DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

20 February 2003

Thursday, 20 February 2003

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

Consumer and Trader Tribunal Bill 2003

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

Title read by Clerk.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Community Affairs and Minister for the Environment) (10.31): I move

> That this bill be agreed to in principle.

Mr Speaker, the Consumer and Trader Tribunal Bill 2003 establishes the Consumer and Trader Tribunal. The tribunal will replace the existing Agents Board and the five dispute resolution bodies for the security industry. The tribunal will have the jurisdiction conferred on it by the Security Industry Bill 2002 and the Agents Bill 2003. The tribunal will hear disciplinary matters and appeals against licensing and registration decisions made by the Commissioner for Fair Trading relating to real estate, stock and station, business, travel and employment agents, and the security industry.

There are a number of benefits in consolidating the Agents Board and the dispute resolution committees for the security industry into one tribunal. The benefits include improved, standardised and streamlined tribunal processes and standardisation of the appointment process of tribunal members. People who have particular expertise can be called upon when required, as there is no limit to the number of people who can be appointed to the tribunal panel.

There will be greater flexibility for the hearing of matters and disputes in these industries, as the tribunal procedure can vary according to the complexity of the matter. For example, decisions in simple matters can be made with submissions rather than a hearing. In addition, tribunal matters can be heard by one member or a number of members, depending on the complexity of the matter.

There will be greater efficiency than was achievable with the existing resolution bodies. For example, the Agents Board currently sits with seven members, whereas this bill will allow matters to be heard by one member or a number of members, depending on the complexity of the matter. Matters can also be dealt with more quickly, as the tribunal can be constituted by one member and the tribunal can hear security and agents matters on the say day, rather than waiting for sufficient agents or security matters to warrant a formal sitting.

The bill also provides a framework for the jurisdiction of the tribunal to be expanded at some later time. The tribunal could be expanded to handle consumer complaints and review licensing decisions for other industries. This would avoid the existing duplication of dispute resolution functions and would ensure that there is consistency in dispute resolution processes.

The Consumer and Trader Tribunal Bill 2003 is based on the tribunal provisions in the Residential Tenancies Act 1997 and the Administrative Appeals Tribunal Act 1989. Part 1 of the bill deals with preliminary matters such as commencement of the act and alerts readers to the objects of the act, which are:

- to review decisions by decision-makers under acts which confer jurisdiction on this tribunal;
- to make decisions about disciplinary action to be taken against licensees, where jurisdiction is conferred on this tribunal;
- to ensure that the tribunal is accessible;
- to ensure that tribunal procedures are simple, quick, inexpensive and as informal as each case demands; and
- to ensure that the decisions of the tribunal are fair.

Part 2 of the bill deals with the constitution of the tribunal. The tribunal will consist of a president, deputy presidents and a panel of members. The president can select members from the panel to hear matters. Matters can be heard by one member, the president, the deputy president or a number of members. This will depend on the complexity of the matter, the availability of members and the relevant skills of the members.

Part 3 of the bill provides for applications to be made to the tribunal. Applications for a review of a licensing decision or for disciplinary action to be taken against a party must be in writing and must include a statement of reasons for making the application. Applications for a review of a licensing decision must be made within 60 days of the licensing decision being made. This part also allows preliminary conferences to be held to help prepare parties for hearings and to assist in narrowing the issues.

Part 4 of the bill sets out the tribunal's procedures. The procedures of the tribunal are to be as simple, quick and inexpensive as is consistent with achieving justice. The tribunal must make a thorough examination of all matters relevant to a case and ensure that each party is given a reasonable opportunity to present its case. Like the Administrative Appeals Tribunal, the Residential Tenancies Tribunal and the Essential Services Consumer Council, this tribunal will not be bound by the rules of evidence in considering matters.

Part 4 of the bill permits parties to appear before the tribunal in person or to be represented by another person, including a lawyer. This part also permits parties to give evidence by phone or by electronic means.

Part 5 of the bill sets out the powers of the tribunal and the matters that the tribunal must consider in making a decision.

Part 6 provides for parties to appeal tribunal decisions to the Supreme Court. Appeals can only be made on a question of law and with the leave of the Supreme Court. This enables the Supreme Court to assess whether the appeal is on a question of law and will enable the court to dispose of vexatious appeals. If leave to appeal is not granted by the Supreme Court, the parties can appeal the Supreme Court's decision to the Appeals Court.

Part 7 of the bill deals with enforcement of tribunal decisions and sets out a number of offences, such as providing the tribunal with false or misleading information or obstructing or hindering the tribunal.

Part 8 of the bill protects tribunal members from incurring liability for acts honestly done in carrying out their functions. This part also provides that information from a preliminary conference cannot be used against a party in criminal proceedings or in a civil proceeding.

Part 9 deals with transitional matters. Part 9 provides that the existing members of the Agents Board will sit as tribunal members until their appointments expire in 2005. I also anticipate that additional members will be appointed to the tribunal.

It is not anticipated that the costs to the government will increase, as the tribunal will replace already funded existing dispute resolution bodies.

This bill has been drafted in consultation with the members of the Agents Board and the chair of the Essential Services Consumer Council and the Real Estate Institute of the ACT. Key stakeholders in the security industry have also been extensively consulted.

Mr Speaker, I commend the bill to the Assembly.

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

Appropriation Bill 2002-2003 (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 and Minister for Sport, Racing and Gaming) (10.39): I move:

> That this bill be agreed to in principle.

This bill provides for an increase in appropriation of $17.295 million for the government's immediate response to the January 2003 bushfires. This puts beyond doubt the source of funding for many departments during a very challenging period when efforts are focused on addressing the immediate needs of those affected.

Mr Speaker, this appropriation bill will not cover the full costs of the January bushfires. The financial impact of the bushfires will take some time to be assessed. Other jurisdictions that have been through flood or fire disasters have taken up to three years to fully identify the costs.

The total impact of this bill in isolation on the financial position of the territory will be somewhat less than the appropriation provided. Subsequent reimbursements or recoveries will, to some degree, offset a number of costs. The territory, however, will be left to manage a number of costs such as those for the increased mitigation and prevention which occurred over the period.

The territory's insurance arrangements will cover a fair proportion of the costs. For example, insurance will cover much of the cost of replacing many of the territory's destroyed or damaged assets. Work is well under way with assessment of damages and management of claims.

The territory is also eligible for reimbursement from the Commonwealth under the natural disaster recovery arrangement—or NDRA, as it is termed. Reimbursement of costs under this arrangement is subject to eligibility criteria and thresholds. While obviously the NDRA will not provide full compensation for the disaster, it provides a significant contribution that is certainly appreciated by the territory at this time.

Work is under way within departments to capture the cost of bushfires so that the Assembly can be informed of the total cost. There may be additional costs beyond this bill that have to be considered subsequently, either in a further supplementary appropriation bill or in the 2003-04 budget. Some programs—for example, the recovery task force—will continue into forward years. The ongoing cost of the task force will be considered in the 2003-04 budget.

Mr Speaker, I now turn to the bill. This bill provides funding to various agencies involved in initial efforts and subsequent recovery from bushfire. I will touch on a number of specifics. More detail can, of course, be found within the supplementary budget paper.

The bill provides $8.24 million to the Chief Minister's Department. This will allow for the continued operation of recovery centres and the establishment of the recovery task force, which will coordinate the community and business efforts to assist the victims of the disaster and advise on the longer term recovery of Canberra.

The bill incorporates funding for two studies to be conducted. The first is the McLeod inquiry on the adequacy of the response to the bushfires by the ACT Emergency Services Bureau and its components and other relevant agencies. The second review relates to the non-urban strategic development study which will consider the best use of land for sustainable development of the territory.

Funding of $100,000 will also be provided for a marketing campaign to run over the autumn period, in response to the downturn in visitors to the territory. That is only a part-contribution. CTEC will also provide $450,000 from its own resources, and industry has already indicated it will provide $200,000 towards the campaign. We have approached the Commonwealth government already and are yet to get a positive response, but we will be approaching them again to provide a contribution towards this initiative.

Also included in the funding of the Chief Minister's Department is around $1 million to allow Bovis Lend Lease to project manage a coordinated approach to the clean-up of homes destroyed by fire. This will minimise disruption and inconvenience to Canberrans due to the movement of heavy vehicles around affected areas, ensure that hazardous waste is dealt with appropriately and assist householders in the task of identifying issues involved in site clean-up. Funding also provides for financial assistance to individuals for property clean-up.

Mr Speaker, the bill provides for initiatives that are directed at assisting businesses in the region, including $270,000 in funding to the Chief Minister's Department for business assistance grants valued at up to $3,000 for each home-based business where premises were destroyed, and $65,000 in interest subsidies to assist rural lessees and other business.

The Department of Health and Community Care is provided with $723,000 to, amongst other things, fund the additional throughput to hospitals for injuries relating to the fire, cover the cost of medical staff deployed to the Emergency Services Bureau and the evacuation centres across the ACT, and fund increased demand for mental health counselling services.

Funding of $3.422 million is provided to the Department of Urban Services to allow for a number of immediate response and clean-up activities such as:

- hazard reduction, public safety work such as creating clearings, containment lines, remediation and stabilisation;
- restoration works;
- providing appropriate waste disposal facilities, taking particular account of hazardous material; and
- increased work within Planning and Land Management relating to the reconstruction and property assessment effort.

Funding of $1.933 million is provided to the Department of Justice and Community Safety, primarily for the considerable task of immediate fire response and initial funding of the coronial inquest.

The Department of Education, Youth and Family Services is provided with $2.68 million for a number of items, including emergency assistance to individuals ($150,000), financial assistance grants for the replacement of essential household items ($2.245 million) and the running of evacuation and recovery centres ($204,000).

Mr Speaker, I also table the following paper:

> Supplementary Budget Paper—2002-2003—Appropriation Bill (No. 2).

As it is not possible to provide full financial statements of agencies within the timeframe for this bill, these additional supplementary papers will be updated during the March sittings. This is provided for under the Financial Management Act.

A statement on the use of the Treasurer's Advance to date is also provided in the documents I have put before the Assembly.

This bill also includes an amendment to the Financial Management Act. This amendment requires the provision of output and performance indicator information with updated departmental budgets. While this has been the practice in the past, it has never been required. This amendment strengthens the existing supplementary budget papers provisions.

Mr Speaker, in summing up, I would like to say that this has been a challenging time for Canberra. It is important that during such a time a careful eye is kept on financial control. This government is mindful to minimise the cost of such a disaster, while providing an appropriate, coordinated and timely response to those in need. I consider this bill to be just one step in the government's response.

I would like to record my congratulations of all of the administrators who since the day of the fire have been involved in the recovery and support effort. It has been a phenomenal contribution to our town.

Mr Speaker, I commend the bill to the Assembly.

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

Public Accounts—Standing Committee
Reference

MR SMYTH (Leader of the Opposition) (10.48): I seek leave to move a motion concerning the Appropriation Bill 2002-2003 (No 2).

Leave granted

MR SMYTH: I move:

> That notwithstanding the provisions of standing order 174—
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> (1) the Appropriation Bill 2002-2003 (No 2) be referred to the Standing Committee on Public Accounts for report on 4 March 2003;
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> (2) on the Committee presenting its report to the Assembly resumption of debate on the question "That this Bill be agreed to in principle" be set down as an order of the day for the next sitting.

Mr Speaker, this motion is to provide time for members of the Assembly and the public to look at the government's bill. It is not an attempt to slow down the process. The Public Accounts Committee would deal with this bill expeditiously at its regular meeting next Wednesday and report the following Tuesday morning, which would allow the passage of the bill in the government's timetable.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming) (10.49): The government has no objection to that level of scrutiny. I have not looked at my diary for next Wednesday, but we ministers will see what we can do about defending each of the items in the bill.

Question resolved in the affirmative.

Land (Planning and Environment) (Compliance) Amendment Bill 2003

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

Title read by Clerk.

MR CORBELL (Minister for Health and Minister for Planning) (10.50): I move:

> That this bill be agreed to in principle.

Mr Speaker, the Assembly will recall that on 20 November last year I asked the Assembly to note the government's proposal to undertake a review of the Land, Planning and Environment Act 1991 in 2003, with an exposure draft of new legislation in mid-2004.

In the Labor Party policy platform for the last election, the stated objectives of this government included restoring the community's confidence in Canberra's planning system, achieving the balance our city needs to grow and change as we all grow and change, protecting Canberra's unique planning heritage, and enhancing the quality of residential and urban amenity we all value.

Accordingly, I have pleasure in presenting the Land (Planning and Environment) (Compliance) Amendment Bill 2003. The bill provides for the amendment of the Land (Planning and Environment) Act 1991 and subordinate laws for the purpose of improving planning and leasing compliance powers. Further, it provides for a more streamlined resolution of building encroachment issues.

The objective of the amendments is to empower departmental officers to impose a range of immediate and simple sanctions on lessees who contravene their leases, and to improve the effectiveness of monitoring development activity. Planning and land management has been pursuing a range of initiatives aimed at meeting this objective.

Experience has shown that orders, prosecution or termination of leases, as compliance tools, are either too cumbersome or too severe to achieve the best outcome. The bill therefore includes a number of amendments to the orders process that provide a clearer structure and greater clarity to existing provisions. Currently the Planning and Land Authority, or delegate, can apply for an order only as a person, not in its own right. The bill explicitly provides for the Planning and Land Authority to make orders at its own initiative.

Development applications for minor lease boundary variations to eliminate building encroachments also need to be notified. In cases where it is not appropriate to vary the lease boundary to eliminate an encroachment—for example, for an awning over a shopfront public footpath—either a permit or a licence for the unleased land would be sufficient.

Where the Planning and Land Authority undertakes rectification work on a lease, it is entitled to recover the cost from the occupier or lessee of the land. The bill provides for the lessee to apply to the authority to have the cost repayment deferred. If agreed, the repayment is secured by registering a charge against the lease. Interest is payable on the deferred cost repayment.

The bill provides for the Planning and Land Authority to issue a prohibition notice in order to prevent or lessen irreversible damage being caused by, for example, unapproved development activities. The notice would have immediate effect.

Mr Speaker, I commend the bill to the Assembly.

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

Variation to the Territory Plan No 174
Motion for disallowance

MS TUCKER (10.53): I move:

> That variation to the Territory Plan No 174—for Narrabundah Blocks 2, 3, 14 & 15, Section 124 (Hungarian-Australian Club) made pursuant to the *Land (Planning and Environment) Act 1991* be disallowed.

There are two major reasons why I move to disallow the changes that this variation would make to the Territory Plan.

Firstly, I fundamentally disagree with the notion of concessional leases being given over to residential development. In doing this we are essentially taking from the community and giving to a developer, and in the process providing the leaseholders with a substantial financial windfall. The spirit of concessional leases such as this is that they will provide needed community facilities. They should not be viewed as a means of securing future windfall profits for the leaseholder.

The other reason that I cannot support variation 174 is that it goes against the desires of so many in the Narrabundah community. The overwhelming view among Narrabundah residents is that they wish to see the area currently utilised by the Hungarian Club maintained as a community facility. This is not surprising, considering that community facilities are few and far between in Narrabundah. This was reflected in the Planning and Environment Committee's recommendation that the government proceed no further with variation 174.

The government, however, argues that this is an inappropriate site for club facilities due to its proximity to residents and the primary school. In relation to the site's residential setting, it is suggested that there have already been numerous noise complaints about the current club and that this situation would be exacerbated should another club take over. Noise concerns can be addressed with good management. Indeed, this happens all over Canberra. Concerned community members checked this out, and they found that one complaint was registered in 2002 and two complaints in 2001. It seems an extraordinary rationale, if that is the rationale, for the variation to the Territory Plan.

I also understand that the club did not address the complaints about noise. They should have done so. They had a responsibility to do it. They were quite dismissive, as I understand it, of complaints that were made. The complaints related to noise in the car park. There was also concern about the club not being compatible with the primary school, but I have not seen any evidence of that having been a problem either.

The only way to make a proper determination of the most appropriate use of this site, and what would bring about the most community benefit, would be to wait for the completion of the community needs study for the area. It is premature for the government to be making decisions prior to such a study. They may find that after removing these community facilities they need them.

The puzzling nature of this decision is further compounded by the fact that the government is currently reviewing concessional leases. Any decision prior to the completion of this review is a reflection of poor planning processes. The government's argument for pre-empting the review in relation to the Hungarian Club is that it is unable to resume the lease until the Hungarian Club volunteers to give it up. But this does not explain the decision to vary the lease before completing the neighbourhood and community facility needs analysis process, in contrast to the committee's recommendations. It is not the only option available if the Hungarian Club is not prepared to give up the lease on just terms to the government.

Mr Corbell's election promise published in the Narrabundah community newsletter in July 2001 suggests a process for the club site:

> Because the lease from the Hungarian Australian Club is a concessional lease Labor believes that if the site is no longer required for the purposes for which it was first granted, as a club, then the site should first be offered for sale to another organisation interested in and capable of using it as a club or for a related purpose.
>
> Labor further believes that if the site can no longer be used as a club and no one is interested in purchasing it as a club then the ACT Government should take steps to fairly acquire the lease and then conduct a planning process with the local community to determine the most appropriate use for the site.

> Labor would establish a Suburb Master Plan for all of Narrabundah, which would allow for a broad range of uses of this site, including community uses, to be properly considered. The Suburb Master Plan would also allow a comprehensive and integrated approach to be taken to issues in the Narrabundah community, such as concerns with dual occupancy development.
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> Once the Suburb Master Plan was completed the Government could then choose to release the site for the most appropriate use consistent with the views and needs of the local community. Any improved value of the site resulting from the process would then return to the taxpayer.

