue for the people on the crossbench is that as individuals we have to get

across every issue in this place and we have a responsibility to support our votes in this place with arguments. That is an extremely heavy workload. It may be that this is something Mrs Cross does not understand because, I acknowledge, she has not been on the crossbench for very long—

Mrs Cross: Don't patronise me, Kerrie.

MS TUCKER: I am actually trying to be kind, Mrs Cross; I am not trying to patronise you. It may be that you do not know yet because you have only been here for two weeks or so while we have been sitting and you have not actually participated in debates. The point is that once you start doing that work you may understand why your proposal is so offensive to Roslyn Dundas and me. We wanted an opportunity to work cooperatively, to share the work of the committees, and I think that there has been a very unfortunate start to the relationship on the crossbench, although I will certainly put it behind me straightaway, as I always do, and just move on.

But the point is that I did have a meeting with Ms Dundas and Mrs Cross over a month ago and asked that we try to work cooperatively on this matter and come up with a consensus which would have meant that we could have done some deal with committees. We could have listened to each other and understood where we wanted to be. I was hoping that we could come up with an agreed position. Unfortunately, the first thing I knew after that meeting about Mrs Cross' position was when I saw her notice of motion on the notice paper. I do not think that that is a good way to work in this place. We need to be more cooperative than that.

I support this motion of Ms Dundas, although I understand that Labor will not support it. I heard Mr Hargreaves' argument and I agree with his comments about forcing someone onto a committee. I think that is undesirable, but, as I said, it was over a month ago that I attempted to get a resolution of this matter so that that would not be what would happen. I think that that was mainly the argument of Mr Hargreaves. I do not understand why Labor is taking the position it is taking, but we will continue to do the work that we do.

Every committee that I am on is interesting. Every committee in this place is interesting, I do not understand why someone cannot commit themselves to any committee, because it is all important work. In fact, it is our responsibility as professionals to perform to our greatest capacity in doing the committee work that we have. Maybe it is not about a pet interest, but every committee deals with extremely important work and we have no choice but to do the work.

MR CORNWELL (12.00): I listened with interest to Ms Tucker's comments. I must say that I was surprised that there had not been the consultation that I had hoped there would be between the crossbenchers, but that is not a criticism of her comments. It did, however, answer a question that has puzzled me, that is, that in the moving of this motion originally no reasons were given; the motion was simply moved. Having been here for some time, I am a bit of a cynic and my suspicions become aroused if that happens when someone gets up and moves a motion. Apart from being arrogant towards other members, it implies that they have the numbers and, therefore, do not have to justify putting up the motion.

MR SPEAKER: Order! Mr Cornwell, we are dealing with notice No 1.

MR CORNWELL: Yes, and I am dealing with notice No 1. I was interested in Ms Tucker's comments on it because I think that there needs to be clarification as to why one does not justify being on specific committees. Ms Dundas has come up with some solutions in her motion. They seem to me to be eminently sensible, but it appears that they do not have the agreement of everybody. Therefore, I have to ask: why, of the six standing committees of this Assembly, are only two committees specified—in this case CSSE, as we call it, and the Planning and Environment Committee, because, as Ms Tucker said in her concluding comments, we do not all have a choice as to what committees we would like to be on? This place is not like a lolly shop; you cannot come in here with some money in your pocket and decide that you will buy this or buy that. There are occasions when members are required to go onto committees on which they may not feel exactly comfortable, though I do agree with Ms Tucker that all committees are interesting. If you apply yourself, you can get something out of all committees, whether you go in initially feeling terribly enthusiastic or not.

I think that it is important that members are sufficiently adaptable. We are here to serve the community. Goodness gracious, how often do I hear that expression? I hear it said time and time again. We are here to serve the community, not to serve ourselves. We do not indulge ourselves in what we would like to become involved in terms of committees. Certainly, this side of the chamber does not and I suspect that there are members of the Labor Party who are not on committees with which they are entirely comfortable.

The point I am making here, however, is that this certainly has to apply to the crossbench as well. I must admit, Ms Dundas, that when I saw this motion I thought that agreement had been reached between the three members of the crossbench on this sensible break-up of responsibilities for the crossbench. I am puzzled by Mr Hargreaves' comments about not supporting this motion, because he defended the right of the crossbenchers to work out who should be on which committees and the fact that the government and the opposition should not involve themselves in these matters.

I think that the crossbenchers have done so. If it does not meet the agreement of all members of the crossbench, I suppose the matter should be resolved in the same way as everything else is resolved in this Assembly, that is, by a vote. If nine members believe in one thing and eight in another, so be it. In the case of the crossbench, if two members believe something is acceptable and one does not, so be it.

May I just make the observation that I was pleased to see with Ms Dundas' break-up of responsibilities that we would have a gender balance—Ms Tucker, you know that I am the only person who can stand up and say that in this Assembly—otherwise, the Planning and Environment Committee, for example, would have four women. I do not think that that would be terribly good. I am not sure that it would not be breaching the Discrimination Act or one of the many other acts, such as the Human Rights and Equal Opportunity Act! The truth of the matter is that I think that Ms Dundas' suggestions are eminently suitable.

I agree with my colleague Mr Stefaniak and simply reiterate that we will be supporting these proposed amendments.

MS DUNDAS (12.07), in reply: I wish to close the debate, Mr Speaker. I thank the members who participated in the debate for putting their views to the Assembly on the situation with committees. As has been said again and again during this debate, committees are a key part of what we do and it is important that we reach a situation where we can get on with the work of the committees.

I would like to respond to a few of the points made by Mr Hargreaves. He suggested that acceptance of this motion would result in a member being forced to do something that the member did not want to do. That is not the intention of this motion. It is not my aim at all to force members to do things they do not wish to do. But, as members, we do have a responsibility to serve the community and committee work is one way in which we do that. The discussion of how we then serve and how we share the workload is the key to the debate that we are having today and the proposal that I have put forward would result in an equitable transfer of the workload.

I agree with the statements that have been made that every committee in this place is interesting and has an amazing array of things to do with what goes on in the ACT. I would be happy to serve on all of the committees, but I just do not have the time. I am concerned that there are people who are violently opposed to serving on any of the committees and discovering the interest in the community in what is going on in such diverse areas.

I was also interested in the comment made by Mr Hargreaves about whom in this place is happy and whom is not. It appears that the government is willing to support the happiness of one member over the happiness of other members. With other solutions being put forward, I am at a loss to understand the government's thinking on that and why it values the happiness of some members over the happiness of others.

Again, I commend this motion to the house as a motion that equitably divides the work of committees among the members of this Assembly and allows us to get on with the work of serving the community in the ACT.

Question put:

> That **Ms Dundas**' motion be agreed to.

The Assembly voted—

Ayes, 8		Noes, 9	
Mr Cornwell	Mr Smyth	Mr Berry	Ms MacDonald
Ms Dundas	Mr Stefaniak	Mr Corbell	Mr Quinlan
Mrs Dunne	Ms Tucker	Mrs Cross	Mr Stanhope
Mr Humphries		Ms Gallagher	Mr Wood
Mr Pratt		Mr Hargreaves	

Question so resolved in the negative.

Standing committees—alteration to resolution of appointment

Debate resumed from 14 November 2002, on motion by **Mrs Cross**:

> That the resolution of the Assembly of 11 December 2001 establishing standing committees be amended by omitting paragraph (4) and substituting the following:
>
> (4) Each committee shall consist of three members, except for the Standing Committee on Community Services and Social Equity and the Standing Committee on Planning and Environment, which shall have four members.

and on the amendment moved by **Mr Hargreaves:**

> (1) Insert the words "Notwithstanding the provisions of Standing Order 221" before the words "That" first occurring.
>
> (2) Add "and that the membership of both Committees comprise one member nominated by the Government, one member nominated by the Opposition, one member of the Australian Democrats and one independent member".

MR HARGREAVES: I seek leave to speak again and to amend my amendments to Mrs Cross' motion by omitting paragraph (2) and substituting another amendment.

Leave granted.

MR HARGREAVES: I move:

> Omit paragraph (2), substitute the following:
>
> (2) Clause (4): Omit the words "shall have four members", substitute "may have four members".

I will be brief. The amendment removes the word "shall", second occurring, and substitutes the word "may", allowing for more flexibility if members of the crossbench wish to revisit this issue. We have not been prescriptive about making the membership four; it could be three. If we had made it four as an absolute, it would have been more difficult and the amendment is intended to facilitate anything along those lines. As to omitting the second paragraph of my original amendments, I had merely tried to protect the position of one crossbench member. I think that that was ill advised and I have withdrawn that amendment. I commend the amendment to the chamber. It is only a machinery amendment, incidentally, Mr Speaker.

MS DUNDAS (12.19): I support the amendments, as amended, of Mr Hargreaves as they allow for greater flexibility than his original amendment. I was concerned when his original amendment appeared last Thursday. I had not seen it and I had a hard time figuring out where it was coming from. I guess that the ability to have flexibility is the compromise position that this Assembly is going to reach today. As such, it is important that we not confine the membership of the committees unjustly, as I think the second of the original amendments did. I am also supportive of the proposition that the committees "may" be increased in size, not "shall" be increased in size. The distinction is small but important. Hence, I support Mr Hargreaves' amendments.

It being 45 minutes after the commencement of Assembly business, the debate was interrupted in accordance with standing order 77. Ordered that the time allotted to Assembly business be extended by 30 minutes.

Amendments agreed to.

MRS DUNNE (12.22): The opposition will be opposing the motion, as amended. As we have already indicated, and as has been indicated in previous debates here today, this is an inappropriate way for this Assembly to deal with the matter, which should be a matter of consultation between the crossbenchers. I think that it is unfortunate and an unfortunate precedent that we are setting here today that we have to come into this place and draft motions like this in this way. It speaks volumes about the sad state that we have come to and the amount of time and effort we have concentrated on what should be a matter of simple, straightforward procedure. We have had a lot of talk in this place this week about serving the public. Nothing that this debate has done over two sessions of Assembly business has done anything to serve the public. It is unfortunate that the members of the crossbench have not been able to resolve this matter amongst themselves.

The precedent being set by this motion, by attempting to expand committees in breach of the standing orders, is one that we should not set. I am concerned that many events of the last two sitting weeks have brought a new low to the standards of debate and the standards of procedure in this Assembly, one that has not been seen in my five or six years of observation of debate in this place. I think that to use this motion to countermand the standing orders is entirely inappropriate and, because the matter is one that is best resolved by the crossbenchers, the opposition will be opposing the motion.

MR CORNWELL (12.24): I rise to support my colleague in opposing the motion. It is interesting, Mr Speaker, that throughout this debate, apart from the original moving of the motion, we have heard nothing from Mrs Cross to justify these substantial changes to the committee system and the substantial changes to particular committees. As I asked earlier, why these two committees? Why not the other four? What is so important about these two? No justification was given for moving to ensure that the membership of the CSSE Committee and the Planning and Environment Committee be increased to four.

I said that that was being arrogant because it implied that the numbers were there to support this change, Mr Speaker. Let me add something else. If I were one of the members who had been so taken for granted in that support, I would be offended at the arrogant approach adopted. I repeat that I feel the decision is wrong. We have created an imbalance. I know we were chuckling about it before, but the truth of the matter is that we now have four women on the Planning and Environment Committee. I do not think that that is necessarily a desirable situation. I do wish to know why this should be the case. I would hope that in the closing stages of this debate the person who moved the original motion will have the decency to tell the rest of the Assembly why it was done.

MR STEFANIAK (12.26): Mr Speaker, I think that it would be unfortunate if we were to pass this motion to pass, because it skews the work of the Assembly, it goes against standing order 221, which Mr Hargreaves has, in effect, amended to enable that to occur, and it places a very significant continuing load on the crossbench, specifically Ms Dundas and Ms Tucker, whom, I would think, as a result of this motion, still will be

on four committees. I am not going to go over any of the other points that other members have spoken about in relation to this matter. Some of my earlier comments were very appropriate in this regard.

I note that Mr Hargreaves does say that two of the committees may have four members, but what if things do not work out? He states that he is leaving that to the crossbench members, but that may not occur and we may end up with a situation of having two committees of four members with two crossbenchers right through to the remainder of this Assembly and the other four having three, which is what everyone intended. One would hope that common sense will prevail, but it hasn't to date, despite the very good efforts of Ms Dundas, who has done a lot of running around to try to sort things out in a sensible way. I think it would be very unfortunate should this motion get up.

Having said that, Mr Speaker, I have a letter here to you, which I will hand up at the appropriate time, nominating our member of the Standing Committee on Community Services and Social Equity, that is, Gregory Cornwell. I will give that letter to the Deputy Clerk so that Mr Cornwell can go down on the record as our member of that committee. I reiterate that these committees should be three-person committees representing, as best they can, the make-up of the Assembly that is needed to meet the workload.

MS TUCKER (12.28): I will not be supporting this motion. I have put my arguments already in the previous debate on Ms Dundas' motion. I am glad that Mr Hargreaves moved an amendment which provides Ms Dundas with an opportunity to make some changes to her committee work, if she so chooses.

MR SMYTH (12.29): Mr Speaker, I wait with interest for Mrs Cross to close the debate. I think it is extraordinary that the member who moved the motion did not start the debate by putting the reasons for the motion and has now chosen, apparently, not to close the debate in the appropriate manner. Clearly, the case for this motion is so flimsy that it is indefensible.

MRS CROSS (12.29): I will be very brief, Mr Speaker. I did have discussions with my crossbench colleagues Ms Tucker and Ms Dundas. They commenced before Ms Dundas—

Opposition members interjecting—

MR SPEAKER: Order! Mrs Cross has the floor.

Ms MacDonald: You 're the ones who wanted to hear her talk, and now you don't want to listen.

MRS CROSS: Thank you, Ms MacDonald. I did have discussions—in fact, a few discussions—with my crossbench colleagues before Ms Dundas went to the USA some time ago. We left those discussions open for decision. I had not long been on the crossbench, being there thanks to the people on the opposition benches, and I had to make some decisions on what I felt were in the best interests of my office and my current role.

We were looking at trying to find compromises. As with many decisions in this place, sometimes we reach a compromise and sometimes we do not. I am prepared to take on two committees, as I explained to both of my crossbench colleague, but I think that this chamber needs to remember that there are two major parties here and the crossbenchers do not constitute a party. Deciding who should take on what isn't really a matter for the major parties or anyone else but the member, so I do not have to justify my actions there. I am prepared to work on two committees. Other members were not flexible on that. That is basically my position, Mr Speaker.

Question put:

> That **Mrs Cross**' motion, as amended, be agreed to.

The Assembly voted—

Ayes, 9		Noes, 8	
Mr Berry	Ms MacDonald	Mr Cornwell	Mr Smyth
Mr Corbell	Mr Quinlan	Ms Dundas	Mr Stefaniak
Mrs Cross	Mr Stanhope	Mrs Dunne	Ms Tucker
Ms Gallagher	Mr Wood	Mr Humphries	
Mr Hargreaves		Mr Pratt	

Question so resolved in the affirmative.

Motion, as amended, agreed to.

Sitting suspended from 12.35 to 2.30 pm.

Questions without notice

Remand centre protocol

MR HUMPHRIES: My question is to the minister for corrections. Yesterday you tabled draft protocols covering the transfer of remandees from Belconnen Remand Centre to the so-called Symonston temporary remand centre. Protocol 1 lists the sorts of offences that qualify someone to be sent to the latter, including, shoplifting, defamation and littering. It also lists criteria to determine whether the detainee should not be considered suitable for a transfer to the TRC. They include a detainee receiving pharmacotherapy such as methadone, a detainee being known to misuse addictive substances, a detainee suffering an acute health problem, a detainee suffering from a psychiatric illness, with a history of mental illness or whose psychiatric status is unclear, and a detainee who needs specialised service or support (for example, women and indigenous people). But this seems to rule out sending women, indigenous people, the mentally ill and those with a substance abuse problem to Symonston.

Minister, do you seriously believe that the 30 beds in this $3 million facility will help very much with the overcrowding problem if these are the criteria you are using?

MR QUINLAN: Of course not, Mr Humphries. We built it so that we could throw $30 million up against the wall and do nothing about the chronic problem which existed in the Belconnen Remand Centre. Take that as supposedly ironic.

Mr Humphries: Sarcastic too.

MR QUINLAN: Sarcastic too. It has got to the point of farce. One moment the opposition is jumping up and down saying, "You can only send low-risk prisoners there. We want only low-risk prisoners to go there." Otherwise, you fall back on something that was in the *Southside Chronicle*, which contained a statement by Mr Smyth that we should continue to send our remandees interstate.

We have built the thing. We have to put it in place. It needs to be commissioned. We need to shake it out. It is too hard, too difficult. The prisoners we are going to send there are too low a risk now. Yesterday when I tabled the protocol, I said it was a draft protocol. This thing is to be commissioned. We will make the bar high.

Mr Humphries: On the ceiling, on the roof.

MR QUINLAN: I wrote the whole thing personally and made it that high. With practical experience, we will work it out. I said in estimates to whoever was listening that we will try to classify from the highest risk to the lowest and then work back. We will make sure we honour the commitment to send the lower risk people, which was the emphasis described ad nauseam to you people, but we found the word "low" in the *Southside Chronicle* in August. We will work back.

I am very happy, Mr Humphries, that it is difficult to send prisoners there, because that ensures that the people working at the coalface have made sure that there is a process to ensure that the lower risk people, as assessed at Belconnen, go there. If we have to claw back and lower that bar, then we will lower it, but we will lower it from a decent starting point. That protocol is a decent starting point.

MR HUMPHRIES: With reference, Minister, to your decent starting point, can you explain how exclusive a club Symonston will be by telling us the last time the ACT sent anyone into remand for shoplifting, defamation or littering?

MR QUINLAN: No, I cannot, but it just goes to show how thorough our people are. They have all bases covered.

Amphetamines

MS GALLAGHER: My question is to the Minister for Health. Is the minister aware of an unfortunate recent trend for manufacturers of illicit drugs to source amphetamine from legally available over-the-counter medicines? What action is the government taking to combat this problem?

MR STANHOPE: Unfortunately, in recent years all states and territories have been targeted by organised crime rings using shoppers—both male and female, young and old—to buy pseudoephedrine products manufactured for the relief, essentially, of hay fever and coughs and colds for conversion into illicit amphetamines. A packet of the

most popular pseudoephedrine tablets, which can be bought at any pharmacy for less than $10, can be converted by a skilled chemist in a clandestine laboratory into amphetamines worth more than $2,000 on the streets.

In New South Wales the Drug Enforcement Agency has uncovered several large illegal laboratories. In one house 11,000 packets of legally purchased tablets were discovered. New South Wales has also experienced large thefts of raw pseudoephedrine powder from security storage on the Sydney docks. Rural areas have been targeted. Carloads of so-called shoppers systematically visit every pharmacy in a town, attempting to buy pseudoephedrine products.

Victorian community pharmacies have been the target of ram raids, burglary and armed hold-ups to obtain such products. A Queensland crime syndicate systematically visited every pharmacy in Tasmania recently buying pseudoephedrine products. Members of this syndicate, fortunately, were arrested on their return to Brisbane. Queensland police report discoveries of a number of suitcase laboratories set up for a few days in motels and hotels.

The ACT has not been immune. Early this month the AFP raided 19 homes and seized 200 grams of illicit amphetamines worth $385,000 on the illegal market.

The government has decided to mount a campaign to combat the growing incidence of this unfortunate trend. Working with the AFP, the ACT Pharmacy Board and peak pharmacy organisations, the government will highlight the problem to pharmacists, advising them to keep shelf stocks to a minimum and reminding them that they should exercise professional judgment in the supply of these products. Pharmacists are not obliged to sell these products on demand. They may sell only if they are satisfied the supply is consistent with the safety of the consumer.

We are advising pharmacists that they generally restrict sales to one packet at a time and advise the AFP's chemical diversion desk of any suspicious sales or requests. Posters reminding the pharmacy staff of these measures and the public of the newly restricted nature of pseudoephedrine sales will be distributed to all ACT pharmacies in an effort to combat this unfortunate trend.

Hospital waiting lists

MR SMYTH: Mr Speaker, my question is for the Health Minister. Minister, the combined waiting list for elective surgery for Canberra and Calvary hospitals has now broken through the 4,000 barrier and was sitting at 4,057 at the end of October this year. I note that the ALP 2001 election platform said that "waiting lists are unacceptably long" at a time when they were around 3,560. I know that the government has spent millions of dollars extra on health. I know that Ted Rayment solved the nurses dispute with little or no direction or involvement from you. I know that two multi-leaf collimators have been bought and installed and are now operational, and I acknowledge that earlier this year both hospitals increased their throughput. I would like to know what plans the government has for tomorrow through to the end of this financial year to bring down waiting lists.

MR STANHOPE: I thank Mr Smyth for the question. Let me complete some of the historical background to the question Mr Smyth asks. Waiting lists decreased in September. However, I did not get a question on the September waiting lists. Why did I not get a question on the September waiting lists? The September waiting list showed a fall. In Mr Smyth's little history lesson we also did not get any mention of what the waiting list was at the time when Mr Humphries was minister for health at the start of 1998. The waiting list at the start of 1998, when Mr Humphries was the minister for health, was 4,800.

Mr Smyth: I take a point of order, Mr Speaker. My question was quite specific in asking what would happen from tomorrow through to the end of the year to bring down the waiting lists. History lessons are fine. We all know the history, but I am asking about the future and whether or not the government has a plan. I would like an answer to that question.

MR STANHOPE: When Mr Humphries was the minister for health at the start of 1998, the waiting list was 4,800. That is over 800 more than it is today.

Mr Smyth: I take a point of order, Mr Speaker. If I had wanted to know what Mr Humphries had done, I would have asked him. I am asking what the minister will do in the future. I know he has no answer, but perhaps he could attempt to talk about from now until the end of the financial year.

MR SPEAKER: Come to the subject matter of the question, Mr Stanhope.

MR STANHOPE: It is relevant that we keep these things in historical perspective. In July this year the waiting list was just 3,921. It dropped in August to 3,880. It dropped in September to 3,802. Over the last three months there has been a drop in the waiting list. In this fourth month, in this little historical period, it has risen. Why did it rise? It rose because Calvary closed its theatres to elective surgery over the school holidays, as did Canberra Hospital. Surprise, surprise, the waiting list has increased because both hospitals closed their theatres to elective surgery.

One of the reasons they did that was a directive from me that the hospitals are to live within their budgets. This government increased funding to health by 12 per cent in our first budget, following very significant funding increases in the second appropriation bill, which we passed immediately on coming into government.

It is good of Mr Smyth to touch on and note the significant impact of the second appropriation bill and of our budget—namely, that we were able to settle the nurses dispute, with very significant additional pay to nurses in the ACT, after a year of division generated by the previous minister in relation to nursing. We settled that dispute. We provided additional significant funds to oncology, as Mr Smyth acknowledges but without any credit. It begs the question whether Mr Smyth would have put the money we have put into radiation oncology into elective surgery.

Does that represent Mr Smyth's priority? What is Mr Smyth's priority? Government is about selecting priorities. Government is about acknowledging that there are a range of priorities. It is accepted that there are 14 or 15 priorities in health and in acute health care delivery. We acknowledge about 15 issues that are listed as priorities. I say here and

now—and I will say it again—that I do not regard elective surgery and the waiting list consequent to elective surgery as the No 1 priority in health care delivery. It is not the No 1 priority. We acknowledge that, and we have responded to that.

It is one of the few quantitative measures we can use in measuring performance of a health system. It is all about numbers. It is therefore very easy. It is simple. That is what Mr Smyth needs in relation to health and his understanding of health. He needs something that is easy, he needs something that is simple. He does not have the capacity or the energy to do anything about the tough issues. That is why the previous government—Gary Humphries, Brendan Smyth and the others opposite who constituted the previous government—underfunded mental health, for instance, with 17 per cent less funding than in the next worst jurisdiction in Australia. Just ponder that. That was the level of mental health funding under the Liberal Party.

We are seeking to address that. It takes significant amounts of money, and we have not provided enough. We admit that now. Five million dollars in this budget in the outyears is not nearly enough to redress what we inherited from you in relation to the underfunding of mental health. The additional $10 million to $12 million provided for disability services in the budget in the outyears is not nearly enough to resolve the issues in relation to disability funding.

So a decision was made—a tough decision, a hard decision—that some areas of health expenditure had to pay the price to address some of the appalling shortages which we discovered after coming to office. I will say here now—and I will say it whenever these numbers go up—

Mr Humphries: Which they are obviously going to.

MR STANHOPE: They went down in September, and of course you did not put out a press release in September. The media did not run it. I did not see a the front page *Canberra Times* story headed "Shock, horror! Waiting List Reduces". You did not run it, and nobody was interested in it. It would have required a little bit of focus on exactly what the issues and the priorities are.

The fact remains that there has been a 12 per cent increase overall in health funding, similarly for each of the hospitals. The elective surgery waiting list is one area of the portfolio that is feeling the strain, along with accident and emergency, where there are strains as a result of the federal government's outrageous inattention to, and neglect of, Medicare and support for GPs. They need to do something about the lack of availability of bulk-billing.

Mrs Dunne: And what are you doing about that?

MR STANHOPE: What are we doing about the fact that your federal colleagues are belting the stuffings out of general practice and Medicare? What are you doing about it? Our great hope in relation to that is that when one of you, whichever one is lucky enough to get the numbers, gets into the Senate you will do something about your colleagues' appalling disregard for the things that matter to the people of Australia, in particular the health of our health system.

MR SMYTH: I ask a supplementary question. Minister, what is the schedule for the elective surgery closures at Calvary and Canberra hospitals over the December-January holiday period?

MR STANHOPE: I do not know the exact details of that. Traditionally, through all of the Liberal years, the Canberra Hospital closed for two or three weeks over—

Mr Humphries: And the Labor years as well.

MR STANHOPE: I know that Mr Smyth is not a prophet. I am just reflecting here. Under your governments elective surgery at the Canberra Hospital always closed over the Christmas holiday period. That practice has continued under this government and will continue. There is a close-down, as there always has been. There was under the Liberals and there is under this government. Surgeries close over the Christmas holiday period and they will again. I am not quite sure what the practice was at Calvary. I am more than happy to get for Mr Smyth the details of what Calvary proposes this year.

Protests

MS TUCKER: My question for Mr Stanhope as Attorney-General is about the government's commitment to protecting non-violent protests and activism as part of our healthy democracy. Minister, during debate on the Crimes Amendment Bill last year—nicknamed hoaxes, for your reference—you went to some lengths to assure members that such provisions aimed at what might be characterised as terrorism are not intended to catch protests and political activism. Your government and you personally have acommitment to human rights which includes the right to peaceful assembly. Monday's news on WIN television ran a story based on the annual report of the AFP. One part of this story reported:

> Since September 11, ACT policing has reviewed its needs for incidents such as demonstrations, bombs and the use of lethal force.

It then played footage of the Chief Police Officer describing the specialist response and security group. While I understand that this statement was the station's summary and not what the Chief Police Officer said directly, this does create an impression that there is some blurring of the difference between terrorism and protest.

Can you tell the Assembly what the government has planned or has in place to protect the right to peaceful assembly and to political and other protests which may inconvenience people but which are not in the same category as bombs and the use of lethal force but are, we agree, a valuable part of our democracy?

MR STANHOPE: The government has no plans at this time to amend or adjust the laws as they apply to protests, peaceful assembly or the right that exists for people to engage in peaceful and lawful protest and assembly. We have no intention or plans to affect the right of Canberrans to assemble lawfully and peacefully and to protest. You are quite right. This government does have a commitment to respect for democracy, for democratic institutions and for the democratic rights of people behaving and acting lawfully to do so.

I think you are aware of the strong stand which I and this government took in relation to the Falun Gong, under significant pressure from our federal colleagues. It was only through the assertion by the federal Liberal Party of a right under some alleged international obligation that action was taken in relation to that protest. The attitude of this government at that time was that whilst ever people demonstrate, congregate or protest within the law their right to do so will be respected and supported. The ACT police were inclined to take a very different attitude to the Falun Gong demonstrations than their Federal Police colleagues and the federal government did.

It is a significant issue from time to time in our policing arrangements that the ACT police do adopt an attitude to certain issues that perhaps flies in the face of what the federal government would like of them. An example of that over and above the Falun Gong example is the Aboriginal tent embassy. I know the attitude of the ACT police was very much that that was not a matter requiring police involvement. The ACT police were hesitant about becoming involved in what they saw as a legitimate protest action. The attitude of the ACT police to both the Falun Gong demonstration and issues at the tent embassy indicate the attitude of our police force to the democratic and lawful rights of citizens.

That said, one cannot underestimate or be complacent about the terrorist threats that each of us face and potentially confront us here in Canberra, the national capital. Our being the national capital is both a benefit and a curse to us in relation to the terrorist threats we face. It is a benefit to the extent that I believe, with the presence here of the Australian Federal Police, a highly skilled and expertly trained police force, we are blessed in the knowledge that we have available to us as a community a police force of the highest order, with the highest levels of training and, I believe, the highest levels of integrity. But we are perhaps damned to the extent that we are the national capital. There is a thought abroad that as a result of that we may well be more prone, subject or attractive to a terrorist or the terrorist mind—if one could get into the terrorist mind—than perhaps some other communities. I do not wish to be alarmist about that. We should not be unnecessarily alarmed or alarmist about it, but it is a fact of our residence here in the national capital. In those circumstances, we and the people of Canberra expect extra vigilance by police forces in respect of activities that may be a threat to life and property.

I believe there needs to be some acceptance of the extreme circumstance we face. I am not one who would ever willingly abandon a civil liberty or a civil right, but we do need to be mature and pragmatic in our responses to some of the issues we face.

MS TUCKER: I ask a supplementary question. My question was directed at civil liberties and how you will ensure that those liberties are not impinged upon. I hear your answer, but I am still interested to know whether you would look at the Community Law Reform Committee's report on peaceful assemblies and on street offences, which contains some useful suggestions on protecting these rights in our laws.

MR STANHOPE: Yes, I am happy to look at those things, Ms Tucker. I think it is fair for me to say that this government will not go rampaging into civil liberties or the rights of citizens, but we will be responsible and we will be measured in our response to the extreme circumstances which we as a community and a nation face in relation to terrorism. This is not a government that is going to go trampling over civil liberties and basic rights. There is always a balance. There is a balance in everything. We will ensure

that in any balancing that we are required to do individual liberties will be very much a part of the balance that we seek to achieve.

Hospital waiting lists

MR PRATT: Mr Speaker, my question is to the Minister for Health, Mr Stanhope. I refer to a statement in the Assembly on Tuesday of last week disputing claims made by Mr Humphries on the anniversary of your government. You said, "Hospital waiting lists continue to increase. Well, they do not." The waiting lists for October for both hospitals were over 4,000 and increased by 246 for that month. Do you acknowledge that you misled the Assembly last week?

MR SPEAKER: Order! The imputation is that a member has misled the Assembly. You have to deal with that by way of a substantive motion, so I order you to withdraw that.

MR PRATT: Mr Speaker, I withdraw that. I respect that decision. Minister, do you acknowledge that there is an obvious inconsistency between your statement of last week and the waiting lists in October?

MR STANHOPE: I am more than happy, Mr Pratt, to have a look at what I said. I cannot recall exactly what I said or the context in which I said it. When I said it, I certainly was not aware what the October waiting lists were going to be. Certainly two weeks ago the September waiting lists were available to me. I am sure from the numbers I have in front of me that the September waiting lists showed a decline. I think that is why I did not get a question on the waiting lists in that sitting week. At that stage the waiting lists had gone down from the previous month. It is not much of a story when waiting lists drop. It is all about Sherlock Holmes and the dog that barked. What was so peculiar about that? The peculiarity was the dog did not bark. It is the same here. The waiting lists went down in September and the dogs did not bark.

Mr Pratt, I am more than happy to have a look at what I said. If I did in some way inadvertently mislead the house—and heaven forbid that I did—I will correct the record.

Rugby World Cup

MS MacDONALD: My question is to the minister for sport and recreation, Mr Quinlan. Minister, you recently launched the ACT government's 10-month campaign for the 2003 Rugby World Cup. Can you inform the Assembly of the name of the campaign and the expected benefits the 2003 Rugby World Cup will generate for the ACT?

MR QUINLAN: I thank Ms MacDonald. Members will be aware of the campaign that Ms MacDonald ran at the beginning of the year, "Wanna See a Wallaby". Although we will not be seeing Wallabies at our World Cup matches, I am sure that that campaign had something to do with the quality of games we will see.

It is now apparent that we will have games featuring Wales and probably games featuring Italy as well as one of the Pacific island nations. As members will be aware, rugby union has been one of the success stories in Canberra sport over the past eight years. That is based on our outstanding success at Super 12, but we should not forget the success of the Vikings, so much so that they were thrown out of the Sydney competition.

The New South Wales Rugby Union did not want to have to come to Canberra to visit their trophies as the Queensland Rugby Union has to do.

We expect substantial further growth over the next year or so, and in 2003 we will see the Brumbies in action again. We will also see the Masters Games come to Canberra and four matches in the world's biggest sporting event for next year, the Rugby World Cup. It makes good sense to integrate a coordinated tourism program around the Super 12, the World Cup and the Masters Games. That will be the case.

There will be opportunities for Canberra and region to sell itself on the basis of events as well as places to visit and see. The brand name is Rugby Celebration Canberra 2003. It sounds pretty startling, but we had to be very careful. The term "World Cup" is owned and unfortunately not transportable to regions such as ours.

We intend to run a concerted campaign. The Australian Rugby Union, in conjunction with the Australian Tourism Commission, expect in the order of 40,000 international visitors to Australia and a global television audience in excess of 1.3 billion in over 130 countries. This is a great opportunity for the ACT. We know that the Welsh are great football followers. We know that they make up a significant, disproportionately high proportion of supporters for the British Lions. We cannot forget what great supporters the British Lion supporters were when they came to Canberra and cheered on their nation. At the same time they also were great tourists and great fun. They added something.

Mr Humphries: You mean great drinkers, don't you?

MR QUINLAN: There ain't nothing wrong with that. They probably know a few old rugby songs that Mr Stefaniak will probably join in with them. We will be making sure that we leverage off the World Cup; that we leverage off the fact that we have Wales, probably Italy and at least one Pacific nation. Those three will probably be domiciled and training in the ACT for an extended period leading up to the World Cup.

Mr Stefaniak: Not to mention the veterans curtain-raiser to the first game, Ted.

MR QUINLAN: Go late, everybody. Get a seat; go away. It is going to make Italy and Wales look good, Bill.

In announcing Rugby Celebration Canberra 2003, I had the great pleasure of anointing Joe Roff as our World Cup ambassador. I mentioned to him that I knew very little about diplomatic protocol, but I did know that ambassadors were entitled to the term "Your Excellency", which Joe seemed to take to with great relish.

Mr Pratt: You could always look to Sir Les Patterson as a role model.

MR QUINLAN: I will tell Joe that you said that, Steve—that you made the comparison. If I were you, I would call him "Your Excellency".

Housing—maintenance

MR CORNWELL: Mr Speaker, my question is to the minister for housing, Mr Wood. On Tuesday, in response to my question on reporting and maintenance problems to ACT Housing, you stated:

> Mr Speaker, if the processes the former government put in place are not adequate, I will undertake to change them, to see that they are adequate.

The maintenance practices that I was referring to were put in place while you were minister. I refer to a letter from an ACT Housing manager of 31 October 2002 this year. It states:

> Please be aware that ACT Housing have now moved towards a total facility management program for maintenance. This now means that housing managers no longer raise your maintenance.

Mr Speaker, could I have leave to table this letter? It is quite straightforward. The address has been removed.

Leave granted.

MR CORNWELL: I present the following paper:

> ACT Housing—Total facility management program for maintenance—Copy of letter to ACT Housing tenants from ACT Housing Manager, Woden Tenancy, dated 31 October 2002.

Minister, has ACT Housing advised you of the changed arrangements for this maintenance? If so, when did they do so?

MR WOOD: Mr Speaker, I can add some elaboration. Mr Cornwell gave a long dissertation the other day about all the problems. I will respond in detail to that as well today. In general terms, what Mr Cornwell said confused me. It is pretty simple to seek maintenance on a property. You make a phone call or you write a letter. You can write to me. If people write to you, you can send it to me and it will go through. To my knowledge, it is not hard to make an application for maintenance. That does not mean that maintenance will follow automatically. I am sure some of you opposite know the situation.

Let me give you some detail. It does not go directly to your question, Mr Cornwell, but this will save me reading this out at the end of question time. In response to a report of a smell of sewage at Kelvin Court at Phillip on 16 July, an on-site inspection was arranged and carried out on 14 August. ACT Housing, Transfield Services and the tenant who reported the smell carried out an inspection. There was no evidence of any sewerage problems, and the previously reported smell could not be detected. The situation was monitored, but subsequent visits to the site by ACT Housing staff and Transfield did not detect any smell.

On 29 October, the Health Protection Service contacted ACT Housing and advised that there was a sewage spill at Kelvin Court. A plumbing contractor attended that day and discovered a small overflow at the gully trap adjacent to unit 11. This indicated a blocked sewer which appeared to be cleared following plunging of the trap. The estimated spillage from the trap was less than two litres, as reported to me. The plumber attended the following day and removed approximately four shovelfuls of contaminated soil from around the affected area and treated the area with industrial strength disinfectant.

On 7 November the Health Protection Service advised ACT Housing that they had located the sewage spill in the sub-floor area beneath the building. Access to this area could be gained only by unscrewing the access panel that secured the area. On inspection it was found that sewage had spilled out of an inspection opening near the vertical sewerage tank coming down from the units above. It would appear that this inspection opening cover had been unbolted from the stack for some time, possibly even back as far as the time of construction.

The external line was eeled—you know what that is in Canberra—but that did not clear the blockage. ActewAGL was engaged to water-jet the lines, and that freed the blockage. A sullage truck pumped out and removed the effluent that had settled in a trench adjacent to the foundations in the enclosed area. By 7 pm the clean-up had been substantially completed, and the enclosed area was sealed off until the next day.

On 8 November cleaners removed rubble and spread disinfectant over the affected areas. The same day, a camera put down the sewer line showed that tree roots had penetrated the sewer line, causing the blockage. That is not an unusual occurrence in this town. It was decided that the affected line would have to be excavated and replaced. You are getting a detailed answer here, Mr Cornwell.

On 11 November the Health Protection Service advised ACT Housing that they were not satisfied with the clean-up of the area and requested an on-site inspection on 14 November. At the inspection, the Health Protection Service advised ACT Housing and Transfield that they were satisfied with the action that had been taken but requested that some lime be spread over the affected area, and that has been done.

During the on-site inspection, a tenant raised concerns about potential residual contaminated soil or dust in the general vicinity of the spill and the possibility of contaminated soil particles being walked or blown into tenants' homes or units. The tenant also inquired whether carpets would need to be steam cleaned as a result. The Health Protection Service stated that any possible remaining bacteria would have been destroyed by sunlight and that they would not issue instructions in regard to this matter, as they did not consider it to be a public risk issue.

ACT Housing and Transfield have no knowledge of any damage to personal property. However, I have requested the department to ascertain whether tenants have any further concerns about possible damage to their property—for example, their carpets.

I further understand, Mr Cornwell, directly in answer to your question, that Total Facilities Management came in on 1 July last year, under the Liberal government. Iassume that the call centre has established that the "now" means 18 months ago. That is the advice I have.

MR CORNWELL: I thank Mr Wood for that most comprehensive reply in relation to one complaint. Minister, will you review the maintenance programs in place, consistent with your commitment here on Tuesday, particularly the communications difficulties that Transfield appear to have imposed? They are accepting only maintenance requests by telephone, which obviously disadvantages people who are deaf or have other difficulties. They are being directed to get their carers to contact Transfield. I do not regard that as a satisfactory alternative.

MR WOOD: I will get back to you on that. It is my understanding that it is pretty simple to make a claim, but I will again check it through thoroughly for you, Mr Cornwell.

Convention on the Rights of the Child—report

MS DUNDAS: My question is for the minister for youth, Minister Corbell. Minister, has the ACT contributed—and, if so, what has been the nature of that contribution—to Australia's combined second and third report under the Convention on the Rights of the Child?

MR CORBELL: I am not aware of the ACT making a contribution. I will need to check that and advise Ms Dundas accordingly. Matters in relation to international conventions are the responsibility of the Commonwealth government. All states and territories are consulted by the Commonwealth on the Commonwealth's proposed approach to such conventions, and we contribute from time to time on working parties and to other processes that look at these sorts of issues. Ultimately, the decision about whether or not a convention is accepted, ratified or endorsed is a matter for the Commonwealth government. I will certainly get back to you, Ms Dundas, with information on whether or not the ACT is contributing financially to this process.

MS DUNDAS: I was not looking for financial information but written information on the state of ACT meeting our requirements under the federation's commitment to the Convention on the Rights of the Child. Minister, could you inform us whether we are meeting our requirements?

MR CORBELL: My apologies, Ms Dundas. I misunderstood your question. I am confident that the ACT is well advanced in meeting its obligations in this regard. Indeed, in relation to all international treaties, the ACT government has a progressive approach. Whether or not there is detailed acquittal of the territory's obligations and how they are met are matters on which I will seek advice from the department and provide information to Ms Dundas.

Respite services—Narrabundah and Dickson

MRS CROSS: Mr Speaker, my question is to Mr Stanhope in his capacity as Health Minister. A report in the *Canberra Times* this morning revealed that two day care centres for the frail and aged, namely those at Narrabundah and Dickson, will close by the end of the year. Those housed in the facilities will be moved to other facilities in Belconnen and Tuggeranong. The report says the action is needed because of the deterioration of the buildings, which were constructed in the 1970s. Minister, can you give an assurance that no other similar facilities will close, and are you aware of any preventive measures to stop other buildings from becoming so run down?

MR STANHOPE: Mr Cornwell asked a question on this subject yesterday and I did provide some information in relation to it. But I note your question does relate primarily to the state of the buildings. The advice available to me is that each of these buildings, which were constructed in about 1970, is certainly showing its age quite considerably. I have been advised that there are some significant occupational health and safety issues in relation to each of the buildings, particularly in the context of their use for frail aged people. That was a part of the considerations in relation to some of the new arrangements.

There were a range of other considerations—namely, a determination by the department to provide the full range of services we as health providers are better set to make (for instance, rehabilitation, therapy and other services), whereas much of the support provided currently at Narrabundah and Dickson is support best characterised as respite care.

The view is—and it is a view I support—that the ACT government, through its instrumentalities, is not the best-placed organisation for the provision of respite. We believe that that is a service primarily provided by the community sector, and we believe the community sector is better placed. We are looking now for a more collaborative and coordinated approach to the provision of respite. We believe that for those clients currently accessing Narrabundah and Dickson, for whom respite is the major need, care would be better provided, if possible, by community organisations co-located in some instances with Narrabundah and Dickson, in particular northside and southside community services, which already provide precisely that range of services.

I think this was discussed in some detail by Ms Tucker in her speech on her motion yesterday in relation to the community sector. One of the issues facing the community sector is the state of some of the facilities and the infrastructure available to them. Ms Tucker mentioned by way of example Directions. Directions is currently, and has been for years in previous incarnations, located on the second floor above a very good bakery in East Row. But the building and the facility are entirely inappropriate for the needle exchange and for a drug support service.

This highlights some of the difficulties faced by the government and faced by some service providers. This is a slight digression but it is very interesting. The government has been seeking to find alternative accommodation for Directions. The department of health tasked Urban Services with identifying appropriate other accommodation for Directions, having regard to the nature of its service, and Urban Services was not able to identify a single commercial property owner in Civic prepared to take Directions as

a client. That highlights some of the difficulties. There are a number of vacant buildings, and a number of landlords have been approached. As soon as they learn of the identity of the client, the advice is that the premises are not available. I say that as a digression, but it is interesting in the context of the comments made by Ms Tucker yesterday and in relation to this issue around the extent to which there is—

Ms Tucker: Why didn't you put them in the Griffin Centre?

MR STANHOPE: There is a whole range of issues in relation to other tenants, as you well know, Ms Tucker. There are other clients in the Griffin Centre that do not want them there, as you probably very well know.

As I said before, there is a balance in everything. Mrs Cross, we are very well aware of issues around ageing buildings and inadequate buildings and the service.

MRS CROSS: Minister, as the population ages, are you satisfied there is sufficient infrastructure to cater for the needs of the elderly, and can you confirm that appropriate sensitivity has been used to minimise undue stress to the residents who will have to be moved to Belconnen and Tuggeranong?

MR STANHOPE: The first part of the supplementary question, Mrs Cross, relates to awide-ranging issue around aged care and the preparedness or state of play in the ACT in relation to facilities for a rapidly ageing population. If I take a broad-brush approach in response to the question you ask, the answer is simply no. There are enormous pressures in the ACT in relation to aged care facilities across the board. That is revealed by the issue of bed block and access block experienced particularly at the Canberra Hospital and to a lesser extent at Calvary and the enormous pressure that imposes on accident and emergency.

In relation to the issues that you raise around aged day care, we are taking every care to ensure that each of the clients and each of their carers is fully consulted and that upset is kept to a minimum. I think each of us knows through our own life experiences how change is so threatening to many people as they become old and as they become frail. We are very aware of that, and we are dealing with it on an individual basis, consulting with each client individually about their needs and their concerns, and consulting with carers about the wishes and desires of each of the clients in relation to their future care in that field.

National Convention Centre

MRS DUNNE: Mr Speaker, my question is for the minister for tourism, Mr Quinlan, and relates to the National Convention Centre. We know, Minister, that you commissioned a report from Gutteridge Haskin and Davey, architects, into the future of the Convention Centre and this report will form part of the basis of a submission to cabinet. The *Canberra Times* has reported that business and tourism leaders have wanted to see the report, and they have quoted the remarks Mr John Miller from the Canberra Business Council, endorsed by Mr Souter from the Convention Bureau and Mr Proud from the AHA. The *Canberra Times* has reported Mr Miller as saying that the industry wanted to see the report so they could have some input into it, because, as Mr Miller said, "Let's face it, they're the experts in this field."

In response to pushes from industry, you were quoted as saying that there would be consultation with industry when we get to a certain point. Given that you have had areport from Gutteridge Haskin and Davey for some months, and that there are reports in the media this morning that you are ready to go to cabinet by the end of this year, have you reached that point where there will be consultation with the industry, and when will you consult with the industry?

MR QUINLAN: The ABC said that I was going to cabinet by the end of the year. That is as may be.

Mrs Dunne: Are you or aren't you?

MR QUINLAN: What will go to cabinet first is some general guidelines as to where we would go in terms of the overall options and those cabinet would accept and those cabinet would not accept. I do not see any great difficulty in discussing the Gutteridge Haskin and Davey report with the industry.

I think you are aware that the tourism industry, particularly the tourism industry associated with the Convention Centre, know that they have to put on the pressure. They know that refurbishment of the National Convention Centre to bring it up to scratch would cost in the vicinity of $50 million. They know that if we wanted to build another one it would be great sums above that. Virtually all of the parties in that sector would dearly love to see a brand new convention centre. It would be good for tourism in the ACT and, coincidentally, good for business.

Like it or not, there are a number of hurdles to get through to ensure that the various possibilities for us are viable. I do not want rabbits running about building a convention centre on East Basin, on the lake foreshore or at Yarramundi Reach when it is not going to happen, when there is absolutely no prospect. I have met with the federal minister, Wilson Tuckey, and informed him that we would dearly like in the long run to have a new convention centre as at least one of our viable options. The prospects we have in mind require some sanity checks. The private sector might come to us once we have said, "How about you build something commercial and throw in a convention centre that meets our needs" and say, "Sorry, it is not a viability." Look at the Lakeside Hotel. It has rather large meeting or function rooms but nowhere near the magnitude or floor space at the National Convention Centre.

It is a difficult problem. What I want to do, without setting any rabbits running, is to make sure that we are pursuing the art of the possible, not putting ourselves way out on a limb and coming back to question time to hear someone say, "You promised to build a convention centre. Why didn't you?"

I cannot see any real problem with discussing the Gutteridge Haskin and Davey report with the tourism industry, provided we get a certain degree of commitment to confidentiality and it does not become just an extra leg in a campaign to push government. I have great respect for the people in the tourism industry. They would not be doing their job by their constituents if they were not putting the hammer on us. I expect that that pressure will remain. Once we reveal the next step, I do not expect the pressure to abate. They would not be doing their job if the pressure did abate.

MRS DUNNE: Is the new form of consultation used by the Stanhope government to make a decision and then tell the rabbits about it, as you have suggested, and how is this consistent with your pre-election promise to be an open and consultative government?

MR QUINLAN: The short answer is no. I did not call them rabbits. I said "rabbits running", which is about rumours running and ideas running. I wish you would not indulge in that sort of slight twist in the questioning. The answer is no. As I said as recently as yesterday, a large part of my time, particularly early on, was spent dealing with the tourism industry. The situation the previous Liberal government left behind was not an impressive situation to walk into. As you are aware, I made some changes fairly promptly, as this government is a government of action.

Those changes were widely and roundly accepted by the industry. I have interacted with the industry. I fully expect the tourism industry to do their job and to keep up the pressure. But there will be full consultation. They are going to have to fill the damn thing. I want whatever we build to be the proper and appropriate facility for the ACT, with the rider "if we can afford it".

Drought declaration

MR STEFANIAK: Mr Speaker, my question is to the minister for the environment, Mr Wood. I refer to your belated decision to drought declare the ACT and I refer to a quote in today's *Canberra Times* from local farmer Sandy Stuart, who said:

> I just don't understand why it took so long to declare a drought. It's been obvious to city people, not just farmers, that we've been in drought for a long time.

Simon Crean launched the federal opposition's drought plan in Tharwa on Tuesday before you declared the drought. Mr Crean said:

> The fact of the matter is farmers are struggling in these drought-affected conditions and they need immediate assistance.

Why did it take you so long to issue a drought declaration, given that surrounding areas of New South Wales have been drought declared for months?

MR WOOD: Perhaps through you, Mr Speaker, I could quote back to Mr Stefaniak the words of a farmer who rang the ABC this morning and said, "That's fine. That's the time for it." I think it is the time for it. It has been assessed over quite a period. We have looked at the conditions and decided that it was time.

The ACT has not been as severely affected as some parts not far away in New South Wales. You will recall that there was a fairly good drop of rain about two months ago. That may have made the difference. I am not an expert on this. Having assessed the moisture of the soil and the amount of feed, and having had discussion with the rural lessees, I think it was appropriate that yesterday we declared drought. Maybe different people have different ideas about it. I will trot out my witnesses and you can trot out yours.

MR STEFANIAK: I ask a supplementary question. Do you now concede that your statements about rural lessees generally having access to other resources was incorrect, given that Dr Maxine Cooper of Environment ACT has given a commitment to "focusing on those people that derive their total income from the land"?

MR WOOD: That is entirely consistent with what I said. If down the track things get worse—and I expect they will—we will focus our attention on those people, as Dr Cooper said. Dr Cooper and I have had many conversations, and there is absolutely no difference. What I said and what she said are entirely consistent.

Garbage collectors—strike

MR HARGREAVES: Mr Speaker, my question is to the Minister for Urban Services. Minister, I heard on the radio this morning that the ACT's garbage collectors have gone on strike for 24 hours because they believe the ACT government has reneged on commitments made to them and to their union, the Transport Workers Union. Has the government broken any commitments made—

MR SPEAKER: Speak up a bit, Mr Hargreaves.

MR HARGREAVES: Certainly. I am happy to start again for the benefit of the deaf across the chamber, Mr Speaker. For those people who are either deaf or stupid, I repeat myself. Mr Speaker, my question is to the Minister for Urban Services.

MR SPEAKER: Order, Mr Hargreaves! Don't crank it up too much.

Mr Smyth: Mr Speaker, was that a reflection upon you as being deaf or stupid, given it was you who asked Mr Hargreaves to speak up?

MR SPEAKER: No, it was not, because Mr Hargreaves would not be game to do that.

MR HARGREAVES: Indeed, Mr Speaker. I would never reflect on you. I will start again. I heard on the radio this morning that the ACT's garbage collectors have gone on strike for 24 hours because they believe that the ACT government may have reneged on commitments made to them and their union, the Transport Workers Union. Has the government broken any commitments made to the garbage collectors or the Transport Workers Union?

MR WOOD: I do not believe we have. In the circumstances it is difficult to give absolute commitments to put something down in fine detail in a tender document. I have to tread carefully and keep myself at a respectable distance from what has been happening. I would prefer this strike not to occur. I am sure the workers would prefer that too. They do not want to lose a day's pay.

I think this reflects the difficulty of the transition from one contract to another. It would be good if this was a seamless transition. I was rather hoping that it would be. We have had seven years of very excellent service under the current contract. The contractor and, in particular, the workers have performed at the highest level, and I want that to continue. I am sure the community wants it continue.

It is interesting to note—and I stress this—that in the very thorough routine surveys carried out by the Department of Urban Services the community has expressed an extremely high level of satisfaction with both the garbage collection and the recycling collection. So the evidence is there that the workers, along with the company, are performing very well indeed. That seems to me a good reason for things to continue.

I can understand the concern of the workers. It has taken a while for this to happen. In fact, the history goes back to the days of the former government. The contract expired at 30 November 2001, just after we came into power. But some six months before that, the former government extended the contract for whatever reason, knowing that they could not start then and perhaps have it all completed by the end of November.

A contract with Cleanaway was signed a little while ago, and there are various steps to go through to complete the deal. The union is concerned, it seems to me, that it has taken too long. I can understand the workers' concern, because this has been on the agenda for such a long time. If your job is on the line, you are going to be concerned. But given the record of the workers over seven years, I think it is pretty obvious what should happen.

Further meetings between the union and the successful contractor are scheduled, and Ihope they can work through the issues.

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

Hospital waiting lists

MR STANHOPE: I have further information in relation to a question asked of me today by Mr Pratt. Mr Pratt asked whether or not I had misled the Assembly in an answer I gave on Tuesday.

Mr Humphries: He had to withdraw that.

MR STANHOPE: Yes, he did. I am responding that I did not mislead the Assembly in my answer. In fact, Mr Pratt, in his question, misled the Assembly by very clinically editing what I did say. It shows an appalling lack of integrity on Mr Pratt's part in editing a sentence from *Hansard*.

He asked whether I said in contradiction of the waiting lists that the waiting lists had decreased. In fact, I did say that they had. I added—and this is what Mr Pratt edited out:

> The latest numbers we have are for September.

What I said is quite explicit. I was talking about September, and the numbers did decrease in September. For Mr Pratt to seek to verbal me in a question by editing a sentence from *Hansard* is just a bit beyond the pale. I said:

> The latest numbers we have are for September.

That was left out of the question I was asked, as a result of which there was a misleading of the Assembly by Mr Pratt.

Mr Humphries: But it is now true that they are going up, isn't it?

MR STANHOPE: They are going up in October, yes, but that was not the question. Let us have a look at *Hansard* tomorrow and see what Mr Pratt said in his question, and then we will compare it and see where we go.

Adaptable housing

MR WOOD: Ms Tucker asked me a question about adaptable housing on Tuesday. I have a fairly long answer. I ask that it be incorporated in *Hansard* so that members can read it there.

Leave granted.

The answer read as follows:

QUESTION TAKEN ON NOTICE ON TUESDAY 19 NOVEMBER 2002 FROM KERRIE TUCKER MLA CONCERNING ADAPTABLE HOUSING IN THE NEW DEVELOPMENT IN LYONS

? ACT Housing intends to sell the land from the former Burnie Court over the next few months in three separate parcels.

? In addition it intends to retain the southernmost portion of the site for between 24 and 28 older persons' units and a development application for this development is expected to be lodged next month. The units will be in a three storey building with secure underground parking and lift access to all floors

? ACT Housing's older persons' units are built to allow for adaptation if the tenants need wheelchairs although in most cases tenants suffer reduced mobility as they age without the need for full wheelchair access.

? All the new developments will be required to meet PALM's requirements for accessibility with the need for 10% of units to be fully adaptable. Where the topography allows, communal open space areas are also required to be adaptable.

? It is not clear at this stage what the private sector will build on the land it purchases. The site allows three-storey development which could be apartments or townhouses. ACT Housing has indicated that its decisions on the numbers of properties it acquires in the developments will depend on the type and costs of units developed and whether they meet its priorities for acquisition.

? At present, for example, ACT Housing is concentrating on two bedroom properties in most areas together with three bedroom houses and townhouses in developing areas and larger properties to meet identified needs in particular areas.

? Housing for people with reduced mobility and/or significant disability is also a priority.

? The Government is keen to promote the provision of adaptable housing throughout the ACT. In particular, PALM requires that any multi unit development of 10 units or over has 10% of its properties built to an adaptable standard.

? For smaller developments, including single residences, the Government funds the Housing for Life program and is also working with the MBA to include provision for an adaptable display home in future display villages.

? People seeking information about how to make their current or future house adaptable can contact either PALM or the Housing for Life program.

? On the issue of the appropriate mix of public and private housing there is no single answer. While properties of over 100 units have frequently become stigmatised because of high concentrations of high need tenants, many smaller properties with 100% public housing tenants operate effectively, as do properties with high percentages of the units held by ACT Housing.

? In general ACT Housing's spot purchase program attempts to limit its holdings in body corporates to no more than 20-25 % of the unit numbers but this should not be taken as a hard and fast rule. In some large developments ACT Housing might seek to buy a whole building of, say, 8-20 units even if this was more than 25% of the complex.

? Given the history of the site and the fact that three storey townhouses will not meet the needs of ACT Housing's tenants it is highly unlikely that ACT Housing will purchase more than 20% of the development. This reflects the fact that replacement properties in the Woden area were required to vacate the former Burnie Court.

I have asked ACT Housing to contact Ms Tucker's office to give her a full briefing on this important issue.

Questions upon notice

MR CORNWELL: I have two questions on notice to Mr Corbell outstanding—Nos 275 and 276. They were placed on the notice paper on 24 September. The 30-day period has expired. Could you arrange to get me responses to those speedily, please?

MR CORBELL: I apologise to the member and will get the answers as soon as possible.

Papers

Mr Stanhope presented the following papers:

ACT Criminal Justice—Statistical profile for the September 2002 quarter.

Financial Management Act, pursuant to section 25A—Quarterly departmental performance report for the September quarter 2002 for the Department of Health and Community Care.

Capital works program 2002-03—progress report
Paper and statement by minister

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections): Mr Speaker, for the information of members, I present the following paper:

2002-03 Capital Works Program—Progress report—September quarter.

I seek leave to make a short statement.

Leave granted.

MR QUINLAN: I have presented the September quarterly report 2002-03 capital works program for the first quarter progress report of the current financial year's program. The report provides detailed information on the progress of expenditure for all projects included in the 2002-03 capital works program, with particular focus on individual projects.

The September report incorporates quarterly and full year expenditure information on all projects included in the current capital works program. It also identifies all variations to the 2002-03 program and presents all information at project level, according to departmental responsibility.

Mr Speaker, the capital works program in our original 2002-03 budget was $141.399 million. In addition to this amount, territory departments are carrying forward underspent funds from the previous year of $11.627 million. Including this variation, the total funds available for expenditure in 2002-03 are currently $153 million—approximately.

Total departments incurred expenditure on capital works of $11.040 million during the September quarter. At 7.8 per cent, this figure represents less than 8 per cent of funds available for expenditure, including carryover funds from previous years, and variations.

The Department of Urban Services was the largest contributor to the capital works program for the first quarter, with an expenditure of $7.775 million. Major projects contributing to this expenditure include a duplication of the Monaro Highway over Dairy Flat Road, Barton Highway, Morshead Drive and Pialligo Road, to the airport.

Other major projects with significant expenditure in the first quarter include perioperative services, stage 2, at the Canberra Hospital and stage 2 of the refurbishment of non-patient and administrative area of Calvary Hospital. I am expecting big things of my fellow ministers over the next three quarters of this financial year.

I commend the 2002-03 capital works program first quarter report to the Assembly.

Business Regulation Review Committee
Paper and statement by minister

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections): Mr Speaker, for the information of members, I present the following paper:

> Business Regulation Review Committee—Report to the ACT Government, dated September 2002

I seek leave to make a short statement.

Leave granted.

MR QUINLAN: The government recognises the importance of the business sector in the economic development of the ACT, with the private sector now accounting for about 55 per cent of ACT employment, if not 55 per cent of State Final Demand.

Therefore, earlier this year, I commissioned the Business Regulation Review Committee to undertake a review of the ACT business regulatory environment. The aim of the review was to identify any regulations and processes which impose unnecessary burdens, costs or disadvantages on business activities in the ACT, and to recommend a course of action. This approach supports the government's policy of encouraging maximum private sector economic and employment growth in the ACT and surrounding regions, and fulfils one of the government's many election commitments.

The committee consulted extensively with the wider business community during the development of the report. I take this opportunity to thank the committee—Mr John Robertson, chair, Ms Christine Mcauley, Mr David Gaul, Mr Graeme Shaw, Mr Michael Capezio, Ms Julie McKinnon, Mr Geoff Keogh and Mr Michael Ockwell—for its work. The government welcomes the report and will respond to the committee's recommendations shortly. This demonstrates that this government, when it talks about the red tape task force, gets on and does it.

Land—leases
Paper and statement by minister

MR CORBELL (Minister for Education, Youth and Family Services, Minister for Planning and Minister for Industrial Relations): Mr Speaker, 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 July to 30 September 2002.

I ask for leave to make a statement.

Leave granted.

MR CORBELL: I have tabled the schedule of leases granted for the period 1 July to 30 September 2002 and two other schedules relating to variations approved, and change of use charges collected for the same period.

I also wish to table, for the benefit of members, a copy of the lease granted under disallowable instrument No 228 of 1997, by direct grant, to Zissis Nominees Pty Ltd over Block 10 Section 20, Watson. 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.

Zissis Nominees Pty Ltd purchased a supermarket and butcher shop in the Watson local centre, and applied for the direct sale of Block 10 Section 20, Watson, to expand the existing supermarket. As members may be aware, the government is committed to the revitalisation of existing local centres, to offer the community more choice in meeting their consumer needs.

The land has been sold to Zissis Nominees Pty Ltd at market value. The Australian Valuation Office has determined a value of $105,000. It is considered that the direct sale of the land is in the public interest. This project will provide an improved supermarket and should enhance the viability of the local centre, strengthening its operations. There will also be local employment benefits generated by the development.

WorkCover annual report 2001-02—corrigenda

Papers and statement by minister

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

ACT WorkCover Annual Report 2001-02—Corrigenda (2)—Replacement pages 30 and 116

I ask for leave to make a short statement.

Leave granted.

MR CORBELL: The 2001-02 ACT WorkCover annual report was tabled in the Assembly on 26 September this year. The first matter in the corrigendum is the replacement of the table on page 30. The new table 1 includes the 2000-2001 data, which was intended for inclusion in this report. The second matter is at note 12 on page 116 of the annual report, in relation to the financial statements for the workers compensation supplementation fund.

Figures internal to the statement should have recorded the current HIH claims payable as $10,400,302, rather than the $18,466,302 indicated. Also, estimates of non-current HIH claims payable should be recorded as $42,260,000, rather than $38,194,000. These estimates were produced by the fund actuary on data available at the time, and the total

in the table remains the same. Copies of the corrigenda papers have been sent to all parties to whom the annual report has been provided.

Subordinate legislation

Mr Wood presented the following paper:

> Legislation Act, pursuant to section 64—
> Public Place Names Act—Public Place Names 2002, No 18 (Street Nomenclature—Gungahlin)—Disallowable Instrument DI2002-192 (LR, 11 November 2002).

Community Services and Social Equity—Standing Committee
Report No 2—government response

MR WOOD (Minister for Urban Services, Minister for the Arts and Minister for Disability, Housing and Community Services) (3.48): Mr Speaker, for the information of members, I present the following paper:

> Community Services and Social Equity—Standing Committee—Report No 2—*Accommodation and support services for homeless men and their children (presented 22 August 2002)*—Government response, dated November 2002.

I move:

> That the Assembly takes note of the paper.

I have a tabling statement. People who are homeless are among the most marginalised and disadvantaged in our community. It is incumbent on the government to do everything possible to prevent homelessness, and provide adequate support services when homelessness occurs. This is no easy task, and is not one that lends itself to ad hoc solutions.

In recent years, gaps in the provision of services to the homeless have been identified in the findings of numerous reports and consultation forums, including the report of the standing committee. What has clearly emerged from these deliberations is the absolute requirement for a coordinated whole-of-government approach to this complex issue.

Ironically, the complexity of this issue is exacerbated in the ACT because of the relative individual affluence of people in the Canberra community. Lack of accommodation and support for people in the ACT reflects a much greater divide between the haves and the have-nots than may be the case in other parts of Australia. Despite this, it is surprising that there has not been a comprehensive strategy developed to address the issue of homelessness in the ACT.

In order to escape the extent of the problem and provide a basis for a more long-term approach to tackling homelessness and related support issues, the government commissioned the ACT Council of Social Service to undertake a needs analysis for homelessness. The report—*Analysis of Homelessness in the ACT*—was delivered to government in July this year. In September, we conducted a community consultation forum to test the veracity of the findings of the report. Further, we discussed with

the community sector the priorities which should be emphasised in the report's many recommendations.

I acknowledge the presence of Ms Dundas at the forum and her ongoing interest in these important issues. There was broad support from the participants in the forum for the recommendations of the needs analysis report. They suggested that the government response to the reports of both the standing committee and the needs analysis should be considered together.

Accordingly, I am pleased to announce that the Department of Disability, Housing and Community Services is to develop an ACT homelessness strategy, in conjunction with the ACT homelessness advisory group. This strategy will allow us to build on the existing strong community/government partnerships that have been developed to date. I am strongly committed to ensuring our community partners have a critical role in developing the strategy and, of course, to the delivery of our response.

It is important to recognise that the simple provision of a roof over someone's head is not a cure-all for homelessness. The circumstances which have led a person to become homeless are much more multifaceted than the loss of secure accommodation. Therefore, our response must embrace and address the complexity of these issues.

Through the ACT homelessness strategy, the ACT will have, for the first time, an integrated and planned response to homelessness. This strategy will ensure that the effort we put in over the next few years will have long-term sustainable community benefits. In order to ensure that we better understand the dynamics of the transition between supported accommodation and long-term sustainable housing options, later this year I will host a housing transition forum.

The forum will bring together people and services from the supported accommodation and long-term housing sectors, to discuss how we can build better pathways between the two sectors. The purpose of the forum will be to flush out the policy and program blockages in the current accommodation/housing system and devise new ways to build the capacity of residents to sustain long-term housing options. The forum will be based on the findings of the needs analysis, as well as the report of the affordable housing task force. As such, its final timing will be dependent upon the release of the task force report.

With specific reference to the report of the committee, members will note that the government has agreed to three recommendations, agreed in principle to two, and noted one. In response to the committee's recommendations, we have agreed to monitor the need for additional accommodation and support services for homeless men and their children, examine ways to provide more appropriately designed crisis accommodation facilities for homeless families, and continue to provide ongoing funding for intervention programs for boys, to prevent the perpetuation of domestic violence. Where the recommendations have budget implications, we have agreed in principle, subject to discussions regarding the content of the 2003-04 ACT budget. I will be working hard with my cabinet colleagues to ensure that resources are found to address these key issues.

We have noted the recommendation in relation to the inclusion of a definition of "sleeping rough" in the supported accommodation assistance program. Changes to the definitions would require amendments to the Commonwealth legislation, as well as to the agreements with every state and territory.

It is clear that tackling the complex issue of homelessness will require a determined effort on the part of the government. I am confident that, through enhancing our partnership arrangements with community agencies, we can rise to this challenge. I would like to acknowledge the efforts of the committee members—Mr Hargreaves, Ms Dundas and Mrs Cross—and the many community organisations which contributed to the inquiry. I hope they were able to capture and focus this heightened enthusiasm for addressing homelessness issues, into a cooperative and client-focused effort to reduce the tragic loss of housing which too many of our fellow Canberrans experience.

I commend the government response to the Assembly.

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

Water restrictions
Ministerial statement

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections): Mr Speaker, I ask for leave of the Assembly to make a ministerial statement concerning the introduction of a scheme for water restrictions in the ACT.

Leave granted.

MR QUINLAN: The ACT, along with the rest of the country, is facing severe drought conditions under what is known as the El Nino effect.

The foresight of the builders of the national capital resulted in the provision of four high-quality reservoirs. However, even these dams are coming under real pressures to supply our water needs with the current levels of usage. Our water storage is falling at the rate of 1 per cent per week and we have now moved to 59 per cent of capacity. The community has been responsive to calls for restricted water usage, but more must be done to ensure security of supply for the foreseeable future.

My colleague Mr Bill Wood, as minister responsible for water resources, and I have today signed the Utilities (Water Restrictions) Regulations 2002 and the Magistrates Court (Utilities Infringement Notice) Regulations 2002, to give legislative effect to the comprehensive regime for managing water use in times of limited supply.

For the information of members, I present an advance copy of these regulations, which come into effect from midnight tonight. The Utilities (Water Restrictions) Regulations 2002 enable me, as the responsible minister, to approve a water restriction scheme, developed by Actew in consultation with the ACT Environment Protection Authority.

Bill Wood and I have agreed that the water restrictions scheme will come into effect by an automatic trigger. That trigger is when our water storage has fallen to 55 per cent of overall capacity. Actew will have responsibility for administering the scheme and will advise me when storage capacity reaches, firstly, 55 per cent—to start the scheme—and then progressively, as levels move down to 45 per cent, 40 per cent, 35 per cent, 30 per cent et cetera. As each new lower level is reached, the scheme will automatically move to a more restrictive level of permitted water use.

In constructing the scheme, we have had to consider the level of knowledge of the ACT water supply and usage, our higher population and the severity of the drought, in intensity and duration. We have been conservative in deciding on the initial trigger of 55 per cent. In the past, discussions have been about restrictions with an initial trigger of 50 per cent.

However, we now know more about water restrictions, with the experience of our own voluntary restrictions and also that of other jurisdictions. We have changed our initial views in the exercise of effective civic leadership. We need to secure sufficient reductions in our water use to be guaranteed water supply until drought-breaking, dam-filling rains again fall.

We aim to achieve a 15 per cent reduction in water usage under stage 1 of the scheme. That moves to a 25 per cent reduction under stage 2 of the scheme. The reduction target is 40 per cent, 55 per cent and, finally, 60 per cent under consecutive stages of the scheme. Actew and the ACT Environment Protection Authority have agreed on a scheme of restrictions that is both effective and practical in meeting these targets.

Under the powers created in the Utilities (Water Restrictions) Regulations, I have decided to approve that scheme. For the information of members, I also present a document detailing that scheme. I table the document.

The scheme will recognise the primacy of achieving the reduction targets. It provides for this in a range of private and public gardens, parks, sports fields and other situations in which we use water in our private and business lives. In preparing the scheme, Actew reviewed the other schemes in use in Australia—particularly those currently in force.

The major issue Actew identified is the concern expressed by the public, in many cities, when water is seen to be used in parks and on sports ovals at times when the public is being required to curtail use of water. The ACT Environment Protection Authority and Canberra Urban Parks and Places have advised that, to avoid long-term damage to the community's assets in these areas, and to ensure that target restrictions will be met in these places, it is best that gardens be watered less frequently, but more deeply. To achieve this, watering has to be done for longer periods than those available to domestic users, given the large areas involved.

In effect, these areas will be watered by sprinkler systems to promote deep root growth but receive less water. These places will be strictly monitored to ensure that we meet the same requirements for reduced water use as the rest of the community. In public places, this will be a matter for administration by Canberra Urban Parks and Places, and will see areas of lesser value sacrificed to save the most valuable community assets, such as playing fields and public gardens.

Private places, such as some golf courses, which rely on the urban water supply will be required to meet the same level of percentage reduction. They will be subject to the same penalties as anyone else for water use outside the restrictions in force.

The Utilities (Water Restrictions) Regulations provide for exemption from the restrictions in cases of hardship. These cases may arise in personal circumstances or in business. People experiencing hardship need only apply in writing to Actew to be considered for a permit for exemption, or partial exemption.

The regulations provide for penalties in relation to contraventions of the restrictions. The regulations also provide for enforcement of restrictions by authorised officers of Actew. These officers can issue directions that water is to be used in accordance with the restrictions. They can also enter premises if they believe water is being used other than in accordance with the restrictions. The officers must identify themselves so that members of the public know they are legitimate officers.

They may enter unoccupied premises, if water is being used on the premises in contravention of restrictions. They may turn off or adjust appliances if the restrictions are being breached. It will be an offence to obstruct, hinder or resist authorised officers exercising their functions of ensuring that water restrictions are complied with.

These restrictions apply equally to the territory's private and corporate citizens and the ACT government but cannot be enforced with the Commonwealth government. We will inform the Commonwealth government, through the National Capital Authority, and seek its cooperation in adopting these restrictions. We expect the Commonwealth government, as a good corporate citizen, to act in accordance with the restrictions.

Mr Speaker, the restrictions under the scheme are cautious and pragmatic because the current drought, combined with low water levels and high demand, is outside the experience of the ACT. The severity of the drought justifies the strict nature of the scheme.

I present the following papers:

> Water restrictions in the ACT—
>
> Magistrates Court (Utilities infringement Notices) Regulations 2002 and explanatory statement—Drafts
>
> Utilities (Water Restrictions) Regulations 2002 and explanatory statement—Drafts
>
> Scheme of restrictions on the use of water from ACTEW Corporation water supply system, dated 14 November 2002—Draft.

Privileges—Select Committee
Report

Debate resumed from 19 November 2002, on motion by **Ms Tucker**:

That the report be noted.

MS DUNDAS (4.05): I rise to speak briefly on this report. The report has taken an enormous amount of time in the Assembly's committee process and, for that matter, in the media. I wonder, if there were a similar occurrence in another government department, or in the private sector, whether the board of directors would still be talking about it weeks and months later. I think we know that, if a similar situation occurred in the private sector, the employee would have been sacked at once and the contract with the IT company immediately terminated. Nevertheless, that has not been the case here and it is important that we have been able to study it in depth.