I draw Mrs Dunne's attention to this because yesterday the Liberals expressed a concern about pre-election promises by Labor and took a strong position on that matter. While I understand that the Liberals have previously supported this variation to the Territory Plan, now that they are opposition and have taken a much stronger position on process I am hoping that they are listening to this debate and will consider supporting my motion.

Instead of following the plan I have read out, Labor dismissed the proposal to continue the club as a club and soon after that accepted the variation. I have to ask why. That is the question people in the community are asking.

The government, in approving the variation, essentially removes any incentive for the Hungarian Club to negotiate with other clubs on taking over the lease. The government has put forward the argument that without redevelopment (to residential) the site would become completely run down and derelict, but this is mere speculation.

If the Hungarian Club knew that there was no possibility of change to residential land use, then they would presumably have no choice but to negotiate seriously with other clubs for a transfer of the lease. This means that the Hungarian Club would need to put more effort into finding a solution to their current problems, and there is the potential for this to be a solution that could benefit the wider Narrabundah community.

This is not likely whilst the club believes it can sell the site to a developer for residential units. One cannot blame the club. It is only logical that they would want to make as much money as possible from the sale of the lease. Therefore, they would rather sell to a developer than sell to another club.

The possibility of another club successfully operating on the site is not, I believe, as remote as the government insists. I would argue that this avenue has not been as rigorously pursued as it could have been and should have been. I am aware, as are many others in the community, that another club had shown interest in the site—interest that would also have benefited the primary school adjacent to the site. This is not consistent with the government's claim that no serious expressions of interest in taking over the lease had been shown by any other clubs. The government's actions in announcing the final decision to allow for residential development has squashed any chance of another club taking over the lease—if we do not reject this variation.

The expression of interest shown when the Hungarian Club advertised—which on 10 December 2002 the minister stated on radio was not a serious expression of interest—to my knowledge, involved refurbishment of the existing club and surrounds, maintenance of the primary school oval, benefits to all existing members of the Hungarian Club and allowance for the Hungarian Club to continue to use the facilities. If this does not constitute a serious interest, I wonder what would.

Following this declaration, the government argued that because the existing lease was still in effect at present there were no impediments to another club trying to purchase the lease from the Hungarian Club. Does the government really believe this? Do they seriously think the Hungarian Club would pay any interest to negotiating with another club when they would soon be able to sell the lease for a lot more money to a developer?

For anyone considering making an offer to continue a club-type facility on the site, doubt must have been cast on the government's comments that it did not believe club facilities were an appropriate use for the site, pre-empting two relevant studies, as I have said. Why? I would very much like to hear an explanation from the minister. It might go some way to addressing the suspicions in the community that some kind of deal has been done.

The Labor government had a strong stance on the Hungarian Club lease prior to coming into office: they did not support the changing of the lease to residential. Yet that is exactly what they are now trying to have approved. This change of heart, which I fear my Liberal colleague may support but I hope do not support, will not provide any real benefits to the community of Narrabundah. In fact, it amounts to taking away a potentially significant asset from the community.

Many members in the community are extremely concerned to know how this Assembly works, particularly in its committees. Once again, as we saw under previous governments, a body of work has been done, the community has put in a lot of work, conclusions have been reached and recommendations have been made, but the whole thing has been ignored.

There were also serious concerns about the preliminary assessment put up by the developer. The community was not satisfied with it. It is serious if the Legislative Assembly's committees are seen to be treated with such disregard by the government of the day. If people lose confidence in the committee system, then they will not come and talk to the committees. The cynicism that already exists in the community, not just about committees but about politicians and the Legislative Assembly, will increase.

As a sweetener, the government has said that this development will have compulsory adaptable housing in it. That is very nice but it is pretty insulting that the government suddenly has the capacity to mandate adaptable housing development for this development, when I have been asking for this to happen for such a long time, as have many other people. It is important and it has to happen, but that is not an excuse to justify the process I am outlining or to justify the decision to change the use of this land.

I would like to hear from the minister when the decision was made to approve the variation. Why did the minister not take more interest in Easts' proposal. I understand from conversations he has had with residents that he is not really familiar with that proposal. I would also like to know what was done to evaluate the seriousness or viability of Easts' expression of interest. I would like to know how the minister was assured that there was no longer a need for community facilities, given that the Planning and Environment Committee concluded that the Narrabundah community already had a shortage of community facility land use blocks. What is the reason that we do not need community facilities there? If we do not have a shortage, I need to know that and the community needs to know that.

Serious questions have been raised about how far the contractual arrangement with the developer was advanced before this variation was approved. What impact, if any, does that contractual arrangement have on the potential for this land to stay in community hands?

I ask for support from members for this disallowance motion, even from proponents of such redevelopment, on the grounds of process and in support of the very shocked Narrabundah community.

MR CORBELL (Minister for Health and Minister for Planning) (11.07): Mr Speaker, variation No 174 to the Territory Plan concerns blocks 2, 3, 14 and 15 of section 124 of Narrabundah. The Hungarian Australian Club currently occupies blocks 2 and 3. Blocks 14 and 15 are vacant unleased territory land located on the corner of Kootara Crescent and Keira Street.

The existing Territory Plan land use policies are entertainment, accommodation and leisure for blocks 2 and 3, the club site—not community facility—and community facility for blocks 14 and 15, the vacant territory land sites.

The proposal contained in the original draft variation that was exhibited for public comment was to change the existing land use policies applying to the land to residential with a B11 area specific policy overlay. The B11 area specific policy would have provided for a residential development up to a maximum of three storeys.

A total of 57 submissions were received in response to the exhibited draft variation, and following the public consultation process PALM revised the draft variation by removing the B11 area specific policy. The implications of this were that the general residential land use policies would apply, and the residential development would be limited to a maximum height of two storeys. It was proposed that all detailed design and siting matters would be considered at the development application stage and would be subjected to the high-quality sustainable design process. These processes require, amongst other things, a detailed site analysis to be undertaken and a comprehensive design response report to be prepared before the development application can be lodged.

The Planning and Environment Committee considered the revised draft variation, and in its report No 4 of May 2002 recommended that draft variation 174 not proceed and that the existing land use policies be retained.

After careful consideration of the committee's report and all other relevant background information, the government decided on an alternative course of action and directed the ACT Planning Authority to further revise draft variation 174. The specified revision retains the proposed residential land use policy but includes a new area specific policy to require that a minimum of 50 per cent of the residential units on the site be used for adaptable housing suitable for people with disabilities and to meet the needs of Canberra's ageing population. PALM subsequently revised the variation in accordance with the executive's direction, and the approved variation, as revised, was tabled in the Legislative Assembly on 12 December 2002.

In arriving at its decision on this matter, the government considered a number of issues. Although the existence of a club on the site is currently reflected in the Territory Plan, it is unlikely that such a use would be agreed to in today's circumstances. The Territory Plan justifiably restricts the location of licensed clubs. This is because of their potential to adversely impact on the amenity of nearby uses, particularly residential uses.

The Territory Plan does not permit licensed clubs in a residential land use policy areas, nor does it allow them in local shopping centres. The Territory Plan generally restricts clubs to locations where the impact of their activities can be more readily accommodated—for example, in group or town centres, or in areas that are buffered from surrounding residential development.

The Territory Plan also requires mandatory preliminary assessment for all proposals within 150 metres of a residential land use policy area. In addition, PALM's community and recreation facilities location guidelines seek to separate licensed clubs from residential areas and schools on amenity and social grounds.

The Hungarian Australian Club's location, in the middle of the suburb and surrounded by residential uses and the local primary school, cannot be regarded as the most desirable planning arrangement. Its location also appears to be one of the factors affecting its ability to compete with some of the larger clubs in more visible locations. The more successful licensed clubs are generally located within commercial areas or along nature corridors where they can benefit from greater visibility and they have less noise and traffic impact on surrounding uses. Successful clubs are often bigger and offer longer trading hours. However, such club operations, if located in a residential area, are likely to cause disturbance to residents and generate complaints.

The Hungarian Australian Club site constitutes the major portion of the land that is the subject of draft variation 174. Historically, smaller clubs like the Hungarian Club have provided for specific social groups and played an important role in the development of Canberra's community. However, as the role of clubs has changed over time, smaller clubs have found it increasingly difficult to compete with the greater range of services and longer opening hours of the larger clubs.

The Hungarian Australian Club's experience is not atypical of a number of other smaller clubs in Canberra that have experienced similar viability problems. This appears to be due to a number of reasons, in particular the ageing and declining number of their member base and the trend for younger generations to frequent alternative venues.

The current entertainment, accommodation and leisure land use designation for the Hungarian Australian Club reflects the use of the site at the time the Territory Plan came into effect. Whilst the government accepts the continued operation of the existing club use on the site, it does not regard the land use arrangement as desirable and will be concerned about the impact any increase in activity would have on the amenity of the locality. Already, surrounding residents have complained about noise, and the location of the club immediately adjacent to a primary school is, as I have already outlined, less than desirable.

For these reasons, the government does not believe that retaining the existing land use policy arrangement is appropriate and accepts PALM's recommendation that the site would be better suited to residential use. Although it is acknowledged that the loss of the club will disadvantage some patrons who consider this facility important, the government believes that the land use policy should be changed to one which is more appropriate for the area and which delivers community benefit into the longer term.

Due to the specific characteristics of this site—such as its location, relationship to facilities, size and configuration, adjoining land uses and its inappropriateness as a club site—the variation provides an opportunity for residential uses, particularly dwellings that provide an alternative to the detached houses that predominate in the locality.

Sites that offer accessibility to established infrastructure (such as public transport and shops) and attractive living environments (such as mature streetscapes) are highly desirable and generally meet the principles for pursing sustainable development outcomes.

The government has been presented with a situation where the club has indicated it wishes to close, and the prospect of an alternative club operating viably on the site is remote. If a club were able to operate successfully on this site, it would only inevitably create other issues for the area, such as noise and traffic.

The government considers it is more desirable to see the site used for a worthwhile and higher purpose. To this end, the implementation of adaptable housing suitable to meet the needs of people with disabilities and Canberra's ageing population is an appropriate response.

I would now like to focus attention on the smaller parcel of vacant territory land adjoining the Hungarian Australian Club site. The original proposal for development in section 124 Narrabundah involved only the redevelopment of the club site. However, given the relationship of these blocks to the adjoining community facility land, it was recommended by PALM that the site be looked at in its entirety. The vacant land was considered unlikely to be used for community purposes, and it was concluded that the proposed Territory Plan variation should also incorporate the two small blocks. Among other things, it would provide an opportunity for compatible and complementary development to occur over the whole site.

The community facility land use policy applying to blocks 14 and 15 reflects a previous use that no longer exists on the site, the lease having been surrendered in 1994. However, particularly as the land did have a community facility status, its future was carefully assessed as part of the planning associated with draft variation 174.

The planning for community facility sites takes into account the suitability of the site for community uses in terms of the location guidelines for community and recreation facilities. Current long-term planning for community facilities aims to ensure that sites are close to public transport routes, compatible with surrounding uses and, where appropriate, co-located with other community facilities and local centres to facilitate a mix of uses and improved accessibility.

If sites are required in the future in the Narrabundah/Griffith area, the assessment has concluded that there is a number of other more suitable community facility sites, in terms of both size and location, that could meet any anticipated need.

Blocks 14 and 15 and not considered suitable community facility sites due to their small size and relationship to surrounding development. The preliminary assessment that was undertaken prior to the draft variation being initiated concluded that the sites are unlikely to be used for community use. This was, as I already stated, because they are relatively isolated from other community facility sites (650 metres from the local shopping centre) and consist of two narrow blocks that would be difficult to develop for community use.

The last time one of the blocks was used for community purposes was in the early 1990s. Following the surrender of the lease, the structure on the site was deemed to be unsafe and unsuitable for use, and was demolished in 1994. In the context of the club being redeveloped for residential use and the limited need for this site for community uses, it was considered appropriate for these blocks also to be proposed for residential development.

Community needs assessments are prepared for the ACT at the broad-scale level as part of the urban development program. No community need for this site has been identified through this process. There are other vacant blocks in Narrabundah identified in the 1990-2000 audit of community facilities land. A recent update of that audit indicates that there are four substantial blocks of land with a community facility land use policy that could accommodate future community uses if required.

Currently Narrabundah has a range of community facilities available, including community group accommodation, ovals, outdoor recreation, community halls, child care, welfare services, primary schools, a college, places of worship, older persons units, a nursing home and hostel, a non-profit retail store and more.

Narrabundah has three other licensed clubs—namely, the Capital Golf Club, the Spanish-Australian Club and the Harmonie German Club. Also, conditional development approval has been given to a new golfing facility which includes provision for a licensed club on recently leased land on section 34 Narrabundah. In Griffith there are three other clubs and one social club.

In addition, relevant planning guidelines such as the ACT crime prevention and urban design resource manual need to be taken into account. Among other things, these aim to ensure that public space is under active surveillance, that potential entrapment areas are avoided and that the design of housing provides sight lines to footpaths and clearly delineates between public and private open space.

All the blocks in this draft variation are located close to a school and areas of open space. Residential development on the land provides opportunities for passive surveillance for children travelling home from school or for people using the open space and associated path network. The development of this area for residential use will increase the public surveillance available in this area, with the aim of providing a safer and more user friendly environment.

The approach which has been approved by the government will ensure that the site continues to provide benefit to the community.

The government has expressed concern in the past about development associated with concessional leases. That is why I directed PALM to undertake a review. In July 2002 PALM released documents providing for the tender of a contract for a full review of the concessional leasing system. The review will examine the various aspects of the policy and administration of concessional leases to ensure that they continue to meet the needs of the ACT community. The review will report within the first half of this year.

This is a very detailed and complex issue, and the government wants to make sure it gets a good basis for dealing with these types of leases into the future. In the meantime, the government has adopted an interim guideline for the administration of concessional leases. Applications for consent to the transfer of a concessional lease or for payment of the concession that applies to it are now being assessed against that guideline. It is unfortunate timing, but the circumstances dictate that it would be unreasonable to delay making a decision on this Territory Plan variation until the concessional leasing review is completed.

The government has investigated the options for resuming the lease. However, the advice I have received is that unless the club is prepared to surrender the lease there is no capacity in the current circumstances for the territory to forcibly resume it. Therefore, the government has had to look at other options available to it. I can, however, assure members that the club will be required to pay out the concessional element of their lease and also pay the change of use charge associated with any lease purpose change.

I would stress that the existing lease is still in effect, so if another club wanted to purchase the lease it could do so and continue to operate a club on the site. That remains a possibility, however a remote one, given that the variation to the Territory Plan, if finalised, will provide an incentive for a higher use.

The government's response to the issues surrounding the site is the best outcome in the circumstances. To reject the variation would result in serious implications for the community, with the very real potential for a run-down and derelict site in the middle of a residential area; financial implications for the Hungarian Australian Club; a lost opportunity to provide quality accessible housing in a good location; loss of a chance to improve safety and urban design outcomes; and the non-utilisation of a parcel of vacant territory land.

The government will not be supporting the disallowance motion.

MS DUNDAS (11.22): The people of Narrabundah have not done well out of the first year of this Labor government. Last year both the Narrabundah youth drop-in centre and the aged day care centre were shut down. The government also changed the Territory Plan to turn community facility land and a local community club into medium density residential development, which is what they propose with this variation to the Territory Plan. It appears that the government is not taking seriously the needs of the Narrabundah community.

Before the last election Mr Corbell promised the residents of Narrabundah that he would exhaust every avenue to ensure that the site of the Hungarian Australian Club was not arbitrarily sold off for high-density housing development. The Labor Party promised to assist in finding an alternative club to utilise the site or find an alternative community use for the land in question in cooperation with the wishes of residents. The minister also promised a community-inspired suburb master plan for Narrabundah. These promises have not been fulfilled.

The government has mishandled the entire issue. We see a community up in arms about the loss of their community space. We see claims and counterclaims of a bungled planning process, and accusations of an improper relationship between government and developers. I have even been told of defamation suits being launched against community leaders. This variation to the Territory Plan has been a stuff-up by this government and flies in the face of their claim to provide Canberrans with a fair and open planning system.

Supporting and developing our community organisations is an important role of the territory government. It includes ensuring that our planning processes provide adequate community space to serve the community's needs now and into the future. Narrabundah has very low levels of community space. Community facility land makes up only 3.7 per cent of Narrabundah, compared to 8.7 and 7.7 per cent for the nearby suburbs of Griffith and Red Hill.

We have seen the government's lack of attention to the needs of community organisations in Canberra. They have continued to allow community facilities to become run down and neglected. This appears to be the next step in their plan—to rezone the land for medium density housing.

The Standing Committee on Planning and Environment was told that there is a mere 3.3 hectares of vacant community land left in central Canberra. The committee recommended that the government proceed no further with variation 174, but this recommendation by the committee has been ignored by the government.

The reasons we have been given for the changes to the Territory Plan in relation to Narrabundah are quite spurious. The government cites noise complaints, but I have been told that a quick check with the Department of Urban Services noise complaints unit reveals only three noise complaints in the last year—roughly on the level of a barking dog or a noisy party.

The government has presented the excuse that the club is run down, like many government-owned community facilities. This demonstrates a lack of foresight. That the current occupants appear to have intentionally neglected their facility is not an indication that other leaseholders will do so in the future. The multitude of uses for this type of zoning means it is unlikely that no-one can be found to utilise this lease.

The government claimed that no other club was willing to take over the lease, but numerous members of the community have disputed this claim. I understand that another club was extremely interested in purchasing the existing club and that the actions of the government in approving draft variation 174 prevented the sale from being completed.