Mr Speaker, I wish to thank the committee for the thorough work it has done. Both the majority and minority reports have been well researched and considered. In an attempt to find some resolution and a way of moving forward from this, I have taken some of the recommendations from the privileges report and put forward a motion asking for the Administration and Procedure Committee to inquire and report on InTACT, volunteers and a code of conduct. Hopefully, if the Assembly supports such a resolution, these inquiries will work to help ensure such a situation does not arise again.

In this discussion, a point worth remembering is that the AFP and the DPP have determined that no criminal offence has occurred. The actions or omissions of people in this building have led to no criminal offence.

The other point worth reiterating was a comment made by the committee chair when the report was tabled. Ms Tucker pleaded with the Assembly to not trivialise this important issue by using it as an excuse for partisan head-kicking. This plea has unfortunately, yet predictably, fallen on deaf ears.

The report makes the assertion that, upon receipt of correspondence of any sort by mistake or in error, it should be directed immediately to the correct recipient. This I wholeheartedly concur with.

We are a small Assembly. There needs to be an element of trust, which means that we do not lock our office doors every time we leave. It means that if, by mistake or in error, we receive somebody else's fax or letter, we give it to them immediately. People sometimes accidentally leave their originals on the photocopier and these are returned promptly to their rightful owners. This level of trust ensures that the Assembly is able to operate.

This also means that the member of staff who was receiving the emails should be held in contempt. Not bringing the matter to the attention of Mr Wood is unprofessional and unethical. That staff member has, I believe, done the right thing in resigning, as his position on staff was untenable.

The fact that this action must have been done with some support from an InTACT employee is also noted. I believe the person in InTACT responsible for this action should also consider resigning. That person remains unnamed. That InTACT staffer must be known either by fellow InTACT employees or by Mr Strokowsky. The fact that they are being protected is reprehensible. If the situation is that nobody knows who this person is, then I think it also needs to be considered in depth that we have an IT provider to whom this information is not available.

My final comments go to the widespread knowledge of the emails. It would seem that Dr Matheson, Mr Moore, Mary Elliott and Sue Whittaker had some idea about the emails Mr Strokowsky had obtained. Given that this is the case, it is difficult to believe, but not inconceivable, that other members of the Legislative Assembly or their staff did not have some idea about what was going on. This means that the level of trust in this building has been diminished by the actions which led to this inquiry. Some consequences have been paid, and others are yet to be paid, but the decreased level of trust in the operation of this building is what saddens me the most.

MR WOOD (Minister for Urban Services, Minister for the Arts and Minister for Disability, Housing and Community Services): I seek leave to speak again—and I hope finally—on this report.

Leave granted.

MR WOOD: When the report came down, I accepted it. I made one comment where I disagreed, and that was on the penalty imposed. A different penalty has finally been accepted and I think that makes the report a very good one. I rise to express the government's point of view—its response to this committee report.

For the government, I would like to close off the debate in this Assembly, although it may not be the end of the matter. There has been a review of InTACT and how it works. Mr Strokowsky has forfeited his job and I believe Mr Humphries has lost reputation, but the opposition wants to move on.

I thank my colleagues. The response to this report is very much the way I want it. They have acceded to my request. There will be no formal censure of Mr Humphries. For me, the situation has been clear since Mr Strokowsky resigned. I am not sure there is need for a censure, anyway. By his actions, Mr Humphries has censured himself—his reputation is much diminished. He has not set a standard appropriate for an ex-Chief Minister, a leader of an opposition or a Senate hopeful.

Throughout this, Mr Humphries and some of his colleagues have defended their position, which I think has been untenable, by evasive tactics. Once, when we debated it, every member got up and said that we were on a witch-hunt—the word must have appeared in the volumes 20 times—that we were simply attacking Liberal staffers; that it was all us; and we were hyping-up the issue. Well, there has been an attack on staff—indeed I acknowledge that—and with unfortunate consequences. Two staff members have had to take stress leave. It was the Liberals who attacked their own staffers—and Mrs Cross too.

Throughout this matter, the Labor Party has stood for the maintenance of high standards, which can be very simply expressed. The report does it well—basically that, when you receive emails or other material that is not meant for you, in this case in substantial numbers—you should deliver them to the person intended; you should respect the privacy of others and the confidentiality of material sent to a member; you should respect the role of members. I have described in this place in an earlier debate what that appropriate behaviour is—and we all know it.

Another of the opposition's avoidance tactics was to blame InTACT. That is a fair line to run, but not as a diversionary tactic, except when you are trying to avoid talking about the actions that occurred. Blame InTACT, or try to divert the attention to InTACT. I saw that as simply an evasion.

There was another matter of evasion: "Well, really it happened, but the emails were trivial—you know, only five or six"—or whatever number was decided. Was it up to six—or eight of them? "They were only trivial." Let me read what the report says at 5.18:

> The e-mails included one dealing with a case before the Management Assessment Panel containing highly confidential client information.

That was as an attachment.

The Management Assessment Panel is a panel assessing the needs of people with disabilities. This email carried a warning that it was for the named addressee only. It went on to warn against any unauthorised use, and required an unauthorised recipient to inform the Office of the Community Advocate immediately. That is not trivial!

At 5.19 the report says:

> Other e-mails were from the Cabinet Office of the Chief Minister's Department, a range of other government agencies and community groups clearly relevant to Mr Wood's duties as a minister and a member.

That is not trivial. "Other emails" were letters from constituents to me on their issues. Does any member regard those as trivial? I am sure they do not. So there is a third evasive tactic—blame the opposition for being out on a witch-hunt, blame InTACT—or, when it comes to the point, say it was only trivial.

From the start, Mr Humphries' approach has been wrong. I do not believe he has ever set himself a high standard. He has always sought to evade, attack the government, InTACT or whatever. That has been the case from first to last—from day one to last Tuesday. Last Tuesday, Mr Humphries said:

> I repudiate the conduct which the committee found to have occurred, although I believe I still owe the staffer concerned the benefit of the doubt as to whether it did in fact occur.

For heaven's sake, what does that say? Mr Humphries is saying that that sort of behaviour is wrong—but of course his staffer would not do it. It is a denial of what has happened. Mr Humphries refuses to treat this as a serious issue.

Let me give a few quotations from the committee report, because I think it says it briefly, explicitly and damningly. I will begin with the very last sentence. I will put this on the record because I acknowledge this. At 5.43, it says:

> The committee found no evidence to suggest that any member of the Assembly had any knowledge of Mr Strokowsky's access to Mr Wood's e-mails. Nor did it find evidence that any other member of the Opposition's staff in the Assembly had sufficient knowledge of the access and use being made of the e-mails to suggest that any other member of the staff could also be in contempt...

In all, I think there were five opposition staffers published who knew about it. I read that paragraph deliberately, but let me go back to 5.36:

> Mr Strokowsky knowingly received, and without a reasonable excuse, retained and used e-mails destined for a member of the Legislative Assembly, Mr Bill Wood MLA. He also knew that he had no right to receive the e-mails. He took no steps to end his unauthorised access to Mr Wood's e-mail.

It goes on at 5.37:

> The committee can certainly conclude that Mr Strokowsky's 'eavesdropping' on and use of the e-mails was an improper breach of Mr Wood's privacy and an improper interference with his communication with his constituents and colleagues.

There we are. The committee says it exactly as it is, at 5.39:

> The improper interference was clearly intentional. The committee believes that Mr Strokowsky was fully aware that he was receiving e-mails to which he had no right and that his failure to advise Mr Wood of this shows that he was happy to let that access continue. His actions in copying, retaining electronically and distributing some of the e-mails to his colleagues demonstrate that he was prepared to make use of them.

It is pretty clear, is not it? From his statement on Tuesday last, it is clear that Mr Humphries still refuses to accept the seriousness of these facts. In this, he has considerably diminished himself and the Liberal Party in this place. He has censured himself. Mr Strokowsky has resigned belatedly, but he has resigned. In doing so, he has displayed a higher standard than Mr Humphries appears capable of.

MR SMYTH (4.19): Mr Speaker, I think that, at this stage, the chairman of the committee may like to take the opportunity to make a few closing remarks on the report, given the debate we have now had. I will hand over to my colleague on the committee, Ms Tucker.

MS TUCKER (4.19), in reply: I will make a few closing comments. There were also a few comments made during this debate the other day. Firstly, I need to clarify something. I think perhaps Ms Dundas did not fully understand what the committee was saying on one issue—and someone else too, but I cannot remember who it was. That is the question of the word "deliberate". We used the word "deliberate" in the committee in referring to the diversion in InTACT, at system administration level.

What we meant by "deliberate" was that it took a number of keystrokes to create the diversion. You could not have accidentally hit a button and created this diversion. So it was deliberate, in that it took a certain number of keystrokes. What we also said was that we could not say definitely whether or not there was still an accidental or human error aspect to that. We could not identify that. It could well have been an accident if someone had misunderstood where the diversion was meant to occur—but we do not know that.

All we know is that someone created this diversion. We do not know who, obviously, and I totally agree with Ms Dundas when she says that, if the IT service provider could not track how that diversion occurred, it is outrageous. The committee agrees with that. Perhaps it was intentionally diverted to Mr Strokowsky, but we did not receive evidence to support that. We had no evidence to indicate one way or the other.

Mr Quinlan is looking confused. The words are a little confusing and that is why I wanted to clarify it. When we used the word "deliberate" we meant that, as I said, you had to take quite a number of steps to create the diversion. So that was deliberate, but there could have been human error as to who the diversion went to. Perhaps there was confusion about names. Mr Strokowsky has a Polish name. As that was not established by the committee, I wanted to clarify it. That is something that obviously administration and procedures will look at, if Ms Dundas' motion gets up.

At 4.21 pm, the time allotted to the debate having expired—

Suspension of standing orders

MR HARGREAVES (4.21): I move:

> That so much of the standing and temporary orders be suspended as would prevent the debate on this motion being concluded.

Question put and passed, with the concurrence of an absolute majority.

Privileges—Select Committee
Report

Debate resumed.

MS TUCKER (4.22): I also needed to clarify that Mr Moore's evidence was published. Obviously people know that now, but I do not know if it was stated here. In the first part of this debate, that was not understood.

Some members have said that this whole affair has tarnished the reputation of the Legislative Assembly. I agree that it has not been good for the reputation of the Legislative Assembly but, on the contrary, the report has not tarnished the reputation of the Legislative Assembly. In this report, we have taken a stand and set a standard. I believe it was Mr Smyth who made the comment that many privileges committees are reluctant to find contempt. The point is that the reluctance of various privileges committees to find contempt is not necessarily a reflection on this committee's finding, it is a reflection on those committees which have been unwilling to take a stand.

Looking to the dignity of the house requires being prepared to set a reasonable standard. As members are well aware, the broader community is not overly impressed with the standards in political life. As I am sure members know, survey after survey consistently shows that we are not held in high regard.

This report is a measured report. It is by no means a strident document. It is measured, and supports findings with strong and cogent arguments. It upholds accepted standards and ethical behaviour. As leaders of our community, we have a responsibility to apply these standards to our own work. In fact, I would suggest the dignity of the house requires it.

I seek leave to table a statement from a citizen of Canberra, Mr Osborne. His name was drawn into debate under privilege. I consider it is only fair that, if he wants to submit his own view of what was said, we are able to table that—and he has a right of citizen's reply.

As members know, it is often the case that, if a member says something about a person in the community—or it could be an incident—which is disputed, another member can come back and say, "On behalf of that person, I want to put a different view." They put that view, and say that the person denies it, or whatever. That is what Mr Osborne is asking to do—but through a written document. At this point, I seek leave to table that paper.

Leave not granted.

Motion (by **Ms Tucker**) proposed:

> That so much of the standing and temporary orders be suspended as would prevent her from making a statement and presenting a paper.

MRS CROSS (4.26): Mr Speaker, as opposed to the last time this happened in this chamber, I am now here to defend myself. As opposed to the last time this occurred, Ihave seen a copy of Mr Osborne's statement, which Ms Tucker has circulated and is seeking to table today.

I will not grant leave for a defamatory statement against any member of this chamber to be tabled. I certainly will not sit idly by, to be impugned in this way again. I believe that the contents of the statutory declaration are false and misleading, and that certain penalties may arise from such a declaration. This Assembly should not be endorsing a false and misleading statement. Section 11 of the Commonwealth Statutory Declarations Act 1959 provides that a person must not wilfully make a false statement in a statutory declaration—and the penalty is four years imprisonment.

It is stated that the statutory declaration of Mr Osborne was sworn in two jurisdictions—the Commonwealth and the ACT/New South Wales. Under the resolution passed by this Assembly on 4 May 1995, citizens of the territory have a right of reply. These provisions will not be complied with by the tabling of this statement. It is highly irregular. Mr Osborne knows the standing orders—he sat in the place for over six years.

I caution my fellow members about giving the imprimatur of parliamentary privilege to another false and misleading statement. I will be calling a division on this matter. Once this statement is tabled, Mr Osborne's statement will receive the legal immunities of this house, even if the law is broken. I will not stand by while the esteem of this chamber is lowered, and not raise my voice in protest.

Whilst Mr Osborne claims to be an ordinary citizen, he is in fact queue-jumping. Ms Tucker is aiding him in that process by not insisting that he uses a procedure in this house that has been in the standing orders since 1995. Mr Osborne is not seeking to do this as a citizen, he is doing it as an ex-MLA, asking for favours from his former colleagues. In asking Ms Tucker to do this, Mr Osborne is placing himself above an ordinary citizen. This creates a new precedent for former MLAs. Perhaps we should contact Mr Kaine, Mr Moore and Ms Horodny, to see if there is anything they would like tabled.

The resolution of 4 May 1995 creates a clear procedure and contains a number of checks and balances. Primarily, a submission needs to be made to the Speaker that the person or corporation has been adversely affected in reputation, or injured in occupation, trade, office or financial credit, or that a person's privacy has been breached. The most important aspects of this are that the Speaker needs to be satisfied and that the Standing Committee on Administration and Procedure is also involved.

Mr Speaker, I ask you to rule this out of order, as Ms Tucker's attempt to table Mr Osborne's right of reply in this way circumvents the spirit and intent of the citizen's right of reply, of 4 May 1995, in the standing orders.

When I call for a division on this false statement, all members will be called upon to cast a vote on whether they wish to endorse, with the full force of parliamentary privilege, the contents of Paul Osborne's statement. If this document is tabled, it will send a wrong message to the community—that MLAs and former MLAs do not have to abide by the rules of the general community, and that we in this chamber can simply make it up as we go along.

This is the sort of arrogance the community rightly abhors. Mr Osborne should be condemned for attempting to circumvent the rules in this way.

MR SPEAKER: Order! Mrs Cross, unless I misunderstood you, you have asked me to rule the suspension of standing orders out of order. I do not think that is available to me, in these circumstances. I cannot rule a member's motion to suspend standing orders out of order.

I can look further at the matter in relation to the statement Ms Tucker is seeking to table. I would be happy to do that, but I do not think I could do it by the expiry of 15 minutes, which is the time allowed for this debate to occur. Unless somebody is prepared to move to adjourn this debate for a short period while I have a look at the matter, the standing orders will be suspended and it will be tabled without my being able to come back to you.

MRS CROSS: Mr Speaker, you cannot rule that the tabling is out of order?

MR SPEAKER: No, I cannot. The question before the house is that standing orders be suspended, to enable Ms Tucker to table the document. It is really up to members whether they want to allow her to table the document or not. Once they have made a decision that she can table the document, she can table it, no matter what I do.

MR HUMPHRIES (Leader of the Opposition) (4.31): Mr Speaker, the failure to allow this document to be tabled is a truly outrageous step. It would be completely inappropriate for the Assembly not to receive this document—for a number of reasons.

In the course of Mrs Cross' speech the other day on this privileges report, she made some extremely serious allegations against me and, in making these allegations, she implicated Mr Osborne. I have the opportunity to defend myself on the floor of this place and I did so, on that occasion. Mr Osborne does not have the opportunity to come here these days to defend himself, but he does have the opportunity to put information before this house.

Information can be put before the house in a number of ways. It can be put by virtue of the process outlined by Mrs Cross—the capacity of a person to make a statement where they have been misrepresented or maligned on the floor of the house.

That is perfectly true, but that is not the only avenue available to members. Members of the public can have information put before the house by members of this place. Indeed, that happens all the time. Members come here and quote what somebody else has said when that person has been mentioned on the floor of this house. They simply say that so-and-so says this about what has been said of him or her. That happens all the time, and it is perfectly legitimate.

Another way members of the public might put issues before this house is through the tabling of documents of the kind Ms Tucker has attempted to table. What is wrong with receiving that document? I have seen a copy of the document. It merely denies the specific allegations made by Mrs Cross. What possible reason could there be for not tabling the document?

Mrs Cross says the document is defamatory of her. With great respect, what she said the other day was clearly defamatory—or would be if it was said outside this place, if she had the courage to say it outside this place, but she did not. What she said constituted a highly improper imputation on another member, but it was also a matter that affected Mr Osborne. Mr Osborne is entitled to have the matter put on the table here. Mrs Cross went on to say that the statements in Mr Osborne's statutory declaration are false.

I cannot understand, Mr Speaker, on what possible basis Mrs Cross could make that statement. When she related this so-called conversation to the house the other day, Mrs Cross did not purport to having been present when the conversation occurred. So how could she know whether the conversation she complains of took place or not? If she was not there, how could she know? How could she say that what Mr Osborne says in his statement is untrue? She has no basis for saying it is untrue—she can have no knowledge. The fact is that Mr Osborne, in the statement, denies that there was any such conversation—and, in my comments in this place on Tuesday, I denied that this conversation took place. More importantly, the person who is supposed to have told Mrs Cross about the conversation denies that the conversation took place. Nobody is

admitting to having taken part in or heard this conversation, or being aware of any such conversation, except Mrs Cross.

Mrs Cross: No. There are others, Mr Humphries—not just me.

MR HUMPHRIES: Well, where are they? Who are they, Mrs Cross?

MR SPEAKER: Direct your remarks through the chair, Mr Humphries.

MR HUMPHRIES: Mr Speaker, the other day on 2CC Radio, Mrs Cross purported to have other witnesses who are prepared to testify to this conversation. She said she would bring forward that information in due course. Well, the debate is closing and we have not heard this other information. Who are the other people? Name them—indicate who they are. Mr Speaker, there are no other people, because there was no such conversation. I know there cannot be any credible or truthful witnesses, because there was never such a conversation.

Mr Osborne is entitled to have this information put on the floor of the Assembly, because members of the public have such information put forward in such a way all the time. There is no queue-jumping here. It is a right every member of the public has, if they approach a member of this place, and that right should be upheld.

MR SPEAKER: The member's time has expired.

MS DUNDAS (4.36): Mr Speaker, we seem to be having a conversation about truths, untruths and half-truths. I remind members of the Assembly that, including myself, we are not judges—we are legislators. To have the tag of "liar" bandied back and forth at members of this Assembly and at members of the public does little to help us in our legislative duties.

I support Ms Tucker's attempts to add more information to this unfortunate ongoing debate in relation to the matter of privilege, so that as much information as possible is available to members if we need to consider any further ramifications arising from this issue. As such, I support a suspension of standing orders so the document can be tabled.

MRS CROSS: Mr Speaker, I seek leave to speak.

Leave granted.

MRS CROSS: Mr Humphries referred to an interview I did the other day regarding further information and corroboration of what I stated. I seek leave to table a statutory declaration from one of the people I referred to in my interview. You asked for it and I got it. I have not circulated it yet, because I received it only a while ago. He asked for it and I have it. I am happy to circulate that to members.

Leave granted.

MRS CROSS: I present the following paper:

> Member's e-mail messages—Statutory declaration by Mary Elizabeth Elliott, dated 21 November 2002.

MR SMYTH (4.38): Mr Speaker, the irony of Mrs Cross standing up, when she is fighting against a suspension of standing orders, and asking for leave to table a statutory declaration in defence of her case that Ms Tucker not table a statutory declaration in defence of the other side of the case, is the most amazingly silly thing I have ever seen occur in this place!

To add to the debate, I wish to read from the transcript of the privileges committee. It is the part of the transcript where Ms Tucker, Mr Hargreaves and I were taking Mr Moore's testimony. It reads this way:

> **MR SMYTH**: Mrs Cross in her testimony also said that she thought it was impossible for Gary not to have known about the emails. From what you heard, was there any indication that Mr Humphries knew that Mike had these emails?
>
> **Mr Moore**: I had no impression that Mr Humphries knew. I only ever knew about the one email, which was the one Mike had given me. At that time, until the police arrived, I was unaware that there was more than one email.

The conversation goes on. Mr Hargreaves asked Mr Moore:

> Do you know if the issue of the emails—the furore which had erupted—was the subject of a conversation between Mr Humphries and Mr Osborne?
>
> **Mr Moore**: No, I do not know.

Mr Speaker, it is abundantly clear that there is no evidence to support this. There is no reason to stop the tabling of this document. Mrs Cross should be as gracious as the rest of this Assembly has been in allowing the tabling of her document without any debate or fuss.

She says that there needs to be some sort of arbiter about whether we, as members, can get on with our job—and tabling of documents is about our job. I said this the other day, and I will say it again: to try to stop somebody from tabling a document, so that it goes through some sort of vetting process because it might offend the sensibilities of a member or expose a member, I think is a contempt of what we do in this place. It stops all of us from doing our job. We will not stop her, and we have no intention of being stopped either.

MR SPEAKER: The time for this debate has expired.

Question put:

> That **Ms Tucker's** motion be agreed to.

The Assembly voted—

Ayes, 16		Noes, 1
Mr Berry	Ms MacDonald	Mrs Cross
Mr Corbell	Mr Pratt	
Mr Cornwell	Mr Quinlan	
Ms Dundas	Mr Smyth	
Mrs Dunne	Mr Stanhope	
Ms Gallagher	Mr Stefaniak	
Mr Hargreaves	Ms Tucker	
Mr Humphries	Mr Wood	

Question so resolved in the affirmative.

MS TUCKER (4.44): I table this document. I present the following paper:

> Member's e-mail messages—Statutory declaration by Paul Anthony Osborne, dated 20 November 2002.

I want to put on the record that, as the former chair of the privileges committee, I was asked by Mr Osborne to table this document. I feel that, in the interests of fairness, this document could be tabled, considering that Mr Osborne was accused again today, by Mrs Cross under privilege, of lying. I heard her say this was a false statement, so I believe it is only fair that this person can put what he says occurred.

I am also concerned that Mrs Cross accused me of offering special favours to former MLAs. I ask you to request her to withdraw that.

MR SPEAKER: Ms Tucker, I could ask her to withdraw it, yes.

MS TUCKER: Well, I could ask her to withdraw it. I consider it was highly disorderly under standing order 55, because it was a serious imputation.

MR SPEAKER: To say of somebody in this place that they—

Mrs Dunne:—do favours.

Mr Humphries:—are corrupt. That is what it amounts to.

MR SPEAKER: No. Mr Humphries, do not try to put words into my mouth. You might try that in another place, but it does not work with me.

To suggest that somebody has an improper motive as a consequence of their tabling of a document, as you put it—I do not think it is the case. I do not think it offends the standing orders for somebody to say that you have helped out a former MLA.

Mr Humphries: It is suggested that she is corrupt. That is what the comment was—special favours.

Ms Tucker: May I speak on a point of order, Mr Speaker?

MR SPEAKER: Yes. Mr Humphries, will you just maintain order for a minute? If you want to raise a point of order, feel free to climb to your feet.

Ms Tucker: The reason I felt it was offensive was because the implication was that this was not something I would do for any ordinary citizen—this was something I would do just for a mate. I have already explained that Mr Osborne gave this to me in my capacity as former chair of the privileges committee. I find offensive the implication that I would do a special favour for a mate, which was not in the interests of the ACT community and parliamentary processes. I would have done that for any citizen, because I think it is fair.

MR SPEAKER: You were not referring to standing order 55—you were referring to standing order 54.

Ms Tucker: Thank you.

MR SPEAKER: You have indicated that you find it offensive. Mrs Cross, would you care to withdraw that?

Mrs Cross: There was no intention to be offensive. There is nothing to withdraw.

MR SPEAKER: Please address the chair on your feet, Mrs Cross. I would ask you to withdraw the statement. I think Ms Tucker has made her position clear.

MRS CROSS: Mr Speaker, if you wish me to withdraw the statement, I will do so—because you wish me to do so.

MR SPEAKER: Thank you, Mrs Cross.

Question resolved in the affirmative.

Planning and Land Bill 2002

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

> That this bill be agreed to in principle.

MRS DUNNE (4.49): The Liberal opposition will be opposing this bill. We believe that some of what is being suggested may be an appropriate solution, but it is certainly being suggested at the wrong time. This bill, which was introduced on 27 June, has several components. It forms the first component of a package of legislation designed to alter the regulations relating to the development of land in the territory.

The main object of the new legislative package is to provide a planning and land system that contributes to the orderly and sustainable development of the ACT, consistently with the social, environmental and economic aspirations of the people of the ACT, and in accordance with sound financial principles.

Importantly, the concept of the Territory Plan is retained. However, the administrative structure of PALM is replaced. Instead, the Planning and Land Bill creates two new statutory authorities—the Planning and Land Authority and the Land Development Agency—and a new advisory council, the Planning and Land Council.

The authority has to exercise its powers according to the terms of the Territory Plan, ministerial direction, advice of the council—sometimes—the heritage guidelines if there is a DA for something on the heritage register, a statement of planning intent, and the principles of sustainable development.

The Liberals have asked themselves the general question: is this regulatory overload? The opposition has had to carefully consider the merits or otherwise of the legislation tabled, and considers that it does not meet the objectives of the minister in his introductory speech to build a "more robust and independent system of planning and land development in the ACT".

We all know that the government came to power with a promise to reform planning. But will there be real reform as a result of this package? The question that I have consistently asked—in briefings and in discussions with the people in the taskforce and the minister, and through the inquiries of the environment and planning committee—is this: six months after this legislation comes into effect, will anything have changed? I think that the answer is substantively nothing.

Planning is a matter of concern to most Canberrans, but there is more than one way to skin a cat. There is more than one way to deliver better outcomes, and this is not the only way. However, I would like to point out that we are not opposed to all aspects of the package. Indeed, for the record, the provisions made for the Land and Planning Authority are sound and relatively uncontroversial. There is a general belief in the community that something needs to be done to address the crisis caused by low morale and de-skilling in planning and land management. As I said in this place last Thursday, Canberra risks giving up its reputation as the most pre-eminent planned city in the world, because of the de-skilling and low morale in PALM.

As I also said in this place last week, I am not reassured that everything will be okay just because we pass this legislation. I do not think enough thought has gone into the change management process. I am not satisfied that enough consideration has been given to what the new son of PALM, as I like to call it, will look like, and how it will function effectively.

There is a feeling in the community that there needs to be change, and I am not opposing change. But there needs to be change in the structure of PALM, so as to re-establish morale. In short, PALM needs to be better resourced. It needs a morale boost and it needs real leadership. If we are to maintain our pre-eminence as a planned city—and this I believe we certainly must do—we must conduct an international search for the right leader. We must not shy away from world's best practice. We must strive to get the very best.

I would like to touch for a moment on some aspects of the legislation that raise the most concern. This is quite apart from the unseemly haste of the government to steamroll this legislation through, quite contrary to the unanimous recommendation of the Planning and

Environment Committee that we should take this more carefully. I would like to point out the unanimous recommendation of the committee—including the Labor member of the committee, who was quite happy to make a recommendation to her government that this was not the time to do this work.

At the macro level, this legislation is in many ways backward looking and a return to massive government involvement in land development. Mr Corbell, in seeking to return the ACT government to the role of land developer, simply harks back to the dark past and blatantly ignores the lessons and the losses of Labor's last sorry foray into land development back in 1994. Who could forget the debacle that was Harcourt Hill? This cost the taxpayers in excess of $20 million. A $20 million loss would be only a small drop in the ocean if the best-laid plans of Mr Corbell go wrong this time.

This government and this Assembly are in favour of a strategic planning framework, but this does not necessarily equate to the archaic paternalism of Big Brother that is being advocated by this minister. With the government, and presumably the minister himself, calling the shots, any joint venture arrangement, especially in terms of how they are managed, will be most interesting to observe indeed.

Then there is the little minefield to traverse of the planning and regulatory role of the authority versus its land developer role—two diverse and potentially conflicting hats to wear. This will be especially the case in the early months when there will still be other active developers operating in the ACT.

Let us be quite clear that we have to get strategic planning right. Future generations will judge us—and they will judge us very severely if we do not. It has to be the proper process and the proper sequence of events. I am not sure that this is the case with this legislation, and the government has not allowed adequate time for proper consideration and evaluation.

The cost to the ACT of getting strategic planning wrong is potentially horrendous, not only in dollar terms but also in social and environmental terms—not only for us here, but also for those who come after us. We are talking about decisions about the future—the long-term future of the ACT. Surely it behoves us to get it right—to get it exactly right. If this means that we have to take more time, I think that this place should take the advice of the committee that it commissioned to look at this legislation—and that advice was: do not do this in haste. There is too much at stake for us to run headlong and hope blindly that the detail will take care of itself. We have done this in the past and we have paid the price.

The most egregious example is the one that I spoke about yesterday, the outcome of the land act, which I have said here and in other places is a most inadequate and flawed piece of legislation. The haste with which a previous Assembly approached the land act and the price that we are still paying today reflect the same risk that we will probably take if we too hastily endorse this legislation.

The land act is probably the most inadequate and flawed piece of legislation that has ever passed any parliament. We have doctored it up along the way over the past 10 years, but we are chafing under its yoke.

When we look at this legislation and drill down into the detail, there is much to be concerned about, and I propose to mention here some of my concerns. I have said in this place and elsewhere that the devil is in the detail. Mr Corbell has pooh-poohed me for saying this and has said that he has been entirely up front. But I submit that that devilish detail is still missing today, even as we debate this bill.

My greatest concern about this bill is the lack of transparency and the lack of information that has been made available to us. This minister, in this place and in the committee, has said that he has done more than most other people to be open and provide information about the impact of this legislation. Unfortunately, that is not the case. There are many precedents, as I have pointed out before, where much more information has been made available to this place before legislation as complex as this has passed.

I have raised in the past that we are still waiting to see the regulations on what might be considered by the Planning and Land Council. This is an essential element of the operation of the Planning and Land Council. Yet, although this bill was tabled on 27 June and since that time we have been asking both in this place and in the committee to see the regulations, we have seen nothing more than one sheet of paper that says, "This is what might be included in the regulations."

Then we move to the protocols. In his presentation speech the minister said:

> It will be important for the authority and the Land Development Agency to communicate closely on policy matters. A series of statutory rules and protocols will underpin this working relationship as well as the various other relationships between the authority, council and the Land Development Agency.

The reasons for which these protocols are seen to be necessary, as well as the subject of the protocols, are still unspecified by this minister. We are now in the process of passing into legislation a whole new regulatory framework for planning, land management, land development, and consultation with the community, and one of the most important things that this minister said would underpin all this—a set of statutory rules and protocols—is still unavailable to this legislature.

You and I, Mr Speaker, can only guess—and I could hazard a guess—at what these arrangements might be. We have to wonder what the arrangements will be between the authority, the agency, and the council—

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.

MRS DUNNE: There are plenty of precedents in other jurisdictions. At the Commonwealth level there are all sorts of interagency agreements, which are sometimes grandly called memoranda of understanding—something that formalises how agencies will act with each other. But here we have nothing. Perhaps a clear case has been made that we need to have a protocol between the authority, the agency and the council relating to their performance and functions under this legislation and the land act, but so far we have not seen what it is.

So what is this minister hiding? What does he really mean to do? Where are the statutory rules and protocols that underpin this legislation? They are, as the minister says, essential components. But we don't know what they are, and so far this minister has failed to enlighten us. We are now being asked to pass a very significant law, and the matters under this law we have not been able to consider. It is simply not a responsible approach, and this Liberal opposition opposes it.

You will hear what the minister says about these arrangements, but it really boils down to not much more than: "Trust me, I'm from the government, and I'm here to help you " I have to ask the question: has this minister actually worked through these protocols himself? Does he know what is in them? And is this why he is unwilling to tell us?

This is symptomatic of much of what is wrong with the bill, and much of what underpins this opposition's concern. The criticisms, not just from the opposition but from wide sections of the planning and building community, are not being addressed by this minister and this government. This may be a blueprint for the future but half of it is missing. Because half of it is missing, I move the following amendment to the motion:

> Omit all words after "That", substitute the following words:
>
> "whilst not declining to agree to the Bill in principle, the Assembly condemns the Planning Minister for failing to provide all supporting statutory rules so as to allow the Assembly to make an informed decision about whether the total package deserves support".

I commend the amendment to the house.

MS TUCKER (5.03): I do not want to support the amendment, but can I speak to the motion that the bill be agreed to in principle as well?

MR SPEAKER: Yes, sure.

MS TUCKER: Thanks. It is no secret that the Greens support the establishment of an independent planning authority in the ACT and the return of land development to the government. These have been in our urban planning policy since we were elected in 1995, and I am glad that the ALP has also seen the sense in these policies. These policies represent a return to Canberra's tradition of urban planning that has created the beautiful city that we now enjoy. Canberra had for many years a reputation for being at the forefront of urban planning, which unfortunately started to go astray after self-government, and particularly during the time of the Liberal government with its developer-led planning.

Unlike most cities in the world, Canberra was created from a plan—the visionary plan of Walter Burley Griffin, which integrated the monumental aspects of the national capital with its mountain and bushland setting. This was implemented, with various changes, in the first half of the 1900s, but started to lose momentum during the war years.

We then have to thank Liberal Prime Minister Robert Menzies for revitalising the planning of Canberra through the creation in the 1950s of the National Capital Development Commission, or NCDC for short. Under the NCDC the planners were able to apply their professional judgments to the planning of Canberra, largely independently

of the federal government. Its major achievement was to manage the expansion of Canberra beyond the confines of the Griffin plan, which covered only the central area of Canberra. Its development of the Y plan was also visionary for its day, as its breaking up of development into separate towns was quite a departure from the normal suburban sprawl that we see around other cities.

Of course, a major problem with the NCDC was that it also largely did its planning independently of the residents of Canberra, who were starting to get a bit sick of this, and started agitating for self-government and their own control over planning. The NCDC was abolished as part of the move to self-government in 1989. At that time the Commonwealth government introduced the ACT Planning and Land Management Act, which required the establishment of the ACT Planning Authority to prepare and administer the Territory Plan. The land act passed by the Assembly in 1991 gave effect to the requirements of the federal legislation. It established an ACT Planning Authority but specified that this authority was to be constituted by the chief planner rather than as a separate organisation.

Since that time the ACT Planning Authority has been more an idea than a reality. Planning staff have been structured and restructured in different combinations and portfolios. The planners have tended to be just part of a large department with sometimes conflicting reporting arrangements through other senior executives.

Perhaps because of this, and also because of the newness of self-government and the unfamiliar pressures it came under, we have seen a range of dubious planning decisions being made over the last decade that have gone against Canberra's planning heritage. They seemed more about securing short-term political or financial gains, or to keep the development lobby happy, rather than being in the long-term public interest.

With this history, it is no wonder that many residents of Canberra have a strong interest in the planning of their city. Some residents hanker for the return of the NCDC, or for keeping Canberra as the country town it once was. I do not think either of these is possible, or even desirable. Keeping the city frozen in time is not an option. Cities will always change in response to the changing people who live in them. Managing the process of change to produce a better city is the key issue.

Canberra is reaching an age where redevelopment of the older parts of the city is becoming viable, and even necessary. At the same time, economic and demographic changes are starting to have a noticeable effect on parts of the city. The ageing of the population, especially in inner Canberra, and an increase in the number of single-person and couple households, are leading to a demand for more medium and high-density housing. Centralisation of the retail sector has led to the decline of many local shopping centres.

We must remember that urban planning must respond to social trends, not the other way round. For example, attempting to stop urban expansion will not stop population growth. Keeping detached houses with large gardens will not make people have more children. We need to establish planning policies which channel our responses to these broader social changes into making a better city, to build on the strengths of past plans and to correct their weaknesses.

The Y plan, which has largely guided Canberra's development since the 1960s, has some good points, such as the decentralised development of separate towns and the preservation of bushland between the towns. However, it has given priority to private cars as the main means of transport, resulting in low-density urban development and extensive road systems. Most of the building development also occurred before we even knew about the greenhouse effect and the need for energy efficiency. Remnant woodlands and grasslands are now endangered ecosystems in the region because of urban expansion on top of previous agricultural land clearing.

The key challenge for us all is to respect our past while adapting to the environmental and social challenges of the future. The establishment of a Planning and Land Authority will be an important step in the evolution of Canberra's planning system. But, as I have indicated, it is just one part of a much larger picture. It is certainly not going to solve all the various problems with planning in the ACT. The Planning and Land Authority will have more day-to-day independence from the government than the current arrangement, but it has to be recognised that it will not be totally independent and will not be making all the planning decisions in the ACT.

The Greens believe that this is actually the way it should be. Planning is a very political process in that it often involves trade-offs between various interests in the community. There needs to be accountability in our planning system, and ultimately the buck must stop with the community's elected representatives and not a planning bureaucrat. It is proper for the Assembly to be setting broad planning principles and making the key planning decisions through variations to the Territory Plan rather than passing this task to an unelected official. The role of the Planning and Land Authority is critical, however, in providing high-quality, professional advice to the Assembly, rather than providing advice that has already been through the political filters of the government of the day.

The independence of the Planning and Land Authority is significantly constrained by other provisions in the land act regarding how Territory Plan variations are made and how development applications are approved, and what appeal rights are available. The minister still has significant control over the work of the authority. The minister can give directions to the authority about what policies it should follow or on revisions to the territory plan. The minister has also retained the infamous call-in power. There is also anew provision for the minister to give the authority a statement of planning intent which will set out the main principles that are to govern planning and land development. I question whether this provision is really necessary, as it overlaps with the directions power and also the statement could be inconsistent with the principles in the existing Territory Plan. I believe that the primacy of the Territory Plan must be maintained so that, if the minister wants to change the plan, he should do this through the existing means.

The Planning and Land Authority may initiate variations to the Territory Plan but it is still up to the executive to approve these variations. The Assembly also has the role of reviewing these variations through the planning and environment committee and it has the power to disallow the variation. I would hope, however, that with the new authority there will be a lesser number of plan variations which just pander to particular development interests, and that development proposals that have little public merit are rejected early rather than being stopped only right at the end of the process by a disallowance motion. One example I can think of is the proposed housing development

on the Federal Golf Course, which was promoted by the former Liberal government but ultimately rejected by the Assembly.

The Planning and Land Authority may approve development applications, but in many cases this power is constrained. In cases where there are objections to a development application, the final decision may be subject to appeal to the Administrative Appeals Tribunal. The government has proposed the addition of a new stage in this process where applicants can seek a reconsideration of a decision. I can see some value in keeping these disputes out of the AAT, but I am concerned that only the applicant is given this right and not an objector. No doubt this point will be discussed further in the detail stage.

While having day-to-day independence, the chief planning executive of the Planning and Land Authority will still need to be appointed by the government in the first place. Having a statutory Planning and Land Authority will achieve nothing if the person appointed is a mate of the government, has vested interests or is not sufficiently qualified for the job. The Assembly will have an important role here in scrutinising this appointment. I am concerned that the bill does not include any qualifications for the chief planning executive. To gain the community's respect for the authority, I think it is important that this person be a recognised professional in the planning field.

Another initiative that will need to prove its worth is the minister's establishment of the Planning and Land Council to give advice to the minister and the authority. This council does have the potential to provide independent expert input directly into the planning process and to bring more accountability into the process. Again though, its worth will be largely dependent on who is appointed to it. It should also not be regarded as a replacement for existing consultation processes with the broader public and with residents groups.

The other major part of this bill is the establishment of the Land Development Agency, which will carry out land subdivision on behalf of the government. We have all heard the bleatings of the land developers and their Liberal Party mates over this. Whatever arguments they raise, it is quite clear that primarily they do not want the government to take away the profit they are currently making from land development in the ACT. They also seem to forget that private land development is a relatively new phenomenon in the ACT. Canberra was built from nothing by the federal government, and particularly the NCDC, as I mentioned earlier. Private land development really started to occur only after self-government and could be regarded as an aberration at a time when the Assembly was still working out the best way of proceeding with planning and land development after self-government.

Land is the ACT's greatest asset and the Assembly and the government must make sure that it is used in the most appropriate and sustainable way. It should not just be sold off to the highest bidder for them to make a buck out of. Given the small size of the ACT, the land development market is not a fully competitive market. There is a limited number of land developers and considerable vertical integration with building construction companies. I have received a number of complaints from people looking for a block of land in Gungahlin to build a house of their own design who have found that all the best blocks have already been sold to builders who spec-build houses. The choice becomes reduced to a limited range of house and land packages.

The government's proposal for a Land Development Agency opens up great opportunities to introduce innovative and more ecologically sustainable forms of housing and greater choice for home buyers, as well as allowing the profits from land development to be retained by government. It seems like a win/win situation to me. As long as this agency does not get caught up in financially dubious projects—which include speculative commercial ventures as well as housing, such as the original Harcourt Hill Country Club proposal—then there is no good reason for it to fail. It will be a challenging task, though, for the agency and the government and I will watch its progress closely.

In conclusion, the Greens will be supporting this bill and the consequential amendments bill as one small step along the way to getting a more accountable and professional planning system in the ACT. Hopefully, with the passing of this bill the potential for political considerations to override good planning will be significantly reduced. However, I am not getting too excited at this stage, as there are still many other actions that need to be taken. As members would know, I have put forward a number of bills over my time in Assembly to improve various aspects of planning approval and appeal systems in the ACT, because I think it is essential for good planning to have strong checks and balances on the discretion currently exercised by the planners. I also think that if we want to create a truly sustainable city there needs to be range of changes to the Territory Plan itself and to the various guidelines employed by the planners to assist development so that environmental considerations are given more prominence.

I look forward to working with the Planning and Land Authority to achieve these changes. I support these bills in principle, but of course we still need to work through various amendments in the detail stage. I will not be supporting Mrs Dunne's amendment, because I know that the regulations are going to be disallowable and I think this is just an attempt to scuttle the whole thing.

MR SPEAKER: The question is that Mrs Dunne's amendment be agreed to. Members are reminded that they can speak to the question that bill be agreed to in principle at the same time.

MS DUNDAS (5.17): Mr Speaker, I will be doing that, because I am happy to be debating this bill at the in-principle stage today. But it is obviously necessary to adjourn debate so we can have the opportunity to sit down and discuss in more depth the amendments that are being put forth, and hopefully provide a full and coherent set of amendments that will improve the functioning of this bill. I have a number of amendments, as do Mrs Dunne and Ms Tucker.

A little more time for consideration will allow members to sit down and work with the minister, and each other, to see if we can come to a better arrangement so that the bill will hang together as a unified whole and we do not have the situation we had when the land act was debated, with amendments being thrown across the floor and the result being a bit of a mess.

The ACT Democrats will be supporting this bill in principle today. We continue to have some concern with the details, and I will touch briefly on these as I go on. The Planning and Land Bill 2002 sets up the legislative framework for both the new Planning and Land Authority and the government land developer. The ACT Democrats went to the last

election supporting the concept of an independent planning authority, and we clearly stated our aim to ensure that it is both transparent and independent. The Democrats do not harbour an ideological opposition against the public development of land and we see no reason to oppose the land agency for this alone.

However, I do remain concerned about the structure of the Planning and Land Authority. Those two key concepts of accountability and independence are central to creating a functioning authority that will have the ability to take some of the politics out of planning, as well as maintaining community confidence and support. Essential to this is that the Planning and Land Authority maintains its independence from the government and the planning minister. The authority must be able to carry out its functions unhindered by unnecessary political direction or interference from the minister. Minister Corbell has previously stressed his opposition to the overtly political use of PALM by the government, and the Assembly trusts that this will also be the case for the new planning authority.

However, Mr Corbell will not always be the planning minister, and it is vital that we ensure that the authority retains its independence whether or not the minister takes a hands-off stance. One way to accomplish this is to limit the number of avenues for ministerial direction and to ensure that unnecessary ministerial interference can be countered by the contrary opinion of the Assembly.

In particular, the Planning and Land Bill gives the minister two potentially wide-ranging powers to direct the activities of the authority. These are the statement of planning intent and the power of direction. While the minister has previously outlined the uses he envisages for these powers, it is not hard to think of circumstances where they could be abused for political gain. These powers have not been codified in the legislation, and there does not appear to be any intention to do so. The committee inquiry raised concerns with these powers, and I believe that the Assembly should reconsider these clauses before passing the bill.

A second set of considerations relates to how the planning system interacts with the Canberra community. Some consider planning as simply an expert pursuit and believe that if we leave everything to the professionals then everything will be okay. There is, of course, an essential and important role for professional planning in our city. However, the role of the community is fundamental to a good planning system. A good planning system is one that is responsive to the needs and wants of the population and allows the community to participate in how the city is shaped. Good planning comes from developing grassroots ideas and necessities, not imposing control from above. Good planning means that people have confidence in the system and feel some ownership over the process. Yet these ideals have barely registered in the government's development of this legislation.

Community input should not be something that is tacked on to the end of the planning process. It should be present from the beginning. I am disappointed that the government has put forward a planning bill that contains no reference to community partnerships, nor does it include community organisations at any level in Canberra's planning architecture. I have some amendments that will begin to redress this imbalance.

I move on to the planning council. While I do not oppose its formation, it does not appear to integrate well into the planning system proposed. As was mentioned in the committee report on this bill, it is purely an expert body with no scope for community representation. How the community should interact with the council is left unstated. It also seems a little odd to set up an expert body to oversee the planning authority, which presumably is itself an expert body. The presence of the council, and the absence of any analogous community representative body, lends weight to the idea that this government believes planning is a professional pursuit only and is not interested in promoting discussion by community members with their friends, colleagues, families and neighbours.

I have similar problems with the land agency. The ACT Democrats are supportive of public land development, but we believe that it should not be seen as a cash cow to plug holes in future budgets. Conversely, with profit not expected until 2007, we need to be sure of what we are committing to. This bill has structured the land agency as a purely economic entity with the result that the land agency will simply replace private profit-seeking developers with a public one. The attraction of a public developer is the fact that it does not need to focus purely on the financial bottom line and instead can also look at the social and environmental impacts of development. I believe that our public developer should be structured to have social and environmental goals as well as financial goals, as do other territory-owned corporations, such as Actew. Again, I have prepared amendments to address this issue.

So, while the Democrats applaud this government's efforts to improve Canberra's planning system, we believe that it has not fully examined how these organisations will fit into the government's broader community and environmental responsibilities. There is plenty of room for improvement in this bill to provide better planning outcomes for the Canberra community, and I look forward to further discussions with the minister and other members of this Assembly to hopefully bring this about. But, as I have stated, the ACT Democrats support this bill in principle, and hence will be opposing Mrs Dunne's amendment and supporting the move to bring about a new planning and land regime here in the ACT.

MR STEFANIAK (5.24): Mr Speaker, I am speaking to the actual bill. I think there are large numbers of problems in this particular piece of legislation. I am delighted that we are not finalising it today. I can recall only too well when the 1991 legislation was dealt with. I see at least one of the officers present was there then. I can remember him running around in an absolute frenzy and quite frantic about some of the very ad hoc amendments that were being done then on the spot, on the run, as it were. I think at that stage the bill was rushed through and something like 50 amendments were made on the particular night. It was quite chaotic, and I don't think we ever quite got over that. So I think the first step is at least a bit more common sense now in just going through the in-principle stage and then dealing with the detail later.

I have a couple of points and Mr Smyth, who is a more recent planning minister, will obviously be talking on this too. I am concerned about the government's projected figures. I am concerned about how it thinks it can actually make money out of this rather than lose it. I am concerned about overturning a system that has worked reasonably well and that is not dissimilar from what occurs interstate. I am concerned about some of the money that was lost in the past when the government had responsibility, and I can recall

some of the figures bandied about in relation to what was lost during the 1980s. So I think there are a number of concerns there.

One particular point I wish to raise is the statement of planning intent. The minister, I understand, will be able to give the authority a statement that sets out the main principles that are to govern planning and land development in the ACT. Neither the explanatory memorandum nor the presentation speech gives light as to what is proposed to be in a statement of planning intent. In the absence of greater explanation, it is difficult to distil the role of a statement of planning intent in the context where the Territory Plan has to set out the planning principles and policies, as it currently does—particularly in the strategic principles set out in appendix A2 of the plan.

Also, the planning minister can give written directions both as to the general policies the authority must follow as well as for the revision of the plan, including, one assumes, the planning principles contained in the plan. The role of the statement of planning intent will certainly require much greater explanation. I just wanted to make those couple of points, Mr Speaker.

MR SMYTH (5.27): Mrs Dunne's amendment is a very sensible one, simply because there is still much to be answered about what the minister proposes. For instance, on something like sustainable development, the legislation requires the authority to act in away that has regard to sustainable development, and the definition of sustainable development used in the bill is the standard statutory definition increasingly employed in Commonwealth environment legislation as well as in legislation in New South Wales and the ACT. It says that the authority must have regard to the precautionary principle, the intergenerational equity principle, the conservation of biological diversity and ecological integrity, and appropriate valuation and pricing of environmental resources.

This largely gives effect to the 1993 intergovernmental agreement on the environment between the states and territories, which sets out what Australian governments should do to protect the environment. It should be noted that many of these concepts are already incorporated in the sustainable development principles as set out in the Territory Plan. Perhaps the only exception is paragraph (d) of the definition, which may have a role where, for example, the agency is granting or varying leases on behalf of the executive. So, subject to the caveat of the previous paragraph, the legal situation is generally unchanged. That said, putting these provisions into the act itself provides a greater prompt, if nothing else, to decision makers to ensure that environmental considerations form part of any decision-making process.

So, apart from the requirement to follow the Territory Plan, the Planning and Land Bill says that the authority must consider all the things just discussed. It must just consider them. Where is the increased strength in that? Where is the greater certainty in that? It will be important for the authority to show that it has considered them and how it did so. It must be able to show that it has considered them because the Legislation Act 2001 says that where legislation uses the term "must", the function has to be exercised. So, if the Authority fails to consider these things when making a decision, it has to be assumed that the decision will be set aside on judicial review.

The legislation also permits the agency to review its own decisions, on the application of someone who has filed a DA. The curious thing about this will be that under the legislation we have used the word "must", and where the word "must" has been used, according to the Legislation Act, the function must be exercised. If it is not, it is reviewed. If it is reviewed, then you would think that somebody would be doing that outside the agency itself. But we seem to be creating a self-fulfilling prophecy where the agency will be doing its own reviews of its own decisions. I would have thought that that was not something that we would find to be acceptable in the normal course of events.

I think it is important that people know where decisions are being made, how they are being made and in what cases they might be able to appeal them. I am not sure people will have confidence in a system that reviews itself. I mean, that is why we set up the Commissioner for Land and Planning—so that the decision was taken outside the agency, so that somebody who was independent actually got to make the review—and I think it is important that that should continue.

The legislation also creates the position of chief planning executive, and I guess it is presumed that in practice that position will operate in much the same way as the Commissioner for Land and Planning. The legislation makes it clear that the chief executive is the authority, and all relevant powers are vested in the authority, and therefore in the chief planning executive. However, the authority can delegate its powers to public servants that are employed by it.

I guess you could draw from that that existing PALM staff will be transferred to the authority. Given the great similarity between the functions currently exercised by PALM and those proposed to be exercised by the authority, it will be interesting to see whether there will be in practice a great deal of difference in how lease administration decisions are made once the new system commences.

That is part of the point we are trying to make here: is this any different; is there greater clarity; is there the independence that Mr Corbell, the minister, goes on about? I think the answer to all of that is no, there is not. These bills do not amount to a new system that will give what is being offered. For those reasons, I think Mrs Dunne's amendment should be agreed to.

MR CORBELL (Minister for Education, Youth and Family Services, Minister for Planning and Minister for Industrial Relations) (5.32): Mr Speaker, I do not think any other members wish to speak, so I will close the debate.

I would like first of all to thank those members who have indicated their support for this very important piece of legislation. To Ms Dundas and Ms Tucker, thank you for your preparedness to support what the government believes is a very significant reform in the architecture in relation to the administration of planning law and land management in the ACT.

This has been a very significant process for the government, one which is born of a desire to, first of all, establish a robust, independent planning agency that is able to deliver to government, the Assembly and the broader community the expert advice it needs so that we, as a community, and as an Assembly, can determine the best way forward for the future development and growth of our city.

It has been brought about through a very detailed range of discussions and consultations, and it disappoints me no end that at every twist and turn we have seen the Liberal Party seek to oppose this legislation—delay it, alter it, send it off to an inquiry, look at it again, put it off. For those people who criticise this government for not making decisions to then stand up in this place and argue, "Don't decide on this very important reform yet"—because we need to find another excuse to delay it—is, I think, hypocrisy of the highest order.

I would like to address a range of issues which speakers have raised in the debate. First of all, in relation to Mrs Dunne's amendment, it is a curious last stand by Mrs Dunne, but one which I think is flawed in two very important respects. First of all, she proposes that the Assembly condemns me for "failing to provide all supporting statutory rules so as to allow the Assembly to make an informed decision about whether the total package deserves support". I need to point out two things to members. First of all, I presume Mrs Dunne is referring to the regulations that are proposed to be made under the act if this bill is passed. Those regulations are, of course, disallowable instruments, and are subject to scrutiny and potential disallowance in this place. So for Mrs Dunne to raise the ogre of the government arbitrarily making regulations which are not subject to any review or reconsideration is simply false. Secondly, how is it possible for the government to make such regulations when we do not know yet the final context of the bill?

Mrs Dunne herself has indicated that she has over 30 amendments. I know that Ms Tucker and Ms Dundas also have amendments. I have not seen those members' amendments yet, but I look forward to the opportunity to discuss those amendments with them. So how is it possible to make regulation in detail when we do not yet know exactly what the powers of the new legislation will be?

Mrs Dunne: You write the protocols on the basis of what you want.

MR CORBELL: Mr Speaker, I heard Mrs Dunne in silence. I would ask her to do me the same courtesy. The government has provided to the planning and environment committee a very clear outline of the areas where we expect regulation to be made, and the intent of those regulations.

The government has been open and accountable in that regard. Mr Smyth, and also Mr Stefaniak, raised the issue of the statement of planning intent, and whether or not the statement of planning intent was some subterfuge on the part of the government to undermine the legitimacy and indeed primacy of the Territory Plan. Perhaps it would be worthwhile if opposition members actually went to the unanimous report of the committee, chaired by their colleague Mrs Dunne, and the government's response to that report. The committee recommended that it be clear that the primacy of the Territory Plan is absolute, and that the statement of planning intent cannot be used to undermine it. The government has agreed to that recommendation and I have already written to members indicating that I will be proposing a government amendment to this bill to make that point very clear—that the statement of planning intent cannot be used to undermine the primacy of the Territory Plan.

Of course, it is quite open to any government, using a potential statement of planning intent, to outline where it believes the Territory Plan can or should be changed. But, of course, such changes would not take effect until the Territory Plan was properly varied through the statutory process, including potential disallowance by this place.

The issue of the qualifications of the chief planning executive was also raised. Again, if some members contributing to this debate had taken the time to look at the government's response to the planning and environment committee's report on this legislative package, they would see that the government has agreed to the recommendation that we outline what we believe the qualifications of the chief planning executive should be.

Finally, Mr Smyth raised the prospect of the authority reviewing its own decisions. I have to put to Mr Smyth, through you, Mr Speaker, that the proposition is that the authority have the capacity to reconsider a decision—not review its own decision but reconsider its decision. That, indeed, is supported unanimously by his colleague Mrs Dunne and the other members of the planning and environment committee in their report to this place. So perhaps it would help if the former planning minister and the shadow minister spoke to each other a little bit more.

This is extremely important legislation. It is legislation that we, as a government, believe will be a step—certainly not the only step, but a step—in delivering a more robust, accountable and independent agency for planning, administration and advice in the territory.

Members of the Assembly—and, in particular, the standing committee—have now had ample time to read, understand and question this package of legislation. The report of the Standing Committee on Planning and the Environment has certainly added greatly to the discussion, and I thank those members for their report, as I did on Tuesday.

I would like to outline to members the combined effect of this package, and it really is very straightforward. Three new bodies are established: the Planning and Land Authority, the Planning and Land Council and the Land Development Agency. Overarching policy, as pointed out by Ms Tucker, will remain with the Assembly and the government, as it does now.

The Planning and Land Authority will have responsibility for the development and implementation of the territory's planning and land management policies and for regulation. The authority will be vested with decision-making powers. It will not act only as a delegate of the minister or the executive in most matters, contrary to Mr Smyth's assertion—and, indeed, this is particularly the case in relation to development assessment and leasing—and it will also have access to high-level expert advice from the Planning and Land Council.

The council itself will comprise people with a high level of expertise and experience in arange of planning and land-related fields. Its function will be to provide advice to the minister and the authority; it will not have decision-making powers.

The Land Development Agency will be responsible for the delivery of the government's land development program and for the sale of land. It will also have the capacity to undertake significant redevelopment on behalf of the territory. The agency will have

a commercial orientation, and will be managed by a board, members of which will possess expertise in a range of relevant fields. I must stress that the intention in setting up the Land Development Agency is not to permit public land development. The government can already do that; it is already possible for the territory to undertake public land development. No legislative change is needed—no amendment to any bill or act is needed to do that.

The intention of this bill is to recognise that putting into effect the government's policy to undertake development in some cases requires appropriate rules about the manner in which the government's developer operates and reports to the community. This legislation is about putting in place a robust, commercially-based organisation that delivers public land development in an accountable, transparent and open fashion—in a fashion that requires reporting to this place, and that requires scrutiny by this place. That is what the Land Development Agency is about.

Really, this is the nub of the opposition's opposition to this package. They do not accept that there is a role for government in delivering land development in the territory—regardless of the fact that New South Wales has a public role in land development, that Victoria, even under Jeff Kennett, had a public role in land development, that Western Australia has a public role in land development, and that South Australia has a public role in land development. Why is it that, in the only jurisdiction in the nation where the community is the holder of the land asset, we do not participate in some level of land development to the benefit of the community?

The reason is that the small but powerful vested interests of those involved in this industry have sought to prevent government and the community engaging in the development of its own asset and reaping the return of that asset, not only the financial return but also the social return in terms of better outcomes on the ground. This government is determined to reverse that and to place far greater capacity in the hands of the community overall to get better suburbs, more environmentally sustainable outcomes and better return in the public interest.

In contrast, the Planning and Land Authority's focus will be on a high standard of planning and the development of a strategic approach to development. As members have pointed out, it will be constituted by a chief planning executive. The Planning and Land Bill does not replace the existing land act; it provides a new governance framework within which planning, leasing and development control will operate. It is, of course, necessary to amend the land act and other legislation to take account of the new government structure. The required amendments are contained in the consequential amendments bill to this primary bill. Related to the two main bills in the package is the Administrative Appeals Tribunal Amendment Bill. This bill makes some simple but very important changes to practices of the AAT in planning and land matters.

This is not a complicated package, no matter how much Mrs Dunne asserts otherwise. It is, in fact, remarkably simple in its structure. I acknowledge, though, that the consequential amendments are wordy. That is why I have on numerous occasions offered members an opportunity to receive detailed briefings, and I am grateful to those members who have accepted that opportunity.

There has been nearly a year of consultation on this reform proposal, and about six months of consultation on the draft legislation. The Planning and Land Development Taskforce, advised by a committee of highly experienced and respected officials from within and outside the ACT has been involved in wide-ranging discussions with many industry and community representatives, and conducted a series of key informant interviews throughout the first half of this year. As I have already said, that has been followed by the planning and environment committee's report, and its work has raised awareness of this legislation and some of the issues that needed clarification and resolution. I think it is fair to say that most of the recommendations and observations of the committee were indeed refining in nature and did not reflect a shared opposition to the principles underlying the changes proposed in the legislation.

The total package reflects the government's proposal for the governance of planning and land management as discussed in some detail in the public arena and with members of this Assembly. It is worth pointing out that this is a central element of the government's election agenda—one that we took to the community in October last year and one which I and the government believe was roundly endorsed by the community. *(Extension of time granted.)*

This is an important reform, one that the community wants and one that we believe we have implemented in the most responsible, accountable and transparent way possible. I do not want to go into the details of the legislation too much again. That has been addressed in my tabling speech. But I do want to refute one argument that we heard from Mr Smyth. Mr Smyth suggested that the sustainability definition in the legislation was weak, and did not take account of the broader objectives that perhaps that the authority and indeed that the Land Development Agency should take account of. I think it is worth pointing out that the objects of the Planning and Land Bill set out the way in which the legislation aims to provide a planning and land management system that contributes to the orderly and sustainable use of land within the territory. It is important to point out that the Land Development Agency is to exercise its functions in a way that furthers these objects.

So the Land Development Agency must have regard to the primacy of the objects set out for the Planning and Land Authority, and I think that distinction has to be made in this debate. The Land Development Authority is not meant to be a planning agency. It is not meant to subvert the role of a planning agency in delivering the broad strategic guidance needed so that this Assembly and government and the community can decide on future planning directions. We have deliberately set out in this legislation to provide for the Land Development Agency to be under the Planning and Land Authority and to be the implementer of the objectives agreed by government on the advice of the authority. That is the relationship, and that is why the Land Development Agency sits under the same objects as does the Planning and Land Authority.

One other element I would like to reinforce to members is that this legislation provides a new objective for a planning agency, one which has not been in place since self-government, and that is to advise on planning and land administration policy, including the strategic spatial plan for Canberra. For the first time, in legislation there will be a statutory requirement for the authority to maintain and sustain a strategic spatial plan for our city—not just the statutory land use plan, which is the Territory Plan, but a strategic spatial plan. For the first time, it puts into law a proposal to say, "We must as

a community have a strategic planning framework which is maintained over time." I am pleased to hear opposition members talk about strategic planning—because they never did it in the six years they were in government. But we need to act to make sure that, beyond the term of this government, the requirement must be to sustain the strategic planning focus. And that is what that objective is all about.

Before I conclude, I would like to offer some notes of thanks, although I appreciate that today we are debating this legislation only in principle, and we still have work to do in dealing with the amendments and the detail stage. This legislation would not have been possible without the hard work of a great number of individuals. On coming to government, this was obviously a key reform for the Labor Party. The work of officers within PALM, of people seconded to and prepared to participate in the expert advisory committee, of officers in the parliamentary counsel's area, and of many other people across government has contributed greatly to the development of this legislation.

I particularly want to thank the members of the Planning and Land Development Taskforce, some of whom are here in the gallery today. Ms Dorte Ekelund, who led the taskforce for a good part of its existence to date, Mr David Snell, Mr Vic Smorhun, Ms Tania Carter, Mr Martin Hehir and Ms Liz Fowler have all contributed very significantly to the development of this package, and I thank them for their contribution to getting it to the stage that we have got to.

I have also been grateful for the support of Mr Brendan Gleeson from the University of Western Sydney, who acted as an independent adviser to the Planning and Land Development Taskforce. I am grateful also for the efforts of many senior officers from interstate who contributed to the expert advisory committee, including the head of LandCom in New South Wales, and Mr John Collins, who plays a very important role in the Department of Infrastructure in Victoria, amongst many others.

Finally, I would like to offer my thanks to my colleagues for their support in the development of this package, and I thank members for their support.

Question put:

> That **Mrs Dunne's** amendment be agreed to.

The Assembly voted—

Ayes, 5	Noes, 10	
Mr Cornwell	Mr Berry	Ms MacDonald
Mrs Dunne	Mr Corbell	Mr Quinlan
Mr Humphries	Mrs Cross	Mr Stanhope
Mr Pratt	Ms Dundas	Ms Tucker
Mr Smyth	Ms Gallagher	Mr Wood

Question so resolved in the negative.

Amendment negatived.

Original question put:

> That this bill be agreed to in principle.

The Assembly voted—

Ayes, 10		Noes, 5
Mr Berry	Ms MacDonald	Mr Cornwell
Mr Corbell	Mr Quinlan	Mrs Dunne
Mrs Cross	Mr Stanhope	Mr Humphries
Ms Dundas	Ms Tucker	Mr Pratt
Ms Gallagher	Mr Wood	Mr Smyth

Question so resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clause 1.

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

Standing committees—membership

MR DEPUTY SPEAKER: Mr Speaker has been notified in writing of the following nominations for the membership of committees: the Standing Committee on Community Services and Social Equity, Mr Cornwell; the Standing Committee on Planning and Environment, Mrs Cross.

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

> That the members so nominated be appointed as members of the relevant standing committees.

Planning and Land (Consequential Amendments) Bill 2002

Debate resumed from 26 September 2002, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

MRS DUNNE (5.59): The Planning and Land (Consequential Amendments) Bill is largely uncontroversial and necessary for all intents and purposes because the role of PALM is to be taken over by the statutory Planning and Land Authority. The authority has the following general functions: administration of the Territory Plan; granting and administration of crown leases on behalf of the executive; building regulation; management of some unleased territory land; and processing of development applications.

The process of transition from the current Planning and Land Management to the Planning and Land Authority is achieved largely be removing references in the land act to the minister and references to the authority. Under the old scheme, in reality officers of Planning and Land Management exercised these powers under ministerial delegations of powers.

A statutory authority is to be created to regulate planning, rather than a government department. The minister makes much here and elsewhere about the implications it has for creating an independent planning authority. I submit that this is a shimmer of independence; it is not effective independence.

The bill also removes some of the powers exercisable by the executive, effectively cabinet, and vests them in the Planning Minister. These include submitting variations to the Territory Plan to the Assembly and subsequently either requesting amendments to the proposed variations or ordering withdrawal of the proposed variations; acquiring places of heritage significance; seeking an order of protection of unregistered Aboriginal places; and conducting an inquiry into whether a particular lease should be granted.

The powers relating to the acquisition of places of heritage significance and seeking protection orders for the unregistered Aboriginal places are part of part 3 of the planning act, which is soon to be repealed by the current heritage bill. This draws a stark contrast between the responsibilities of the Planning Minister and the responsibilities of the environment minister. This is the first time since self-government that those two sets of responsibilities have not been exercised by the one person.

The bill contains two substantive measures. The first relates to the call-in powers. The bill restates the existing call-in powers, except that the minister must consider comments from both the Planning and Land Authority and the Planning and Land Council before making a decision. This is a question of taste as to whether it is desirable that there should be what could be called speed humps in call-ins. As with the old powers, these powers can be exercised only where the application raises a major policy issue, the application may have substantial effect on the achievement of development objectives of the Territory Plan or the application would provide substantial public benefit.

In other words, what the minister proposes is highly debatable. That is particularly so if the decisions are to be made on the grounds of substantial public benefit. In these circumstances the opposition queries the desirability of the delay inherent in bodies having to provide extra views to the minister on an issue that may be subject to call-in. Alternatively, if advice from these bodies is important, then it is noted that the legislation does not require the minister to table the advice when advising the Assembly when he has called in a DA.

The other substantive change is that the Planning and Land Authority can reconsider or review its own decisions. It is a matter of some debate exactly what they can do. The consequential provisions bill adds a new subdivision to the land act which allows someone who has had an application approved, presumably in a form modified from the original proposal, or refused to seek an internal review of the decision by someone other than the original decision-maker within four weeks of the original decision.

Objectors to the original development application have to be given four weeks to comment. The authority then has to make a final decision. If the authority fails to come to a decision within four weeks of the application, it is to be taken to have confirmed the original decision. This is a matter of some contention which was raised by many of the institutional bodies that made submissions to the Planning and Environment Committee's inquiry.

This raises the hotly debated questions of whether we should turn around the current process and whether, if a decision is not made by within the timeframe, the application is deemed to have been denied. Perhaps we should be more proactive, and if a decision is not made within the timeframe, the application is deemed to be have been approved.

After that people may still go to the AAT if they want to. However, this is seen as a way of avoiding the AAT and is commendable in some ways. It is hoped that this will be a way of resolving some of the conflict that occurs about DAs and that there will be some role for what might be called conflict resolution.

There is still a lot to be explained about the way this would work. It is not entirely clear whether the process will come to an outcome that is satisfactory to everyone. In his presentation speech, the minister said that the new function will enable the authority to engage in effective conflict resolution and revisit decisions in order to achieve better outcomes for the benefit of the community, objectors and applicants, without resort to the formal AAT review process. An arguable down side is that a win any objector thought they had achieved over the development can be immediately put at risk by reventilation of the DA in the AAT. This is an area which I think has some potential for benefit for the community, but it will need to be closely observed to ensure that it does bring about the benefit that is proposed.

MS DUNDAS (6.07): This bill largely consists of minor amendments arising from the main Planning and Land Bill. However, some clauses considerably alter the current operation of Canberra's planning system. I notice that the government decided to retain some power over the granting of leases. While in general leases would be granted by the authority, the minister may effectively call in the decision by ordering an assessment and then deciding the issue directly. This, I believe, undermines the purpose of delegating these decisions to an independent authority in the first place.

This bill also sets out a new framework for the use of call-in powers by the minister. It indicates that the minister must first consult with the authority and the Planning and Land Council before determining a development application. The ACT Democrats agree that this is a slight improvement on the previous system but believe the act should go even further.

The ACT Democrats went to the last election opposing the presence of call-in powers. If the Assembly does not agree that they should be removed from the planning system, then we should at least require a greater degree of accountability to prevent abuse of the planning process.

Furthermore, these consequential amendments substantially alter the process of review of development applications. The planning commissioner will be abolished, and in the commissioner's place the authority will be able to reconsider development applications.

This method does not encourage transparency of the system. I note that some community groups were suspicious of this process when they put submissions to the committee during its inquiry into this bill.

A further problem is that the process of reconsideration is weighted in favour of developers. Only developers can apply for a reconsideration under this legislation. If we are to have a fair and balanced planning system, then objectors should also be able to seek a reconsideration. Under this system, any objector who disagrees with a planning approval is provided with no avenue of resolution other than to instigate legal proceedings. Allowing some means for this to be resolved by the authority at an earlier point may help speed up planning decisions and provide a less legalistic means of settling disputes.

I will speak further on some of these issues when we get to the detail stage. Hopefully, we will be able to discuss them outside this chamber as we move through the amendments, as I believe that further improvements could be made to these consequential amendments to help improve our planning system.

MR CORBELL (Minister for Education, Youth and Family Services, Minister for Planning and Minister for Industrial Relations) (6.10), in reply: When I presented the Planning and Land Bill 2002 on 27 June this year, I foreshadowed further legislation to give effect to the government structures provided for by that bill. I then presented the Planning and Land (Consequential Amendments) Bill on 26 September this year. The bill was notified on the legislation register on the same day.

This bill effects a range of changes, as members have pointed out. I would like to summarise some of them. Responsibility for performance of planning and land management functions is transferred to the Planning and Land Authority, the Planning and Land Council and the Land Development Agency. The bill also reinforces the independence of the authority and improves the clarity of our planning system.

Members will have now had an opportunity to examine this package of legislation in full. It almost goes without saying that legislation providing for the constitution of three new organisations must be supported by a suite of amendments to other acts and regulations that allow those organisations to operate properly. This is what this bill does. It does not make policy changes in addition to those already presented in the Planning and Land Bill and foreshadowed by me on 27 June this year.

To outline the effect of the bill, I direct the attention of members to several distinct areas of change. The changes have been outlined to members before, but I think it would assist us all to briefly review the general content of the amendments. I should note firstly that the power of the Assembly, the executive and the minister in setting policy directions is to be maintained. In that context the Planning and Land Authority will have responsibility for management of many of the functions governed by the land act.

Broadly stated, the authority has the following functions: administration of the Territory Plan; granting and administration of crown leases on behalf of the ACT executive; building regulation; management of certain unleased territory land, including the granting of licences in some circumstances; and processing and determination of development proposals.

This bill makes a number of changes to the land act and to other acts and regulations to transfer responsibility for management of the above functions to the authority. The minister will continue to have call-in powers under the land act, but the exercise of those powers is clarified and made more accountable. The government has agreed to a recommendation from the Planning and Environment Committee that the minister be required to table any advice received by the Planning and Land Council in relation to the exercise of the call-in power.

The Planning and Land Authority will have the ability to reconsider its own decisions on development applications. I would like to repeat the detail of this new power, as it has been occasionally misunderstood. This new function will enable the authority to revise its decisions, to the benefit of the community, objectors and applicants. The absence of such a procedure has been a serious weakness in the system to date. The decision-maker has very little scope to resolve issues that may lead to a better outcome after an initial decision has been made. That has forced the resolution of many matters to go to the Administrative Appeals Tribunal rather through an agreed process prior to a party having to resort to appeal in the AAT.

New sections 246 to 246C in the land act will allow the authority, on application by the proponent, to reconsider a decision on a development application. This also provides the opportunity for the greater use of mediation in the process. Reconsideration of a decision may not result in a decision that would not have been possible in respect of the original application. It will ensure that the procedure is not open to abuse by those who merely wish to trawl for better outcomes for themselves, without having to address potential objections and appeals. That objective is also assisted by the possibility that an approval could be reduced or overturned on reconsideration.

Any objectors to the original application must be given an opportunity to comment on a proposed reconsideration, and those comments must be taken into account. If a person is not satisfied with the new decision, they may exercise any right of appeal to the AAT that exists in relation to the matter. Appeal rights are not affected by the authority's power to reconsider its decision.

Part 3 of the act, relating to heritage matters, is not substantially amended by this bill. Part 3, as Mrs Dunne pointed out, is under separate review in relation to the new Heritage Bill. Similarly, part 4 of the land act, which relates to environmental assessments and inquiries, is not significantly amended and is to be reviewed next year.

The bill makes very few changes that relate to the making of orders. The government has developed separate legislation that comprehensively reviews the enforcement provisions under the land act, most of which are not consequential upon passage of the Planning and Land Bill.