The need to change blocks 2, 3, 14 and 15 to residential escapes me. The Committee on Planning and Environment, in its report No 4, stated that it was of the view that, given the variety of uses for land available under the terms of the entertainment, accommodation and leisure land use policy which currently covers blocks 14 and 15, it was difficult to support an argument based on the existing use of the site.

Further, the committee supported the view expressed that a significant change to land use policy should be justified. The committee regarded this proposed change, given its loss of amenity to the area, as significant and did not believe that it had been justified. The committee, therefore, did not support the proposed land use change.

In regard to blocks 14 and 15, the vacant community land—not blocks 2 and 3, the land the club is on—the committee asked for PALM to consult with the local community about the best use for this site. It is unfortunate that the government and PALM have rejected the recommendations by the committee of this Assembly and proceeded with changing these four blocks to residential.

The change in zoning has not been done with any strategic framework in mind. There has not been a community needs assessment to determine the best usage of land in Narrabundah. A suburb master plan laying out a vision for the future of Narrabundah has not been developed. There has been no adequate explanation to the community of the reasons for Labor's astonishing backflip on this issue.

A number of questions have been put to the government on what is going on with this variation to the Territory Plan, why the government have changed their mind and why they are not recognising the community's wishes about this land. Unfortunately, the minister did not properly address these questions today in his speech. We still do not know why this decision has been taken.

It appears that we have a government doing its best to please developers. If the people of Canberra thought that changing the government would stop inappropriate planning decisions, unfortunately they were wrong.

MR SMYTH (Leader of the Opposition) (11.29): Variation 174 started when I was the minister. We commenced the process because we believed it was the right thing to do at the time. There has been much debate on the issue since. Indeed, there are conflicting views and the two camps seem to be unable to come to a resolution. But that does not mean that as politicians we do not listen to both sides before we make our decision. I think we have attempted to listen.

We believe that the development proposed by the government will benefit the whole community in the long term. With that, the opposition will not be supporting the disallowance motion.

MRS CROSS (11.30): I have listened carefully to the debate, and I am not completely satisfied that the conduct of all the stakeholders in this matter has been above board and consistent with principles of accountability and transparency. For the Assembly to contemplate a draft variation in this context, I believe, is inappropriate.

Mr Speaker, the conversion of public land to private use is a serious issue. It is in effect a process of privatisation of public land. That is not to say that there are not times when it is appropriate for public land to become private, but we must always look at these moves with a high level of scepticism.

The value of community land goes up as the market value around it increases. That means that in areas where there has been a huge increase in land values community land is frequently going to come under pressure to be privately developed. I have some personal experience with this in relation to the Callam Street realignment in Woden.

This is one of those times when the question about public land becoming private is significant. I believe the government may very well rue the day on this Hungarian Club issue. I understand that they inherited this issue from the previous government. I sincerely hope that the deconcessionalisation of this club lease does not reflect the adoption by the Labor government of the Liberals' policy and less than flattering performance with Callam Street.

I will be supporting this disallowance motion by Ms Tucker, because to do so will allow us to revisit this issue under the five-day sitting rule for disallowance motions.

MS TUCKER (11.31), in reply: I am very concerned about this debate this morning. The Liberals in opposition are supposedly taking a stronger position on the process, integrity and probity of the Legislative Assembly. That seems to have gone by the wayside.

I am particularly concerned about the government. It made clear election commitments that it has gone back on them. Everything that Mr Corbell has said he knew before Labor made their election promises. Nothing has changed. We still have the fundamental problem of a total backflip on an election commitment which has justifiably upset people in the community who voted for Labor, particularly because of its position on this matter.

I did not get answers to the questions I asked. I did not get answers about how much the government knows about the interest that was shown in taking over this club. The government needs to be able to tell this place exactly what the interest was. I have been told that community organisations, not just Easts, were interested and that those organisations were told that the lease had been sold. If that is the case, that is very serious.

I am also very concerned that the focus of Mr Corbell's presentation was on the club and it not being appropriate to have a club. His election commitment was for a club or for a related purpose. It is important to stress that this land is part of the Narrabundah social infrastructure. This land is important to the people of Narrabundah. This process has been appalling. I am so disappointed that both major parties do not acknowledge that. I am particularly disappointed with the new Labor government, which came into office saying that they would bring in a fairer and clearer planning process. This is not only not fair and not clear; it looks dodgy.

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Question put:

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

The Assembly voted—

Ayes 3	Noes 14	
Mrs Cross	Mr Berry	Ms MacDonald
Ms Dundas	Mrs Burke	Mr Pratt
Ms Tucker	Mr Corbell	Mr Quinlan
	Mr Cornwell	Mr Smyth
	Mrs Dunne	Mr Stanhope
	Ms Gallagher	Mr Stefaniak
	Mr Hargreaves	Mr Wood

Question so resolved in the negative.

Motion negatived.

MR HARGREAVES (11.38): I move:

> That the report be adopted.

Mr Speaker, for the information of members I refer to existing standing order 168(c), which reads:

> On the calling on of the notice a Member shall present to the Assembly a printed copy of the bill signed by that Member and any associated explanatory memorandum.

This is a machinery measure to change the words "explanatory memorandum" to "explanatory statement". It is just purely and simply a technicality and I urge members to support the motion.

Question resolved in the affirmative.

Health—Standing Committee
New inquiry

MS TUCKER (11.39): I seek leave to make a statement regarding an inquiry by the Standing Committee on Health.

Leave granted.

MS TUCKER: The Standing Committee on Health has resolved to conduct an inquiry into access to syringes. The terms of reference are to inquire into and report on access to syringes by intravenous drug users, with particular regard to after-hours access, access in prisons and remand centres and access by indigenous people.

Mr Speaker, the need to conduct this inquiry has come from consultation with the community. All members of the committee are interested in looking at the question of access to syringes, particularly after-hours access and access in prisons and remand centres and access by indigenous people.

This matter needs to be looked at because of the alarming rate of hepatitis C infection in the community. Hepatitis C is a blood-borne virus that is spread through blood to blood contact, primarily through injecting drug use. However, the sharing of personal care items such as toothbrushes and razors with infected persons can lead to the risk of infection. This is also the case with persons undergoing non-sterile medical or dental, tattooing or piercing procedures.

Although the virus is treatable, there is no vaccine and it can lead to chronic liver disease, resulting in the need for transplant or death. Current estimates suggest that more than 200,000 Australians have been infected with this virus, and that 11,000 new infections are occurring each year. The Hepatitis C Council of New South Wales estimates that one in every 100 people has HCV.

Although hard copy records were lost in the recent bushfires, as of this morning ACT Health's Communicable Disease Control, Disease Surveillance and Management Service can report that so far in 2003—in the last 51 days—24 cases of HCV have been notified. On average, 200 to 300 cases are notified in the ACT each year. However, HCV only tends to be notified once the infected person is involved in some form of drug or other treatment program. The service estimates that 22 of the above cases were unspecified, meaning that the person had been infected for an unspecified period of time, therefore increasing the risk of passing the infection on.

Although it is not just intravenous drug users who get HCV, sharing syringes is the biggest risk factor for infection. Access to syringes is recognised as a major factor in the fight against the spread of HCV. The acting Minister for Health also acknowledged this in the recent annual reports hearings of the committee. The committee has identified after-hours syringe access, syringe access in prison and remand centres and syringe access by indigenous people as particular areas of concern. However, this is a community-wide problem.

The committee is undertaking this inquiry to open up robust discussions regarding possible approaches and solutions and to facilitate discussions at the working level between health care workers and policy makers to try to find a real solution to this problem.

The way in which Australia responded to HIV/AIDS is commendable, but it still remains a problem. Australia led the world in its response to this epidemic. Worldwide in 2002, five million people were newly infected with HIV. Although the epidemic started in Australia at the same time as it started in the US, North America now has an estimated 980,000 people living with HIV/AIDS whereas Australia and New Zealand only have an estimated 15,000. It is time to confront hepatitis in the same manner that we confronted HIV/AIDS and the committee hopes to facilitate some of this discussion.

MS MacDONALD (Minister for Education, Youth and Family Services) (11.44): Mr Speaker, I seek leave to speak to this matter.

Leave granted.

MS MacDONALD: I thank members for granting me leave—it was very gracious of them to do so. I rise to speak briefly in support what Ms Tucker has said about this inquiry. It is interesting to note that it is proposed to conduct the inquiry in what I think is a good manner in that the committee will not necessarily be running hearings as such but will be looking at running a forum so as to get as many interested members as possible within the community to come and talk to us about the issues. From my point of view, I am looking forward to hearing feedback from the community about all the different issues that will be raised.

I do have some concerns. I am hoping to get information from different groups about how they view things, such as the potential for people who get a needle from a vending machine to then possibly hold up a retail outlet. This would raise the question of where we should locate these sorts of vending machines. In principle, I think the idea is good but I think a lot of practical things need to be sorted through before we could look at implementing such a notion.

Community Based Sentences (Transfer) Bill 2002

Debate resumed from 12 December 2002, on motion by **Mr Wood**:

> That this bill be agreed to in principle.

MR SMYTH (Leader of the Opposition) (11.46): Mr Speaker, the opposition will be supporting this bill because it is commonsense legislation. The purpose of the bill is to allow those on community-based sentences to be able to move around the country freely in participating jurisdictions, and that will be achieved by registration between jurisdictions. There are clearly hundreds of offenders who move about jurisdictions and we believe it is sensible for them to complete their sentence where they live, where circumstances of employment or a fresh start may have taken them.

I am advised that yet again the ACT is leading the way in community corrections with this bill and that we can expect other jurisdictions to follow suit. So well done to the drafters and the government for bringing this bill forward.

MS TUCKER (11.47): The Greens will also be supporting this bill. As you are aware, Mr Speaker, we are very interested in supporting the community-based option of sentencing and other non-custodial sentences. We have had concerns about home detention as a scheme. There are questions about the amount of contact or programs that may help a person to develop a crime-free life, mechanisms to avoid situations that facilitate domestic violence and so on.

This bill is about coordinating the system nationally. The bill provides a scheme for transferring and enforcing community-based sentences between Australian jurisdictions and it will enable people serving non-custodial sentences to serve their sentence interstate in certain circumstances. I understand that this arrangement is totally consistent with all wisdom on rehabilitation—that individual circumstances should be taken into account. Helping to avoid the separation of an offender from his or her family or friends or support network, is, as I said, not only more humane but definitely, according to research, it has an impact on the capacity for rehabilitation. So it is a very sensible piece of legislation.

MS DUNDAS (11.48): I rise to speak in support of this bill. The Australian Democrats are strongly supportive of community-based sentencing because if an offender is able to retain links with the workplace, family members and the wider community, they are far less likely to offend again.

Custodial sentences, and lengthy or repeated sentences in particular, often institutionalise and harden offenders so that they are no longer able to integrate back into the community. Community sentences, on the other hand, can even mean that the offender is making a positive contribution to the community while they serve their sentence. Because this bill simplifies and regulates interstate transfers of non-custodial sentences, it should facilitate the retention of links with family and maximise offenders' opportunities for gaining employment.

I commend the requirement for the implications of a transfer to be clearly explained to an offender so they are aware that they will be subject to the laws of their resident jurisdiction if they breach an order and re-sentencing is required. I also support the requirement to consider, before a transfer is approved, the safety of the community and specifically of victims.

I commend the ACT government for volunteering to take the lead alongside New South Wales in implementing this piece of model legislation. I hope its implementation will go smoothly and that the scheme can be rolled out nation-wide.

MRS CROSS (11.50): Mr Speaker, this bill formalises a process that already occurs between all the Australian jurisdictions, whereby offenders with certain non-custodial sentences are able to have their orders supervised and administered informally in a new jurisdiction. A brief trial is to be conducted in conjunction with New South Wales.

The orders that will be affected by the scheme in this jurisdiction are: community-based sentences, recognisances, home detention orders and periodic detention orders. The government has accordingly drafted this bill as model legislation for implementation in all Australian states and territories.

The two main priorities of the bill are, firstly, to promote freedom of movement and maximisation of access to suitable services and support; and, secondly, to increase an offender's accountability to the conditions of their sentence.

Under this scheme, the ACT will be able to transfer the supervision and administration of the sentence to a new jurisdiction on a voluntary basis. The offender will then be managed in this new jurisdiction as if a court of the new jurisdiction had imposed a sentence, except for purposes of appeal or review.

All details will, as a matter of course, be maintained on a register and all transfer requests will be the responsibility of a local authority. For a transfer to proceed, all criteria must be satisfied and the local authority must consent. The local authority will have the discretionary powers to reject a transfer request.

Mr Speaker, this bill initiates a pilot project. Like other pilot projects, such as the nurse practitioner scheme, this one gives the ACT the opportunity to lead the way in cutting edge legislative schemes. As such, Mr Speaker, it is a worthy project which, in my view, is deserving of the support of this Assembly. I support the spirit and intent of this legislation.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Community Affairs and Minister for the Environment) (11.52): Mr Speaker, for the information of members, I table a revised explanatory memorandum. The revised explanatory memorandum picks up a number of points that were raised by the Scrutiny of Bills Committee and incorporates them as recommended by the committee into the explanatory memorandum. I thank the Scrutiny of Bills Committee for suggestions it has made. As I say, the government was happy to accept them.

I thank members for their support of this bill. It is important legislation that will lead to improved community and victim safety by formalising the process of transferring the supervision and administration of community-based sentences. The legislation will fill a gap in the national corrective services framework. While nationally legislated schemes for the transfer of prisoners and parole orders have been in place for a number of years, jurisdictions have had to rely upon informal processes for supervising offenders serving interstate community-based sentences.

Currently, the jurisdiction in which an offender serving an interstate community-based sentence resides is unable to lodge breach action and must request the sentencing jurisdiction to do so. This has potentially serious implications for community safety, victims and offenders.

The scheme that will be established under the legislation, improves the current situation by ensuring that the supervising jurisdiction is able to pursue and enforce any violation of a sentence. Offenders will be accountable to the communities in which they live. Those communities will also be able to respond quickly to problems or breaches of sentences.

Under this legislation, the ACT will be required to take into consideration several factors before approving a request of transfer to the ACT. These include the offender's progress with rehabilitation and whether they will present a risk to the community and any victim of the offender.

The scheme will also have benefits for offenders and their families. Currently, courts are restricted in their choice of options when sentencing offenders who live or wish to move interstate. Sentences that are currently unable to be transferred, such as community service orders, periodic detention orders and home detention, will become options available to the courts. This will enable offenders to return to their community rather than serve a term of imprisonment. A further benefit is that offenders will be able to move to new jurisdictions where they have better access to support and rehabilitation services or employment opportunities.

It is anticipated that the scheme will initially be trialled between the ACT and one other jurisdiction before national implementation. Negotiations are currently under way with the New South Wales department and the ACT for a trial. As one would expect, the greatest movement in and out of the ACT by offenders serving community-based sentences is by residents of New South Wales.

While the ACT is a small jurisdiction, it frequently provides leadership to other jurisdictions, as has been noted by a number of my colleagues in this debate. The government has led the development of this legislation, which will form an essential component of the administration of justice. I thank members for their support of this important piece of legislation.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Security Industry Bill 2002

Debate resumed from 12 December 2002, on motion by **Mr Stanhope**:

> That this bill be agreed to in principle.

MR STEFANIAK (11.55): The opposition will be supporting this bill. The bill is based on a New South Wales act of 1997, which is in fact the national model. It incorporates several additions to recognise local conditions and it also incorporates parts of our security industry's code, which this bill supersedes.

I can recall a debate in the previous government about whether we should go down the track of the code or adopt a bill. That was a pretty fine debate, and we decided to go with the code. While this has to an extent worked fairly well, obviously there are some problems, especially in relation to other states, all of whom, I think, have a bill.

This bill will licence people operating in the security industry and will ultimately lead to a simpler system through the implementation of a national scheme. It will enable our training to be recognised nationally, which is not the case at the moment. For example, the training that ACT industry personnel receive here under the code is not recognised in Victoria, and I suppose this potentially causes some problems when people move interstate.

I am advised that all the state training and industry groups were consulted. I have spoken with the department and I thank them for the briefing they gave me. One or two locksmiths have a problem, and I will come to that. But I am pleased to see that a lot of people have been consulted, including people in the security industry. I commend the department for undertaking such very good consultation with such people as Chubb, Star Security, the industry association, the trainers—the CIT, of course, which does a fair bit of training—and some 70 employers from New South Wales, Victoria, Western Australia and the Northern Territory.

Mr John Newham has written to the Chief Minister about some concerns. I have been sent a copy, and I must admit I am waiting to hear about some of my concerns. I might indicate that I understand he does not think that locksmiths should be licensed at all. He point out the fact that there have been only eight formal complaints in five years, which actually is a pretty good record, and I am quite happy to commend people in the industry for that. However, I note that locksmiths are licensed in every other state.

It is interesting that Mr Newham maintains that New South Wales may in fact change. They are having a review—the department says it is a review they have to have by law—in about six months time. We will be closely looking at that review and obviously, if recommendations come out of that review that are relevant and would help the ACT, the opposition would be pushing for them to be adopted here.

Licenses are expensive. I know we are going towards a national scheme and that there will be only one fee and one licence once that is fully up and running Australia-wide, and that is good. Mr Newham made the very valid complaint about having to pay twice—once in New South Wales and once in the ACT. Generally, in the ACT it is some $650 for a licence plus $50 per any additional code, and some five codes apply. This means that for one year the maximum is $900. Depending on the classification, the licence fee in New South Wales could be anything from $300 to $2,050, but that is over a five-year period. I understand that this will come in by way of a disallowable instrument and we will be looking at that very closely.

As I said, under the new bill there will be only one payment. This arrangement will be discussed at a ministerial council meeting so I would urge the minister to ensure that only one payment is applicable right across the country. I am advised by the department that that should only be $650, so there might be some good news down the track. I am also advised that the fees which will have to be paid initially are actually those payable now. This will happen regardless of what is contained in this bill, so the position at present has not been made any worse.

The ministerial meeting, which I understand is a meeting of security regulators, is to be held in March in Hobart. I think whoever goes to that meeting should push the fact that we want to see only one fee. I notice that the departmental officer and even Mr Gosling are nodding, and that is good to see because I think this will help the industry. As I indicated earlier, New South Wales is to have a statutory review in June.

I note the comments that have been made by Mr Newham. He is part of a family of very experienced locksmiths who have done a lot for and are very good citizens of the territory. I am certainly happy to put those remarks on the record, and I think we need to take their views very seriously.

We will certainly be monitoring the effect of this legislation. Overall, the bill is sensible and it brings us into line nationally. There have been some problems and I am well aware of the finely balanced arguments we considered some years ago when this was first looked at as to whether we should go down the path of a code or a bill. The opposition will be supporting the bill.

MS DUNDAS (12.01): Mr Speaker, this bill introduces a statutory licensing regime for the security industry covering lock and alarm installers, bodyguards, cash transport, crowd control and security guards. All other jurisdictions have had licensing regimes in place for at least a few years, so this will bring us in line with the other states. I understand that there have been five codes of conduct governing the industry since 1998, but that these do not cover everything that this bill does.

I also understand that members of this Assembly have been approached by locksmiths who have requested that we oppose this bill. I have carefully considered their concerns and I will briefly outline them. Firstly, locksmiths were unhappy that two sets of fees are being charged for operating in both the ACT and New South Wales. I am satisfied that the ACT government is attempting to address this concern by pushing for a national licensing scheme for members of the security industry. In the interim, licence fees for the ACT will actually drop under this new regime.

Secondly, the locksmiths were unhappy that builders and carpenters will continue to be permitted to install locks and alarms in commercial buildings and new residences. I understand that they take the view that if the security industry is to be regulated, no security work should be done by a person who is not licensed to do this work.

If a building owner wants absolute confidence in the reliability of the person installing their security system, then they can use a licensed locksmith. However, many building owners and tenants would not believe that this level of confidence is worth paying extra for. I can see that there is some inconsistency in exempting certain security activities from the bill, but I understand that what is being done makes us consistent with other jurisdictions and does not represent a change from the status quo.

Finally, locksmiths expressed concerns that office staff may have to be licensed, whereas they do not now need to be. On my reading of the bill, clause 13, which relates to employee licences, makes it clear that licences will not be needed for office staff of security firms.

For these reasons, I do not think that the locksmiths will be any worse off as a result of the passage of this bill; in fact, they will be slightly better off due to a reduction in licence fees. I support this bill, mainly because it brings us into line with New South Wales, thus reducing unnecessary confusion about the laws that apply to the industry which operates across borders.

MS TUCKER (12.04): As members have already outlined, this bill establishes a mandatory licensing scheme and fills in some gaps in the previous five codes of practice which applied to this industry. We also have had representations from people in the industry and, as Ms Dundas outlined, their concerns included: double licensing fees; a sense of unfairly tilting the industry, as locksmiths are required to be licensed but builders can install locks without a licence; and nothing being mentioned on cooperation between police and the security industry. Also, the New South Wales department is reviewing the legislation on which this bill is modelled.

I understand these concerns. Licensing fees, however, have been an issue for some time. I understand that the government has attempted to work with the New South Wales government to work out some regional fee. Also, we have been told that in some cases the ACT fee is more than the New South Wales fee. These fees will be disallowable instruments and we will watch to see what is resolved. The final national scheme with one fee makes sense in border areas such as the ACT.

With security guards being given more roles—for instance, in the courts by filling the gaps left by the removal of police from these areas—it is important that the basic requirements applying to security guards include scrutiny and quality control.

I originally understood we would not be debating this bill until the April sittings and I am not completely satisfied about the outcome of all the concerns. But as Mr Stefaniak has indicated, we will be watching the New South Wales review.

MRS CROSS (12.06): This bill has been introduced by the Attorney-General with the stated intention of regulating the ACT security industry, and about time. Thank you for doing that, Mr Stanhope. I have been lobbied by the security industry for about three years since my days on the executive of the Phillip Traders Association. People with security businesses in that area had, and still have, grave concerns. It is good to see that this government has initiated this bill.

The bill is a welcome addition to the regulatory regime for an industry which is, as I said, long overdue for regulation. Since 1998 it has been unlawful to work within the industry without registration under one of five codes of practice supported by the Fair Trading Act 1992.

The national competition policy review of the ACT security industry recommended that the ACT consider the adoption of a regulated licensing model for the ACT security industry. The national competition policy review also noted the urgent need for training and development of competencies in the industry.

The stated objectives of the proposed legislation are: to enhance compliance activities, primarily through the introduction of offences, including for unlicensed principals and employees in the industry; to bring the ACT into line with other Australian jurisdictions; to clearly outline and monitor standards; to impose mandatory training; to clarify the provisions for dealing with breaches of standards; and to prevent persons from commencing employment prior to the outcome of a criminal record check.

Given the vulnerability that we as a civilised society are subject to at present with global terrorism and other things, I welcome this initiative. It will attract my support in the Assembly. I commend the Chief Minister for bringing this bill to the Assembly.

MS MacDONALD (12.07): Mr Speaker, I rise to speak briefly on this measure. I also commend the Attorney-General for having introduced this bill. Some people may be aware of one of my previous roles, which was the executive director of the Business Training Advisory Board for the ACT. In that role I provided advice on vocational education and training to both government and business organisations.

The security industry was part of my bailiwick because not only did we cover business but we also covered property services, which includes the security industry. At the beginning of 2000, just after I had started in that the job, I sought a meeting with members of the security industry and Mr Humphries, who was the then minister responsible for this area. We raised the issue of licensing people within the security industry and especially, from our perspective, the necessity to have people within the security industry adequately trained. At that time we were seeking to ensure that in order to get a licence you had to be adequately trained; that training would be tied to getting a licence. I am happy to see that this bill contains such a provision.

As we all know, we are an island within the state of New South Wales and there are a number of issues where cross-border issues cause complications, and the security industry is only one of them. Certainly at that time we had to confront issues. For example, security guards from the ACT could not work at a street party held in Queanbeyan if they did not have an additional licence, even though a lot of them met the requirements to hold such a licence. At that stage there was not that much required of a person to get a licence.

It is good to see that this legislation has been finally introduced. As I said, I went to see Mr Humphries at the beginning of 2000. He had had representations from my organisation in 1999 and nothing happened. Here we are at the beginning of 2003, three years later, and the legislation is finally coming into place. New South Wales is to review its legislation and, of course, we in the ACT will be watching what they do.

If this legislation had been introduced three years ago these measures would not have been an issue; the changes would have been made progressively. I know that all of my former colleagues within the security industry who provide training to security officials have been consulted and are happy to see that this legislation has finally been introduced. I commend the bill.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Community Affairs and Minister for the Environment) (12.11), in reply: Mr Speaker, I thank members for their support of this bill. The bill is the result of extensive industry consultation—it was developed in consultation with 20 stakeholders from all sectors of the security industry. Consultation occurred with the owners and managers of some of the ACT's largest security firms and also a range of small businesses, wholesalers, trainers and industry associations. In addition, the bill was discussed in detail at a meeting of approximately 70 security industry business owners and managers. The department has also consulted with the regulators in New South Wales, Victoria, Western Australia and the Northern Territory to ensure that the legislation is consistent with national standards.

The bill is a response to two reviews of the current codes of practice for the security industry. The reviews highlighted public safety concerns about the participation of unregistered people in the industry. The reviews also noted the urgent need for training and development of competencies in the industry. Concerns were also highlighted at a national level that the entry requirements for the ACT industry are significantly lower than in other jurisdictions.

The bill will bring the ACT into line with other Australian jurisdictions, by allowing regulations for prescribed standards and training requirements for the industry. The bill will also enhance compliance activities, primarily through the introduction of offences, and will prevent persons from commencing employment prior to the outcome of criminal record check.

The bill is based on the New South Wales Security Industry Act 1997, which is considered the national model for security industry legislation. The bill will apply to all of the people currently covered by the codes of practice. This includes bodyguards, crowd controllers or bouncers, guards, installers and repairers of security equipment, locksmiths, security consultants, security trainers and employers of security people.

The bill will not apply to people who sell self-installed security systems, people who cut unrestricted keys and builders who install locks. These exemptions are in line with the current codes of practice and exemptions in all other Australian jurisdictions.

The bill provides the licensing of employers, employees, trainers and apprentices in the security industry. The Commissioner for Fair Trading will issue the licences. Licences will not be issued before police record checks have been completed and applicants must meet entry requirements. If a licence is not granted or if a conditional licence is granted, the applicant will be able to apply to the Consumer and Trader Tribunal for a review of the decision. The bill also gives the power to the Consumer and Trader Tribunal to hear disciplinary matters and, where appropriate, impose disciplinary actions such as cancelling or suspending licences.

I recognise that the bill will impose a cost on the ACT security industry by permitting the regulations to impose training requirements. These training requirements will be based on new national training standards that have been developed by the Australian National Training Authority in consultation with the security industry. To minimise the costs of the legislation on the industry, existing members of the industry will be given at least a year to comply with the new training requirements.

The bill also provides for the recognition of prior learning and experience and the department will, of course, continue to consult with industry and other jurisdictions as the regulations for the security industry are developed.

Mr Stefaniak, in his comments in support of the bill, referred in particular to an issue that had been raised by a representative of the security industry about some aspects of the legislation. Mr Stefaniak adverted to the issue of whether or not locksmiths should be licensed. To some extent, this is one of the few issues around which there has been some correspondence and representations made.

Mr Stefaniak referred to a letter that both he and I received in relation to that issue, suggesting that locksmiths should not be licensed. The government has taken the attitude, obviously, that locksmiths should be licensed to ensure that they do not have a criminal record in the first place and that they are appropriately qualified. Locksmiths are in a position of trust. They install locks in premises and they have the ability to access properties when the owners are not home. From a public safety position, locksmiths should most definitely be covered by security licensing to ensure the integrity of individuals and businesses with potential access to every building and secure location in Canberra or, indeed, in the whole country.

In this context, it might be of interest to the members to know that the Office of Fair Trading has received eight formal complaints about locksmiths in relation to faulty locks, unsatisfactory performance of service and over-charging. So there is some level of consumer concern or complaint around the activity of locksmiths, which goes once again to the issue of the desirability of including them within the security industry legislation.

It is also the case that locksmiths are licensed in this same way in New South Wales, Western Australia and New Zealand and currently in the ACT. The other jurisdictions have not regulated locksmiths and they have no complaints about the industry. However, all of the jurisdictions are now monitoring locksmiths. The Northern Territory legislation includes a specific provision allowing for regulation to include locksmiths as requiring licensing.

I think it is fair to say that the three other industry associations representing locksmiths in the ACT all specifically supported the regulation of their sector of the industry under this legislation, and it was on that basis that the government took the decision that it did in relation to locksmiths. I thank members for their support of this legislation.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Confiscation of Criminal Assets Bill 2002

Debate resumed from 12 December 2002, on motion by **Mr Stanhope** :

> That this bill be agreed to in principle.

MR STEFANIAK (12.18): Mr Speaker, the opposition will be supporting this bill. In fact, the opposition when in government initiated this measure. It all started back in 1999 and since that time it has had very strong bipartisan support. Indeed, the bill mirrors Commonwealth legislation that was introduced in 2002.

This bill substantially improves the current act of 1991. As well as the Commonwealth legislation, New South Wales and Victoria also have very similar legislation to what is now before us. Western Australia has legislation which, if anything, is much tougher than our legislation. I will have to have a look to see whether there is anything in the Western Australian legislation that we could perhaps pick up. The Northern Territory and Tasmania look like adopting the Western Australian legislation. Our legislation and the Commonwealth legislation will be adopted by Queensland. It is very logical, too, that we should follow the Commonwealth, as we did in respect of the 1991 act, because we both share the Australian Federal Police who will have a very big role to play.

This bill picks up a large number of recommendations made by the Australian Law Reform Commission and the National Crime Authority. It is worthy of note, too, that the United Kingdom and the United States have similar legislation to what we will enact here.

Crime knows no boundaries. We are not talking about piddling crime or about someone perhaps committing a serious crime like an armed robbery—we are talking here about very significant crime. Most members of the public seem to think that already the courts can very easily confiscate criminal assets such as the ill-gotten gains of drug dealers. Actually, it is a lot harder than it may look, and there are some deficiencies in the old act which this legislation will fix up.

I was concerned to see reports last year that the DPP managed to confiscate only about $40,000 of criminal assets worth $550,000 in, I think, 11 cases, and there are some very real reasons for that. First and foremost, under the old act the threshold test was far too high and it was often difficult to prove that assets were tainted assets. This bill contains a new test which is much better. That test will ensure that justice will be done much more expeditiously and that tainted assets will, in fact, be able to be confiscated a lot easier.

The old act had some procedural problems which often made it rather difficult to get through a lot of the red tape. The mechanisms for getting into court, the time limits and some other factors were quite onerous and quite difficult. The measures contained in this bill make the procedures relating to basic court processes a lot simpler.

This bill also takes the sensible step of ensuring that criminals cannot access proceeds of crime for their own legal defence; that basically the proceeds of crime cannot be spent on hiring very smart QCs and teams of lawyers to represent them and to perhaps delay proceedings. Under this bill, criminals will have to use their own assets and not the proceeds of crime. Assuming that they do not have sufficient assets, it could be that there is some provision to use criminal assets up to the legal aid rates. That might be a bit of a problem, but given that this legislation follows that of the Commonwealth, we are certainly prepared to see how that operates. However, I raise that as perhaps something that can be further improved. At any rate, this certainly is a lot better than the previous legislation.

Clause 3 of the bill sets out the purposes of the bill, which are basically: to encourage law-abiding behaviour; to give effect to the very important principle that people should not be enriched by crime; to deprive people of all material advantage gained from crime; to deprive criminals of property that is used to commit crime; to enable the effective tracing and seizure of criminal assets, and I have alluded to a few things that now make that a bit easier; and to enable the territory to enforce interstate confiscation measures which, again, is very important, given that crime knows no boundaries.

The Law Reform Commission, as I said, made a number of very good recommendations which have been taken up in this piece of legislation. These include simplifying the process of obtaining things like restraining orders, recasting judicial discretions in relation to the granting of orders, clarifying the public trustee's powers to administer restrained and forfeited assets, strengthening the information gathering powers of the law enforcement authorities, providing for transaction suspension orders and allowing confiscation applications to be dealt with by an inferior court.

This bill will not only apply to the sort of crime that people in the community would generally think of—that is, the proceeds of crime from drug dealers. It is also capable of being used in respect of a whole gamut of damage suffered by the community. There is the potential for the bill to apply to the proceeds of crime in a number of areas, including corporate crime and taxation. It could even be used in cases where corporations cause severe damage to the environment and even to public health, often deliberately and simply to generate a profit. There is the potential for the legislation to be used against white collar criminals who might use the Internet to defraud scores of people; or, indeed, it could even be used against people who might make a profit through sexually exploiting children for profit. So it has a large number of potential uses, all of which will help us achieve a very good social goal.

I should perhaps deal with one other aspect before I refer to the comments of the Scrutiny of Bills Committee and the Attorney's response, which I basically accept. In the past—basically in the 1980s—there has been a bit of confusion about civil confiscation measures. People would argue that they have a punitive effect, which is actually, in my opinion, quite nonsensical. They suggest that these measures, therefore, should only be available when a person has been convicted of an offence.

There is a distinction between laws intended to punish an offender, which is the criminal law—invariably in this territory, the Crimes Act, where criminals are charged, convicted and a penalty ensues—and laws that give effect to the principle that it is unjust for a person to be enriched as a result of their wrongdoing, which is very much a civil matter. We already know of other examples of where people have to return property which they have unjustly received.

There is, in fact, a long history in civil matters of courts responding to unjust enrichment of people, where wrongdoers have not been convicted of any criminal offence. It is right to separate. Some examples given by the Attorney in his presentation speech include rules which deny a person who has unlawfully caused the death of another person the right to benefit from the estate of that person; and laws relating to unfair trade practices under which the courts can set aside contracts where one party acted unconscionably in obtaining another party's agreement to a contract, thereby preventing that party from acting unfairly by profiting from the contract and ensuring that the money be returned. Often money cannot be returned to the individuals concerned. A classic case of this is the proceeds of crime held by drug dealers. This money is returned to the people, to the state, and that is quite right, in my opinion.

The Scrutiny of Bills Committee, of course, adheres to specific terms of reference. Might I compliment the Attorney and his department in respect of this report. He did not spit the dummy like he did with one of the other ones, which I thought was over the top, but he firmly pointed out a number of issues which I certainly accept and which I think explain the situation very well.