Several other acts and regulations are amended to align with changes to the land act, particularly in respect of references to a planning authority and the transfer of certain functions to the new Planning and Land Authority.

I know that when I presented this bill, and indeed when I closed the debate on the previous legislation, I said that this complexity must not be overstated. This is a significant piece of work, and the importance of the changes should be clear to all members of the Assembly.

I must note my agreement that, while there are many amendments, some large but most small, contained in the bill, their effect is easily understood. As the explanatory memorandum states, they fall into only six categories, most of which are of a housekeeping nature.

It is also very important to keep in mind that this bill does not reflect a general review of the planning or development assessment systems. As I have said, it makes a range of changes necessary to allow the new organisations established by the Planning and Land Bill to operate effectively.

Members will also be aware that this reform package includes a proposal to review elements of the appeals system for planning and development matters. Again, the required amendments to the AAT legislation are not appropriate for inclusion in this bill. This is the reason the government has presented separate legislation to give effect to its policies on planning appeals.

These amendments will make a number of important changes. There will be a positive obligation on the tribunal to consider whether a matter can be resolved by mediation before it goes to formal hearing. This obligation to consider mediation, together with the engagement of qualified mediators, will result in more issues being resolved between the parties to a dispute without proceeding to formal and costly hearings.

The changes include the insertion of a time limit for completion of planning appeals. The amendments will require that a final decision on a planning appeal must be given within 120 days of an appeal being filed.

The bill provides for the tribunal to award legal costs against a party to proceedings, but only where a party fails to comply with a direction of the tribunal. The awarding of costs is discretionary and is limited to the legal costs of the case being adjourned.

There are a number of other important changes to the Administrative Appeals Tribunal Act 1989. I will detail them when we consider that legislation shortly.

Members will know that the Planning and Land Bill provides that its regulations will set out the kinds of proposals that are to be referred by the Planning and Land Authority to the Planning and Land Council for advice. While no such regulations are required until the bill is passed and has commenced, draft regulations have been provided to the Standing Committee on Planning and Environment indicating that the authority would be required to refer significant proposals that propose to change planning policy, that may raise a policy issue or policy interpretation issue or that may have a substantial impact on a locality. Details of the proposed regulations were provided to the committee for discussion and comment. Members will have the opportunity to comment in detail when the regulations are signed and tabled in the Assembly. As I indicated in the earlier debate, they are disallowable.

This package of legislation represents a comprehensive model for a planning and land management regime for the territory designed for both present and future needs of government and the community. It is a balanced model that should endure successive terms of government and economic and social change.

I thank members for their support for this package. A great deal of effort has been devoted to providing the Assembly with a unique opportunity to make a critical and greatly beneficial change to the management of Canberra and the ACT.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clause 1.

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

Administrative Appeals Tribunal Amendment Bill 2002

Debate resumed from 14 November 2002, on motion by **Mr Stanhope**:

> That this bill be agreed to in principle.

MRS DUNNE (6.20): This bill has some elements worthy of consideration but in some ways do not go far enough, although sometimes I think they go too far. AAT decisions should be made within 120 days, although the only real sanction is that the tribunal has to own up in its annual report to missing the deadline. Perhaps that is not a sufficient sanction.

The other significant matter is that if the tribunal thinks that a matter is suitable for mediation, and is reasonably likely to be solved by mediation, it can order compulsory mediation. This is a departure from what is usually the case with the Administrative Appeals Tribunal. It seems to the opposition that there is no real reason to vary this procedure in this jurisdiction.

There are significant costs in going through a mediation where at the end the parties agree to disagree. It is one thing to have mediation as an optional way of resolving a dispute but it is another to foist it upon parties.

The third significant issue is the notion of awarding costs. While I think this goes some way towards addressing the concerns many people have about the costs incurred in development disputes taken through the AAT, it does not go far enough. Costs can be awarded when someone breaches or fails to comply with an order of the AAT. But the bill does not address whether or not costs should be awarded against people who make frivolous or vexatious appeals against decisions.

In this territory there are many occasions when development proposals which, generally speaking, have wide support and are innovative and have much to commend them to the community are held up in the AAT by what could only be considered vexatious appeals. It is very simple for one member of the community who says, "I am not really happy with this" to go to the AAT. It is their right, but at the same time it is very simple for them to go to the AAT, pay their lodgment fee and at little cost to themselves, except their time, hold up a substantial development application which may have already involved the expenditure of hundreds of thousands or even millions of dollars. The process is such that an individual can cause havoc. Every issue that is raised by that individual has to be addressed by the proponent. The proponent usually brings in the full panoply of lawyers and specialist. They have to do this because they have already made a considerable investment and they cannot put that investment at risk. This process has been very enervating for planning in the ACT. It is not conducive of resolution of planning issues. The opposition believes that it might be time we introduced the concept of awarding costs against a complainant who takes a frivolous matter to the AAT.

While there is much to commend what is being proposed, this bill is part of a package which is generally not supported by the opposition. But there are aspects of this bill that will be supported.

MS DUNDAS (6.24): This bill alters the structure of the Administrative Appeals Tribunal to insert a dedicated planning and land division. The ACT Democrats broadly support this measure. The creation of a separate section of the tribunal will allow for better management of planning disputes and allow for better facilitation of decisions and outcomes.

Unsurprisingly, I have a number of concerns with the details, particularly the insertion of a new power to award costs in planning cases. The scrutiny of bills report also brought up this issue. This is in conflict with other sections of the Administrative Appeals Tribunal. I foreshadow that when we get to the detail stage I intend to oppose this provision.

MS TUCKER (6.25): During my time in the Assembly I have taken a keen interest in the appeals system for development approvals because I think it is essential for good planning to have strong checks and balances on the discretion currently exercised by the planners. The AAT is usually the last hope residents have of stopping or modifying a development approval they object to. Residents do not take up an appeal lightly, as it can be quite an intimidating and expensive process. They generally feel that it is aburden they could do well without. It involves making time to attend hearings and doing research into the application decision and the relevant sections of the Territory Plan. Many people seek legal assistance because they are so unfamiliar with the process. It is therefore very important that both sides to the appeal, particularly residents who are not experts in the planning system, be treated equally and fairly.

This bill maintains the AAT as a forum for resolving planning appeals, but through a separate land and planning division. The bill attempts to speed up and streamline the process, firstly, by setting a time limit of 120 days to decide appeals and, secondly, by encouraging mediation between the parties instead of going straight to a formal tribunal hearing. The bill also gives the AAT the power to order costs against a party that contravenes a tribunal direction.

I support the idea of encouraging mediation, as in many cases this may be a more effective way of reaching an agreement between the parties. I am concerned, though, about the implications of the new provision for awarding costs. On the scrutiny of bills committee we commented on this aspect. We stated that the risk of having to meet a costs order might dissuade many people from making an application for review.

The wording of this proposed section is also quite vague, and it could be difficult to determine the circumstances in which a party contravenes a direction. For example, it does not appear to be relevant to assess whether the contravention caused any prejudice to another party or whether it added to the costs to the public. The only guidance given to the AAT is that the making of the order must be "in the interests of justice".

The report also noted that the costs order will be against the party, not against any lawyer who might have been responsible. I think there needs to be an amendment to this proposed section to clarify when costs can be awarded.

It is not in the bill, but the minister in his presentation speech mentioned that the tribunal will get extra resources to enable it to deal more effectively with appeals. Additional tribunal members with expertise in planning-related matters will be appointed. This will allow three members, including two with relevant expertise, to sit on most appeals. There will also be a need for extra mediation resources. It is very important that these resources be made available, as this bill cannot be implemented without them. I look forward to these resources being allocated.

MR CORBELL (Minister for Education, Youth and Family Services, Minister for Planning and Minister for Industrial Relations) (6.28): My colleague the Chief Minister has carriage of this legislation, as he is the minister responsible for the Administrative Appeals Tribunal Act. I do, though, want to make some brief comments. Whilst this is notionally an area under the responsibility of the Attorney-General, it is nevertheless an important element of planning administration in the territory.

As I outlined earlier in my speech on the Planning and Land (Consequential Amendments) Bill, the changes to the Administrative Appeals Tribunal are aimed at streamlining decision-making. More importantly, they are fundamentally aimed at trying to deliver better outcomes and achieving outcomes rather than a strict black letter law interpretation of the land act.

We have seen some AAT decisions in recent times which, whilst undoubtedly correct and thorough, have led to confusion as to exactly what the outcome should be in development terms. Through these changes we are implementing a regime which allows for parties to discuss matters in a much more informal way as often as possible, by placing a positive obligation on the tribunal to consider and to undertake mediation.

The government is conscious that this will require resources, not only in the appointment of additional panel members to the AAT but also in the engagement of professional mediators to assist with the mediation process. That is an issue the government will consider in the context of the coming budget.

The objectives of the ALP as set out in our pre-election policy were to make the planning appeals system more straightforward, less complex and intimidating, and certainly less costly. The focus on mediation is designed to achieve the objective of making it less costly but also the objective of making it less intimidating, particularly for those people who perhaps do not have much experience of appearing in these sorts of very formal and often very structured processes.

The government, as it outlined in its pre-election policy, also wanted expert members hearing matters that ultimately went to a full review. We believe the activation of a land and planning division of the AAT is the most appropriate mechanism of achieving this. It allows the government to appoint expert members to hear matters. So we will be looking to appoint members expert in heritage matters, planning matters and valuation matters so that we can get a good body of people hearing matters. We still need people with the requisite legal expertise to make sure that that there is procedural fairness and that legislation is interpreted responsibly. The government will be pursuing that vigorously if this legislation is passed by the Assembly.

The model we are implementing in this bill is strongly focused on the Tasmanian experience. I would recommend to members, if anyone is particularly interested in this, that they talk with people from Tasmania who were involved in the disputes mechanism in that state. They have seen a dramatic turnaround in the number of matters that go to formal appeal, and they have seen a dramatic change of culture in resolving matters through mediation. That has been achieved by placing a positive statutory obligation on the disputes-hearing tribunal to consider and to undertake mediation but also through a cultural change in the organisation hearing the dispute. I am keen to see that we do not simply rely on legislation to achieve that change but also communicate as a government and an Assembly our expectation, if we choose to pass this bill, of fewer adversarial hearings and more dispute resolution hearings in the AAT and its forums, rather than barristers at 60 paces, which has tended to be the outcome all too often in the territory.

This is an important part of the government's reform package. We believe it delivers real benefits to industry and the broader community. Industry wants certainty and wants clear timeframes when it comes to decisions on development applications. The community wants a friendlier process, one which they can engage in more easily and is less adversarial. Indeed, industry wants that as well. I am pleased to say that overwhelmingly the response to this very important bill from industry and from the community has been positive.

I have to take up one point raised by Mr Dunne. She raised whether or not costs should be awarded in a more rigorous way than is outlined in the legislation. Perhaps she should talk to her colleague Mr Stefaniak, who signed off on the scrutiny of bills report suggesting that there should be no provision for costs at all. Once again, there is some contradiction in the opposition ranks on this point.

We believe we have a reasonable compromise, one which still allows people to fully exercise their rights to a review and a appeal but also sends a clear signal that if people are simply engaging in appeals or seeking reviews to stall or delay a proposal there is the potential for costs to be awarded against them.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (6.35), in reply: The Administrative Appeals Tribunal Amendment Bill 2002, as Mr Corbell has just stated, is a very important part of the government's planning reform package for the ACT. It is legislation administered by the department of justice. I acknowledge that it is, however, integral to the planning reform package that has been debated today, and I acknowledge that the development of this new planning appeals process has been very much a collaborative effort between the department of justice and PALM. I also acknowledge, as we all know, that leadership in the government's planning reform work has been taken by Mr Corbell. This is very much a project he has led.

As part of its election platform, Labor made a commitment to improving land planning and management in the ACT. We were aware that there were community concerns about aspects of the planning appeals process. Some of the concern was that the hearing of planning appeals was too cumbersome and costly for ordinary people exercising their rights to challenge administrative decisions about planning matters.

The changes made by this bill come out of consultation the government undertook in determining how best to meet its commitment. After consultation with planning and building professions and community groups, it was clear that, although reform of the planning appeals process was necessary, there was cross-sector agreement that the Administrative Appeals Tribunal was the most appropriate forum to deal with planning appeals.

The Administrative Appeals Tribunal has an existing land and planning division. This bill includes measures to streamline procedures in that division. Lengthy and expensive delays are what cause parties to planning appeals most concern. This bill is designed to ensure that planning appeals are moved through the appeals process with speed and efficiency.

Legislative changes will be complemented by improved resources. Additional tribunal members with expertise in the planning, building and heritage industries will be appointed. This will allow three members, two with expertise in the subject matter, to sit on most planning appeals. In addition, qualified mediators will be engaged by the tribunal to reduce the number of matters that go to a formal hearing.

The bill introduces a positive obligation on the AAT to consider whether a matter before it can be resolved by mediation. Although the tribunal already has the power to mediate matters before it, there is no obligation to consider whether mediation is appropriate in any matter.

The bill introduces a time limit of 120 days for completion of planning appeals. The president of the tribunal will be given a discretion to extend time so that there is flexibility where complex matters, particularly on heritage issues, are being considered.

The bill introduces the concept of the Administrative Appeals Tribunal awarding legal costs against a party to an appeal. As Mr Corbell has just indicated, the Standing Committee on Legal Affairs, in its scrutiny report, expressed concern about the provision giving power to the tribunal to award costs. The notion of costs being awarded by the AAT against an unsuccessful party in all cases is not favoured. As a general rule, it is

undesirable to have costs awarded in administrative decision-making processes. Where a discretion is exercised, it is appropriate for people affected by the decision to have the right to ask for the decision to be reviewed without having to worry about being made to bear the costs if they are unsuccessful.

However, there are some areas where the review process can be misused by one party in a way that is unfair to other people affected by the decision. There are occasions when a party is slow in complying with a direction or order of the tribunal for no reason other than it suits the party to delay the hearing. When this happens, other parties are put to unnecessary trouble and expense.

The bill gives the tribunal a discretion to award costs if it is satisfied that doing so is in the interests of justice. Costs can be awarded only if a party has contravened a tribunal direction. The power to award costs is unlikely to be used often, but it provides support for the idea that the tribunal must complete planning appeals within 120 days.

The bill also inserts objects in the AAT Act 1989. The main objects contain a statement of the principles of administrative review—that is, that the tribunal is accessible, its proceedings are efficient, effective and informal and its decisions are fair. All hearings of the Administrative Appeals Tribunal must be conducted having regard to the stated principles of administrative review.

Additional objects for the land and planning division are also inserted to emphasise that the AAT is part of the land planning and development process in the ACT. Those objects balance the discretion to order costs in certain cases and place it in the context of fair, efficient and effective decision-making.

In combination with additional resources, the provisions in this bill will reshape the planning appeals process in accordance with this government's commitment to the Canberra community.

I acknowledge the enormous amount of work undertaken by Mr Corbell, his office and his officers in the major planning reform process in which this government is engaged. It was a very explicit and direct commitment we took to the last election. This government has a clear mandate to deliver these reforms. The attitude of the opposition to this reform process is disappointing in the extreme. The obstructive time-wasting approach of the opposition to these issues flies in the face of the very clear mandate we received. Consultative processes have been adopted by the government. I think the record should note that.

I conclude by acknowledging the mammoth effort the public service, through PALM and through the minister's office and officers, have put into this very good process and achieving these very good outcomes.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clause 1.

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

Lakes Amendment Bill 2002

Debate resumed from 26 September 2002, on motion by **Mr Wood**:

> That this bill be agreed to in principle.

MRS DUNNE (6.43): The Liberal Party opposition will be supporting this bill. It is uncontroversial and makes life easier for those people who want to use the Molonglo Reach waterskiing area. Its proposals are simple. Somebody who already has an appropriate interstate licence to drive a registered motorboat will be able to do so on Molonglo Reach without filling out unnecessary extra paperwork. The bill reinforces the already operating and quite useful booking system.

In addition, the bill takes the opportunity to take into account the fact that the Environment Protection Authority has changed its name to the Environment Management Authority. These things are uncontroversial and straightforward, and the opposition has no problem with the proposal.

MS TUCKER (6.44): The Greens are support this bill. As Mrs Dunne said, it enables interstate boat licence-holders to operate their powerboats on Molonglo Reach. Interstate boats will still need to comply with all the relevant ACT conditions to use the waterway. It seems like a sensible reform.

MR WOOD (Minister for Urban Services, Minister for the Arts and Minister for Disability, Housing and Community Services) (6.44), in reply: The debate has taken longer than I thought it should have taken, but I am happy about the support the bill has received.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Criminal Code 2002

Debate resumed from 14 November 2002, on motion by **Mr Stanhope**:

> That this bill be agreed to in principle.

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

Adjournment

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

> That the Assembly do now adjourn.

Mr Gordon McAllister

MS TUCKER (6.46): I take this opportunity tonight to let members know that Gordon McAllister is leaving my office. His last day will be tomorrow. I would like to acknowledge the contribution he has made not just to my office but to the Legislative Assembly. He has worked with the Greens since 1995. He had a short period back in the public service when we did not get a second seat in Ginninderra, but then he rejoined my office. He has been incredibly important to the work of the Greens, especially on planning and environment issues. Simon Corbell said he thought Gordon probably knew more about the land act than did anyone else in this building, and potentially even in the bureaucracy. So obviously Gordon has offered a lot of importance.

Apart from that, Gordon has been incredibly good to work with, and I will miss him very much. I wish him the best. He is moving to Environment ACT. Mr Wood is giving the thumbs-up to that. I am glad that his expertise will be staying in the ACT.

Mr Wood: Your loss is our gain. He will still be working for the territory.

MS TUCKER: He will still be working for the territory, so we will not lose his wonderful contribution. I wish him absolutely the best and cannot express with words how much I appreciate him.

Craft exhibitions
Muslim clothing

Ms MacDONALD (6.48): I want to raise a couple of issues this evening. The first one is very pleasurable. At lunchtime the other day I was at the Craft ACT galleries. I would like to commend to members a couple of exhibitions there. The first is the craft for Christmas annual exhibition by members of Craft ACT. There is a number of fantastic pieces in the exhibition, some of which would be very useful for Christmas, at a wide range of prices.

Another exhibition at the Craft ACT galleries and at the Canberra Centre is called Marriage of Cultures. It celebrates the 10-year anniversary of the sister city relationship between Nara and Canberra. Danusha Cubillo and Lyndy Delian have done screen printed Aboriginal motifs on silk kimonos and obis. They are absolutely beautiful. I commend those excellent works to all members of the Assembly.

Moving on to not so pleasant matters: I would like to raise my concern about something that occurred in the New South Wales upper house during question time yesterday when Mr Fred Nile asked whether the body covering of Muslim males and females could be a disguise for terrorists using weapons and explosives. Mr Nile asked the government whether or not they would be banning that sort of dress.

I find it absolutely abhorrent that Mr Nile would use his position in such a way, which I believe is inclined to incite violence. I am aware that Mr Nile is a bigot and a religious zealot, but I had not realised that he would go as far as to incite violence, whether it be the violence of verbal abuse or violence of another kind, with his remarks. I abhor his remarks. I am glad to hear that the suggestion was rejected out of hand.

Death of Mrs Rosario Costa

MS GALLAGHER (6.52): I rise to speak briefly about a woman called Rosario Costa, whom I had the privilege of working with and who sadly passed away unexpectedly on Sunday, 17 November. Rosario Costa was one of those people our community relies on, one of those who contribute significantly to the community and seek no recognition for their work.

I met Rosario in 1999 when I joined the board of Woden Community Service. Rosario was elected to the board seven years ago, after responding to a request for interested people to consider coming on to the board. She was a constant contributor to board discussions and decisions, and she had a strong commitment to the principles of social justice.

Rosario recently played a significant role in the preparation of the strategic plan for Woden Community Service heading into the year 2004-2005. She was known for her enthusiasm, humour and constant commitment to her role and duties as a member of the board of a community organisation. She will be sorely missed by all.

Rosario was 46 when she passed away. She is survived by her husband, Michael, and their two children, Sabrina and Leigh. I extend my sincere sympathies to Rosario's family and friends.

Death of Mr Frank Fulton

MR STEFANIAK (6.53): I would like to note the sad passing several weeks ago of the principal of Daramalan College, Mr Frank Fulton. Frank was the first lay principal of the college, although he had been in the priesthood in the early 1960s. He was posted to the college as a young priest. He subsequently left the priesthood and married his charming wife, and they had four magnificent children.

Frank coached one of college's rugby teams. He coached Peter McGrath, who played with the Raiders, John Hardy and several others who have done very well in their codes. Peter McGrath is currently president of the ACT Rugby Union.

Frank came back to the college five years ago as principal. He was an incredibly learned man. He was incredibly well read. He could speak about six languages fluently. He was very much a classical scholar, and he instilled in his four children a love of learning.

I was with Frank the Wednesday before he died. He died on a Thursday. My wife was ill. I could not take her to the Daramalan school play at the Street Theatre, so I took my young son Joseph. I had a glass of wine with Frank at interval. He seemed fine then. He wanted me to stay afterwards to have another drink with him. My young bloke was a bit tired. It was a heavy play, and I think Joseph was more interested in seeing people

wandering around in the darkness behind the stage, which you could see, thank God, because otherwise he would have got restless. But he enjoyed that.

I remember leaving Frank that night. We were going to have a meal at some stage in the future. I was absolutely shocked to hear several days later that the next day, Thursday, he had gone home and had a massive coronary.

The measure of the man could be seen by the people who attended his funeral—people he had grown up with, his family members. I was especially moved by the magnificent eulogies, especially those by his four children. They were quite magnificent and touching to hear. Frank can be so proud of his four magnificent children. To his wife, his children and his extended family, I would like to pass on my condolences. As a member of this Assembly and someone who had a fair bit to do with him when he was principal of Daramalan, I thank him for all he did for education in the ACT and for the magnificent impact he had on thousands of young people, many of whom I know have turned out to be magnificent adults.

Hospital waiting lists

MR PRATT (6.56): Mr Speaker, I rise to respond to a point made by the Chief Minister after question time today, when he indicated that he thought I had misled the house when I asked him a question about misleading the house—if you can follow all that sequence.

MR SPEAKER: I can but just be careful how you use the word "mislead".

MR PRATT: I do not intend to deploy that phrase, Mr Speaker. Let me give my reason for asking that question today and tell you why I was not misleading the house in the question I asked. The Chief Minister, in his response to Mr Smyth's question the other day—that is, the question about the 4,000 waiting list and what the minister's plan regarding that might be—gave figures for the September trend line that are quite unsustainable.

My question today was based on the increasing trend line for waiting lists. The essential point backgrounding my question is that the waiting lists have increased in the first year of the Stanhope government. My question was based on an increasing trend line. I would put it to you that that is not a case of misleading. To support my case, I seek leave to table a graph which illustrates the increasing trend line and includes the period the question was about.

Leave granted.

MR PRATT: I present the following paper:

> Elective surgery waiting lists—Copy of graph for the period July 2000 to October 2002.

Question resolved in the affirmative.

The Assembly adjourned at 6.57 pm until Tuesday, 10 December 2002, at 10.30 am.

Answers to questions
Inquiries, reviews, committees and task forces (Question No 270)

Mr Humphries asked the Chief Minister, upon notice, on 24 September 2002:

(a) Can the Minister advise of all the Inquiries, Reports, Reviews. Committees of Inquiry and Taskforces that agencies currently under his direct control in each of his ministerial portfolios established during the 2000-2001 financial year.

(b) How much did each of these cost and what was the total cost to Government of these projects.

(c) Can he further advise of the cost of these projects to each agency.

(d) What were the terms of reference or guidelines for each of these projects.

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

1. The inquiries, reports, reviews, committees of inquiry and taskforces that agencies currently under my direct control in each of my ministerial portfolios established during the 2000-2001 financial year are at Attachments A - Q as follows:

Attachment A Board of Inquiry into Disability Services
Attachment B Digital Divide Taskforce
Attachment C Canberra - Australia's Quiet Evolution Project
Attachment D Implementation of the Bender Inquest Report
Attachment E Regional Telecommunications Scoping Study
Attachment F Olympic Football - Survey of Spectators
Attachment G Review of Therapy Services for School Students with a Disability
Attachment H Review of the ACT Public Sector Workers' Compensation Premium Devolution Model
Attachment I Moving Forward - Service and Renewal
Attachment J Review of the Security Industry Codes of Practice
Attachment K Review of ACT Law Courts Information Technology Systems
Attachment L Mercer Cullen Egan Dell Job Sizing
Attachment M Report to the Board of the ACT Health and Community Care Service (the Board) by the National Centre for Social and Economic Modelling at the University of Canberra (NATSEM)
Attachment N Surgical Services Review (King Report)
Attachment O ACT Sexual and Reproductive Health Services Review
Attachment P Drugs of Dependence Act Part IX Review
Attachment Q Report on the Extent of Family Violence in the Aboriginal and Torres Strait Islander Communities in the ACT

2. Costing for each item is included at Attachments A to Q.

Total cost to Government for all items is $2,041,435.

3. Agency cost for the projects is as follows:

Chief Minister's Department	$1,773,497
Justice and Community Safety	$115,090
ACT Health	$152,848

4. The Terms of Reference/Guidelines for each of these projects are included at Attachments A to Q.

QUESTION ON NOTICE NO. 270 Attachment A

INQUIRIES, REPORTS, REVIEWS, COMMITTEES OF INQUIRY AND TASKFORCES
(Established during 2000-2001)

Agency name: Chief Minister's Department

Name of inquiry / report / review / committee / taskforce:
Board of Inquiry into Disability Services

Established: 20 December 2000

Cost: $1,323,012

Terms of Reference / Guidelines:

To inquire, in a manner which recognises the limited capacity of some persons to participate and protects individual interests, into the services for people with disability in residential care in the ACT and in particular to examine:
(a) service quality, particularly the safety, dignity, well being and development opportunities for people who reside in disability services provided or funded by the ACT Government (directly or indirectly) including, but not limited to:
(i) the degree of compliance with legislative requirements and disability standards;
(ii) the degree of participation by residents, families, carers, advocates and guardians in decisions affecting them or the persons for whom they care: and
(iii) the adequacy and effectiveness of staff selection and training;
(b) service monitoring and accountability, particularly the adequacy and effectiveness of mechanisms employed by the ACT Government to ensure the quality of services, compliance with legislation and the disability standards and their efficient and effective use of government funds;
(c) consumer protection, advocacy services, complaints and appeals, particularly the adequacy and effectiveness of consumer protection and complaints and appeals mechanisms external to individual services, including the Community and Health Services Complaints Commissioner, the Community Advocate, consumer advocacy services and the Human Rights Office of the ACT; and
(d) resource allocation, in particular the adequacy, equity and efficiency of disability service funding allocation generally and, in particular:
(i) between government and non-government service providers;
(ii) between program administration costs and direct services; and
(iii) between permanent accommodation, respite and other disability services.

In the conduct of the inquiry, the Board of Inquiry shall have due regard to the functions of the Coroner pursuant to the *Coroners Act 1997* in the holding of any inquest into any deaths which have occurred within a framework of services for people with disabilities referred to above.

The Board is required to report to the Chief Minister in accordance with Section 14 of the *Inquiries Act 1991* by 31 May 2001.

QUESTION ON NOTICE NO. 270 Attachment B
INQUIRIES, REPORTS, REVIEWS, COMMITTEES OF INQUIRY AND TASKFORCES
(Established during 2000-2001)

Agency name: Chief Minister's Department

Name of inquiry / report / review / committee / taskforce:
Digital Divide Taskforce

Established: 22 January 2001

Cost: Internal staff costs only

Terms of Reference / Guidelines:

The Task Force was appointed by the ACT Chief Minister on the following basis on 22 January 2001:
"Noting developments in the area of information technology and the apparent inequities in access to this technology the following matters are referred to a taskforce chaired by Mrs Jacqui Burke MLA for review and recommendations:

Developments in information technology and the emergence of the question of the "Digital Divide"
Measures implemented or proposed in other jurisdictions to address the issue
The extent to which the "Digital Divide" is a problem in the ACT
Options for possible ACT action to address the "Digital Divide"
Any other related matters which the Taskforce may consider appropriate to bring to the Government's attention.

In undertaking this reference and arriving at any recommendations, the Taskforce will consult with and have regard to the concerns of members of the community.

The Taskforce should, as far as practicable, include wide representation within the ACT community.

The Taskforce should report to me [the Chief Minister] by 26 April 2001."

Membership
Mrs Jacqui Burke MLA (chair), Mr Daniel Stubbs, Director, ACTCOSS and Professor Michael Wagner, Head of School of Computing, University of Canberra.

QUESTION ON NOTICE NO. 270 Attachment C
INQUIRIES, REPORTS, REVIEWS, COMMITTEES OF INQUIRY AND TASKFORCES
(Established during 2000-2001)

Agency name: Chief Minister's Department

Name of inquiry / report / review / committee / taskforce:
Canberra - Australia's Quiet Evolution Project

Established: February 2001

Cost: $11,818

Terms of Reference / Guidelines:

Review of the Government's measured approach to the growth of Canberra's Knowledge based economy. Production of a report for public dissemination detailing how the ACT has been positioned over the course of several years to encourage the development of the Knowledge based community.

QUESTION ON NOTICE NO. 270 Attachment D
INQUIRIES, REPORTS, REVIEWS, COMMITTEES OF INQUIRY AND TASKFORCES
(Established during 2000-2001)

Agency name: Chief Minister's Department

Name of inquiry / report / review / committee / taskforce: Implementation of the Bender Inquest Report

Established: January 2001

Cost: $ 10,000

Terms of Reference / Guidelines:
Second assessment of the implementation of the Bender Inquest Report. Mr Sherman was given the following terms of reference:
- assess the ACT Government's response to the Coroner's Report;
- ensure that, where appropriate, the Report's recommendations and other matters raised by the Coroner relevant to the ACT Public Service are addressed in current practice and procedures; and
- report on the findings.

QUESTION ON NOTICE NO. 270 Attachment E
INQUIRIES, REPORTS, REVIEWS, COMMITTEES OF INQUIRY AND TASKFORCES
(Established during 2000-2001)

Agency name: Chief Minister's Department

Name of inquiry / report / review / committee / taskforce:
Regional Telecommunications Scoping Study

Established: November 2000

Cost: $15,000

Terms of Reference / Guidelines:

a) Explore opportunities that exist with current ACT telecommunication projects to extend into the wider Australia Capital Region (ACR);

b) Review other ACR telecommunications projects to determine viability- and limitations;

c) Present potential scenarios for the ACR to create a strong IT & T platform across the region, highlighting strengths and weaknesses of these scenarios in the context of the region's strategic outlook;

d) Suggest ways to progress these option in the final report; and

e) Undertake further tasks as requested, subject to a negotiated timeframe and costs.

QUESTION ON NOTICE NO. 270 Attachment F
INQUIRIES, REPORTS, REVIEWS, COMMITTEES OF INQUIRY AND TASKFORCES
(Established during 2000-2001)

Agency name: Chief Minister's Department

Name of inquiry / report / review / committee / taskforce:
Olympic Football - Survey of Spectators

Established: September 2000

Cost: $38,005

Terms of Reference / Guidelines:

Conducted a survey of people who attended Olympic Football (Soccer) matches in Canberra during the 2000 Olympic Games. The survey gathered information on issues relating to the provision of services and facilities, transport, and ticketing information to match attendees, as well as economic data on the amount of money spent in the ACT.

QUESTION ON NOTICE NO. 270 Attachment G
INQUIRIES, REPORTS, REVIEWS, COMMITTEES OF INQUIRY AND TASKFORCES
(Established during 2000-2001)

Agency name: Chief Minister's Department

Name of inquiry / report / review / committee / taskforce:
Review of Therapy Services for School Students with a Disability

Established: June 2001

Cost: $33,000

Terms of Reference / Guidelines:

The primary objectives of the review were to:
- Identify and recommend best practice models for improving the availability of therapy services to school-age children with disabilities
- Identify and recommend best practice models for the mode of delivery of therapy services to students with disabilities
- Identify and recommend best practice models of strategy development to ensure equitable access to significantly improve the availability and intensity of therapy services to school-age children with a disability
- Identify and recommend best practice models for the integrated delivery of therapy services
- Identify and recommend best practice administrative arrangements for the delivery of therapy services to school age students with disabilities
- Identify and recommend best practice models for a whole of government planning process for children and young people with disabilities.

QUESTION ON NOTICE NO. 270 Attachment H
INQUIRIES, REPORTS, REVIEWS, COMMITTEES OF INQUIRY AND TASKFORCES
(Established during 2000-2001)

Agency name: Chief Minister's Department

Name of inquiry / report / review / committee / taskforce:
Review of the ACT Public Sector Workers' Compensation Premium Devolution Model

Established: 15 May 2001 (date of contract)

Cost: $78,412 (total cost inclusive of GST)

Terms of Reference / Guidelines:

The reviewer was asked to examine the methodology for devolving the ACT Government's workers' compensation premium to agencies and instrumentalities and make recommendations for changes which could be implemented in the devolution of the 2001-2002 premium. See attached extract for full statement of requirements.

TERMS OF REFERENCE

1.1 BACKGROUND

1.1.1 The ACT Government is covered by the Commonwealth's *Safety, Rehabilitation and Compensation Act 1988* for the purposes of workers' compensation. The ACT Government has a single premium pool which includes public sector agencies, statutory authorities and Territory-owned Corporations (generically "agencies and instrumentalities"). The ACT pool was separated from the Commonwealth pool on 1 July 1994. From that time, the ACT was effectively self-funded.

1.1.2 In 1996, the ACT Government implemented an experience-based premium devolution model as part of a corporate strategy to manage workers' compensation performance at the agency/instrumentality level. Premium devolution involves allocating the ACT Government's premium to agencies and instrumentalities (defined as 'customers') on the basis of the previous two years claims experience. Devolution is both a management tool and a means of allocating premium costs to disparate entities based on a set of agreed principles. Within the larger ACT customers, it is common for a second-tier devolution to cost centres and groups of cost centres to be undertaken. The rationale for second-tier devolution is to ensure a level of accountability in relation to senior managers' responsibility for injury prevention and management.

1.2 PROJECT SCOPE

Objectives

1.2.1 The selected consultant will conduct a review of the current methodology for devolving the ACT Government's workers' compensation premium to agencies and instrumentalities and make recommendations for changes which could be implemented in the devolution of the 2001-2002 premium (bearing in mind that performance accountability in setting devolved premiums is to remain an important objective of any future model).

1.2.2 In so doing, the consultant will examine, analyse and advise on the following matters:

- the extent to which premiums should reflect customer claim performance without excessive volatility (including the appropriate balance of experience rating and risk sharing);
- the degree to which the setting of customer premiums should take into account the performance outcomes for recently incurred claims (e.g. duration and cost) and for those incurred in older experience years;
- the limiting of long-term cross-subsidisation In customers and groups of customers;
- the treatment (e.g. claims capping) of the impact of individual large or unusual claims;
- appropriate parameters (e.g. minimum size of cost centres and cost-centre groupings) to guide second-tier devolution:
- the setting of premiums for new and/or small customers:
- the adjustment of premiums to reflect changes to the structure of customers (e.g., following changes to the administrative arrangement orders) which result in mergers and transfers of functions;
- any staging or other transitional arrangements necessary, to the efficient and equitable implementation of a new methodology; and
- other factors which the consultant identifies as relevant to the review and as agreed with the steering committee.

Stage 1: Preparation of Discussion Paper

1.2.3 The consultant will be required to prepare a discussion paper to support consultation with ACT Government agencies and instrumentalities on options for changing the current methodology. The paper will assist interested parties to understand premium devolution models, the influence of claims management performance on the outcomes of devolution processes, and the likely consequences of various options for altering the current methodology.

1.2.4 The discussion paper should provide a concise summary of the arrangements for the setting of the ACT premium pool and its performance since 1989, the main features of the current model for devolving the pool and the history of its adoption. The paper should analyse the outcomes of the current model including any unintended effects of its application and identify the issues which are raised by the methodology.

1.2.5 The discussion paper should provide relevant comparative information on methodologies used in other schemes and the Commonwealth, identify the principal features of devolution models and discuss their impact on calculating devolved premiums. The discussion paper should develop a statement of proposed principles which could underpin the ACT's devolution model, propose options for modifying the current devolution methodology, and discuss the impacts, advantages and disadvantages of each option.

Stage 2: Preparation of Report and Recommendations

1.2.6 The consultant will be required to prepare a report for the consideration of the ACT Government which summarises the issues raised in the discussion paper, the advantages and disadvantages of the identified options, the views of agencies and instrumentalities, and provides recommendations for:

- a statement of general principles to guide the devolution of premiums to agencies and instrumentalities;
- a preferred option and a ranking of further options which is based on the principles and which would result in the setting of premium rates responsive to trends in claims performance without excessive volatility;
- guidelines for second-tier devolution methodologies.