I will refer briefly to page 2 of the Attorney's reply to the Scrutiny of Bills Committee report—I will not read all of it but I think this explains an area of concern we have, bearing in mind our terms of reference. This area is very important for the public interest and the interests of, I suppose, the many innocent victims of criminal activity who will be assisted by legislation such as this. The Attorney said:

> Turning to the discussion at page 4 to 6 of the Report about the civil nature of confiscation proceedings, I would like to draw the attention of the Committee and Members to the fact that confiscation proceedings themselves have always been civil in nature. Section 90 of the current Proceeds of Crime Act of 1991 already applies the civil standard of proof in confiscation proceedings. The only relevance of the criminal standard of proof to confiscation proceedings under the current legislation, and under the Bill, is in relation to any criminal convictions that form the basis for taking confiscation action against the offender.

The response continues:

> It should be borne in mind that everyday, people are sued in the courts for negligence, contract disputes and occupiers' liability. In these civil proceedings, all of which apply the balance of probabilities test—

that is, the civil test—

> they risk losing their livelihood and their home. The Government does not consider that people whose assets derive from unlawful activity should be in a more advantageous position than an ordinary citizen who is sued for damages, by being given the "protection" of a higher standard of proof.

The Liberal Party endorses that position and agrees wholeheartedly with it. The Attorney goes on to say:

> The Government is not persuaded by suggestions that confiscation proceedings should be based on the criminal standard of proof ...

I have already explained why that is inappropriate here. So the government agrees with that.

Further down on page 2 in relation to the question of whether the proposed civil forfeiture scheme is an undue trespass on civil liberties—and this is one of the things the committee had to look at and raise—the Attorney responded:

> The ALRC received detailed submissions from many sources and concluded that the existing conviction-based schemes have failed to have a substantial impact.

Again, I draw that to members' attention.

Basically, I think some good points are made in the Attorney's reply, especially in advising the Assembly why this scheme needs to be put in place. The obvious differences between the criminal law and the civil law are clearly explained. When you think about it, the measures contained in this bill have been applied previously and obviously have been accepted effectively throughout the Commonwealth of Australia and, indeed, in other similar jurisdictions such as those in the UK and the USA.

The Attorney makes a number of other responses in his reply, which I will not deal with. However, I think it is worth noting what he had to say under the heading "Self-incrimination and other privileges overridden" because this is an important issue. The Attorney said:

> … the Government notes the Committee's views, but maintains its position that—

MR SPEAKER: Order! The time being 12.30, I understand that it the wish of the Assembly to adjourn for lunch.

Sitting suspended from 12.30 to 2.30 pm.

Questions without notice

Treasurer's Advance

MR SMYTH: My question is to the Treasurer. Treasurer, in relation to the expenditure of $10 million of the Treasurer's Advance, you told the Assembly on 11 December 2002:

> Under advice from Treasury to cabinet, the government applied $10 million of unexpended Treasurer's Advance to an urgent maintenance need in relation to fire safety within public housing.

I can find no evidence of this advice in the documents supplied to me under FOI and it is not listed in the schedule of exempted documents. Will you now table this advice from Treasury to cabinet?

MR QUINLAN: The answer is that I will if I can, because I do not know whether I have got documentary evidence. I know that there is a sheaf of correspondence, which I have not looked at, including some legal advice. Are you asking for a letter that says, "This is urgent," or something like that?

Mr Smyth: What advice was given and how was it given to cabinet?

MR QUINLAN: You have been in cabinet, Mr Smyth. You are probably aware that cabinet is a dynamic process, so that there are exchanges there and not everything is written down or, in fact, needs to be written down. If there is a piece of advice written down, we will find it and give it to you, if it is something missing from your freedom of information pack.

MR SMYTH: I have a supplementary question. Are you confirming that there probably is written advice and the expenditure of the $10 million was not done on verbal advice?

MR QUINLAN: Mr Smyth, you have an inquiry before the Public Accounts Committee. Let me tell you that I will not be playing these sorts of semantic games in this place while you are holding that hearing. If you are asking me to make some minor error that will be blown up into the smoking gun, sorry. If there is information that you require, let's know. If that information exists in hard copy, it will be provided to you.

Bushfire recovery appeal

MR HARGREAVES: My question is to the Treasurer. Within days of Canberra's devastating firestorm the government launched the Canberra bushfire recovery appeal. Could the Treasurer inform the Assembly how the appeal is being administered and the criteria that are being applied to applications?

MR QUINLAN: It is important that we record within the Assembly what has gone on with appeal. The appeal is community based, with administration support only from the ACT government. Every dollar that is collected will go to the victims. No administrative costs will be taken from the fund.

The level of assistance provided will depend on the amount of money donated, so we encourage people to dig deep and ensure that those affected by the fires start to receive assistance. As I said, the government will provide the administrative support.

The appeal is being managed by a group of Canberra citizens drawn from the community, representing welfare, business, government and particularly interest groups such as the indigenous, aged and multicultural communities. That is the Canberra Community Foundation. The management committee is chaired by Bishop Browning and Michelle Thorne, a very active young indigenous woman who works within her community on many fronts.

The committee has established eligibility criteria to assess each application. Priority will be given to those most in need of relief—that is, those whose primary place of residence has been destroyed or rendered uninhabitable. Each case will be assessed on its merits. Assistance will be through grants and not loans. People given relief and help through the appeal will not be asked to repay any money. Money is not a replacement for other forms of government or insurance assistance.

Assistance is available to householders, small businesses, farm households and community groups that have been directly affected by the Canberra bushfires. The appeal has been widely advertised and promoted so that all victims are aware of available assistance. The application period will close on 3 April. We need to get people to apply and to get virtually all the applications in so that the foundation can set their priorities and not be at risk of expending all the funds and then finding other claims coming in. I am appealing to all members to spread word as far and as wide as they can that the appeal is open and applications will be received. They can be submitted at the Lyons recovery centre, at any ACT government shopfront, on line through Canberra Connect or by phoning Canberra Connect.

Those who have already registered will only have to fill out a rather simple form over and above their registration at the recovery centre. People who have not yet gone to the recovery centre but feel that they have a claim will have to fill out a slightly more comprehensive form.

Let me emphasise that this is a fund of the community for the community. No matter how much we do as a government, by being in government we are stuck with setting black-and-white rules. No matter how complex it might be, we have to set a regime that makes sure that everybody is treated equally. That often militates against special cases. The fund will be more flexible. It will be a helping hand. It will be a discretionary fund. The discretion is held by the Canberra Community Foundation.

I encourage all members, where they can, to advise all people who may have been affected by the bushfires to put their applications in so we can get them all in, sorted and processed so that the relief goes out.

MR HARGREAVES: I ask a supplementary question. Will the minister inform the Assembly how much the appeal has received so far?

MR QUINLAN: The appeal figure is published in the *Canberra Times.* The appeal has received in excess of $4½ million. The figure published is usually for money in the bank. There are a few pledges floating in the ether, and there are more events to occur. We expect the figure to be in excess of $5 million in another couple of weeks. The foundation has set an ambitious target of $10 million. I hope they make it.

The support has been tremendous. I wanted to mention someone who gave tremendous assistance, but the person has forbidden me from doing it. It is nice to have in your network people who have connections. The process went something like this: "I can get you the *Daily Telegraph*." If people have seen the *Daily Telegraph*, they will have seen the full front page of one edition, with the headline "Time to help", and about the first three pages devoted to the appeal. Because that happened, the other dailies came in. It had a domino effect, not only with publicity and free advertising but also with donations. The Commonwealth Bank came in, and all of a sudden we had virtually all of the banks contributing. To my anonymous friend, I say, "Thanks for the use of your network." I have learned how some of these things can snowball.

If you have the time and a few loose dollars, please attend as many of the fundraisers as you can. So far they have been run in great spirit and have been very enjoyable occasions.

Gungahlin town centre

MRS CROSS: My question is to Mr Corbell in his capacity as the Minister for Planning. Can the minister confirm whether the Gungahlin Development Authority held a board meeting this morning and can the minister confirm the sale of lots 13, 14 and 15? If the land has indeed been sold, does the minister concede that this contravenes the motion agreed to in this place last night that there should be more collaborative and inclusive planning which should embrace community consultation?

MR CORBELL: I thank Mrs Cross for the question. I can confirm that the Gungahlin Development Authority did have its regular meeting this morning. I am not aware of what was specifically discussed at that meeting so I cannot advise Mrs Cross of the detail of any discussions in relation to the potential sale by tender of a number blocks of land, in particular sections 14 and 15, in Gungahlin. I can confirm, though, that the government will be pushing ahead with the release of these sites.

We believe it is absolutely essential that residents in Gungahlin get more shops, more services and more jobs in the Gungahlin town centre than there are now. We will not be letting the proposal that has been put forward by Mrs Cross and others delay the provision of very important services to residents of Gungahlin. We anticipate that a final decision and announcement in relation to the tender will be made some time in the next two to three weeks.

MRS CROSS: Mr Speaker, I have a supplementary question. Minister, what importance do you place on this Assembly as a democratic institution? Can you please explain whether your comment last night after Mrs Dunne's motion on the Gungahlin town square pedestrian precinct was passed that you would simply ignore this motion if it was passed is in fact reflecting a contempt you hold towards the democratic processes of this place.

MR CORBELL: I made that comment prior to the motion being passed, not after it. I would not want to reflect on a vote of the Assembly.

Mr Dunne: No, you did reflect on the vote of the Assembly afterwards.

MR CORBELL: Well, you did not take a point of order. However, I believe that the government is accountable for its policies and for the need to respond to the needs of the community. We were elected on that basis. I have administrative responsibility for the Gungahlin Development Authority. I am accountable to this Assembly for the actions of that authority in so far as they relate to my relationship with it.

I am very pleased to say that the government believes that the actions of the Gungahlin Development Authority are appropriate. They are appropriate and they are properly informed by extensive public consultation and by extensive planning analysis and advice. What the community of Gungahlin wants to see is more shops, more services and more jobs in their local area and this government will not be party to any proposition that delays that happening. You may be, Mrs Cross, the Liberals may be, the Democrats and the Greens may be, but the Labor Party will not.

Bushfires

MRS BURKE: Mr Speaker, my question is to the Chief Minister. Mr Stanhope, on 2CC this morning, a caller was speaking with the presenter, Mike Jeffries, about volunteer firefighters from the Tallaganda Shire, who were turned away when they offered assistance on 18 January. The caller said they knew for a fact that 11 Tallaganda units were knocked back. How do I know? I listened to it.

WIN News gave a quote from a volunteer firefighter from Harden, who claims that his volunteer brigade was not properly utilised on the day.

These people are not anonymous. They are not faceless sources, but people who want to have their say. As this is a time for calm, what assurances can you give that the Coroner's inquest and Mr McLeod's review will give these people, and other people, the proper opportunity to say their piece?

MR STANHOPE: I thank Mrs Burke for the question. I am aware that there is difficulty in some quarters in grasping the nature of coronial or judicial inquiries, and administrative inquiries, and the fact that they are set up for that very purpose—namely to permit a full and thorough investigation of all aspects—in this case of the bushfires which impacted so devastatingly on 18 January.

The coronial inquiry has commenced, and it is a full judicial process. At this very time, 10 officers of the Australian Federal Police are essentially camped in the offices of the Emergency Services Bureau, progressively photocopying every document relevant to this fire. They are going through all the files, all the papers, all the filing cabinets and all the documents in the possession of the Emergency Services Bureau and in the possession of all of those people who had a role in this fire. Ten members of the Australian Federal Police are engaged in this process at this moment.

In addition to that, senior counsel will be appointed. A coroner has been appointed—Maria Doogan—who is an excellent coroner and an excellent magistrate. She is a person with an inquiring mind—somebody who will do a thorough job. It is for the coroner to determine precisely the nature of the inquiry she undertakes.

I respect the separation of powers—it is a very significant doctrine. I respect it and I will not intrude in the operations of any of our courts, including our Coroner's Court. In light of that, I will not ring the coroner and I will not discuss with the coroner how she proposes to discharge her duties.

It is vitally important that we maintain the integrity of the courts. There is to be absolutely no suggestion that this government seeks to undermine or affect the independence of the judiciary in the pursuance of its duties in any way whatsoever. So I cannot and will not contact the coroner directly to talk with her about her modus operandi, or how she proposes to pursue her duties.

I am mindful, however, that the coroner is aware of the public interest in this proposal. You are probably aware that the Chief Coroner gave a media release yesterday on the subject, entitled 'Coronial investigation into bushfires progressing well'. It says:

> ACT Chief Coroner, Ron Cahill, today advised that considerable progress has been made with the Coronial Inquiry into the cause and origin of the January bushfires and the manner and cause of the tragic deaths associated with them.
>
> "The Coroner, Magistrate Doogan, has established a special team of investigators and is meeting regularly with them. She has also toured the worst-affected areas and conducted an aerial inspection of the entire fire area to better understand the impact of the event.", Mr Cahill said. There has been close liaison with the Director of Public Prosecutions, who will provide Counsel to assist the coroner, and lines of communication have been open with the NSW State Coroner to ensure that any cross-border issues are addressed and that information is shared between jurisdictions.
>
> The investigation team is receiving good co-operation from emergency service managers and hundreds of relevant documents have been seized and taken into the custody of the Coroner. Plans are being made to ensure that the huge amount of information which will have to be processed by the coronial team is assisted by the latest information technology. The Coroner proposes to hold an Early Directions Hearing to deal with applications from people interested in making submissions to or being heard by the Inquiry, and to set a hearing timetable. That Directions Hearing will take place as soon as the investigative phase of the inquiry is further advanced.
>
> "The independent administrative review being conducted by Mr McLeod will, no doubt, also provide useful input to the Coroner's Inquiry" Mr Cahill said.

In answer to your first question, which was what assurance can I give that the coronial process will be open to the people of Canberra, I cannot give that assurance. I can only repeat what the Chief Coroner has said—that the coroner proposes to hold an early directions hearing to set a hearing timetable and deal with applications from people interested in making submissions to, or being heard by, the inquiry.

The coroner runs her court. She does it with the full authority of the law and she does it separately from the executive. That is how it is and how it will continue. However, the people of Canberra should, particularly in light of the Chief Coroner's press release of yesterday, harbour no concerns that they will not have full access to the Coroner's Court. The Chief Coroner has said that the coroner will soon be outlining the process for the making of submissions to the inquiry. That is the coronial process.

Mr McLeod, the Commonwealth ombudsman, when he retires—which I think is this week—will be undertaking an exhausting administrative inquiry into every aspect of the bushfire—the management, the conduct, the preparedness, the actions of each of the members of the Emergency Services Bureau and of each of its constituent parts.

Mr McLeod will be looking at the Emergency Services Bureau and its management; he will be looking at the ACT Fire Service; he will be looking at the ACT Ambulance Service; he will be looking at ACT policing; he will be looking at Environment ACT, and he will be looking at ACT Forests. He will have full access to all their files, all their papers and all their officers. Each of those organisations will be making detailed submissions. I will table each of those detailed submissions for the information of members and the community. Mr McLeod will be unrestrained in his conduct of this inquiry and will use all of his significant inquisitorial investigatory experience.

Mr McLeod is a person of untrammelled integrity. He is a person of the highest integrity and reputation in this community. There is nobody who can hold a torch to him when it comes to his objectivity and integrity, the respect in which he is held, and the confidence this community can have in him. But he is no creature of this government—he is truly objective and will undertake a thorough and far-reaching inquiry.

There have been some concerns today about privilege. We need to acknowledge that the coronial process is, of course, a judicial process. I am a little interested in the notion that, all of a sudden, people are going to beset these inquiries with defamatory documents and statements.

I think we need to go back one step and ask the question—who is it that is interested in making potentially defamatory statements? Who are these people who are so concerned that the McLeod inquiry does not attract privilege, or has privilege, that they are concerned about making submissions? Who are these people who think that their submission will be of such an order that it requires protection against defamatory action?

Mrs Dunne: Ordinary people.

MR STANHOPE: Who? Which Ordinary people?

Mrs Dunne: Anyone who wants to come forward.

MR STANHOPE: I would imagine that many of the submissions which might be made would be made by public servants. I can understand that there may be some concern that, if you are a public servant or in public employment, you might have some concern about making a submission—but, then again, this jurisdiction has thorough whistleblower legislation. Any such person is protected, in terms of their employment or otherwise.

We need to put this notion of defamation in some context. We also need to acknowledge that this Parliament, just 18 months or so ago, passed the most progressive defamation law in Australia. That was a piece of defamation law introduced by the then Attorney, Mr Humphries. That was supported by the Labor Party. That defamation law is far-reaching and progressive. It is easily the most progressive piece of defamation legislation in the common law countries—a piece of defamation legislation designed to balance the right to free speech against the right to have one's reputation protected. Of course, there is a fine balance to be made there.

I am not particularly interested in the notion of protecting statements or submissions designed simply to trash the reputations of hard-working, dedicated, professional public servants without some concomitant responsibility in the context of being honest and truthful in the submission. Let's not forget this. Let's not muck around here. Let's not beat about the bush. There are a number of dedicated, professional, senior public servants whose reputations are on the line. There has been a lot of talk about responsibility; that this was done and that was not done; that this was negligent and that was appalling; that help was spurned; that they turned their backs and put the community at risk, and that houses burnt down because they were negligent.

We can all sit here and pretend that nobody out there needs to accept that criticism as personal, or as applying to them. But let me tell you this: I meet regularly with a number of senior, dedicated professional public servants who know that those comments are directed at them—a group of professionals who have barely slept for the past month; who have worked themselves to the bone; who have suffered the most enormous stress on behalf of this community and are at the point of collapse. They know who everybody is talking about, and you and I know who those people are. I can tell you what they are thinking. They are thinking that they did their best and that this community has turned its back on them.

I am not going to cop that. I need to find a balance between an open and objective inquiry—an inquiry that will look at every aspect of this—one which will investigate the behaviour, professionalism and performance of everybody involved, including the senior members of the Emergency Services Bureau.