QUESTION ON NOTICE NO. 270 Attachment I
INQUIRIES, REPORTS, REVIEWS, COMMITTEES OF INQUIRY AND TASKFORCES
(Established during 2000-2001)

Agency name: Chief Minister's Department

Name of inquiry / report / review / committee / taskforce:
Moving Forward - Service and Renewal

Established: September 2000

Cost: $225,551

Terms of Reference / Guidelines:

Stage 1: Scan of Senior Executive perceptions
Stage 2: Review of ACT Government people systems
Stage 3: Two-day Strategic Public Administration Workshop
Stage 4: Development and implementation of the strategy "Moving Forward - Service & Renewal", including the Review of the Public *Sector Management Act 1994*

QUESTION ON NOTICE NO. 270 Attachment J
INQUIRIES, REPORTS, REVIEWS, COMMITTEES OF INQUIRY AND TASKFORCES
(Established during 2000-2001)

Agency name: Justice and Community Safety

Name of inquiry / report / review / committee / taskforce:
Review of the Security Industry Codes of Practice

Established: 29 January 2001

Cost: $48,400

Terms of Reference / Guidelines:

To review the operation of the Security Industry Codes of Practice under the Fair Trading Act 1992, and, specifically:

(a) to critically examine the operation and administration of the regulatory model adopted in the Codes and report on whether this model has been effective in achieving the stated objectives of the Codes;

(b) subject to the findings in (a), provide an analysis of other possible forms of regulation, or changes that might be made to the current model, to better achieve the objectives of the Codes, taking into account interstate models for the regulation of the security industry and their relative effectiveness; and

(c) in accordance with the Government's obligations under the National Competition Principles Agreement, assess whether the benefits to the community of any provisions in the Act and Codes that restrict competition outweigh the costs, and if so, whether there are alternative means for achieving the Government's objectives.

QUESTION ON NOTICE NO. 270 Attachment K
INQUIRIES, REPORTS, REVIEWS, COMMITTEES OF INQUIRY AND TASKFORCES
(Established during 2000-2001)

Agency name: Justice and Community Safety

Name of inquiry / report / review / committee / taskforce:
Review of ACT Law Courts Information Technology Systems

Established: 17 September 2000

Cost: $50,050

Terms of Reference / Guidelines:

To consider the degree to which the existing IT systems meet the business requirements of the ACT Law Courts.

QUESTION ON NOTICE NO. 270 Attachment L
INQUIRIES, REPORTS, REVIEWS, COMMITTEES OF INQUIRY AND TASKFORCES
(Established during 2000-2001)

Agency name: Justice and Community Safety

Name of inquiry / report / review / committee / taskforce:
Mercer Cullen Egan Dell Job Sizing

Established: 1 November 2000

Cost: $16,640

Terms of Reference / Guidelines:
To conduct a job sizing exercise associated with Certified Agreement negotiations and contract executive positions.

QUESTION ON NOTICE NO. 270 Attachment M
INQUIRIES, REPORTS, REVIEWS, COMMITTEES OF INQUIRY AND TASKFORCES
(Established during 2000-2001)

Agency name: ACT Health

Name of inquiry / report / review / committee / taskforce:
Report to the Board of the ACT Health and Community Care Service (the Board) by the National Centre for Social and Economic Modelling at the University of Canberra (NATSEM)

Established: November 2000

Cost: $81,648

Terms of Reference / Guidelines:

The Board commissioned NATSEM to:

- exami
  ne the Commonwealth Grants Commission and National Hospital Costs Data Collection methodologies (and the applicability of these assumptions to TCH); and
- reach conclusions about whether there are sound reasons why TCH costs should be higher than those of other hospitals and whether there are deficiencies in the methodologies used to assess what TCH costs should be.

QUESTION ON NOTICE NO. 270 Attachment N
INQUIRIES, REPORTS, REVIEWS, COMMITTEES OF INQUIRY AND TASKFORCES
(Established during 2000-2001)

Agency name: ACT Health

Name of inquiry / report / review / committee / taskforce:
Surgical Services Review (King Report)

Established: 1 November 2000

Cost: $20,000

Terms of Reference / Guidelines:

The requirement to conduct a theatre utilisation and surgical throughput review originated from the *Inquiry into Public Hospital Waiting Lists, Nov* 1999, which recommended that the Government examine ways of improving theatre utilisation.
The primary purpose of the review was to conduct this examination as part of an effort to reduce the length of waiting times for patients in the ACT.

QUESTION ON NOTICE NO. 270 Attachment O
INQUIRIES, REPORTS, REVIEWS, COMMITTEES OF INQUIRY AND TASKFORCES
(Established during 2000-2001)

Agency name: ACT Health

Name of inquiry / report / review / committee / taskforce:
ACT Sexual and Reproductive Health Services Review

Established: 24 October 2000

Cost: $29,200

Terms of Reference / Guidelines:

Aim
To undertake a review of sexual and reproductive health services in the ACT that will identify priority health outcomes and make recommendations about a whole of territory approach to services coordination, planning and purchasing.
Objectives
- To identify the scope of sexual and reproductive health services in the ACT.
- To map the current provision of sexual and reproductive health services in the ACT.
- To identify gaps and overlaps in ACT sexual and reproductive health services.
- To provide a framework for future planning, policy and purchasing of sexual and reproductive health services within the ACT.

QUESTION ON NOTICE NO. 270 Attachment P
INQUIRIES, REPORTS, REVIEWS, COMMITTEES OF INQUIRY AND TASKFORCES
(Established during 2000-2001)

Agency name: ACT Health

Name of inquiry / report / review / committee / taskforce:
Drugs of Dependence Act Part IX Review

Established: 26 June 2001

Cost: $22,000

Terms of Reference / Guidelines:
To identify and consolidate existing research on the effectiveness of *Part IX* of the Act, interview key law enforcement and health sector stakeholders, survey appropriate legislative models from other jurisdictions and compile this work into a report with recommendations for the consideration of the Drugs of Dependence Act Part IX Review Steering Committee.

QUESTION ON NOTICE NO. 270 Attachment Q
INQUIRIES, REPORTS, REVIEWS, COMMITTEES OF INQUIRY AND TASKFORCES
(Established during 2000-2001)

Agency name: Chief Minister's Department

Name of inquiry / report / review / committee / taskforce:
Report on the Extent of Family Violence in the Aboriginal and Torres Strait Islander Communities in the ACT

Established: May 2001

Cost: $38,699

Terms of Reference / Guidelines:

The Terms of Reference for the review were to:
- conduct an investigation into the extent of Family Violence in the ACT Aboriginal and Torres strait Islander communities;
- identify the specific needs of the communities;
- identify through research good practice models that are effective in developer healthy family relationships; and
- recommend strategies which will impact to develop healthy family relationships in these communities in the ACT.

Inquiries, reviews, committees and task forces (Question No 271)

Mr Humphries asked the Deputy Chief Minister, upon notice, on 24 September 2002:

(1) Can the Minister advise of all Inquiries, Reports, Reviews, Committees of Inquiry and Taskforces that agencies currently under his direct control in each of his ministerial portfolios established during the 2000-2001 financial year.
(2) How much did each of these cost and what was the total cost to Government of these projects.
(3) Can he further advise of the cost of these projects to each agency.
(4) What were the terms of reference or guidelines for each of these projects.

Mr Wood: The answer to the member's question in respect of my responsibility as Acting Minister for Police, Emergency Services and Corrections can be found at attachment A.

ATTACHMENT A
INQUIRIES, REPORTS, REVIEWS, COMMITTEES OF INQUIRY AND TASKFORCES
(Established during 2000-2001)

Agency name: ACT Emergency Services Bureau

Minister responsible: Minister for Police, Emergency Services and Corrections

Name of inquiry / report / review / committee / taskforce:
HR. Consulting - HR. Benchmarking

Established: 1 July 2000

Cost: $11,987.80

Terms of Reference / Guidelines:
ESB share of an overarching consultancy undertaken by the Chief Minister Department. Non discretionary.

Contact Name and Phone Number: Peter Macdonald, 6207 8410

ATTACHMENT A
INQUIRIES, REPORTS, REVIEWS, COMMITTEES OF INQUIRY AND TASKFORCES
(Established during 2000-2001)

Agency name: ACT Emergency Services Bureau

Minister responsible: Minister for Police, Emergency Services and Corrections

Name of inquiry / report / review / committee / taskforce:
Asgard Capital Management - Draft Award

Established: 1 July 2000

Cost: $2,365.00

Terms of Reference / Guidelines:
Engagement of an industrial expert to complete the modernisation of the ACT Ambulance Award in accordance with the Workplace Relations Act.

Contact Name and Phone Number: Peter MacDonald - 62078410

ATTACHMENT A
INQUIRIES, REPORTS, REVIEWS, COMMITTEES OF INQUIRY AND TASKFORCES
(Established during 2000-2001)

Agency name: ACT Emergency Services Bureau

Minister responsible: Minister for Police, Emergency Services and Corrections

Name of inquiry /report / review / committee / taskforce:
Cogent Business Solutions - Fleet Review

Established: 1 July 2000

Cost: $3,234.70

Terms of Reference / Guidelines:

Prepare report on review of the Emergency Services Bureau's vehicle fleet.
Contact Name and Phone Number: Mike Castle - 62078409

ATTACHMENT A
INQUIRIES, REPORTS, REVIEWS, COMMITTEES OF INQUIRY AND TASKFORCES
(Established during 2000-2001)

Agency name: ACT Emergency Services Bureau

Minister responsible: Minister for Police, Emergency Services and Corrections

Name of inquiry / report / review / committee / taskforce:
Cogent Business Solutions - Protective Clothing Review

Established: 6 September 2000

Cost: $12,175.63

Terms of Reference / Guidelines:

Investigate and report on alternate protective clothing sources and funding arrangements for ACT Fire Brigade.

Contact Name and Phone Number: Mike Castle - 62078409

ATTACHMENT A
INQUIRIES, REPORTS, REVIEWS, COMMITTEES OF INQUIRY AND TASKFORCES
(Established during 2000-2001)

Agency name: ACT Corrective Services
Minister responsible: Minister for Police, Emergency Services and Corrections

Name of inquiry / report / review / committee / taskforce:
Prison Project Crime Trend Analysis (John Walker)

Established: February 2001

Cost: $17,375.00
Terms of Reference / Guidelines:
To undertake projections of sentenced and remand numbers for the ACT to 2020.
Contact Name and Phone Number: Eddie Issa 62070868

ATTACHMENT A
INQUIRIES, REPORTS, REVIEWS, COMMITTEES OF INQUIRY AND TASKFORCES
(Established during 2000-2001)

Agency name: ACT Corrective Services

Minister responsible: Minister for Police, Emergency Services and Corrections

Name of inquiry / report / review / committee / taskforce:
Needle Exchange Literature Review (University of NSW)

Established: August 2000

Cost: $17,097.00

Terms of Reference / Guidelines:

To conduct a literature review on the area of current practice for needle and syringe programs in correctional facilities.

Contact Name and Phone Number: Eddie Issa 62070868

ATTACHMENT A
INQUIRIES, REPORTS, REVIEWS, COMMITTEES OF INQUIRY AND TASKFORCES
(Established during 2000-2001)

Agency name: ACT Corrective Services

Minister responsible: Minister for Police, Emergency Services and Corrections

Name of inquiry / report / review / committee / taskforce:
ACT Prison Project Brief (Rengain)

Established: December 2000

Cost: $518,772.00

Terms of Reference / Guidelines:

To identify:
- the most suitable model for the design, construction, operation and possibility the financing of a correctional facility in the ACT;
- the most suitable model for the Territory's management and governance of the facility; and
- security and operational issues relating to the requirements for the delivery of correctional services in the facility.

Contact Name and Phone Number: Eddie Issa 62070868

ATTACHMENT A
INQUIRIES, REPORTS, REVIEWS, COMMITTEES OF INQUIRY AND TASKFORCES
(Established during 2000-2001)

Agency name: ACT Corrective Services

Minister responsible: Minister for Police, Emergency Services and Corrections

Name of inquiry /report /review / committee / taskforce:
Preliminary Assessment of Prison Site at Symonston (Purdon & Associates)

Established: February 2001

Cost: $60,250.00

Terms of Reference / Guidelines:

To undertake the Preliminary Assessment consistent with Part four, Schedule three of the *Land (Planning and Environment) Act 1991* on the preferred site for the ACT correctional facility at Symonston.

Contact Name and Phone Number: Eddie Issa 62070868

ATTACHMENT A
INQUIRIES, REPORTS, REVIEWS, COMMITTEES OF INQUIRY AND TASKFORCES
(Established during 2000-2001)

Agency name: ACT Corrective Services

Minister responsible: Minister for Police, Emergency Services and Corrections

Name of inquiry / report / review / committee / taskforce:
An ACT Prison - Getting it Right (report by the ACT Prison Community Panel)

Established: May 2000, report delivered in December 2000.

Cost: $45,000 (this is an approximate costing and includes estimates of existing staff members time assisting the panel in their research and compiling their report over a six month period)

Terms of Reference / Guidelines:

The ACT Prison Community Panel considered the general philosophy that would underpin the operation of an ACT correctional facility. In particular, it considered facilities, programs (including rehabilitation programs) and services that would allow for the safe, secure, humane and just containment of sentenced prisoners and remandees in the new prison for the ACT. The Panel also provided its views on the following issues:

- the general design of the prison;
- monitoring of prison operation;
- the types of prison industry that might operate within the prison;
- the provision of recreational facilities for prisoners and remandees;
- rehabilitation of prisoners and appropriate interventions; and
- community initiatives in providing for continuity of care from within the prison to the general community to aid reintegration by prisoners (such as work release programs).

Contact Name and Phone Number: Eddie Issa 62070868

Inquiries, reviews, committees and task forces (Question No 271)

Mr Humphries asked the Deputy Chief Minister, upon notice, on 24 September 2002:

(a) Can the Minister advise of all the Inquiries, Reports, Reviews, Committees of Inquiry and Taskforces that agencies currently under his direct control in each of his ministerial portfolios established during the 2000-2001 financial year.
(b) How much did each of these cost and what was the total cost to Government of these projects.
(c) Can he further advise of the cost of these projects to each agency.
(d) What were the terms of reference or guidelines for each of these projects.

Mr Quinlan: As Minister for Economic Development, Business and Tourism and minister for sport, the answers to the member's questions are as follows:

1. The inquiries, reports, reviews, committees of inquiry and taskforces that agencies currently under my direct control in each of my ministerial portfolios established during the 2000-2001 financial year are at Attachments A - D as follows:
Attachment A Open Access Centres: Analysis of Operations
Attachment B Review of ACT Government Small Business Loan Guarantee Scheme
Attachment C CTEC Office Accommodation Study Report
Attachment D Event/Festival Monitoring and Market Research - Visitor Evaluation

2. Costing for each item is included at Attachments A to D.

Total cost to Government for all items is $100,684.

3. Agency cost for the projects is as follows:
Chief Minister's Department $100,684.

4. The Terms of Reference/Guidelines for each of these projects are included at Attachments A to D.

QUESTION ON NOTICE NO. 271 Attachment A
INQUIRIES, REPORTS, REVIEWS, COMMITTEES OF INQUIRY AND TASKFORCES
(Established during 2000-2001)

Agency name: Chief Minister's Department
Name of inquiry / report / review / committee / taskforce:
Open Access Centres: Analysis of Operations

Established: April 2001

Cost: $11,825

Terms of Reference / Guidelines:

Project aimed to:

review the activities of the three Open Access Centres (OACs) in line with agreed operational requirements; examine information provided by the OACS as permitted under the contract(s); report on adherence to the formal contracts between the OACs and the Territory;
determine the optimum distribution of the annual funding ($300,000) between the three OACs based on performance, outcomes and enhancements to ensure best value for money;
ensure that the ACT Government's aims are being met in particular in regard to sustainable job outcomes;
ensure that the ACT Government's aims are being met in regard to eligibility criteria, especially the target groups of Indigenous people, women seeking to return to the workforce after a long absence, people from non-English speaking backgrounds and those successfully completing one or more ACT Government employment programs;
examine any areas of overlap or duplication between ACT Government programs and Commonwealth services; and
recommend future directions and how best to meet the needs within the budget allocation.

QUESTION ON NOTICE NO. 271 Attachment B
INQUIRIES, REPORTS, REVIEWS, COMMITTEES OF INQUIRY AND TASKFORCES
(Established during 2000-2001)

Agency name: Chief Minister's Department

Name of inquiry / report / review / committee / taskforce:
Review of ACT Government Small Business Loan Guarantee Scheme

Established: November 2000

Cost: $8,250

Terms of Reference / Guidelines:
Review of procedures and operation of the Small Business Loan Guarantee Scheme

QUESTION ON NOTICE NO. 271 Attachment C
INQUIRIES, REPORTS, REVIEWS, COMMITTEES OF INQUIRY AND TASKFORCES
(Established during 2000-2001)

Agency name: Canberra Tourism and Events Corporation

Name of inquiry / report / review / committee / taskforce:
CTEC Office Accommodation Study Report

Established: 2 November 2000

Cost: $8,800 (GST inclusive)

Terms of Reference / Guidelines:
The selected consultant analysed the accommodation proposals received, shortlisted the proposals, prepared draft tender documents and commercial conditions, acted as the point of contact for tenderers' queries, analysed all tenders received and prepared a report (including recommendations and financial analyses) for CTEC.

QUESTION ON NOTICE NO. 271 Attachment D
INQUIRIES, REPORTS, REVIEWS, COMMITTEES OF INQUIRY AND TASKFORCES
(Established during 2000-2001)

Agency name: Canberra Tourism and Events Corporation

Name of inquiry / report / review / committee / taskforce:
Event / Festival Monitoring and Market Research - Visitor Evaluation

Established: 21 February 2001

Cost: $71,809 (GST inclusive)

Terms of Reference / Guidelines:

a) Event evaluation:

i) Evaluation of the GMC 400, Rally of Canberra, National Multicultural Festival, and ACTEW AGL Floriade. This evaluation may also be extended to cover smaller events that are funded partly by CTEC.
ii) Provide recommendations regarding management/marketing strategies based on quantitative and qualitative survey results (which may include event concept and programming, facilities and capabilities).
iii) Monitor the four (4) nominated major events by undertaking the following task and any other tasks necessary to obtain qualitative and quantitative data.

b) Visitor evaluation:

i) Evaluation of visitors to CTEC managed events to provide data on aspects such as visitor expenditure, satisfaction and demographics.

ii) Survey visitors to monitor economic and/or social impacts such as:
- direct expenditure (including contribution to Gross State Product);
- attendance for an event/festival measuring for level of interstate visitation;
- profiles of visitors to events (including trip information and demographics)
- sponsorship recognition/awareness, and
- satisfaction of visitors.

iii) Undertake focus groups to gather qualitative data from visitors on perceptions of the event and motivating factors to attend the event (for event evaluation and planning purposes).

c) Participant evaluation

i) Evaluation of participants in CTEC managed events to provide data on aspects such as participant expenditure, satisfaction and demographics.
ii) Survey participants to monitor economic and/or social impacts such as:
- direct expenditure (including contribution to Gross State Product);
- attendance for an event/festival measuring level of interstate visitation;
- profiles of participants to events (including trip information and demographics);
- sponsorship recognition/awareness; and
- satisfaction of participants.

iii) Undertake focus groups to gather qualitative data from participants on perceptions of the event and motivating factors to attend the event (for event evaluation and planning purposes).

Inquiries, reviews, committees and task forces (Question No 271)

Mr Humphries asked the Treasurer, upon notice, on 24 September 2002:

(1) Can the Minister advise of all Inquiries, Reports, Reviews, Committees of Inquiry and Taskforces that agencies currently under his direct control in each of his ministerial portfolios established during the 2000-2001 financial year.

(2) How much did each of these cost and what was the total cost to Government of these projects.

(3) Can he further advise of the cost of these projects to each agency.

(4) What were the terms of reference or guidelines for each of these projects.

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

(1) The Inquiries, Reports, Reviews, Committees of Inquiry and Taskforces that agencies currently under my direct control in the Treasury portfolio established during the 2000-2001 financial year are detailed at Attachments A - F

(2) Costing for each item is included at Attachments A - F.

(3) The cost to each agency is detailed at Attachments A - F.

(4) Terms of Reference or guidelines for each of these projects is included at Attachments A - F.

Attachment A
ACT DEPARTMENT OF TREASURY
QUESTION ON NOTICE 271

Energy Policy Unit:

(1) Can the Minister advise of all Inquiries, Reports, Reviews, Committees of Inquiry and Taskforces that agencies currently under his direct control in each of his ministerial portfolios established during the 2000-2001 financial year.
There were three reports established during the 2000-2001 financial year when the Energy Policy Unit was in the Department of Urban Services:

(a) "Report on Transition Path for Full Retail Contestability for Electricity in the ACT."
(b) "An Inquiry into the Extension of Choice of Electricity Retailer for Smaller Customers in the ACT" self referred by the Legislative Assembly Standing Committee on Planning and Urban Services.
(c) "The Development of initial Metrology Procedures for the ACT."

(2) Can the Minister advise of all Inquiries, Reports, Reviews, Committees of Inquiry and Taskforces that agencies currently under his direct control in each of his ministerial portfolios established during the 2000-2001 financial year.
The cost of each report was as follows:

(a) The cost of the Transition Path report was $57,643.10 paid on 4 December 2000.
(b) There was no cost incurred by the Department of Urban Services or the Department of Treasury for the Assembly Committee Inquiry.
(c) Two payments were made on the report of the Development of the initial Metrology Procedures for the ACT. The first payment was made on 20 June 2001 for the amount of $90,750. The final payment was paid on 23 November 2001 for the amount of $44,861.71 after the Energy Policy function was transferred to Treasury. Total cost of the report was $135,611.71.
(d) Total cost of these reports was: $193,254.81

(3) Can he further advise of the cost of these projects to each agency.
Payments of $148,393.10 were made up to 14 November 2001 by the Department of Urban Services. The Department of Treasury made the final payment of $44,861.71 on the Development of Metrology Procedures for the ACT.

(4) What were the terms of reference or guidelines for each of these projects.
A tender process was undertaken for the Report on Transmission Path for FRC for Electricity in the ACT and the Development of Metrology Produces for the ACT. Extracts from the tender documents are at Attachment A(a) and Attachment A(b) respectively. The terms of reference for the Assembly Committee Inquiry are at Attachment A(c).

CONSULTANCY
TRANSITION PATH FOR FULL CONTESTABILITY IN A.C.T. ELECTRICITY RETAILING
TERMS OF REFERENCE
SUMMARY

At present, ACT electricity customers using 160 MWh p.a. or more at one premises, are free to choose their retailer. Around 17 retailers other than ACTEW are at present licensed in the ACT. Around 45% of ACT electricity is now contestable.

The timetable endorsed by ACT Ministers envisages that a transition to extending retailer choice to all remaining customers will commence from 1 January 2001, subject to consultation with other jurisdictions and subject to economic or technical constraints.

The consultancy will assist in planning for extending choice of retailer by providing options for a transition path that produces the best outcomes for end use customers whose consumption is under the present threshold.

The consultancy is also to provide an assessment of how a balance of costs and benefits favourable to customers may be best facilitated whether through full access by all on 1 January 2001 or by options for phasing in full retail competition over a period.

The assessment of indicative costs and benefits may then be used to guide and support further Government decision making as to the most appropriate path to full retail contestability for the ACT.

BACKGROUND INFORMATION

The ACT is, in relation to customers already contestable, broadly aligned with NSW and Victoria. It should be noted that arrangements for aggregation of sites using more than 100 MWh p.a. in NSW does not apply in the ACT.

- NSW released in May 2000 its proposed transition strategy for extending retailer choice to all customers. It is at present unclear what, if any, transition process, is intended for Victoria.
- ACT customers at present contestable who choose a retailer other than ACTEW, i.e. "second tier customers" in the terms of the National Electricity Code, must conform to the relevant metering requirements of the National Electricity Code.
- ACTEW's present franchise retail and network charges are as set out in the most recent determination of the ACT Independent Competition and Regulatory Commission.
- Jurisdictions, in particular Victoria and NSW, have set in place a process to clarify the decision making process for implementation of full retail competition and to specify and build nationally-consistent systems for customer transfer and settlement services for full retail, competition. As part of this process, an industry based National Electricity Market Settlements and Transfers Group (NEMSAT) has been established.
- Proposed changes to the National Electricity Code will set out, a broader range of metering options to accommodate further retail competition.
- Other publicly available information on economic modelling of price impacts associated with differing approaches to full retail competition may be relevant.

THE TASK IN DETAIL

1. Provide an indicative assessment, based on information that is available at the time of the consultancy, on the likely impacts on ACT end user electricity prices for

- Small business customers (say, 150 MWh p.a.)
- Small business customers (say, 90 MWh p.a.)
- Top end residential (say, 5000 kWh p.a.)
- Average residential (say, 2500 kWh p.a.)
- Small use residential (say, 600 kWh p.a.)

attributable to the cessation of ACTEW's current franchise supplier role and adoption of full retail competition against the benefits for customers in terms of

- price levels;
- all-in-one energy packages; and/or
- any other customer benefits that are identifiable at this stage.

2. The assessor is to provide the assessment against a variety of options for a transition in the ACT to *full* retail competition from 1 January 2000 to include:

- the NS W timetable; and
- a transition path for full retail competition by customer class that would appear to produce the balance of costs and benefits most favourable to customers, either in the short or longer term.

3. In preparing the assessment, the assessor is to assume adoption in the ACT of technical systems and protocols for introduction of full retail competition, including identification of metering points, allocation of customers to retailer, churning rules and distributor-based secondary settlement systems, as developed through the NEMSAT process.

4. In providing the overall assessment, the assessor is to seek to quantify the implications of the following full retail competition design options:

- adoption of metered solutions or load profiled solutions, of the type identified in the NEMSAT process and proposed for adoption in NSW or Victoria, either for the customer base generally or for different customer classes;
- allocation of those additional costs associated with technical systems to support full retail competition to either those customers who choose to change retailer, to the customer base generally, or to classes of small business or residential customers; and
- three possible rates of customer chum - minimal, conservative and optimistic over the first three years following availability of full retail competition.

5. The assessor is also asked to consider the price implications, to the extent that the assessor believes appropriate, of the following energy market convergence issues:

likely growth in the penetration of natural gas in the residential and commercial markets;
implications of full retail competition and gas supply or from other sources;
the impact of renewable energy mandates from the Commonwealth or elsewhere.

6. In preparing the assessment, the assessor is to consult with and consider the views of ACTEW Distribution and electricity retailers licensed in the ACT or any current applicants for retail licences.

7. The assessor, in presenting the report, is to:

- Set out the sensitivities inherent in the analysis and assessments;
- Provide an assessment of the likely dates at which a firmer analysis may be become feasible; and
- Provide the data sets that support the assessments.

TIMEFRAME

A draft report is to be provided by_____ with a final report by _____ 2000.

EVALUATION CRITERIA

Tenders will be evaluated on the following criteria, having regard to material provided in the tender documentation and, if considered appropriate by Urban Services, further interview or referee assessment:

- Understanding of the requirements of the consultancy as set out in the Terms of Reference
- Understanding of the framework for full contestability in electricity retailing being advanced in the context of Australia's electricity reform agenda
- The track record of the tendering organisation, and of the individuals proposed to perform the consultancy, in performing high quality and timely consultancy work of a nature comparable to the present task
- The personal skills of individuals nominated by the tenderer to perform the consultancy and their availability for the period of the consultancy;
- Proposed fee.

Committee Terms of Reference

To inquire into and report by the last sitting day of August 2001 on extending the choice of electricity retailer to smaller customers with particular reference to:

1) the ACT's undertakings and obligations in relation to the implementation. of the Competition Principles Agreement and other National Competition Policy obligations and cost to the government of *foregone revenue of not meeting obligations under the Agreement;*

2) the effects, with particular reference to residential customers, of

(a) the likely impact of the recently upward trend in prices within the National Electricity Market;

(b) the effect of *possible increases in electricity prices for socially disadvantaged customers and options for safety nets for these groups;*

3) the means by which any identified adverse impacts may be avoided or mitigated.

REQUEST FOR TENDER

ACT GOVERNMENT

PROVISION OF DEVELOPMENT OF AN INITIAL ACT METROLOGY PROCEDURE FOR COMPETITION IN ELECTRICITY RETAILING

ON BEHALF OF

DEPARTMENT OF URBAN SERVICES
ENERGY & WATER

TENDER NO. T01067

CLOSING TIME: 2:OOPM CANBERRA TIME

CLOSING DATE: THURSDAY, 5 APRIL 2001

NON-REFUNDABLE DOCUMENT FEE: $33.00

***PART 3. - TERMS OF* REFERENCE**

3.1 *SUMMARY OF* THE TASK

3.1.1 The ACT, as part of the extension of choice of electricity retailer to customers, is seeking consultancy assistance in the development of an initial Metrology Procedure.
3.1.2 The consultancy is to be a two-stage process, with the outcomes and timing of these stages to be consistent with the Timeframe section below.
3.1.3 The first stage of the consultancy will provide recommendations for consideration by Government on a number of technical policy questions critical to determining the make-up of a Metrology Procedure for the ACT.
3.1.4 The resultant Government decisions will form the basis from which the second stage, and ultimate outcome of the consultancy, will be commenced. This is the drafting and delivery of a National Electricity Code compliant initial Metrology Procedure for the ACT in a form ready to be submitted to NEMMCO.

3.2 THE TASK IN *DETAIL*

Phase One

3.2.1 Provide recommendations on:
d) approaches for metrology in the ACT for Type 5, 6 and 7 installations in relation to the requirements set out in the National Electricity Code; and
e) minimum standards for metrology (i.e.. the upper threshold for each of these installations) for different customer classes.
3.2.2 The recommendations are to be based on:
a) economic viability
b) balance of costs and benefits to customers
c) promotion of competition
d) a balance between consistency with work completed or underway in other jurisdictions and the requirements of any distinctive or unique features of the ACT customer base or electricity system.
3.2.3 The recommendations are to address the following issues:
a) allocation of costs to customers, whether on an individual basis, by smearing across customer type or across the entire customer base;
b) the load profiling mechanism appropriate to derive interval data for Type 6 and Type 7 installations;
c) any need for further differentiation within the Metrology Procedure of trenches of customers beyond a distinction between the 160 - 100 MWh p.a.;
d) implementation strategies to be employed to facilitate a phased transition to metering, including exclusive Responsible Person provisions for the Local Network Service Providers and implications for NEC derogations; and
e) the value of including first tier customers in any metered solution and implications for NEC derogations.
3.2.4 In preparing the recommendations, the consultant is to consult with and consider the views of actual Distribution, electricity retailers licensed in the ACT, any current applicants for retail licences, and the Independent Competition and Regulatory Commission (CIRCA).
3.2.5 The consultant, in reporting, is to:
a) Set out the sensitivities inherent in the analysis and recommendations; and
b) Provide the data sets that support the recommendations.

Phase two

3.2.6 In accordance with the Timeframe section below, draft a Metrology Procedure that:

a) gives effect to the Government decisions regarding the recommendations in Phase One; and

b) is compliant with the National Electricity Code.

3.2.7 Draft any other instruments (eg any proposed NEC Derogations) required to give effect to the Metrology Procedure or otherwise required to give effect to the Government decisions.

3.3 TIME FRAME

3.3.1 A report outlining recommendations as required in Phase One above is to be provided by the end of May 2001 or six weeks from commencement of the consultancy, whichever is later.

3.3.2 The Government is to consider the recommendations and settle on policy positions. It is envisaged that this period will be around six weeks.

3.3.3 Within two weeks of the Government making these positions known to the consultant, the consultant will prepare a Metrology Procedure to be presented to NEMMCO, as well as any associated instruments such as proposed NEC derogations.

Attachment B
ACT DEPARTMENT OF TREASURY
QUESTION ON NOTICE 271
Racing and Gaming Commission:

(1) Can the Minister advise of all Inquiries, Reports, Reviews, Committees of Inquiry and Taskforces that agencies currently under his direct control in each of his ministerial portfolios established during the 2000-2001 financial year.

The review of the *Gaming Machine Act 1987* was commenced in March 2000 by the ACT Gambling and Racing Commission.

(2) How much did each of these cost and what was the total cost to Government of these projects.

The total estimated cost to Government of this review has so far been $49,557 including agency salary costs, meetings of Gambling and Racing Commission members and advertising as part of the public consultation process.

These costs are being met from within agency budget.

(3) Can he further advise of the cost of these projects to each agency.

The cost to the ACT Gambling and Racing Commission is the same as the total cost to Government outlined in Question 2 above.

(4) What were the terms of* reference or *guidelines for each of these projects.

The *Gambling and Racing Control Act 1999* provides that one of the Gambling and Racing Commission's functions is to:

6 (f) "review legislation and policies relating to gaming and racing and make recommendations to the Minister on those matters."

In addition, section 8 of this Act requires the Commission to undertake community consultation in reviewing legislation and policies in order to make recommendations to the Minister.

No other terms of reference have been provided.

Attachment C
ACT DEPARTMENT OF TREASURY
QUESTION ON NOTICE 271
Revenue Management:

(1) Can the Minister advise of all Inquiries, Reports, Reviews, Committees of Inquiry and Taskforces that agencies currently under his direct control in each of his ministerial portfolios established during the 2000-2001 financial year.

The Review of Revenue Forecasting Methods for payroll tax, gaming machine tax and conveyance duty prepared for the ACT Revenue Office by Access Economics.

(2) How much did each of these cost and what was the total cost to Government of these projects.

Access Economics was paid $23,760 (this includes $2,160 for GST) for the review. Support for the review was provided by Revenue Management Branch within existing resources.

(3) Can he further advise of the cost of these projects to each agency.

No further costs were incurred.

(4) What were the terms of reference or guidelines for each of these projects.

To review the current methods used in revenue forecasts for payroll tax, gaming machine tax and conveyance duty. To provide relevant models to be used for future revenue forecasts. The review was completed by June 2001 as requested.

Attachment D
ACT DEPARTMENT OF TREASURY
QUESTION ON NOTICE 271
Revenue *Management:*

(1) Can the Minister advise of all Inquiries, Reports, Reviews, Committees of Inquiry and Taskforces that agencies currently under his direct control in each of his ministerial portfolios established during the 2000-2001 financial year.

Preparation of Strategic and Transitional advice on the National Tax Equivalent Regime (NTER).

(2) How much did each of these cost and what was the total cost to Government of these projects.

PricewaterhouseCoopers were paid $18,480 (this includes $1,680 for GST) for the advice. Support for the advice was provided by Revenue Management Branch within existing resources.

(3) Can he further advise of the cost of these projects to each agency.

No further costs were incurred.

(4) What were the terms of reference or guidelines for each of these projects.

To develop a strategic plan covering the new NTER arrangements and their impact on ACT government entities from a whole of government perspective. This included, but was not limited to the following specific issues:

- What implications exist from the move to NTER for present and any future joint ventures?
- Forward plan from an NTER perspective for future changes in the current ACT government arrangements for the provision of services?
- The impact of NTER on dividend policies? and
- What issues need to be considered from an NTER perspective in any proposed corporate reconstructions?

Attachment E
ACT DEPARTMENT OF TREASURY
QUESTION ON NOTICE 271

***Revenue Management:* t**

(1) Can the Minister advise of all Inquiries, Reports, Reviews, Committees of Inquiry and Taskforces that agencies currently under his direct control in each of his ministerial portfolios established during the 2000-2001 financial year.

Preparation of advice on the application of the Income Tax Assessment Act 1997 and the Tax Equivalent Regime provisions for the ACTEW/AGL Partnerships.

(2) How much did each of these cost and what was the total cost to Government of these projects.

PricewaterhouseCoopers were paid $9,240 (this includes $840 for GST) for the advice. Support for the advice was provided by Revenue Management Branch within existing resources.

(3) Can he further advise of the cost of these projects to each agency.

No further costs were incurred.

(4) What were the terms of reference or guidelines for each of these projects.

From a whole of government perspective, advice was sought on the transitional issues relating to the move of agencies from State Tax Equivalent Regime (STER) to National Tax Equivalent Regime (NTER) covering the following key issues:

- What is the impact of the AGL/ACTEW joint venture? and
- Can the change from STER to NTER provide entities with a shield from the current dividend policy?

Attachment F
ACT DEPARTMENT OF TREASURY
QUESTION ON NOTICE 271

Economic Management:

(1) Can the Minister advise of all Inquiries, Reports, Reviews, Committees of Inquiry and Taskforces that agencies currently under his direct control in each of his ministerial portfolios established during the 2000-2001 financial year.

The Independent Competition and Regulatory Commission, Inquiry into Motor Vehicle Fuel Prices. The date of the Treasurer's reference was 14 April 2001.

(2) How much did each of these cost and what was the total cost to Government of these projects.

The cost of the report was $40,000.

(3) Can he further advise of the cost of these projects to each agency.

See (2) above.

(4) What were the terms of reference or guidelines for each of these projects.

The terms of reference are at Attachment F(i).

APPENDIX 2. INQUIRY TERMS OF REFERENCE

AUSTRALIAN CAPITAL TERRITORY
INDEPENDENT COMPETITION AND REGULATORY COMMISSION ACT 1997
REFERENCE FOR INVESTIGATION UNDER SECTION 15
AND
SPECIFIED REQUIREMENTS IN RELATION TO INVESTIGATION UNDER SECTION 16
INSTRUMENT NO. 69 OF 2001

Reference for Investigation Under Section 15

Pursuant to subsection 15(1) of the Act, I refer to the Independent Competition and Regulatory Commission (the "Commission") the matter of an investigation into motor vehicle fuel, including petroleum, diesel and gas, prices in the ACT.

Specified Requirements in Relation to Investigation Under Section 16

Pursuant to subsection 16(1) of the Act, 1 specify the following requirements in relation to the conduct of the investigation:

The Commission is to have regard to the following in its report on the Inquiry:

(1) whether an efficient retail price for petroleum is being delivered in the ACT;

(2) whether there is a higher average cost of fuel in the ACT compared to other capital cities and neighbour Queanbeyan;

(3) whether there is efficient competition in the ACT distribution and retail sectors in the ACT;

(4) whether the fluctuation of ACT fuel prices, particularly prior to public service pay days and peak holiday periods, is indicative of a failure in the retail market that disadvantages consumers;

(5) the efficacy of the Petroleum Products Pricing Amendment Act 2000 passed in Western Australia and whether similar reforms would provide a net benefit to the community as a whole in the ACT;

(6) whether there are tied arrangements between retailers and distributors in the ACT fuel market that have the effect of restricting competition; and

(7) any other related matter.

In undertaking the Inquiry, the Commission is to:

(1) conclude the Inquiry by 30 June 2001 and report as soon as practicable thereafter:

(ii) note the ACCC Inquiry and restrain (sic) from unnecessarily inquiring into those issues under reference to the ACCC;

(iii) focus the Inquiry to those changes that have occurred since previous Inquiries into the ACT motor vehicle fuel, including petroleum, diesel and gas, market;

(iv) have regard to the Government's view that the reasonable costs of the Inquiry ought not exceed $60,000; and

(v) have regard to the Inquiry report being advice to the Legislative Assembly.

Dated this 14 th day of April 2001
GARY HUMPHRIES
TREASURER

Inquiries, reviews, committees and task forces (Question No 272)

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

In relation to Inquiries, Reports, Reviews and Committees:

(1) Can the Minister advise of all the Inquiries, Reports, Reviews, Committees of Inquiry and Taskforces that agencies currently under his direct control in each of his ministerial portfolios established during the 2000-2001 financial year.

(2) How much did each of these cost and what was the total cost to Government of these projects.

(3) Can he further advise of the cost of these projects to each agency.

(4) What were the terms of reference or guidelines for each of these projects.

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

(1) See attached table.

Name of inquiry, review, committee or taskforce	Cost to date and total cost to Government	Further advice on the cost of the project to the agency	Terms of reference or guidelines
Review of air pollution monitoring and air pollution early warning	Within existing resources	Within existing resources	To determine whether ACT air pollution monitoring meets the requirements of the Ambient Air Quality National Environment Protection Measure
1999-2000 ACT Water Quality Report	Within existing resources	Within existing resources	Provide an assessment of water quality in ACT waterways
Heritage precincts review	$21,272	Nil	To outline garden city planning principles, provide the historical context in which the precincts were established, historical planning, identify the individual and collective values of the ACT's residential heritage precincts, identify elements that illustrate the garden city principles demonstrated by or associated with each individual precinct. Provide broad recommendations for consideration when undertaking the revision of development control guidelines.
Review of Land (Planning and Environment) Act 1991 and Heritage Objects Act 1991	$8,250	Nil	Determine the appropriate legislative framework for the heritage provisions within the Land (Planning and Environment) Act 1991
Review of the Water Resources Act 1998	Within existing resources	Within existing resources	Statutory Review in accordance with section 80 of the *Water Resources Act 1998*

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Level 2A, Callam Offices • Easty Street, WODEN ACT 2606
Locked Bag 3000 • WODEN ACT 2606• Telephone (02) 6207 1523• Facsimile (02) 6207 1464
ACT Government Homepage: www.act.gov.au

1.	2.	3.	4.
Name of inquiry, review, committee or taskforce	**Cost to date and total cost to Government**	**Further advice on the cost of the project to the agency**	**Terms of reference or guidelines**
Review of the Environment Protection Act 1997	Within existing resources	Within existing resources	Statutory Review in accordance with section 167 of the *Environment Protection Act 1997*
Shopfront Staffing Review	$10,000	Nil	To identify the appropriate number and levels of staff (permanent full-time, permanent part time and casual) for shopfronts to operate at optimum efficiency
ACT Library Strategic Advice	$6,000	Nil	The provision of strategic advice on the financial management arrangements in the ACT Library and Information Service
Location Options WIRC	$5,500	Nil	Investigate options for the location of the Women's Information and Referral Service
Civic Link Community Consultation	$19,950	Nil	This project involved co-operation with the Cultural Facilities Corporation to develop the bid for funding for the Link Project.
Gorman House Feasibility Study- Judith James Consultancy P/L	April 2001 - $25,102 (GST included)	Nil	Identify future options for Gorman House to: - enhance its value as a heritage asset; and - clarify its role as a cultural centre; Undertake a detailed analysis of the operations of the Cente including its current profile, cultural impact and relationships with other facilities; Investigate preferred options, based on the distinctive nature of Gorman House that will assist it expand its profile, impact and position in the community; and Identify strategies for the implementation of the preferred option(s).

1. Name of inquiry, review, committee or taskforce	2. Cost to date and total cost to Government	3. Further advice on the cost of the project to the agency	4. Terms of reference or guidelines
Glass Centre Site Investigation and Forward Design - Design Inc Canberra	$38,320 (GST included)	Nil	**Stage One** Identify sites that could be suitable for the establishment of a glass centre. **Stage Two** Develop a functional brief, preliminary drawings and cost plan for adaptive re-use of an existing Territory facility; or design and construction of a purpose built facility.
Review of Arts Facilities - Purdon and Associates P/L	$45,000 (plus GST)	Nil	Determine the needs of the ACT arts sector and the community for suitable venues to develop, engage in and present arts activities and products; Recommend the best way to meet these needs; and Recommend future options for ACT Government owned arts facilities that maximise their potential in contributing to the arts landscape of the ACT.
Competition Policy Review of the Housing Assistance Act 1987	Payment to Allen Consulting Group $18,505.45	Small cost absorbed within existing resources.	Review of the Housing Assistance Act 1987 and related subordinate legislation according to National Competition Policy Principles.
Men's Accommodation and Crisis Service Review	$9,800	Nil	The three main issues were to assess: - demand for the service; - appropriateness of the service model; and - the effectiveness of the management of the service.

1. Name of inquiry, review, committee or taskforce	2. Cost to date and total cost to Government	3. Further advice on the cost of the project to the agency	4. Terms of reference or guidelines
A Methodology to Determine Standardised Prices for Community Services Provided by Non-Government Organisations.	$22437	Nil	Identify outputs which reflect the funding programs policy objectives across funded services and measures which permit comparison of like outputs between services and cost comparison. Intangible outputs, that is those which are not readily measurable, should be identified. Where outputs can be measured, use appropriate output based funding techniques identified by Johnston Policy Futures (JPF) to develop a range of standard price formulas for application across community services Where outputs cannot be readily measured, use appropriate input based funding techniques identified by JPF to develop a range of standard price formulas for application across community services
Development of Pilot Generic Service Standards for Community Services The project commenced on 19 December 2000.	The total cost of the project to date is $79,335. CMD contributed $20,000, Health $15,000, DECS $29,865 and DHCS $14,470.	Nil	Develop generic standards which can be customised for use by a range of services funded by ACT Department of Education and Community Services and ACT Department of Health and Community Care that do not have standards against which to monitor service provision.

1.	2.	3.	4.
Name of inquiry, review, committee or taskforce	**Cost to date and total cost to Government**	**Further advice on the cost of the project to the a end**	**Terms of reference or guidelines**
Boarding House Study - ACT Housing	**Stage 1** Consultation Report by Tania Parkes ($47368) **Stage 2** Report on Models of Supportive Housing by Ecumenical Housing ($20,000)	Small costs absorbed within existing resources.	**Models of Supportive Housing** Consult with the major accommodation and support providers of boarding houses, hostels and semi-supported and supported accommodation in the ACT including Havelock Housing Association, Centacare, Society of St Vincent de Paul, and relevant SAAP funded agencies. Consult with relevant ACT service purchasers including ACT SAAP Unit and Mental Health and Disability. Investigate opportunities presented by available sites and buildings in the ACT and consider current planning and lease purpose regulations; Review relevant literature on boarding house and alternative accommodation options and review recent ACT needs and analysis reports; Investigate current boarding house associated accommodation programs elsewhere in Australia; and Investigate appropriate design and management models for the ACT including support and financial aspects and propose a relevant model/s for consideration in the ACT.

1.	2.	3.	4.
Name of inquiry, review, committee or taskforce	**Cost to date and total cost to Government**	**Further advice on the cost of the project to the a end**	**Terms of reference or guidelines**
Audit of current Disability Services Policies	Australia's Health Consultancy - $11,500 in 2000-01, total cost was $25,300	Nil	Review existing policy statements and relevant documentation, collating key issues and inputs for draft policies and frameworks. Review a representative sample of ISP's for relevant policy issues. Review policy statements and other relevant documentation from other jurisdictions, noting relevant policies and processes and identifying good practice examples. Through systematic review, develop draft statements of policies and procedures for purchase of disability services. Relate statements to a draft decision making framework including consideration of priorities, equity, consistency and transparency.
TOTAL	**$323,474.45**		

Inquiries, reviews, committees and task forces (Question No 273)

Mr Humphries asked the Minister for Education, Youth and Family Services, upon notice, on 24 September 2002:

(1) Can the Minister advise of all the Inquiries, Reports, Reviews, Committees of Inquiry and Taskforces that agencies currently under his direct control in each of his ministerial portfolios established during the 2000-2001 financial year.
(2) How much did each of these cost and what was the total cost to Government of these projects.
(3) Can he further advise of the cost of these projects to each agency.
(4) What were the terms of reference or guidelines for each of these projects.

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

(1) The Inquiries, Reports, Reviews, Committees of Inquiry and Taskforces for agencies currently under my direct control established during the 2000-2001 financial year were:
a) Review of program deliverables for the Adolescent Day Unit and Youth Connection. These programs are directly managed by the department.
b) A review of Sexual Assault Services for Children and Young People in the ACT c) Preparation of regulatory impact statement for the regulation of occupational health and safety and dangerous goods.
d) Review on reporting on literacy and numeracy outcomes in the ACT
e) Review of occasional care services in the non-Government sector
f) Review of child protection workloads and processes

The total cost to Government of these projects were as follows:
a) $12,000 (GST exclusive)
b) $20,800 (GST exclusive)
c) $54,760 (total cost inclusive of GST)
d) $49,570 (GST exclusive)
e) $6,000 (GST exclusive)
f) $15,000 (GST exclusive)

The costs of these projects to each agency were as follows:
a) $12,000 (GST exclusive)
b) $20,800 (GST exclusive)
c) $54,760 (total cost inclusive of GST)
d) $49,570 (GST exclusive)
e) $6,000 (GST exclusive)
f) $15,000 (GST exclusive)

The terms of reference or guidelines for each of these projects were as follows:
a) The Terms of Reference required a review of the following:
- Expected outcomes, mission, vision, rationale, brief literature review.
- Model of service delivery (curriculum, pedagogy, theoretical framework, methodology).
- Resourcing, outputs, service comparative analysis.
- Referral and access.
- Assessment, evaluation, quality assurance.
- Relationship to education services for at-risk youth in the ACT and research future directions in education for at-risk youth.

• Relationship of ADU review to: EBA, Department of Education and Community Services expectations, schools of the New Millennium project and concurrent reviews into education services for at-risk youth in the ACT (Eclipse, DCAP and behaviour management in primary and high schools).

b) Identify the range of existing sexual assault services for children and young people in the ACT and the level of demand for these services. This will include:

• an assessment of the needs of children and young people which takes account of gender, those from diverse backgrounds and those with a disability

• identifying existing data, future data needs and appropriate data collection methods

• Identify gaps in service delivery and areas of duplication.

• Identify appropriate models of service delivery, giving consideration to practice in other jurisdictions. To include exploring the appropriateness of generic sexual assault services for children and young people.

• Identify appropriate strategies for co-ordination and planning of services.

• Identify a policy framework for the purchasing of sexual assault services, which recognises realistic resource parameters.

c) The reviewer was asked to prepare a regulation impact statement (RIS) in accordance with the ACT Government's Guide to Regulation in the ACT (March 2000) which supported the development of a modern and integrated legislative framework for the regulation of occupational health and safety and of dangerous goods.

d) Conduct a telephone survey to determine whether parent/carers would like more information about school performance in literacy and numeracy and what type of information would be helpful.

e) Through consultation with the ACT Government and the ACT children's services sector, the review aimed to:

• analyse the operations of each ACT funded occasional care service and identify what is being purchased through the government funding;

• describe the unique characteristics of occasional care and produce an `agreed definition of occasional care';

• research and establish the current trends in demand for, and utilisation of, the services, including the profile of clients and their requirements;

• examine the implications of occasional care services accessing approved child care benefit places through the Commonwealth;

• research and recommend operation models and funding options for occasional care, including Commonwealth and ACT Government funding options;

• make recommendations about contestability in relation to these services; and

• assist the sector organisations to position themselves in the service purchasing environment.

f) Terms of Reference of the review were as follows:

• Review the efficiency and effectiveness of the Family Services Intake system, including the role of the intake worker and the Response Team Supervisor, and make recommendations.

• Review the current workloads in child protection in the context of current roles and responsibilities. Benchmark with child protection workloads in other Australian jurisdictions. Make provisional recommendations, given that roles and responsibilities will change by December 2000.

• Analyse the factors giving rise to staff turnover and make recommendations for measures that will enhance staff retention

Watson High School site
(Question No 275)

Mr Cornwell asked the Minister for Education, Youth and Family Services, upon notice, on 24 September 2002:

In relation to the old Watson High School site:

(1) Is this site a "community facility".

(2) If so, are charges applied to its use by lessees and what are they.

(3) Are commercial charges applied to some leases relating to the site and if so, why is this the case.

(4) If the Watson High School site is not a community facility, what is its status.

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

1. The Watson site is not a "community facility".

2. Although the site is not a community facility, under a Licence Agreement sponsored by the previous Government with the Academy of Interactive Entertainment (AIE), a fee of 10 per cent of the sub licence fees is applied and payable to the Canberra Institute of Technology (CIT). In 2001-2, this fee was $20,400. The fee will increase to 15 per cent of the sub-licence fees from 1 July 2003.

3. Most of the site is licensed to AIE and the charges levied by AIE on its tenants are intended to reflect a fair market rental. The actual charges vary, depending on the amount and quality of space and the length of the tenancy. The Canberra City Band occupies a small part of the site, the Hall, and is outside this arrangement, as they do not use any of the space licensed to AIE. The Band uses its space for practice and administration, and pays some of the costs of its operation; the balance is paid by CIT under a long-standing agreement dating back around 10 years.

4. The licence issued to AIE by the Territory (represented by CIT) requires that the premises be used for the purposes of conducting activities that lead to the development of the information, multimedia, and communications industries. Other used are permitted, subject to the approval of the Licensor.

The Watson site is totally under the control of CIT and therefore falls solely within the Education portfolio.

Approval Assurance Unit
(Question No 276)

Mr Cornwell asked the Minister for Planning, upon notice:

In relation to the Approval Assurance Unit:

(1) What is the role of the Approval Assurance Unit within Planning and Land Management?

(2) How many staff are in the Unit?

(3) Is the unit being closed down or amalgamated and if so and why and when?

Mr Corbell: The answer to the member's questions is as follows:

1) The Approval Assurance Unit (AAA) was established by Planning and Land Management (PALM) in December 2001 as an internally funded initiative. The AAA was established to provide an initial focus for stronger policing of building and development approval conditions than had existed in previous years.

The role of the AAA is to inspect development sites and enforce development approval conditions during the construction phase. Activity has largely, but not exclusively, concentrated on regularly inspecting residential redevelopment projects in the Canberra North and Canberra South Districts. Education and enforcement action has been taken as required on a case by case basis. The initial phase has been successful in establishing an increased level of awareness and responsiveness from the building industry.

An emphasis on actively monitoring development activities, rather than merely relying upon complaints, is allowing the early identification of emerging issues and speedier resolution of any breaches. It has also contributed to a more uniform level of compliance with and enforcement of, development approval conditions across Canberra.

2) Currently one full time officer.

3) It is intended that the special initiative will be continued with one officer for the remainder of the current financial year. The AAA commenced operations with two officers but, the early peak of activity in terms of researching and following up previous approvals has been completed.

Fairbairn Avenue, Campbell
(Question No 284)

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

In relation to Fairbairn Avenue, Campbell:

(1) What is the current status of the upgrade of Fairbairn Avenue, Campbell.

(2) Have the funds been set aside in the 2002-03 Budget for the consultancy services on this project and if not, why not.

(3) Where is the Environmental Impact Study promised for August 2002 on this proposal.

(4) If the funds have not been set aside, will this delay work commencing in 2003-04.

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

(1) The conceptual design is completed and several public meetings have been held to present various options. The Preliminary Assessment for the section between Northcott Drive and Anzac Parade is currently being prepared and when complete it will be put out for public comment.

(2) $0.5 million of funding is identified in the 2002-03 Budget for Forward Design.

(3) Environmental Issues are being addressed as part of the Preliminary Assessment.

(4) Construction funding is currently being considered as part of the 2003-04 capital works program. Construction timing will depend on availability of funding.

Orana School
(Question No 285)

Ms Tucker asked the Minister for Planning, upon notice:

In relation to the Orana School at Weston:

(1) Has an agreement been made between the Government and the Orana School for the school to surrender part of its lease in exchange for an area of unleaded Territory land adjoining the site.

(2) Who initiated this proposal, for what reason, and when.

(3) When was the agreement finalised.

(4) What consultation occurred with other stakeholders regarding the land swap.

(5) What is the area of the land involved.

(6) Could you provide a map showing which parcels of land are being swapped.

(7) (a) What valuation was done of the monetary value of the parcels of land being swapped and (b) does the agreement involve any exchange of money between the parties if the value of the two parcels is not equal.

(8) What assessment was done of the planning implications of this land swap, eg alternative uses of the adjoining land if it had not been part of the swap, or the impact of the new block boundaries on potential development around the Orana School.

Mr Corbell: The answer to the member's questions is as follows:

(1) The previous Government approved "in principle" the direct sale of part Block 4 in return for the surrender of part Block 6 Section 94 Weston to Canberra Rudolf
Steiner School Association Incorporated (Orana School).

(2) The proposal was initiated by the Orana School who applied in June 1999 to acquire all of Block 4. The application did not proceed as it was not supported by the then Department of Education and Community Services because of student/space ratios. In November 2000 the Orana School sought to acquire part Block 4 in exchange for the surrender of an equal area of land that is part of Block 6. The land is required to enable Orana School to further develop its educational facility located on Blocks 6 and 3.

(3) An offer of lease to the Orana School has not yet been made. This is expected to take place shortly, at which time the Orana School will need to surrender part of its lease over Block 6.

(4) The Australian Banal Community, Australian Federal Police, Weston CIT, as land users in the area, and the Weston Creek Community Council were consulted. No objections were raised to the proposed land exchange.

(5) The direct grant site (part Block 4) and the handback site (part Block 6) are each (2) 6,907 square meters.

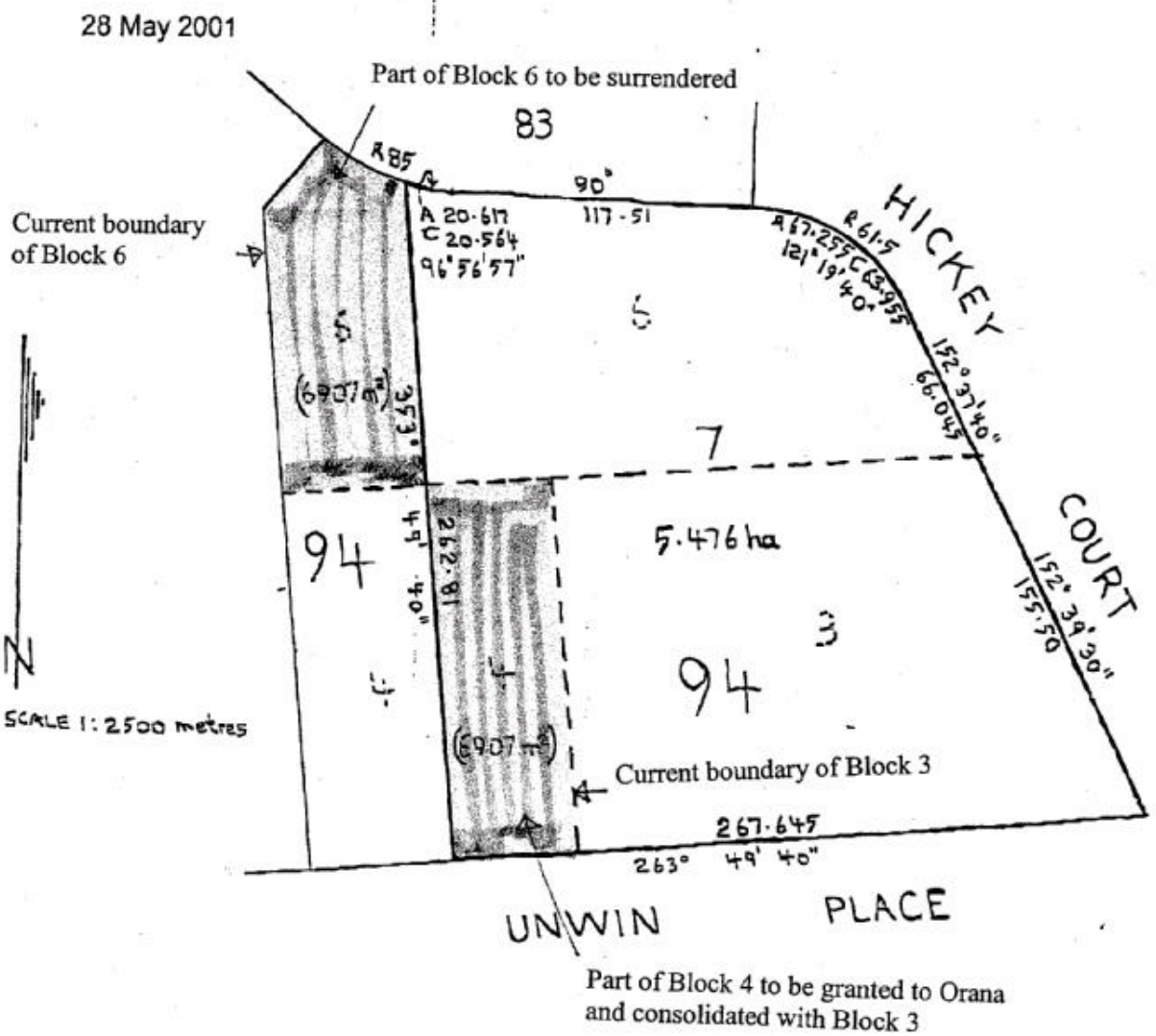
(6) A map is attached.

(7)
(a) The Australian Valuation Office valued part Block 6 at $50,000 and part Block 4 at $85,000 for use as an educational establishment. As the western portion of Block 6 is landlocked AVO considered it appropriate to allocate it a lesser value.
(b) There is no charge for land sold to educational establishments in receipt of a capital subsidy under a Commonwealth or Territory program in accordance with the current pricing policy for community organisations.

(8) At the time the application by Orana School was under consideration the adjoining land was plantation forest under the control of ACT Forests. The pine plantation was removed earlier this year because of public safety concerns. Any development of the land would need to take into account the possible impact on the Orana School site.

BLOCK 7 SECTION 94 WESTON

(Being a Subdivision of Blocks 3, 4 & 6)



Department of Education, Youth and Family Services (Question No 290)

Mr Humphries asked the Minister for Education, Youth and Family Services, upon notice, on 25 September 2002:

In 2002-03 Budget Paper No., estimates are provided for the impact of indexation for 2002-03 and future years for Payment for Expenses on behalf of the Territory within the Department of Education, Youth and Family Services:

(1) On what basis have the estimates for revised indexation parameters for this category of expenditure for the department been prepared.

(2) What is the reason for the indexation parameter for this category of expenditure for the department increasing by around 930 percent to $3.8 million between 2004-05 and 2005-06.

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

(1) Agency forward estimates appropriations generally include indexation at CPI (2.5% for forward estimates) for grant payments, concessions and Community Service Obligation payments. Effective 1 July 2002, the indexation component for concessions and Community Service Obligation had been transferred to Department of Disability, Housing and Community Services with its functions.

(2) The large increase in the final and new outyear in the 2002-2003 Budget (2005-06) represents a full indexation adjustment of 2.5% from 2004-05. Previous outyears already contain an indexation estimate.

Department of Health and Community Care (Question No 291)

Mr Humphries asked the Treasurer, upon notice, on 25 September 2002:

In 2002-03 Budget Paper No 4, estimates are provided for the impact of indexation for 2002-03 and future years within the Department of Health and Community Care:

(1) On what basis have the estimates for revised indexation parameters for the Department, for the Canberra Hospital and for ACT Community Care been prepared.

(2) What is the reason for the indexation parameter for the Department increasing by around 400 percent to $3.6 million between 2004-05 and 2005-06.

(3) What is the reason for the indexation parameter for the Canberra Hospital increasing by around 600 per cent to $4.4 million between 2004-05 and 2005-06.

(4) What is the reason for the indexation parameter for ACT Community Care increasing by around 600 per cent to $1.3 million between 2004-05 and 2005-06

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

(1) Agency forward estimates appropriations generally include indexation at CPI for non-salary operating costs. Each budget appropriation is adjusted by any change in the estimated CPI rate (for example, CPI in the previous budget and forward estimates was 2.25% which was revised upwards to 2.5%). The indexation built into the budget for salaries is 1.3% and has not changed.

(2) The opening balance for the 2005-06 appropriation, in the appropriation reconciliation table in Budget Paper 4 (p152) is the same as the 2004-05 appropriation. The 400% increase in the revised indexation parameters for the Department in the final outyear (2005-06) represents a full indexation adjustment of 2.5% from 2004-05 for non salary operating costs and an indexation of 1.3% for salaries. The other outyear adjustments only represent an increase in non-salary operating costs of 0.025% to account for the increase in CPI.

(3) The reason for the 600% increase in the indexation parameters in the final outyear for The Canberra Hospital is the same as the response to (2). However, the disparity between the percentage increases for indexation between 2004-05 and 2005-06 for the Department (400%) when compared to The Canberra Hospital (600%) is reflective of the different salary and non-salary split of operating costs.

(4) The reason for the 600% increase in the indexation parameters in the final outyear for ACT Community Care is the same as the response to (2). However, the disparity between the percentage increases for indexation between 2004-05 and 2005-06 for the Department (400%) when compared to ACT Community Care (600%) is reflective of the different salary and non-salary split of operating costs.

take in table

Structuring fund
(Question No 296)

Mr Humphries asked the Treasurer, upon notice, on 25 September 2002:

In 2002-03 Budget Paper No. 4, there is reference to a restructuring fund under the estimates for the Department of Treasury:

1. What is the purpose of this fund.

2. What is the basis for providing an amount of $10 million for this fund.

3. Will there be a requirement for this fund to continue beyond 2002-03.

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

(1) The restructuring fund will be used to meet costs of any restructuring that may be necessary as part of the program of savings incorporated into the 2002-03 Budget. The restructuring fund may be used to cover any voluntary redundancies that departments may be unable to absorb within their existing budget.

The Government may consider other uses for the fund on a case-by-case basis.

(2) The $10m was an estimate based on the average of the previous three years' expenditure on redundancies.

(3) Funding has been provided on a one-off basis in 2002-03 only.

Fireworks industry
(Question No 298)

Ms Dundas asked the Attorney-General, upon notice, on 12 November 2002:

In relation to the regulation of the fireworks industry and the Minister for Industrial Relations statements in his answer to Question on notice No 107(10), that "To date no figures in relation to charges and prosecutions have been compiled. The matters are still ongoing and the costs cannot be provided until matters are finalised". Can the Attorney-General provide any additional information in light of the public statements by the Commissioner and the DPI that many of the cases have been completed.

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

The number of matters finalised as at 7 May 2002 was set out in answer to Question No 157. Since then three matters to which pleas of guilty had been entered were completed when fines were imposed. No further matters have been finalised.

A member of the fireworks industry challenged the validity of the Regulations made under the *Dangerous Goods Act 1975* in *Wylkian Pty Ltd v ACT*. The defendants in the various criminal proceedings sought a deferment of the hearing of their matters until that challenge was completed. The prosecution did not oppose a deferment.

A preliminary decision was given in *Wylkian Pty Ltd v ACT* [2002] ACTSC 97 on 24 September 2002. The court refused to answer the preliminary question sought to be answered by the plaintiff. The plaintiffs have appealed.

The various criminal proceedings were considered at Case Management Hearings held on 21 November 2002 but because of the appeal, the matters have all been re-listed for Case Management Hearings on 12 June 2003.

Fireworks industry (Question No 299)

Ms Dundas asked the Attorney-General, upon notice, on 12 November 2002:

In relation to the regulation of the fireworks industry and the statement by the Minister for Industrial Relations in his answer to Question on Notice No 107(13) that "Civil actions against the Government include reviewing administrative decisions, questioning the validity of fees and questioning the validity of legislation" and the fact that 64% of the current actions by the fireworks industry (seven of the eleven current Supreme Court Actions) detailed below:

(1) Supreme Court 306 of 2000 Malicious prosecution;
(2) Supreme Court 882 of 2000 Defamation;
(3) Supreme Court 25 of 2001 Damages/ assault;
(4) Supreme Court 224 of 2001 Detinue/ theft;
(5) Supreme Court 238 of 2001 Detinue/ theft;
(6) Supreme Court 674 of 2001 Defamation;
(7) Supreme Court 705 of 2001 Tender;

fall outside the answer provided.

Can the Attorney-General provide further information on the Minister's original answer.

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

The Minister for Industrial Relations has provided a factual answer. Civil actions against the Government by members of the fireworks industry do include reviewing administrative decisions, questioning the validity of fees and questioning the validity of legislation. The fact that civil actions against the Government may include other matters does not detract from the Minister's response.

Fireworks industry
(Question No 301)

Ms Dundas asked the Attorney-General, upon notice, on 12 November 2002:

In relation to regulation of the fireworks industry and the answers to Questions on notice Nos 154(8) and 157(5) which indicate that it is not possible to accurately quantify the costs spent by the Director of Public Prosecutions on prosecutions against members of the ACT fireworks industry; and as the total cost of administrative costs, in litigation and prosecution could be running into the millions of dollars:

(1) Has the government any estimates of the amounts of taxpayer money spent in this area.

(2) In the interest of accountability, will the Government be informing the Assembly the cost of regulation and litigation of the fireworks industry.

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

The Director of Public Prosecutions does not keep records that can quantify the costs of staff and other resources incurred in the prosecution of particular offences or kinds of offences as this would be more expensive to do than would be justified by the value of such information particularly as it would be based heavily on quite arbitrary allocations of costs.

No estimates have been made of the costs of conducting the prosecutions of defendants for alleged breaches of the Dangerous Goods Regulations.

These prosecutions are a relatively small proportion of the work of the Director of Public Prosecutions and his staff. Since 1 July 1997, the prosecution of 46 charges under this legislation have been completed and seven are still proceeding. The costs to the Director of Public Prosecutions would be much less than $line For the same period a total of 3,129 municipal charges (which includes Dangerous Goods legislation prosecutions) were prosecuted and all those prosecutions were managed by one senior prosecutor and one administrative assistant. The total salary of these staff for the whole of that period was less than $650,000. There would, of course, be other costs but these are difficult to quantify in a meaningful way.

In addition, costs are payable to successfully acquitted defendants, where these are ordered to be paid. They are separately quantified and to date have amounted to $90,500. Other claims, some dating back to decisions made in the first half of 2001, are awaiting completion of negotiations by the defendants.

The accountability of prosecutions is not assessed in financial terms because there is no yardstick by which to measure the value to the public interest of prosecutions against their cost.

Crime prevention initiatives (Question No 304)

Mr Humphries asked the Attorney-General, upon notice, on 12 November 2002:

In relation to crime prevention initiatives in the budget.
In relation to the expenditure of crime prevention funds:

1. What were the 16 new crime prevention initiatives that were referred to in the 2001-02 Budget and which were to be initiated during 2001-02.

2. Of these 16 initiatives:
(a) What were the four initiatives that were completed during 2001-02;
(b) What were the two initiatives that were not progressed in 2001-02; and
(c) What were the 10 initiatives that were commenced during 2001-02.

3. In relation to the crime prevention program for 2002-03:
(a) What are the four new initiatives that will be commenced during this year; and
(b) What is the status of the 10 initiatives that were commenced but not completed during 2001-02.

4. In relation to the two initiatives referred to in 2(b) above:
(a) What were the reasons for these two initiatives not proceeding; and
(b) What cost savings can be attributed to these two initiatives.

5. If the cost savings in 4(b) do not total $600,000 what other factors have led to this quantum of cost savings.

6. Of the initiatives referred to in 2(a), (b) and (c) and 3(a) above:
(a) Which are the responsibility of the Australian Federal Police;
(b) Which are the sole responsibility of the Department of Justice and Community Safety; and
(c) Which is the subject of joint responsibility.

7. Of the estimated budget of $1.075 million for crime prevention activities in 2002-03:
(a) How much will be spent by the Australian Federal Police;
(b) How much will be spent by the Department of Justice and Community Safety; and
(c) How much will be spent on joint initiatives.

8. To what extent is there any overlap between any of these crime prevention initiatives and any separate, on-going crime prevention activities.

Mr Quinlan: As minister responsible, the answer to the member's question is follows:

1. The 16 crime prevention initiatives referred to in the 2001-02 Budget are the same initiatives approved by the previous Government in December 2000 and initially funded in the 2000-01 Budget. They were:

A crime prevention web page - crime prevention advice on AFP website;
My Stuff- CD Rom program for registering property ID details ;
Crime - What can 1 do?- printed material on personal safety and other crime prevention advice;

Crime prevention roadshows - equipment and program for crime prevention stall at such places as the Canberra show;
Answers where you live- police bus and police presence in neighbourhood shopping centres;
Immobiliser program - promoting the "Immobilise Now" program for cars not fitted with an immobiliser;
Crime research - Australian Institutes of Criminology research into the ACT stolen property market;
Grass roots community crime prevention education program - using learning circles kits;
Constable Kenny Koala - development of teaching kits;
Neighbourhood Watch training;
Youth Crime Prevention Network -involvement of young people in identifying and responding to crime concerns;
Multicultural Policing interface - support for advisory committee;
Community Liaison Advisory Safety Project (CLASP) subsidy - $100 subsidy to pensioners to CLASP clients to assist installation of security devices;
Funding of mobile CCTV units for anti motor vehicle theft campaign;
Children at risk - establishment of police scouts and programs through Police Citizens Youth Club (PCYC); and
Aboriginal community liaison officer positions in ACT Policing.

2. (a) The four initiatives that were completed were:
CD Rom - My *Stuff* (Responsible agency: ACT Policing);
Immobiliser program (DJACS);
CLASP subsidy (DJACS); and
Mobile Closed Circuit Television (CCTV) units for motor vehicle theft (ACT Policing).
(b) The two initiatives that were not progressed in 2001-02 were:
Grass roots community crime prevention education program (DJACS); and
Youth Crime Prevention Network (ACT Policing).
(c) The 10 other initiatives for 2001-02 were:
A crime prevention web page (ACT Policing);
Crime -What can 1 do? (ACT Policing);
Crime prevention roadshows (ACT Policing);
Answers where you live (ACT Policing);
Crime research into stolen goods market (DJACS);
Constable Kenny Koala (ACT Policing);
Neighbourhood Watch training (ACT Policing);
Multicultural Policing interface (ACT Policing);
Children at risk programs through PCYC (ACT Policing);
Aboriginal community liaison officer positions in ACT Policing (ACT Policing); and
A further program, Volunteers in Policing was later funded from the crime prevention budget (ACT Policing).

3. (a) Three of the new initiatives for 2002-03 are:
- Research into the offenders arrested in 2001 during Operation Anchorage (DJACS);
- Bushfire arson prevention initiatives (DJACS); and
- An anti motor vehicle theft program for high risk offenders. (DJACS)

A fourth initiative is likely to feature the trialing and evaluation of cross sector case management approaches with high risk young persons and/or families. These approaches are being considered in strategic approaches focusing on children and reducing the involvement of young people in crime. (DJACS)

(b) The status of the other initiatives are:
- A crime prevention web page - is in place but not being developed further from this budget.
- *Crime - What can I* do?- continuing;
- Crime prevention roadshows - continuing;
- Answers where you live - continuing;
- Crime research into stolen goods market has now concluded.
- Constable Kenny Koala - continuing;
- Neighbourhood Watch training - continuing and now funded through ACT Policing core funding;
- Multicultural Policing interface - continuing and funded through ACT Policing core funding;
- Children at risk programs through PCYC - continuing;
- Aboriginal community liaison officer positions in ACT Policing - continuing; and
- Volunteers in Policing - continuing.