They know that their performance is under the microscope. They accept that as fair. But I am not going to support a witch-hunt. I am not going to say, "All bets are off; you're on your own, fellas." I am going to insist that this process is fair—and elements of it have not been fair. We saw that yesterday—and I don't resile from a single thing I said yesterday. That attack was simply unfair and unconscionable and I won't cop it. I will stand there with them.

The difficulty is, of course, that the more we politicise this process, the more we devalue it—so that the people of Canberra cannot have the confidence in this inquiry that they deserve to have that we are genuinely seeking answers.

This government has taken a position here. We have a major judicial inquiry in train which has been fully resourced and is fully supported. It will cost us a minimum of $1.5 million. We will employ at least half a dozen senior counsel before the end of the day. We have applied 10 Australian Federal Police officers to it. We have applied the resources. It is up to the coroner to do the job—we cannot interfere in that.

We are applying significant resources to the McLeod inquiry. We will announce, today or tomorrow, the engagement of an expert—an Australian-acknowledged expert in bushfire control—somebody at a distance from the ACT government; somebody from interstate; somebody with acknowledged expertise in the field, to assist the McLeod inquiry. We will engage, today or tomorrow, somebody with the highest experience, reputation, knowledge and understanding of bushfires and bushfire fighting to assist Mr McLeod, to ensure that the inquiry has the necessary level of expertise—an inquiry which looks into how bushfire preparedness should be. As I say, this government has nothing to hide. We have no desire to hide anything. There is no conspiracy here. This is a genuine attempt and determination to get to the bottom of every aspect of this fire, to implement the results and obtain the outcomes, and to do it quickly.

The next bushfire season is eight months away. We need decisive action and we need results. That is what this government will deliver. We need to protect our community—and that is what this government will do.

MRS BURKE: Mr Speaker, I ask a supplementary question. I thank the Chief Minister for his very full and detailed account. Chief Minister, could you advise whether Mr McLeod will be able to publish his report outside a sitting period, if necessary, or will he have to publish it on a sitting day to attract privilege?

MR STANHOPE: It is our expectation that the report will be tabled in the Assembly at the first possible opportunity, and thereby attract parliamentary privilege. I must say that, with the toing and froing, the range of bills we have had in relation to the vexed question of privilege and attracting privilege outside the sittings of the Assembly, I cannot remember where we are up to. I think we have rejected all those bodgie, dodgy, deals, haven't we—and have restricted ourselves to publication on sitting days? I am afraid, Mrs Burke, you have got the best of me. I will have to take advice from the Clerk on that question.

Schools—clean-up day

MS DUNDAS: My question is to the Minister for Education. Minister, you might recall that this time last year—I understand that you were not the minister at the time—ACT government schools were not able to participate in Friday Schools Clean Up Day as part of the national Clean Up Australia Day events, due to public liability insurance worries, but some private schools in the ACT did take part. As Friday Schools Clean Up Day is now only eight days away, will ACT government students be taking part in this education program combating littering and protecting the environment?

MS GALLAGHER: Mr Pratt came and spoke to me halfway through your question and I missed the middle of it. The question was about whether students in government schooling can participate in clean-up day. I will have to take it on notice because I do not know. I have not received any information about that.

MS DUNDAS: I have a supplementary question. Minister, I hope that you will be able to get the information quickly as the program is only eight days away. Would you also be able to provide information on whether students are able to pick up papers on a normal school day. If they are not able to participate in Clean Up Australia Day, which provides its own public liability insurance for the event, can you provide information on why Clean Up Australia Day is being kept out of the ACT government school system?

MS GALLAGHER: I will get that information as soon as I can.

Bushfires—education programs

MR PRATT: My question is for the minister for education. Minister, on Tuesday of this week, my office sought information from your office regarding what fire education programs are planned for the ACT, following reports that a new program was about to begin.

The questions asked were as follows. Can you confirm whether this education program will be annual or one-off for each student? Can you confirm whether this program has started, or when it is due to start? Can you advise us who will be conducting the education program? Can you advise us whether it is a compulsory education program for government schools, or whether it is simply a program being offered to all schools?

Minister, will you answer these questions or take them on notice and commit to providing a response within a reasonable time frame? The copy of the question I have given you will help you answer those six components.

MS GALLAGHER: Thank you for giving this to me, Mr Pratt. Your office did seek this information earlier this week, and I sent back a request that that information come directly to me, which is what you are doing now.

The questions are based on the fact that there will be a new program of bushfire education in schools. My understanding is that no decision has been made about a specific new bushfire education program in schools. I can give you some detail of what is currently happening in schools and has been ongoing for many years.

The fire brigade currently delivers fire education in schools—a fire safety program delivered to kindergarten, some year 1s and children across primary schools. It is primarily aimed at fires in the home, but it does not distinguish between fires and bushfires because the level of education at that point is about fire activity—if there is—and whether the supervision of an adult is needed with those children. The aim of the program at that stage is to instruct students to stop, drop and roll and the correct use of 000 as an emergency phone number to contact. This program is delivered in conjunction with teachers as part of existing curricula.

There is another program, which is aimed at very young people—between the ages of three to 16—who have engaged in dangerous firelighting behaviour. The focus of that program is to encourage children to gain a greater respect for fire through education and awareness and also to understand the consequences of the misuse of fire.

Speaking from Education's point of view, bushfire education, as we have seen in that article in the *Canberra Times* today, is a broader community responsibility than just a requirement of the education system. We do as much as we can within the education system to teach our young people about safe behaviour around fires. But I guess there is a broader responsibility there.

Also, there is the issue of whether specific bushfire education programs might encourage behaviour that we might not want to see our students engage in. We need to look at those issues to make sure we are not giving some young people ideas that we do not want them to have. I will look at the questions specifically and certainly answer what I can.

Bushfires—grants to victims

MR CORNWELL: My question is to the Treasurer, Mr Quinlan. Treasurer, regarding government grants to victims of the bushfires, would you please explain the differing amounts available and the reasons for those differences with respect to people with and without household insurance? Does this difference also cover contents insurance or is that a separate item?

MR QUINLAN: I will probably get a little help from my friends here. I think the major question swings on the position in which any government finds itself with an array of victims of fires, or of any natural disaster, and the differential coverage that they might have. It then becomes purely a judgment as to whether you offer standard assistance to everybody or you offer assistance more on a needs basis.

You are probably aware that the ALP's policies are generally pervaded by needs basis and focusing assistance in any form where it is most needed. At the same time, however, the decision to provide assistance—I assume you are referring to the $5,000 and $10,000 grants—is based on the assumption that nearly everybody's contents would be well underinsured, no matter how assiduous they were. Just go around and tick off the contents in your own home—and now is probably a good time to do that, I might hint to you—and then look at your policy and see how they compare.

However, we have offered a differential. We have offered $10,000 for those people who have no insurance on their contents—it is a contents-related grant—and $5,000 for those who do. That is an arbitrary trade-off between total equity on the basis that everybody gets the same versus total equity on the basis that everybody should be as well off after the event. They are the two extremes: whether we just set up a mechanical system with which we offer everybody the same amount, or one that says, "Let's make sure that we use the resources that are available to us"—and they are not unlimited, as you are probably aware—"to their best extent". To those people who have insurance, it is because they were prudent, yes, but their needs won't be as great as those who do not.

That is one of the reasons why I stood here earlier stressing some of the criteria that have been set for the appeal. Because we have set up a mechanical system—and it is, of its nature and of necessity, a rather mechanical system—there will be a discretionary process administered by people who spend their daily lives associated with assisting people to smooth out the differences. It will never be perfect, but we have taken our best shot at it.

MR CORNWELL: Treasurer, does this government distinction between people with and without insurance also extend to block clearance—I have been told that costs about $14,000 or $15,000? If this is the case, why does it, and how does it apply?

MR QUINLAN: Again, the same principle applies. What the government is interested in doing, underlying this, is to try to get the job of reinstatement done as soon as is reasonably possible. We believe that the psychological or emotional scars from this tragedy will begin to heal once we get past the physical damage.

We have 300 or more houses in the Duffy-Chapman area, all in the same place, with many people wanting to get on with the job. For practical reasons, to make sure that we do not have 15, 20 or 30 different demolition firms, and large trucks and such things rumbling around that area for months and months on end, we decided that we would try to set up a process and engage project managers that people, whether they have cover or not, would be attracted to use. This is to ensure that rebuilding is done as quickly as possible and with the minimum impact on the survivors, because most people in Chapman and Duffy have houses that survived the fire, of course.

In monetary terms, I think we are charging $5,000 for those who have cover for block clearance, and it is free for those who do not. Again, if you look at your insurance policy or ask your insurer how much you are covered for if your house is raised to the ground, you might find that you are facing an underinsurance problem as well. In the attempt to come out of this situation with everybody in as equitable a position as is possible, we have offered assistance to everybody. However, for those who have cover and therefore have funds to apply to the situation, there is a charge of $5,000. For those who do now have cover for demolition and block clearance, that will be done for free.

That will do two things. First, it will in fact give a structure to the process of clearing up and minimise the environmental damage, the noise pollution and the dust pollution, and all those problems that would go with a willy-nilly process. Second, it will also create the most equitable result at the end of the day, we hope. It will not be perfect.

Revenue waivers

MRS DUNNE: Treasurer, in the December quarterly report that you tabled on Tuesday it is estimated that there will be a waiver of taxes, fees and fines totalling more than $25 million this financial year, an increase of more than $20 million on the estimate for waivers included in the government's budget. You were estimating them at $5 million in the budget and you are now estimating them at $25 million. Why has there been such a large increase in predicted waivers?

MR QUINLAN: There are a number of waivers. There will be a number of waivers as far as bushfires are concerned as well. I will take the question on notice so that I can give the precise figures.

MRS DUNNE: I have a supplementary question. Treasurer, in taking it on notice, will you take into account what measures might be taken to reduce the recourse to waivers in the future? Is something abnormal happening, because a $20 million increase in waivers is predicted? Is there something wrong procedurally or administratively that you need to address to staunch that flow?

MR QUINLAN: Certainly, we have waivers in place because of the bushfires, but the bushfires happened on 18 January and those figures relate to December. Let me take a look at the situation because, as I have said a couple of time while on my feet in this place, I do not have all the numbers in my head. I will just make sure of the explanation and whether it is likely to be a continuing phenomenon or a recurrent phenomenon or is not likely to occur again.

Volunteers—workers compensation

MR STEFANIAK: My question is to our new Minister for Industrial Relations, Ms Gallagher. Minister, the Workers Compensation Act does not define people carrying out voluntary unpaid work in the public interest—that is, volunteers for charitable organisations—as workers. That is important because it effectively exempts charitable organisations from paying workers compensation premiums for volunteers doing work for them.

However, I understand that WorkCover has ruled that volunteers who receive payment for expenses are workers regardless of the act and therefore organisations must obtain workers compensation cover for them. I am advised that that ruling is inconsistent with section 19 of the act and is also inconsistent with the Tax Office's rulings on the status of volunteers as employees, even if they get paid for expenses.

Minister, why has WorkCover made this ruling, why is WorkCover adding a serious impost to those charitable organisations that have volunteers and what steps will you take to rectify the situation?

MS GALLAGHER: I would prefer to take this quite complex question on notice and get back to you as soon as I can.

MR STEFANIAK: Mr Speaker, I have a supplementary question and the minister may wish to take this on notice or otherwise. WorkCover is an operational statutory authority charged with implementing policy, not creating it. Why is it in this case creating policy by defining volunteers who receive payment for expenses as workers?

MS GALLAGHER: I will take that question on notice.

Bushfires

MS TUCKER: My question is to Mr Stanhope. Chief Minister, you said that you wanted the inquiries into the recent bushfires to look not only at the detail but also at the broader considerations of threat and fire risk. A recent study from the Worldwide Fund for Nature and leading meteorologists has found a clear relationship between greenhouse, increased drought and increased fire risk. You have announced several studies, including spatial plan work, the non-urban study and the McLeod study. I would like to know from you today whether you will ensure that greenhouse and fire are included in the investigation so that they can feed into future planning of the bush capital?

MR STANHOPE: I know the terms of reference do not mention greenhouse, but the suite of inquiries we have in place is a structured approach we have adopted to deal with the range of issues we need to deal with to get the early answers we need on the causes, effect and management of the fire. The inquiry into non-urban land use which I announced this week—and I hope in the next few days to announce the chair and task force that will progress that inquiry—will deal with issues around the way in which we use or utilise the existing pine plantation area.

I acknowledge the importance of the greenhouse issue, and I am aware of the opinion that has been expressed about the extent to which the gradual and inexorable warming of the planet is leading and will lead almost certainly to more droughts and dry conditions and hence a greater potential future bushfire threat and fiercer and hotter-burning fires. I share your concern about the seriousness of that not just for us as a community or a nation but for the world.

I am also mindful of the importance, in the decisions we make ultimately about non-urban land use, of the fact that there are now 20 million or so dead trees in the ACT. In terms of our contribution to greenhouse, that is a significant issue for us to deal with. The tree population of the ACT, in one fell swoop, has declined by 20 million, with an interesting side effect. Some of the issues this presents to us, not just in the context of greenhouse, are interesting. I was intrigued by a piece of advice that Paul Perkins gave me: the water flow into the Cotter catchment dams has increased since the bushfire, not just because there has been some rain in the Corin catchment but because of the lack of uptake of water by trees that are all now dead. Mr Perkins advised me that that fact alone can increase the flow of water into the dams by perhaps one-half of 1 per cent, which illustrates the point you are making about how finely balanced nature is and the extent to which we, through human activity, distort nature and the environment. That information about water flows into dams has not been further explored, but it is a very direct example of the enormous impact of the fire.

The issue you raise is very serious. We did not specifically include greenhouse issues in the terms of reference. I think the question you ask is fundamental. The issue you raise is fundamental. I will ensure that through those studies the issues around maintaining our commitment to a reduction of greenhouse gases is very much part and parcel of our response.

Bushfires

MS MacDONALD: My question is to the minister for housing, Mr Wood. I understand that, of the 474 houses destroyed in the recent bushfires, 80 were ACT Housing properties. Of those, 54 were in rural areas. Many more housing tenants in the worst-affected suburbs had their houses damaged or their fences and gardens destroyed. My office has received many calls from tenants seeking information on these issues and has been more than pleased to be involved in assisting them. Minister, what assistance has ACT Housing given to its tenants affected by the bushfires?

MR WOOD: Mr Speaker, the loss of 80 houses is a lot to make up for. As well as that, about 170 were damaged to varying degrees by the wind or the fire, or both. As you have said, gardens and fences were damaged, too. Therefore, there has been a huge impact on ACT Housing tenants and, I might say, prospective housing tenants. How? The waiting lists, which were long beforehand, are now even longer. Of more relevance, it took some time for priority housing to come through. The time is now longer, because we have had to fit in lots of people. We have taken those people who have been affected by the bushfires, who lost their houses, and put them at the top of the list. We have put them straight into another house, or we have offered that to them.

The extended waiting period has caused a great deal of concern in the community. People who knew that they were getting close to the top of that list are saying, "What about me?" I think that that is a fair question. Those in the community interested in housing are asking about it. For example, it was discussed at Monday's meeting of ACT Shelter, the peak body in that sector. The simple fact is that many people are already experiencing very severe housing difficulties. The problem is even more severe now.

In handling the problem that emerged, ACT Housing has responded rapidly and appropriately—very well, I might say—to those householders affected by the disaster. I commend the staff for the dedication they have shown, the hard work they have done and the sympathy they have again demonstrated to their tenants.

We have attempted to lessen the impact by withdrawing houses that were scheduled for sale because of their condition, for the most part. We have brought them back into use and are returning them for at least short-term accommodation to those affected by the bushfires. We are also endeavouring to purchase additional suitable properties from the market.

Of the 80 houses destroyed, my memory tells me that 77 or 78 of the tenants have sought a house. Sadly, one of our tenants died in the fires and one or two have moved on from Canberra, so we do not quite have 80 tenants to relocate. We have rehoused 45 of our former tenants. Most of those, I might say, were rehoused within the first two weeks, certainly the first three weeks.

There are people who, quite fairly and reasonably, have precise wishes to be met and ACT Housing just is not able to accommodate some of those wishes. That is particularly the case for people from the rural properties who would desperately like to go back there but we just do not have any empty houses back there to offer them. There are some still there, but they have tenants in them. Of those not yet satisfied, a very large proportion are from the rural areas.

We are bending over backwards. Normally, when you are offered a house by ACT Housing you get two choices: you can knock back the first one, but you have to take the second. We have not done that. Multiple offers have been made to some people to try to adjust to their needs. We are trying our best to fit them in.

As well as the properties lost, there was damage to others. That has been a bigger factor than many have realised. The good news is that we are insured for the necessary affairs and reinstatements and we are working well with the insurers and assessors to address the issues as quickly as possible.

Housing officers are contacting the residents of damaged properties to discuss their problems and ways of overcoming them. Arrangements have been made to have the properties inspected and assessed to determine whether the residents should be relocated. I know of one house where there was no fire damage—trees in the yard were scorched—but the wind has done some damage and we are not sure yet just how much the building has been affected.

ACT Housing is also considering providing tenants whose properties were damaged with a rent abatement to compensate them for their loss of amenity. We are still working through many of those issues. Housing maintained a presence at the evacuation centres when they were in existence and is continuing to provide assistance to tenants and all other members of the ACT community through the recovery centre—the shopfronts by phone and by field visits.