4. (a) The grass roots community crime prevention education initiative relied upon the production of a learning circles kit copyrighted to the Commonwealth. The Commonwealth decided not to update and release the kit.

ACT Policing decided that they did not have the resources to develop the Youth Crime prevention network due to a backlog in recruiting.

(b) Cost savings attributed to the grass roots education program was $4,000, and $250,000 for the Youth Crime Prevention Network.

5. Following a disappointing uptake in relation to the “Immobilise Now” program it was decided to not provide the final $26,000 of the original $50,000 to enhance further the national advertising campaign. This program and those in (4)(b) above accounted for $280,000 unspent funding.

The remainder was attributed to ACT Policing programs that were under-resourced due to staff shortages in the crime prevention section of ACT Policing. ACT Policing attribute this to a general backlog in recruiting in 2001, due to the delay in signing the Policing Agreement brought about by the protracted enabling costs negotiations in early 2001.

6. (a) See the respective response to question 2 for the responsible agency - listed in brackets.

(b) See the respective response to question 2 for the responsible agency - listed in brackets.

(c) Steering committees including DJACS and ACT Policing representatives oversee (or oversaw) the stolen goods market and Operation Anchorage research programs, the immobilises initiative, the CLASP subsidy program and the motor vehicle theft program.

7. (a) $628,045 has been identified for ACT Policing managed initiatives.
(b) $197,000 has been identified for DJACS managed initiatives.
(c) Of the DJACS managed projects at (7)(b), two involve ACT Policing steering committee representation.
The development of the fourth initiative mentioned at (3)(a) has not yet been fully costed but would involve cooperation with all justice agencies, and children and family service agencies.

8. It is now stressed that initiatives that sit under this budget should, wherever it is practicable, feature close cooperation with other agencies both in the development and implementation of the initiative.

Family trusts
(Question No 305)

Mr Humphries asked the Treasurer, upon notice, on 12 November 2002:

With respect to the Revenue Legislation Amendment Act 2002:

(1) How many residences in Canberra are owned through family trusts.

(2) How many of those properties are occupied by the families who also own the trust.

(3) What is the estimated revenue to be gained from land tax from families residing in properties owned by trusts which they own.

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

(1) Not known. Family trusts can be registered under a company name or under the name of individuals as beneficiaries of a trust. However, as at 1 October 2002 there were 2 183 residential properties that were owned by companies. Of these, 1 634 residential properties were previously rented and already subject to land tax, with 549 residential properties previously not rented that have become liable to land tax under the provisions of the *Revenue Legislation Amendment Act 2002*.

(2) Not known. The ACT Revenue Office does not hold detailed data to determine how many of the residential properties owned by companies and now subject to land tax are actually occupied by members of a family trust.

(3) Not known. However, as at 1 October 2002 it was estimated that an additional $540 000 revenue will be collected in 2002-03 (1 October 2002 to 30 June 2003) from the 549 residential properties owned by companies that were previously not rented and are now subject to land tax. Additional annual land tax revenue from this initiative is estimated to be $720 000 in future years.

City Walk/Petrie Plaza area
(Question No 307)

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

In relation to City Walk / Petrie Plaza or the area surrounding the carousel...

(1) How often has the area been dug up, restored or renovated since 1989.

(2) What was the cost of each such makeover.

(3) Why was each makeover conducted.

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

(1) The area of Petrie Plaza between the Carousel and Bunda Street has been renovated once since 1989.

(2) The cost of the recent refurbishment was $840,000.

(3) The refurbishment was undertaken to remove worn and redundant infrastructure and to improve the accessibility and safety of the Plaza. Improvements were made to the area's functionality and appeal via provision of new pedestrian lights, tree bud light poles, power bollards, street furniture, street trees, pavement and public art.

Floriade
(Question No 309)

Mr Cornwell asked the Minister for Urban Services, upon notice, on 12 November 2002:

1. What was the profit returned to the ACT Government for Floriade in (a) 1999, (b) 2000, (c) 2001

2. What was the cost to the ACT Government for Floriade in each of the above years.

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

1. The surplus (profit) returned to the ACT Government for Floriade for 1999-2001 was as follows.
(a) 1999 - $35,000
(b) 2000 - $219,000
(c) 2001 - $7,000

2. The cost to the ACT Government for Floriade for 1999-2001 was as follows.
(a) 1999 - $1.193 million
(b) 2000 - $1.393 million
(c) 2001 - $1.843 million

Explanatory Note: The irregular surplus (profit) returned from Floriade is due to the reduction and then abolition of entry fees and the fluctuation in sponsorships for the years 1999-2001.

To compensate for the reduction in the entry fee for 2000 and the abolition of the entry fee in 2001 the Government increased the funding for Floriade by $200,000 in 2000 and $650,000 in 2001.

Canberra Cemetries
(Question No 310)

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

(1) In relation to Canberra Cemeteries Annual Report 2001-2002 and in particular the Expenses (page 9) listed as Other Administrative Expenses $127,482 which ranks fourth highest in the expenses set out in the 2001-2002 Financial Statements, can you provide a more detailed breakdown of this item.

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

(1)

	Break down of EXPENSES FROM ORDINARY ACTIVITIES - Other administrative expenses
Accounting	9,350
Audit fees	13,400
Administrative	29,232
Consumables/Printing	15,304
Insurance	9,278
MV expenses	16,335
Phone	9,598
New burial sites(survey)	13,816
Training	11,170
	127,482

ActewAGL—pensioner concessions (Question No 311)

Mr Cornwell asked the Minister for Disability, Housing and Community Services, upon notice, on 12 November 2002:

(1) Are concessions for electricity and water granted to ACT pensioners by ACTEW/AGL.

(2) How much per annum approximately does this cost.

(3) What checks are made to ensure the household is entitled to these concessions.

(4) Are any checks made to ensure a property is not simply in the name of a person entitled to a concession but also occupied by other family members in employment.

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

1) Concessions for electricity, water and sewerage are granted to holders of Centrelink Pension Cards, Centrelink Health Care Cards, Veterans Affairs Pension Cards and Veterans Affairs Gold Cards.

2) In 2001/02 $3,550,853 was expended on electricity concessions and $3,304,053 was expended on water and sewerage concessions.

3) Customers can apply for a concession either over the phone, at an actual shopfront or via the actual Internet site. Their current procedures ensure that:

- The customer applying for the rebate is the registered account holder
- The property where the rebate is to apply must be their principal place of residence
- The details from the pension card, including pension type are entered onto their Client Information System

In addition to the above their current client information system will only allow one pension rebate to be lodged on the system for the same card details at a given time. This eliminates any person receiving more than one rebate.

4) As most of the applications are now over the phone it is difficult to determine whether or not another employed family member is in residence. When applications were in the paper form, the customer had to sign a statutory declaration stating that no one living at the property earned an amount that would effectively make their pension invalid. Now taking details over the phone actual ask the question and record the response. actual are developing a verification system with Centrelink to ensure households are eligible for the concession.

ACTTAB annual report (Question No 312)

Mr Cornwell asked the Treasurer, upon notice, on 12 November 2002:

Concerning the ACTTAB Annual Report 2001-02:

(1) When was the decision taken to investigate Fern Hill Park as a site for ACTTAB's Head Office.
(2) When was the decision taken not to proceed.
(3) Why was the decision of (2) taken.
(4) What exactly were the costs of $272,000 written off against (2) above.
(5) Where is the ACTTAB Head Office now to be located.

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

(1) ACTTAB first considered Fern Hill Park as a possible site for its Head Office in late 2000.
(2) The decision not to proceed was taken by the Board on 9 July 2002.
(3) The project could not proceed following the handing down of the decision of the Administrative Appeals Tribunal (AAA) on 6 June 2002. The AAA determined that, despite the previous approval of Planning and Land Management and the Commissioner for Land and Planning, commercial development could not proceed on the site.
(4) The $272,000 included costs for project management, legal drafting and advice, and design and fit-out planning for the Fern Hill Park project.
(5) The Government has decided that the ACTTAB Head Office will be located in the Gungahlin Town Centre, details of which were contained in my press release of 4 October 2002.

Public housing tenants—broadband access (Question No 313)

Mr Cornwell asked the Treasurer, upon notice, on 12 November 2002:

Concerning the Information Society Policy, 21 September 2002 of your Government's 2001 ACT Election commitments and the statement that "Labor will investigate the need for community service obligations for TransACT similar to those which operate for ACTEW/AGL to provide access to the broad band network for the occupants of public housing".

(1) Do such community service obligations exist for Transact.

(2) What steps are you taking to require Transact to provide such access.

(3) What is the cost and who will pay for this service to occupants of public housing.

(4) Will this community service provision be means tested for occupants of public housing and if not, why not.

(5) Are community service obligations operated by ACTEW/AGL means tested or in some other way checked for those occupants of public housing who benefit and if not, why not.

(6) How do occupants of public housing benefit under ACTEW/AGL's community service obligations.

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

In response to your question, the "Plan For The Information Society" published in September 2001 contained five initiatives aimed at bridging the digital divide.

I am pleased to advise that three of these initiatives have already been progressed, including the following key initiatives:

- a Community IT Advisory Panel was established in June 2002;
- the Community IT Access Plan is well advanced and is due for release in early 2003; and
- a study into Connectivity Issues for Disadvantaged People was completed in June 2002.

The remaining two initiatives, namely an investigation into the establishment of community service obligations for telecommunications service providers (eg TransACT), and the PC Reuse Scheme are to be considered as part of the Community IT Access Plan as mentioned above.

Specific answers in relation to your question are therefore as follows:

(1) No. There is currently no community service obligation for TransACT for the provision of access to the broad band network for occupants of public housing.

(2) The investigation of a community service obligation for TransACT is being undertaken as part of the development of the Community IT Access Plan. The Plan is expected to be finalised in early 2003.

(3) A decision on whether or not the TransACT community service obligation initiative is to be pursued has not yet been taken.

(4) A decision on whether or not the TransACT community service obligation initiative is to be pursued has not yet been taken.

(5) Rebates on electricity, water and sewerage are provided by actual to holders of Centrelink Pension Cards, Centrelink Health Care Cards, Veterans Affairs Pension Cards and Veterans Affairs Gold Cards. All the concession cards with exception of the Veterans Affairs Goldcard are means-tested by the Commonwealth Government. Information on whether these clients are occupants of public housing is not kept and would breach their privacy.

(6) The ACT Concessions Program provides rebates to holders of Centrelink Pension Cards, Centrelink Health Care Cards, Veterans Affairs Pension Cards and Veterans Affairs Gold Cards regardless of their public housing status.

Graffiti
(Question No 314)

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

In relation to the graffiti removal measures.

(1) Have the sale of spray cans been restricted and if so, how and when did this take place.

(2) Where is the anti-graffiti paint in use, how long has it been used and how much did this special paint cost Government in (a) 2001-02 (b) 2002-03 (budget).

(3) How many calls have the two graffiti hotlines received in 2001-02.

(4) How are the hotlines advertised.

(5) What is the average time taken to remove the graffiti and who removes it.

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

(1) An investigation by Urban Services officers has found that legislative provisions restricting the sale of spray cans is not being supported by other Australian jurisdictions, with the exception of South Australia, because they are costly to implement and place undue restrictions on business. There are no plans to introduce such legislation in the ACT.

(2) Anti graffiti coating, called 'Graffiti Tech', rather than paint, is used on new porous surfaced government areas. It is has been in use since 1996. The cost of this is part of the lump sum contracts and not identified separately. The removal of graffiti from government assets in 2001-01 cost $810,000 and in 2002-03 $812,000 has been allocated. Removal from private assets in 2001-02 cost $200,000 and in 2002-03 $200,000 has been allocated. With regard to other prevention measures, including promoting the use of graffiti-resistant building materials and the use of good urban-building design principles that minimise opportunities for graffitists, this is part of the ACT Crime Prevention and Urban Design Resource Manual and the private sector is advised of this where appropriate.

(3) Canberra Connect refers all calls it receives in relation to graffiti to the City Management hotline. In 2001-02, 511 calls were received and acted on by City Management within Urban Services. In 2002-03 to date, 257 have been received and acted on.

(4) The Government encourages the active reporting of graffiti through its existing City Management hotline: 62072500 by advertising this number in the telephone book, on the Canberra Urban Parks and Places website and through the Canberra Connect system.

(5) The graffiti removal contract for government assets requires all areas to be inspected weekly. In high priority areas, graffiti with offensive words and messages and reported incidents by the public must be removed within 24 hours of observation or notification. In other areas graffiti is to be removed within three days. The contract requires at least 95% compliance and this is being achieved. Removal time from private assets is dependent on the time it takes to get leaseholders agreement to have the work done. The Government has two contractors in place for graffiti removal. Canberra Horticultural Maintenance is responsible for three regions: Tuggeranong, Canberra Central and Belconnen/Gungahlin. Totalcare is the other contractor responsible for Woden/Weston area.

Kippax library services study (Question No 316)

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

In relation to the release of the Kippax Library Services Study.

(1) Was the report on the upgrade or establishment of a permanent Kippax Library due in September 2002.

(2) Has the report been received by the Government, and if not, why not.

(3) If it has been received can a copy be made available to interested parties, including myself.

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

(1) Yes the report was due in September 2002.

(2) The report has been received.

(3) The Report will be considered by a Joint Departmental Working Group on 3 December 2002. The Report will be released publicly subsequent to that meeting. I will arrange for a copy to be forwarded to your office in December 2002.

Garema Place/City Walk area (Question No 317)

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

In relation to each of Garema Place, City Walk and adjacent pedestrian areas in the years (a) 1998 (b) 1999 (c) 2000 (d) 2001 and (e) 2002

(1) How often has each of these areas been upgraded

(2) What was the cost of each upgrade

(3) What was the duration of the work and what work was done

(4) What was the purpose of each upgrade

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

(1) The areas upgraded in this period have included: Garema Place, City Walk East, Petrie Plaza (between the carousel and Bunda street - refer QON No 307), Civic Square / Ainslie Avenue, East Row / Alinga Street / Mort Street. Each of these areas has been upgraded once. Some of the areas have been revisited following the upgrading to attend to minor works such as lighting, drainage, and vandalism rectification and installation of artworks. Other agencies such as ACTEWAGL, Transact and Telstra, also undertake works in these areas which are not related to our upgrades.

(2) The cost of each upgrade is set out as follows:
- Civic Square / Ainslie Avenue - $4.46M
- Gamma Place including City Walk East Row to Ainslie Avenue - $4.25M
- East Row / Alinga Street / Mort Street - $2.45M
- Civic public toilets replacement - $0.55M
- Civic lighting implementation - $0.94M
- Civic Honour Walk - $0.31M
- City Walk West - $0.34M
- Hobart Place - $2.55M
- Civic Lighting and Pedestrian Signage - $0.66M

(3) The duration of the work and type of work undertaken was as follows:
Civic Square / Ainslie Avenue - commenced in 1995, completed 2000 and included:
- Demolition of existing fountain and paving, construction of new fountain paving and lighting
- Civic square greening including establishment of planter beds, trees and irrigated grass
- Refurbishment of Ainslie Avenue median
- Refurbishment of Ainslie avenue footpaths, London circuit crossing and Civic Square footpath

Garema Place and City Walk - commenced 1996, completed 2002 and included:
• Demolition of police station, sub station, public toilets, arbour and chess pit and construction of new chess area, paving and art works.
• Installation of Big Canopy Screen, wedge pillow sculpture, banner artworks, further paving and lighting, minor works Garema Place and City Walk.
• City Walk refurbishment from East Row to Ainslie Avenue including Petrie Plaza (carousel to Bunda street). Refurbishment included new paving, pedestrian lighting, power bollards, bud light poles, tree planting, street furniture and artworks.
East Row / Alinga Street / Mort Street - commenced 1998, completed 2001 and included:
• Six stages for the re-development of the Civic bus interchange.
Civic public toilets replacement commenced 1997, completed 2000 and included:
• Removal of existing toilets and replacement with 'Exeloos' in coordination with the above works.
Civic lighting implementation commenced 1999, to be completed 2003 and includes:
• Demolition of existing lights and replacement with new lights to meet Australian Standards throughout City Walk, Glebe Park, Petrie Plaza and Veterans Park.
Civic Honour Walk commenced 2000, completed 2000 and included:
• Demolition of existing paving in front of the Sydney and Melbourne buildings in London Circuit and replacement with bluestone paving.
City Walk West commenced 2001 and is on-going and includes:
• Design and documentation for the continuation of City Walk refurbishment from East to West Civic via Alinga Street to Marcus Clarke Street.
Hobart Place commenced 2001 and will be completed in 2003 and includes:
• Demolition of existing paving, lighting, drainage, roads and carparks and replacement with new infrastructure to provide safer, more accessible, aesthetic and functional spaces throughout the Hobart Place environs.
Civic Lighting and Pedestrian Signage commenced 1998, completed 2000 and included:
• Design, fabrication and installation of signage beacons throughout Civic.

The purpose of all of these upgrades was to replace worn assets with new infrastructure that is more durable and low maintenance. Improvements have been made to the accessibility and safety of the areas and to improve their functionality and appeal via provision of new pedestrian lights, tree bud light poles, power bollards, street furniture, street trees, pavements and public art and facilities.

Aboriginal tent embassy (Question No 318)

Mr Cornwell asked the Chief Minister, upon notice, on 12 November 2002:

Concerning the illegal erection of a kangaroo sculpture at the so-called Aboriginal Tent "Embassy":

1. Has advice been sought from the Attorney-General's Department as to the liability of the embassy if the structure had fallen and injured a tourist.

2. If the "embassy" is outside the jurisdiction of the ACT Government (Reply to Question on Notice No 230) why was ACT Workcover involved in assisting police over the matter.

3. If the structure is illegal and possibly unsafe, why didn't the Australian Federal Police remove it on the first occasion, as they had been requested.

4. Why was the sculpture removed from a paddock site in New South Wales because it did not have planning permission but was originally allowed to remain in the Australian Parliamentary triangle where it also did not have planning permission to remain.

5. If a sculpture week was proposed, as stated in the media, what control does the so-called "embassy" have over the subject matter of such items which could be illegal.

6. Can only Aboriginal people bring and erect sculptures at the site and if so, is this not discriminatory as well as adding to possible illegal structure.

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

Concerning the illegal erection of a kangaroo sculpture at the Aboriginal Tent Embassy:

1. Has advice been sought from the Attorney-General's Department as to the liability of the embassy if the structure had fallen and injured a tourist.

No advice of this nature has been sought from the ACT Government Solicitor's Office. The Aboriginal Tent Embassy is on Commonwealth Land and issues of liability, if any, are a matter for the Commonwealth.

2. If the "embassy" is outside the jurisdiction of the ACT Government (Reply to Question on Notice No 230) why was ACT Workcover involved in assisting police over the matter.

ACT WorkCover provided urgent assistance in this matter at the request of the Australian Federal Police.
The police identified a need for immediate information on the structural integrity of the structure.
ACT WorkCover officers made it clear to the Police and to all parties that they were there simply to give advice and that the area was not a work site over which WorkCover had jurisdiction.
ACT WorkCover provided verbal advice on one occasion.

3. If the structure is illegal and possibly unsafe, why didn't the Australian Federal Police remove it on the first occasion, as they had been requested.

Police initially attempted to negotiate the voluntary removal of the structure.
On 10 October 2002, police were requested by the National Capital Authority (NCA) to remove the structure from the tent embassy site.
On that date, police advised the embassy representative, Mr Darren Bloomfield, that the structure was illegal and would be removed as requested by the NCA. The matter was discussed with Mr Bloomfield for some time without an agreement being reached for the removal of the structure.

About 10.00 a.m. on Friday 11 October 2002, police again attended at the site and spoke with Mr Bloomfield, where he was formally directed to remove the structure. He was advised that if this instruction was not carried out within a reasonable time, the structure would be removed by contractors provided by the NCA.
At about 3.30 p.m. on 11 October 2002 police, together with the contractors attended at the scene with the structure still in place. Mr Bloomfield was again advised that the structure would be removed. On being told this, Mr Bloomfield climbed on to the top of the kangaroo which made it impossible for the structure to be removed without a strong likelihood of injuries being sustained. Police negotiated with Mr Bloomfield with the assistance of AFP Aboriginal Liaison Officers for some time and he eventually agreed to climb down.
At about 5.00 p.m. on 11 October 2002 the contractors commenced to dismantle the structure.

4. Why was the sculpture removed from a paddock site in New South Wales because it did not have planning permission but was originally allowed to remain in the Australian Parliamentary triangle where it also did not have planning permission to remain.

As you would be aware the ACT Government cannot comment on the planning permission processes of the New South Wales Government, nor of those of the Commonwealth Government through its planning agency, the National Capital Authority.

5. If a sculpture week was proposed, as stated in the media, what control does the so-called "embassy" have over the subject matter of such items which could be illegal.

The approval of the placement of structures on designated National Land, which includes the Parliamentary Triangle, is a matter for the National Capital Authority.

6. Can only Aboriginal people bring and erect sculptures at the site and if so, is this not discriminatory as well as adding to possible illegal structure.

The approval of the placement of structures on designated National Land, which includes the Parliamentary Triangle, is a matter for the National Capital Authority.

Red tape task force
(Question No 319)

Mr Cornwell asked the Treasurer, upon notice, on 12 November 2002:

In relation to the Labor Party's 2001 ACT election commitments which included a statement "An ACT Labor Government will in consultation with business, industry and professional organisations update the Red Tape Task Force Report and review its implementation.".
(1) Twelve months on what has been achieved.
(2) May interested parties, including myself, receive a copy of the list of achievements to date.

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

(1) I tabled the report of the Business Regulation Review Taskforce on Thursday 21 November 2002. The Committee was charged with identifying any regulatory processes which impose unnecessary burdens, costs or disadvantages on business activities in the ACT, and to recommend a course of action. The Committee consulted widely with the business community, and delivered its report on 30 September 2002. A Government Response to the Committee's recommendations will be brought forward early in 2003.
(2) Copies of the report were provided to you at tabling. Additional copies are available from the Department of Treasury, Microeconomic Reform Unit. Alternatively, an electronic copy is available on the website at:
http://www.act.gov.au/ti/brr/index.html .

Endangered places
(Question No 320)

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

In relation to:

(1) What action does the government propose to take to protect the two ACT sites listed recently by the National Trust's Endangered Places List, ie, Ginninderra Blacksmith's Shop and the Whitley Houses in Griffith.

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

(1) The Ginninderra Blacksmith's Shop is already entered to the Heritage Places Register. In the 2000/2001 Heritage Grants program the Government awarded a heritage grant to the National Trust to prepare a Conservation Management Plan for the Blacksmith's workshop. The Plan was completed in 2002. Earlier this year another Heritage Grant to the National Trust to undertake urgent conservation works was awarded. In September this year, the ACT Heritage Unit provided further assistance to the National Trust to implement these works. The Heritage Unit funded staff and a week of assistance for the project through the Conservation Volunteers Australia organisation. These actions should ensure that the place is adequately conserved into the future.

The Cuthbert Whitley modernist houses in Griffith have been assessed as a significant part of the ACT's heritage. The ACT Heritage Council notified an entry to an interim ACT Heritage Places Register to take effect on 26 October 2002. The register entry requires conservation of the houses and in accordance with strict heritage controls allows for some further development of their sites. The interim registration is subject to appeal in the AAA.

Public housing tenants
(Question No 321)

Mr Cornwell asked the Minister for Disability, Housing and Community Services, upon notice, on 12 November 2002:

(1) What penalties apply to ACT Housing tenants in receipt of rental rebate who take in relatives, friends, boarders, in full-time employment.
(2) How many prosecutions have been undertaken for breaches of (1) above in 2001-02 and 2002 to 1 October 2002.

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

(1) There is no penalty imposed on a tenant receiving a rental rebate who takes in relatives, friends, or boarders for a prolonged period provided they notify ACT Housing of the names of the persons concerned and supply proof of their income. The income the new resident/s is receiving is added to the tenant's household income to determine if they continue to be entitled to a rental rebate. If a tenant does not notify ACT Housing in this circumstance their rebate entitlement will be reassessed and backdated to the date the residents took up occupancy. In very serious cases ACT Housing may consider charging the tenant with fraud.
(2) Nil.

Electricity—full retail competition
(Question No 322)

Mr Cornwell asked the Treasurer, upon notice, on 12 November 2002:

Concerning the Full Retail Competition (FRC) for electricity in the ACT:

(1) How much money will the ACT Government receive under the National Competition Policy for adopting FRC.

(2) Approximately how much more will monthly ACT domestic customers pay for their electricity under FRC.

(3) What are the financial advantages to ACT domestic customers - as opposed to the ACT Government - under FRC.

(4) Will there be quantifiable net benefit to ACT domestic customers under FRC in the long term and if so, when is this estimated to occur.

(5) What are the systems and processes that need to be improved to deal with the new market structure *(The Canberra Times* of 11 October) that will offset price reductions in the short term.

(6) How long is this short term at (5) and approximately how much money is involved.

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

(1) The ACT is expecting to receive from National Competition Payments approximately $12.2 m for 2003/2004. The payment will be for the ACT's overall performance in implementing National Competition Policy. It is not possible under the assessment process used by the National Competition Council to link a program to any part of the payment.

(2) The Independent Competition and Regulatory Commission (ICRC) in its 'Final Report on Full Retail Contestability in Electricity in the ACT', released on 12 July 2002 and tabled on 29 August 2002, estimated that ACT domestic customers costs directly attributable to FRC are estimated to be between $1.92 and $3.25 per month at the upper threshold.

(3) The financial advantages to domestic customers in the ACT of introducing FRC relate primarily to wider market issues. They are predominantly in the form of mitigation of price rises associated with the renegotiation of supply contracts in a tightening wholesale market.

The introduction of a competitive market to a wider group of customers also reduces the potential for continued cross subsidisation of smaller customers by larger customers within the sub-100MWh tranche. The community is currently paying for any cross subsidies through increased costs of goods and services charged by those ACT businesses. FRC will enhance the viability of small businesses by providing them access to electricity cost structures similar to those enjoyed by interstate and larger competitors.

Competition between suppliers may result in prices being offered to ACT domestic customers below the rate offered by actual.

Under the approach taken by the Government customers can stay with actual if they so choose. In this way, electricity users get to choose their supplier in light of their assessment of their best interest.

(4) The benefits of FRC expected to accrue to ACT domestic customers are not fully quantifiable at this point but the benefit will accrue over time.

The provision of choice is of itself a benefit. This choice provides for customers the opportunity to make known their priorities and preferences in terms of the level of service, and nature of product being offered. The potential to encourage investment in renewable energy sources, for instance, is a benefit of FRC not easily assessed in dollar terms.

(5) The systems and processes that need to be improved are those associated with facilitating the transfer of customers between retailers and attributing the electricity used by an individual customer to the appropriate retailer in order to 'settle' the wholesale market. All such transfers and settlements systems and processes must be compatible with the IT systems and comply with the rules developed by the National Electricity Market Management Company (NEMMCO).

(6) The cost recovery period for the improvements identified by the ICRC is three years. The approximate costs identified by the ICRC in their report, are between $1.92 and $3.25 per customer per month for three years, representing a total cost of between $69.12 and $117.00 per customer. As identified in answers (4) and (5), it is not possible to quantify the benefits to customers of price reductions or mitigation of price rises over this same period.

Legislative Assembly—computers (Question No 323)

Mr Cornwell asked the Treasurer, upon notice:

(1) Is it a fact that ACT Legislative Assembly computers were down Thursday 18 October due to an accident at Woden.

(2) What was the nature of this accident and which organisation was at fault.

(3) How long were the assembly computers down and were any other government departmental computers also down.

(4) What was the approximate cost to the Territory in lost productivity as a result of this accident.

(5) Will financial restitution be sought for this loss, and if not, why not.

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

(1) Yes - a loss of power at Woden meant that the desktop PCs at the Legislative Assembly were not able to access ACT Government information systems for part of the day.

(2) Power to most of the Phillip Business District was lost due to the failure of a High Voltage Feeder from the Woden Substation. This outage was from 8:27 to approximately 11:05 and is the responsibility of ACTEW.

(3) The assembly PCs were unavailable between 9:20 and 14:30 on 18 October. Internet services were not restored until 16:30. All departments were effected by this outage, to differing degrees.

(4) It is not possible to accurately measure the lost productivity across the ACT Government as business units were effected to varying degrees and all business units have a mixture of manual and automated processes to carry out their functions

(5) No financial restitution will be sought for the following reason:
It is impossible to accurately determine the productivity impact of the outage for any financial restitution to be sought from varying government agencies or business units.

Housing—priority
(Question No 324)

Mr Cornwell asked the Minister for Disability, Housing and Community Services, upon notice, on 12 November 2002:

Concerning a report in *The Canberra Times* on 22 October that a resident was given priority transfer because ACT Housing accommodation was next door to a drug injecting room:

(1) Was ACT Housing aware of this situation.

(2) If so, were the police informed.

(3) If ACT Housing was not aware of the situation or did not inform the police, why not.

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

(1) Yes. It was not a drug injecting room but a small alcove next to the lift where drug addicts occasionally shoot up.

(2) Yes. The Guardians removed people found loitering in the alcove.

(3) Not Applicable

Pine Island—vandalism
(Question No 326)

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

In relation to ...

(1) Concerning the vandalism that has resulted in Pine Island being closed to vehicles between 9pm and 8am, what action has been taken to catch the offenders.

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

(1) The Pine Island Reserve is a valuable community resource, providing recreational opportunities for individuals, groups and families. Vandalism has been an issue of growing concern at Pine Island, probably associated with the growth in residential population in adjacent Tuggeranong.

In isolated areas such as Pine Island it is difficult to actually catch a vandal in action. Measures have been put in place to limit antisocial behaviour, including increased Ranger and Police patrols. However, 24-hour presence of law enforcement officers is not a practicable solution.

With the support of the Australian Federal Police and the Tuggeranong Community Council, Environment ACT has now restricted after hours vehicular access to the Pine Island Reserve in the interest of public safety and to protect property and infrastructure. This course of action will not restrict public access on foot to the reserve during such times.

The Pine Island Reserve is now closed to vehicles between the hours of 9.00 p.m. and 8.00 am.

It is anticipated that by restricting after-hours vehicular access to the Pine Island Reserve the levels of antisocial behaviour and wilful acts of vandalism will be greatly reduced, thus providing a high quality recreational reserve for the enjoyment of the wider Canberra community. Police and Ranger patrols are still being undertaken.

Circus Royale
(Question No 327)

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

In relation to the use of Eddison Park by Circus Royale.

(1) Why is the Circus Royale performing on public land at Eddison Park Woden and are we charging for use of the land

(2) Will the area be returned to its previous state and who will pay for these repairs.

(3) What is the estimated total cost of these repairs and how long is it anticipated it will take the park to recover.

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

(1) The Circus Royale used Eddison Park as it is a small-scale performance group. The Futsal area at Acton was being used at the time by the large group staging `Shout'. Locating the Circus in Eddison Park was also beneficial to the community as it was more accessible for the many families in the Woden/Weston area.

The contract agreement with Circus Royale required them to pay $400 per day during the set-up and break down of the Circus and $500 per day during the performance period. A total of $5,800 was received from the Circus for use of the Park.

(2) The agreement with the Circus required that all restoration costs for damage to the Park were to be met by them. A $10,000 bond was taken to ensure this occurred.

(3) The horticultural maintenance contractor for the area has advised Canberra Urban Parks and Places that the area was fertilised just before the Circus arrived as part of routine work. Since the Circus left, the area is recovering well. It should be fully recovered within two to three weeks with no additional cost. It has therefore not been necessary to draw on the bond from the Circus for any restoration work.

Weston Park—sprinkler system (Question No 334)

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

In relation to the Government's response to possible water restrictions.

(1) Why was the sprinkler system operating in Weston Park Yarralumla on Sunday 3 November 2002 at 9.00am.

(2) What steps has the Government undertaken to conserve water following ActewAGL's call to residents in its Stop the Drop campaign.

Mr Wood: The answers to the member's questions are as follows:

(1) The irrigation system at Weston Park was watering at 9.00am on Sunday 3 November 2002 as the irrigation controller programming had been altered by a power failure between maintenance inspections. The controller has now been reprogrammed and watering is to occur at night.

(2) ActewAGL has advised us of the progressively tightening levels of restriction proposed as water storage levels diminish. In anticipation of water restrictions, the Department of Urban Services has prioritised irrigated grass areas under its management to establish areas and sites where water usage can be progressively cut back as the level of restrictions become more stringent.

This strategy, and the tight control the Department has over its irrigation systems, will enable all of ActewAGL's water saving targets to be met. While every effort will be made to minimise the impacts on sportsground and park users, as restrictions become more strict, consequences will become inevitable. The community will be kept advised as and when restrictions come into play.

The Department will continue to work closely with ActewAGL in the implementation of restrictions and closely monitor its management areas to minimise unnecessary water usage.

In the case of schools, there have been discussions and exchanges of information between officers of the Departments of Urban Services and Education Youth and Family Services (DEYFS). Officers of DEYFS are advising schools through their regular news letter and Principals' Alert to be prudent in their management of water and to follow normal measures to minimise excessive water use. Again, this liaison will continue as the summer progresses.

Litter Act
(Question No 335)

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

In relation to your letter of 29 April 2002 that your department was developing a proposal to revise and update the Litter Act 1977 "which is expected to be introduced into the Assembly during the Spring 2002 sittings":

(1) Where is the proposed legislation.

(2) Will the registered owner of a motor vehicle now be liable for a littering offence from the vehicle.

(3) If (2) is negative, why not.

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

(1) The Litter Bill was not included in the legislation program for the Spring 2002 sitting period. The proposed legislation is currently in the early stages of development and the government proposes to introduce the Litter Bill in the Autumn 2003 sitting period.

(2) One of the options that will be raised for consideration in the Litter Bill is allowing an infringement notice to be issued to the registered owner of a motor vehicle from which littering occurs. This would place the onus on the registered owner to establish who was driving the vehicle at the time.

Department of Urban Services
(Question No 337)

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

In relation to the September 2002 Quarterly Performance Report for Urban Services.

(1) How do you assess a ETD % progress against target of 101% for a percentage result of 81% for Call Centre waiting times (output 1.1 Canberra Connect).

(2) If maintenance on municipal roads is zero at present because work only can be done November to March what does the expenditure of $2.6 million for this item represent (output 1.2 Roads).

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

(1) For quarterly reporting purposes, the Department is required to provide the Assembly with a year-to-date progress report of performance against annual targets. For this measure a result of 81 % was achieved for the September Quarter against an annual target of 80%. Therefore the progress against target of 101 % is achieved by dividing the actual result (81%) by the target (80%).

(2) The progress result provided to the Assembly for the September Quarter for the measure "Cost of municipal roads maintenance" was $0.526m. The $2.654m refers to the annual budgeted cost.

The year-to-date expenditure was below pro-rata because a significant component of the annual planned maintenance is performed in the warmer months, during the November -March period. The $0.526m spent in the September quarter was mainly for routine maintenance (eg. potholes and general day to day repairs). Some funding was also incurred on the preparation for the planned maintenance program.

Totalcare Industries Ltd (Question No 339)

Mr Cornwell asked the Treasurer, upon notice, on 19 November 2002:

In the Legislative Assembly on 13 November 2002 you noted that the ACT Treasury had completed a report on Totalcare Industries Limited:

(1) Will you table a copy of this report in the Assembly?

(2) If you will not table a copy of this report, why not?

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

(1) The ACT Treasury report on Totalcare will not be tabled in the Assembly.

(2) The report is an internal report to Government and it would not be appropriate for the report to be placed in the public domain. The report contains highly sensitive commercial information that no entity operating on a commercial basis would expect to be made generally available.

The report also contains advice to Government that is yet to be considered and accepted or varied by Government. These types of issues cannot be worked through in a public forum, because the viability of the entity and the livelihoods of staff could be affected.

The Government is intent on establishing Totalcare on a viable long term footing and this involves addressing many strategic issues across all of the areas of its business.

Legislative Assembly—cost of sitting (Question No 341)

Mr Cornwell asked the Speaker, upon notice:

(1) What was the cost of the night sitting 19:50 - 21:50 hours of 13 November 2002

(2) Why was the decision taken to extend the sitting into the evening, given that we only had one unfinished and two further notices to debate

(3) Was consideration given to extend the afternoon session from 18.00 to 19.00 hours to complete the business at (2) and if so, why was this cost saving measure rejected.

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

(1) The cost of the sitting was $961, which is made up of overtime for Secretariat officers required to work, meal allowances and cabcharges, and energy costs. In addition an amount of $1300 for recording, transcribing and editing the Hansard was another cost incurred. There may have been other costs incurred in ministerial offices.

(2) I understand that the decision to extend the sitting into the evening was taken following consultation by the whips. Before the suspension of the sitting at 6pm, in accordance with normal practice, I sought the views of the Assembly in the following terms:
"I understand that it is the wish of the Assembly to break for the evening meal break. That being the case the Chair will be resumed at 7.30pm"
As no member objected, the dinner break was taken.

(3) As the decision to extend the sitting into the evening was taken by the whips in consultation with other members, I am unable to answer that part of your question.