Housing officers were given the task of helping private tenants and home owners to obtain private accommodation and to assess those who may become eligible for public housing, so they have extended their interests beyond just their own tenants. In the urban areas, ACT Housing will replace the destroyed houses to modern standards that conform to new building and planning requirements.

As I have said before, existing tenants will be given the first option of moving back to the reconstructed dwellings. Mr Hargreaves, Ms MacDonald and I are talking about the day we will turn up at a place in Kambah and hand over the key to its tenants. Having spoken to them, I know that they want to go back there. We will get that organised. We would like to have the first house opened, but some of the procedures we have to lock into, being government, mean that we cannot always move as quickly as we would like.

Other issues being addressed include ensuring that clean-up work is being commenced, dealing with damaged fences and outbuildings, carports, sheds and the like, responding to repair and maintenance matters, and identifying the loss of amenity that tenants have experienced, which is one of the benefits, as Mr Stanhope knows, of the reference group we established. I have to say that I would not have thought that we would have to do a lot of work very quickly on fences, but tenants have made it quite clear that they need fences, whether to keep their children or their pets in. They need that security, so we have had to act fairly quickly to get those fences up.

In talking about the reference group, I should mention the fine work of Joanne Matthews from Ammon Place, a public housing tenant on the reference group who is doing a fantastic job, I understand.

We have put up temporary fencing and, as many in the community are wishing, we have adopted the policy of replacing destroyed fences with Colorbond fences 1500 millimetres in height. Where we adjoin private lessees, that involves seeking the agreement of the private lessees and their insurers. The fencing process is a bit complicated, as members can imagine as we have all experienced some of those problems, but we are working through it. It is anticipated that the demand for fencing will cause a shortage of both materials and contractors. ACT Housing's total facilities manager south, Transfield, has arranged for additional fencing contractors to work for us.

Two disability homes owned by ACT Housing were destroyed and one was badly affected by smoke. We have relocated those people and are working with ACT Housing to identify other properties. All in all, there has been a considerable amount of work for ACT Housing over and above looking after their own tenants and, I have to say, they have done an excellent job.

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

Paper

Mr Stanhope presented the following paper:

Ministerial travel report for the period 1 July to 31 September 2002.

Legislation program–autumn 2003

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs): For the information of members, I present the following paper:

2003 Spring Legislation Program, dated August 2003.

I ask for leave to make a statement.

Leave granted.

MR STANHOPE: Mr Speaker, I am pleased to present the government's third legislation program. In this time of rebuilding following the recent bushfire disaster, the focus of the program will not only be on continuing our commitment towards delivering on the government's election promises, but also to making Canberra an even more safer, stronger, confident, and prosperous city. The program will also continue the government's drive to improve financial management and governance of the Territory.

To achieve this, we will maintain our consultative, considered and responsible approach, working in collaboration with the community in order to meet concerns and to ensure a fairer and more accessible system for all Canberrans. In particular, the government will work very hard to assist in the bushfire recovery effort and to deliver greater satisfaction to our community.

Mr Speaker, in the time available I would like to comment on a number of items that are a priority for the government, notwithstanding that members may be interested in other items.

The most critical bill for the operation of this territory, the Appropriation Bill 2003-2004 will be tabled in the Assembly on 6 May along with the 2003-2004 Budget Papers. To further reform the financial management and reporting system, amendment will be proposed to the Financial Management Act 1996. This will improve financial reporting in circumstances where major changes have occurred during the year to departmental structures, by allowing for the concept of using "amended budgets" for reporting purposes, and will clarify what the territory can invest in.

A very important government commitment to the community was the provision of a fair deal on land rates. To meet this, the Rates and Land Tax Amendment Bill 2003 will be proposed. This Bill addresses in full the government's commitment to review the rating system and to implement a fairer, more equitable system. While an interim system was put in place for 2002-2003, the proposed bill implements the changes necessary to achieve the government's longer term objectives.

To further our commitment to being a responsible and open government, we will also introduce the Government Procurement Amendment Bill 2003. It responds to a recommendation made on the matter by the Assembly's Standing Committee on Finance and Public Administration in its Public Accounts Committee Report No 28, and follows on from a government review of the operation of the Public Access to Government Contracts Act 2000.

Mr Speaker, the health and safety of all Canberrans is a crucial consideration for the government. As members will appreciate, the government has already given much attention to health issues and has reorganised the health portfolio in light of the Reid review.

To continue the many initiatives we have made in the health area, the government will introduce the Health Professionals Bill 2003. It will give effect to the recommendations arising out of a regulatory review of health professional legislation in the Territory.

The Reproductive Technology Bill 2003 will also be introduced to develop nationally consistent legislation on the banning of human cloning and other unacceptable practices; regulation of stem cell research; and artificial reproductive technologies in the ACT.

For increased safety against crime, it is proposed to introduce the Firearms Amendment Bill 2003 for passage by 1 July 2003. It will give effect to new national regulations relating to handguns and firearms trafficking, which were agreed to by the Council of Australian Governments. The bill will also provide for a number of provisions contained in the recommendations of the Review of the Firearms Act 1996 which was completed in June 2001.

We will also proceed with an amendment to the Freedom of Information Act. This was a commitment outlined in our *Code of Good Government* and which will also implement recommendations made by the Auditor-General in Report No 12 of 2001. The amendment will provide for a consistent, whole of government approach to FOI decision making and review with a heightened emphasis on disclosure rather than secrecy. Exemption provisions will also be made more consistent with those in corresponding State and Commonwealth legislation.

Mr Speaker, the government is committed to fair trading and to the protection of consumers. A Consumer and Trader Tribunal Bill will be introduced to cover complaints and review licensing decisions in regard to the agents and security industry. This Tribunal will reduce the existing duplication of functions by replacing the Agents Board and the five existing Dispute Resolution Committees for the security industry with one Tribunal. In fact, that was done today.

In the long term, it is envisaged that the jurisdiction of this Tribunal will be increased to consider matters relating to other licensed groups, such as second hand car dealers and car repairers.

Education is another high government priority and introduction of the Education Bill 2003 will provide a framework for the provision of high quality education to the Territory. The bill will consolidate into one act provisions now spread over four acts. It will also provide for governance of government schooling and regulation of non-government and home schooling. Members will recall that this had been flagged for the spring 2002 legislation program, but was held over due to lengthy consultations and a significant response to the exposure draft of the bill.

Some other legislation of note includes the Environmental Protection Amendment Bill 2003 and the Nature Conservation Amendment Bill 2003, both of which will amend enforcement provisions to give a more robust response to incidents of land clearing and environmental harm. Amendments will also be made to animal and plant diseases legislation to amend provisions relating to commencement of quarantine orders to allow them to have immediate effect.

A range of amendments will also be made to building legislation relating to residential building warranty protection. This will address the gap regarding on-site drainage and roads works which are not currently subject to a formal approval and certification process.

Mr Speaker, I mentioned earlier that these are but a few of the initiatives proposed in the autumn 2003 legislation program. The program reflects what the government considers important for good governance and for responding to community needs. I seek the cooperation of all members in the timely consideration of these bills.

Mr Speaker, I commend the autumn 2003 legislation program to the Assembly.

Supplementary answer to question without notice
Youth drop-in centre

MS GALLAGHER: Yesterday Ms Dundas asked me a question about Narrabundah Youth Outreach activities and after-hours drop-in services. I would like to provide some information in response to the question.

Ms Dundas asked if young people were consulted in the closure of the Narrabundah youth drop-in centre. I am advised that the decision to make changes to the service provision in Narrabundah were made by Woden Community Service, which is the service provider. The services targeted at the inner south were never specifically for drop-in services, and in 2001-02, Woden Community Service trialled a Friday night drop-in program at the Narrabundah shops. At the time, Woden Community Service advised the department that they were not attracting significant numbers of young people aged between 12 and 25 years, and that they had to consider alternative approaches. In fact, they were attracting young people but only those below the age of 12.

The contract for Woden Youth Centre still includes the requirement of a total of 18 hours of service delivery in the inner south. We therefore need to correct any misconception that services to young people have been reduced in this part of Canberra. Regarding the changes in 2002-03, the contract was renegotiated with Woden Community Service for funding to be provided for playgroups, families and younger children in the Narrabundah facility.

As I indicated yesterday, I am more than happy to discuss the broader issue of after-hours youth services across Canberra with the ministers youth council. I will be meeting with members of the council next week and would ask that this issue be placed on the agenda for discussion.

Full retail competition—impact on ACT low-income earners
Government response

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming) (3.41): For the information of members, I present the following paper:

> Full retail competition—Impact on ACT low-income earners—Government response *(presented 20 November 2002)*.

I move:

> That the Assembly takes note of the paper.

Mr Speaker, on 20 November 2002, the Assembly called on the ACT government to prepare a proposal to address the impact of full retail contestability on ACT low income earners, pensioners and self-funded retirees, for electricity consumption, following the introduction of full retail contestability on 1 March 2003, and to provide details of the proposal to address the impact of full retail contestability on these groups to the Assembly in the first sitting week of 2003.

As I announced on 29 January, the introduction date for full retail contestability has been deferred until 1 July 2003. This has been done because of the need to recognise the impact of the bushfires on work priorities for ActewAGL distribution and community organisations involved in assisting our community to cope with and recover from the event. I am tabling the response to that resolution.

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

Paper

Mr Quinlan presented the following paper:

> Canberra Tourism and Events Corporation Act, pursuant to subsection 28 (3)—Canberra Tourism and Events Corporation—Quarterly Report for October—31 December 2002.

Land (Planning and Environment) Act—correction of formal errors

Paper and statement by minister

MR CORBELL: For the information of members, I present the following paper:

> Land (Planning and Environment) Act, pursuant to section 29—Variation (No 213) to the Territory Plan relating to the Kingston Group Centre—Correction of Formal Errors, together with background papers, a copy of the summaries and reports, and a copy of any direction or report required.

I seek leave to make a statement.

Leave granted.

MR CORBELL: Mr Speaker, Variation 213 to the Territory Plan concerns the Kingston Group Centre and the correction of formal errors. This variation has been undertaken in accordance with section 19C of the Land Act, which states:

> (1) This section applies if, on application by the authority, the Executive is satisfied that a draft plan variation—
>
> (a) has the sole purpose of correcting a formal error in the plan; or
>
> (b) would, if approved, not affect the rights of anyone in a prejudicial way.

> (2) The Executive may, by written notice to the authority, exempt the authority from complying with section 19 (Public consultation—notification) and section 19B (Public consultation—availability of draft plan variation etc) in relation to the draft plan variation.
>
> (3) If the Executive gives notice to the authority under subsection (2), the authority must obtain such information about the public attitudes to the draft plan variation as is reasonable in the circumstances.

Mr Speaker, a need for the draft variation has arisen following the approval in June this year of variation No 158, concerning a review of the group centre policies. This included changes to the Kingston Group Centre precinct. It has recently come to the attention of Planning and Land Management that some block and section numbers for the shop size control in precinct "a", Kingston, have been wrongly designated.

The approved variation contains at item (b), under the heading "Controls" on page 61, a heading which reads, "Shop size, Kingston section 21, blocks 21 to 33". It should, in fact, read, "Shop size, Kingston section 22, blocks 21, 25 and 33." This is because the blocks referred to are on the eastern side of Jardine Street in section 22, whereas section 21 is on the western side of Jardine Street. PALM needs to correct the plan as expeditiously as possible. The executive agreed that the appropriate mechanism for achieving this was through a draft variation to the Territory Plan under section 19C of the Land Act, which exempts PALM from the need for public consultation on the draft variation.

On receipt of that exemption granted by the executive on 13 November last year, PALM was required to ascertain information on public attitudes to the draft variation, as is reasonable in the circumstances.

On this matter, I consider that the public consultation for, and subsequent approval of variation 158 clearly indicated public acceptance for the intention of the variation in relation to the Kingston Group Centre Precinct. This is supported by the fact that the following information, which was included in the explanatory statement of both the draft and the final variation 158 documents, did not elicit any specific comment. The statement reads:

> The Green Square is the heart of the centre and its role will be further strengthened with the completion of public place improvements under the Precinct Management Program. The major change proposed is to incorporate the east side of Jardine Street into the retail core and introduce a maximum shop size of $300m^2$ for these premises. This will enable the establishment of speciality shops and will positively affect the overall functioning of the centre and better utilise the improved public places.

Mr Speaker, it can seen from the statement that the clear intention was to include the eastern side of Jardine Street, section 22, in the retail core—and the reference to section 21, blocks 21 to 33, in the variation document was an error. The Planning and Environment Committee considered the draft variation and, in its report No 11 of November last year, endorsed the variation.

Public housing
Discussion of matter of public importance

MR SPEAKER: I have received letters from Ms Tucker and Ms MacDonald proposing that matters of public importance be submitted to the Assembly. In accordance with standing order 79, I have determined by lot that the matter proposed by Ms Tucker be submitted to the Assembly, namely:

> The responsibility of the government to ensure there is adequate public housing in the Territory and adequate social support for tenants suffering hardship.

MS TUCKER (3.48): The ACT, especially in recent years, has a notoriously tight rental market and some people, no matter their income, will never be accommodated in a market which can afford to be so selective. Public housing fills a role for people on low incomes—the very important role of a means for people to live as stable members of our community.

I was very pleased to see a report in a local paper recently where Mr Stefaniak acknowledged that there is a housing crisis. The less patient among us might wonder where he has been for the past six or seven years. However, I am encouraged to see that he is open to learning. There is a housing crisis and there has been for some time, particularly for people without much money, who are renting.

Mrs Burke: On a point of order, Mr Speaker, I am having trouble hearing, because there is a lot of background noise.

MR SPEAKER: This is a fair point, Mrs Burke. There is a bit too much conversation going on.

MS TUCKER: With the bushfires disaster throwing 500 households onto the street, and with a rebuilding exercise likely to attract a massive work force from interstate, the housing crisis acknowledged by Mr Stefaniak the other week is going to get much worse. There are two real issues the government needs to address. One is, very basically, the supply of housing and two is ensuring that there are community supports for people who get into trouble with their rent. This often means that there are underlying problems.

On the one hand, the previous ACT government, directed in part by the Commonwealth through the Commonwealth-State Housing Agreement, has embarked on a project to narrow the scope of public housing to welfare housing. This saw a substantial drop in public housing stock until last year, and we are pleased to see a slight increase since then.

I should digress here, in order to congratulate this government for reinstating security of tenure for ACT Housing tenants. Security of tenure is really important in public housing's role as a point of stability for communities. Look at all the tenants of the month, and for people who are in and out of employment, or who have difficulties in their lives. I therefore congratulate the government for that move—it will help. It will also feed market rent into ACT Housing, which was acknowledged by the department during the inquiry into the role of public housing in the last Assembly, which I chaired.

More to the point, we are waiting to see what this government can achieve through development controls, on the one hand, and through its own development of estates such as Kingston Foreshore, to include a significant proportion of public and affordable housing. If the government is not going to deliver at Kingston, despite commitments from the foreshore authority when it was first set up, then it would be failing in its duty. I notice that in the development application for The Metropolitan, in Civic West, as called in by the Planning Minister last year, the environmental assessment includes a dot point which says that affordable housing is provided within the proposed development in accordance with the Affordable Housing Taskforce's recommendations for providing housing in this location.

This offers no reassurance that the government is really committed to the provision of affordable housing, sufficient to affect the housing situation in Canberra. Furthermore—no great surprise—there is no public housing component in this development. The minister has described this development as being at the forefront of the renaissance for Civic. Clearly it is a renaissance for young professionals living in up-market units, not the more diverse and varied community that Canberra is, in reality. In fact, the same community that is going to fill up Kingston will be there.

It is no surprise, then, that even the Connors inquiry into education funding warns us—and the government—that there is danger, even at our schools, for pockets of poverty and social differentiation to take hold. Unless this government is prepared to bite the bullet on both public and affordable housing, our inheritance from this government will be increasing fragmentation, inequality and social disharmony.

The other question is what happens with the public housing we do provide? If, as is inarguably the case at present, public housing is to be targeted more and more tightly to people who are living in the most difficult circumstances, then there is a responsibility upon this government and upon ACT Housing to provide the necessary social support that people living in such circumstances require.

My office is in continual contact with tenants of ACT Housing whose lives are filled with a range of difficulties. When Mr Wood was in opposition, he spoke of the same issues, and I know he understands them.

It is my responsibility to point out to him that we are still getting this flood of calls and, unfortunately, people are still saying that they believe they are treated with contempt; they believe their individual circumstances are ignored; they find themselves committed to unrealistic debt reduction; and they say that they appear at tenancy tribunal hearings, for example, to find themselves confronted in a legalistic and aggressive manner. By the time they reach us, many constituents are totally frustrated or intimidated by their dealings with an institution that seems to be unable to factor in sufficient care for tenants, and perhaps their children, whose lives have left them in very difficult situations.

I believe there can be no doubt that ACT Housing, as an organisation, takes its responsibilities as an asset manager seriously but has difficulty in coming to grips with the need to provide support. Similarly, while the minister has expressed considerable interest in the wellbeing of tenants, the separation between the department and ACT Housing has quite often seen people fall through the cracks. If we are going to focus public housing as welfare housing, and even if it is public housing with a mix of situations, then it is vitally important to provide the support services, or at least the links and encouragement to go to support services.

There is tension between being a landlord and providing support. This is well understood in the community sector and in government circles. I have raised that in relation to other housing set-ups. I realise that, but there is still an important gap here.

We have the specialist tenancy managers, whose role is to help people when they are not coping and make sure they are getting support. I do not know what is going wrong there. Maybe there are just too many tenants in trouble and not enough managers. I have heard from people who have run into trouble in their personal lives, which flows on to financial problems, including rent problems, which go on for a considerable length of time.

The process for managing debts does not seem to adequately trigger this support system. Because the community workers are fairly new, it may take time for results to show. However, it is positive—it is about prevention, in some ways, and facilitating community building.

The disturbing factor about some of the evictions I have become aware of is the interaction between Housing and the tenants—that they do not make the most of the possibilities for keeping tenants housed. Further, as I have indicated, the brief was taken by Housing to the Tenancy Tribunal, which was supposed to be a less intimidating forum for resolution of Housing problems than a court. Instead of it being used as a forum to discover what is going on, it has been described to me by one tenant, who I have known for some time, as a personal attack on her as a credible or reliable person.

The bitter irony of saying that ACT Housing cannot have this person because they are not reliable is very obvious. Where will they go? Housing is an essential service—public housing is where people have to live. I am not saying that we must keep people no matter what they do. I am saying we have a responsibility to make sure that everything possible to assist or support people is being done. Maybe that means an outreach service to assist with maintaining housing for people with mental illnesses. That came up in the annual reports and in the status of women report. That could work in both the private and public areas.

Victoria has recorded good results with that kind of service, but it needs to be an ongoing service. It is not just about dropping off a letter mentioning that people from CARE are available for budget counselling. For people with mental illnesses, it is about regular ongoing contact so that, if the situation starts to deteriorate, that fact will be picked up before the rent gets into arrears and the neighbours become upset. The Select Committee on the Role of Public Housing recommended looking at an essential services review committee type of arrangement for housing. I still think it would be interesting to see that happen.

In the annual reports hearings in November, I think it was, when we were looking at the Essential Services Committee, I asked the chair about questions of debt and housing. He commented that they see individual people come in; that a lot of their clients are in the hardship area, and that they are Housing tenants. He said that, in a number of cases, you can identify a fundamental problem with the house itself and, in other cases, you can identify an educational issue.

The chair also suggested that you can be almost sure that, if a person has an arrears debt with ACT Housing, they will also be one of the hardship clients of the Essential Services Committee. These are very closely linked. It comes down to the fact that the people are in poverty—they are on pensions or whatever—and cannot afford to meet their commitments.

I will summarise what the chair said, from the *Hansard* draft. Basically, he said that ACT Housing, at the end, will threaten eviction in order to secure the agreement of the person to repay not only their current debt, but also for recovery of arrears. His experience at the council was that Housing will take all it can get when it is in those negotiations and does not leave enough room for the fact that the person faces a lot of debts that are not theirs.

The suggestion was made by the chair that it could be useful to have Housing set up a fairly equivalent mechanism to negotiate the problem of debts, and to make sure that that mechanism liaises well with the council. That is one suggestion that has been made which fits with the recommendation we made in the Select Committee on the Role of Public Housing. Recommendation 12 said that the committee recommends that the government amend the Essential Services (Continuity of Supply) Act 1992 to provide an avenue for public housing tenants facing eviction because of arrears or debts.

In conclusion, I would like to say that I think this is indeed a matter of public importance. I raise it in a constructive spirit, so we can discuss the issues. I look forward to the response from government and other members.

MR WOOD (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for the Arts and Heritage, Minister for Police and Emergency Services) (3.59): Ms Tucker says she raised that in a constructive spirit, but I was very disappointed with it. I saw it as a fairly solid attack on officers in ACT Housing.

I will quote an incident last week. I will preface it with the comment that I think that, generally, we work very well with Ms Tucker, and other members, as difficult circumstances arise for some of our tenants. Last week, we received an email from Ms Tucker's office, accusing us of being uncaring. I could track the email down if you wanted it. That email was unusual because it did not say, "Look, we have had the story—what is the story?" It suggested that ACT Housing was uncaring in general.

The Housing DLO had to spend some time. There was quite a deal of background history of all the things ACT Housing had done to try to help that tenant, so we were not very happy. No—I will speak for myself. I was not very happy that we were accused—and in fact unfairly so.

Ask the question. I think most of us realise there are many times when we take on information and then ask for some details before assuming that that information is correct. I was disappointed with Ms Tucker's 15 minutes. I am the minister, and I probably do not know exactly what happens on the ground sometimes. However, I pay careful attention to what ACT Housing does—and I have to say I am convinced. Time after time, I hear stories of how caring and patient they can be with tenants.

I went to a tenant of the month award three or four months ago. I know that tenant would have been very difficult. She was effusive in her thanks. She said, "Look, you have kept me on line." Sometimes there is a bit of firmness in what is said to the tenant. She was effusive in her thanks and knew that she was in a good circumstance because of the extra care of ACT Housing staff. I see that over and over again. Of course, I get gripes—I do and you do. Housing is firm when it needs to be. It goes through a long process in respect of debts. It certainly does that, as it should. I encourage them to see that tenants are kept up to the mark in respect of their payments.

One of the very early things I did when I became minister was to put into the hands of every member the comprehensive detail that is gone through as processes to recover debts begin and to see that tenants pay their rent. It is very complex. It was a big A3 spreadsheet, and it took a bit of reading. I sent that to everyone because I wanted people to know what was done.

ACT Housing people do not enjoy taking people to the tribunal or anything else. That is not a very happy job, but what is the alternative? There was once a minister in this territory, who I still respect, who said that no housing tenant would be evicted because of unpaid rent. So rental arrears shot up to about $6 million and are currently about $600,000.

That is not something I focus heavily upon, because it is not the only thing that drives us in respect of our tenants. However, we do need to gently encourage people to pay up. I know that, when someone has trouble paying their rent, they probably have trouble paying electricity, telephone, car registration and all sorts of other items—and we do take that into account.

What are we doing? We provide assistance to the counselling service—CARE—that Ms Tucker mentioned. Since this is one of the biggest problems we have, which can end someone's tenancy, we are doing more than that.

ACT Housing met earlier this week with people from Welfare Rights, Shelter, Essential Services and CARE, to explore other avenues of assisting tenants with debts. We are doing this as part of our commitment to sustainable tenancy, because we don't want to evict people.

I heard heavily yesterday, in speeches in this place, that there are virtuous people here. Some of us—if you happen to be a minister—seem to lose all virtue and all decency or something. We do our very best, and we are no different from anybody else in this chamber. We all care.

I say to Housing tenants that you often get what you give. We have lots of wonderful tenants—about 11,000 of them. I suppose the number of people who lose their tenancies in the end is relatively small. For the most part, they are people who tend to come and go, and you never hear about them. They are usually young, single, people who come—and they go off somewhere else.

It is distressing when it is a family. We have been urged along by Ms Tucker. I am not sure we needed the urging, but we work with her and other members—more than you would know, Ms Tucker. We have worked with people and families. We have worked around the situation to help families. We do our best. We do not want to see families out on the streets, but there are two recent cases which stand out where families have been evicted. What do we do? It is almost built into the system. In a roundabout way, we try to find accommodation for them, and try to look after them in a continuing manner.

Ms Tucker mentioned the five housing specialists who have come on board. They do a terrific job. They are not inexperienced. They came on board as pretty experienced people, although not necessarily specifically with Housing. They are very experienced people. They help out. Their primary task is to find where there are issues and then to urge those people with whom they deal into the broader area of Canberra where there is care. That is their specific task.

Ms Gallagher will explain how a lot of that works and what happens. I guess you all know about that. I do not mind saying that, from time to time, it does not work as well as it might. Sometimes we make telephone calls and raise a case about a tenant, only to be told, "Oh well, it's ACT Housing—it's your job." But we are getting there. I think all agencies are taking care and looking at issues. Ms Gallagher and I know well at least one recent example where we have done that.

This was not the speech I was planning to give! I was going to spend some time explaining the economic circumstances of ACT Housing—and how financially constrained they are, because of all the different areas. I do not think everybody in this town understands some of those constraints, but I will not get into that area today. Perhaps we can have another debate on another day about the financial constraints faced by ACT Housing.

Previously in this place, I have used a word that I am pretty cautious about. I did not use it when I was in opposition but, as members do, I can say there is a crisis—at least a crisis of sorts—in Housing in the ACT—whether it is public or private.

There was a report last week or the week before from one of the banks about a 33 per cent increase in the prices of houses in the ACT in just one year. That imposes all sorts of strains on tenants. It might be great for home owners. Your asset has gone up by a substantial amount—you are much richer. However, for tenants—public or private—these are tough times, even when you are pretty well-off. The Affordability Housing Task Force has a good amount of detail about that and it bears reading, to see the housing stress that many people are under.

It is hard. Market forces are doing that. There are all sorts of circumstances, not the least of which is the fact that the investment market has gone down, so people are getting into public housing as something that is beneficial. Our housing prices and rents are not much different from those in Sydney, except for perhaps the central highly-prized area of Sydney. Can you believe that? We are not much different—and we are worse than the western suburbs. Can you believe that? That is the problem.

We will work through all the issues we can in the Housing Affordability Task Force, but turning these issues around is not something you do with a click of the fingers. It is a mammoth task, and we are trying to address it. There is simply not enough housing for the people who do not have roofs over their heads. I said in question time that having to accommodate people, and wanting to accommodate people, whose government houses burnt down has imposed a further severe strain on our waiting list. My office gets calls—and I have no doubt your office also gets them—about people in deep distress who just do not have a roof—or they are bedded in with relatives or friends.

I was reading a letter yesterday. People are living with a mother-in-law who they do not get on with all that well. There are three or four to the one bed. They are in one room and they dare not go out of the room too often because it creates tension in the house. You all know that is not too uncommon. I have to say to people, although I do not like it, "Well, look, seven months and we might find something for you." That is what we have to do. No wonder we want more houses! We want to change the circumstances.

I have looked objectively and critically, if you like, at the difficult area of ACT Housing. ACT Housing does a great job, and I do not appreciate the remarks made so far today.

MRS BURKE (4.12): Mr Speaker, I rise today, speaking on behalf of my Liberal colleagues, to support Ms Tucker's matter of public importance. Mr Wood, I did not see it in the same way as you did. I do not believe this was brought forward as an exercise of blame but more one of hearing the government's view, which I believe you articulated clearly for us, with passion.

I understand the pressure placed on you at this time. However, there are some issues I would like to bring forward. Please understand that, as you said, we all care about what is going on. Different perspectives may help us to sort through the matter.

In a homeless forum held by my colleague and then shadow Housing Minister, Bill Stefaniak, the Liberal Party was presented with some frightening statistics. Samaritan House is forced to turn away 180 men and men's families per month. There is no distinct profile of these men, but the average age is around 23. Some are married, some have a substance abuse problem, some are unemployed and some have just been released from jail.

The YWCA, in a six-month period, turned away 192 families, many with children. In fact, there would have been at least 300 accompanying children all up. ACTCOSS tells us the story about how we are now seeing second and third generations of families homeless or in desperate need of long-term accommodation. There are concerns about discrimination in the housing market and a lack of emergency accommodation. There are proposals for a boarding house in the territory but, above all, more public housing stock is needed.

Mr Speaker, although I was not a member when the Labor government brought down its budget last year, I have read the pages relevant to Housing. I have spoken to many tenants, landlords and stakeholders, and have received many letters and emails and so forth from the public housing sector. The bottom line is that we must do more with regard to public housing—and we all know this.

We must listen to what the community is telling us. The shadow Minister for Housing, Bill Stefaniak, expressed his grave disappointment over the Labor government's lack of funding to assist the homeless in the ACT. I know he has had much to do with Barry Williams of the Lone Fathers Association on this very matter—and I was also involved. In terms of Housing, it was an uninspiring budget. I am sorry to have to say that. It claimed an increase of over $3.5 million over the previous year, but was severely lacking in initiatives.

Mr Speaker, rents have gone up by $6.2 million. The government funding for ACT Housing has gone down $3.1 million from last year. In Labor's budget, there was a paltry $125,000 allocated to assist people with short-term emergency accommodation needs. This is becoming an increasingly desperate area. From talking to stakeholders and providers, as I have already done in my short time here, the problem is evident. This allocation has obviously done very little to address the chronic problem of homelessness in our community, especially in the area of emergency accommodation.

In the 2001-02 Liberal budget, there was $240,000 specifically for short-term crisis accommodation—this was overnight accommodation—plus $1.5 million allocated for crisis accommodation and management. The truth is, it would seem that the cries of welfare groups for further crisis accommodation fell on deaf Labor ears. This bears out my point that they did not listen.

The government has released the recommendations of the Housing Affordability Task Force. While I am still consuming all of the information in those four documents, I would suggest that the government must act on the recommendations of the report as a matter of urgency.

The opposition is hopeful it will see a lot more for housing in the 2003-04 budget—and I am sure Ms Tucker also wants to see that. We have just lost a large number of our public housing facilities due to the bushfire disaster, as Minister Wood carefully articulated in question time today in this place. We know the desperate needs in this sector.

ACTCOSS pointed out in its budget submission that affordable housing should indeed be a priority for the government. Suggestions like using stamp duty profits to increase public housing should be taken on board. That is a sensible suggestion. For the opposition, the priority areas in public housing include an increase in public housing, an increase in supported public housing, the need for crisis emergency accommodation, and the need for additional men's accommodation.

Mr Speaker, it is timely that Ms Tucker has brought on this MPI today. She has talked about the responsibility of the government to ensure there is adequate public housing in the territory. I agree with her on that point. It is vital that there is enough public housing stock to meet the needs of the ACT. What Ms Tucker leaves out of the topic, however, is the need for governments to be clear and consistent in their handling of this portfolio. What are the real needs? Are we truly looking and listening? Are we taking a step back from the emotion? Should we be doing things differently and more expediently?

The Minister for Housing has not been as clear as he could have been about the plans for ACT Housing divesting itself of certain housing stock. In particular, I am not sure he has been as forthcoming about the fate of the Currong apartments as he could have been, despite the best efforts of my colleagues, Mrs Cross and Ms Dundas.

Mr Speaker, in order to help clarify the position of the government, I seek leave to present the following document.

Leave granted.

MRS BURKE: I table the following paper:

> ACT Housing—Copy of proposal for capital works funding for replacement stock and fire safety improvements for the large multi unit sites.

That is page 5 of the draft ACT Housing business case, dated February 2002. This document details the strategy for the replacement of multiunit stock, and includes a strategy for withdrawal from these properties—in 2002-03, Owen flats, DeBurgh Maisonettes, Lyneham Flats, and Currong Apartments. It goes on to show that in 2003-04, Housing will rid itself of Gowrie Court.

In 2004-05, out goes Kanangra Court and, in 2005-06, we lose Stuart Flats. Then we have later dates for the divestment of Northbourne Turner, Northbourne Braddon, Allawah Court, and Bega Court.

Mr Speaker, admittedly this is an old document. Nonetheless, it is somewhat at odds with the statements made publicly by the Minister for Housing, particularly his statements on the future of Currong Apartments.

Regardless of the age of the document, there is a paragraph which is telling. It says:

> Reports on Stuart Flats, Gowrie Court and Currong Apartments have found that upgrading of these properties cannot be justified and that they are at the end of their economic life.

In light of this document, Ms Tucker's concern is justified. We have a Housing Minister who was aware in February/March last year that these properties cannot be upgraded and are at the end of their useful life. A whole year has passed, and what has the government done?

Mr Wood: Your mob just used to knock them down. Look at Lachlan Court, Macpherson Court and Burnie Court.

MRS BURKE: Mr Wood, I listened to you in quietness. Please give me the same courtesy.

Mr Wood: I spoke accurately.

MRS BURKE: Perhaps this is down to the government process as referred to earlier today.

Mr Wood: Look at what Bill Stefaniak and Brendan Smyth did, for heaven's sake!

MRS BURKE: On a point of order, Mr Speaker!

Mrs Dunne: We are not talking about history, we are talking about you.

MRS BURKE: Another question I have is, why is ACT Housing spending a total of $4.5 million on fire safety upgrades for these properties, when they are either going to be sold soon or are past their economic life?

Mr Wood: You are way out!

MRS BURKE: If I am, I stand corrected. Why is ACT Housing spending this money, when their own advice states that upgrading these properties cannot be justified? My colleague, Mr Smyth, has already questioned the use of Treasurer's advance for fire safety, and I ask my own question. Why has nearly half of the Treasurer's advance been spent on upgrades for these properties?

Mr Speaker, the MPI covers an important issue. We do need good public housing stock which meets the needs of the tenants. What we don't need is a government that is wasting money, putting in good money after bad, wasting time and wasting opportunities to fix the problems when they arise—not years later.

MS DUNDAS (4.21): Without adequate housing, a person's chance for attaining good health, education, employment and happiness is extremely poor. The disease outbreaks in Australia in previous centuries were directly attributable to inadequate housing. Many mental health problems suffered today are attributable to inadequate housing. A right to shelter is a fundamental human right enshrined in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights.

The second United Nations Conference on Human Settlements Held in 1996 led to the Istanbul Declaration and Habitat Agenda. Housing rights are central to the Habitat Agenda. The aim of the Istanbul Declaration is to create a world where everyone can live in a safe home with the promise of a decent life of dignity, good health, safety, happiness and hope.

Having established that a right to housing is a human right, the question is, who should be making sure that every person has the opportunity to enjoy this right? There is nothing in the United Nations wording implies that everyone is entitled to free housing, but instead the assumption is that everyone should be able to find adequate housing that they can afford.

With inequality of wealth so badly entrenched in our society, there are many people in the ACT who cannot afford to buy or rent housing in the private market. Charitable organisations take on some of the burden of providing housing to low income people but government has to take most of the responsibility because of the scope of need. The question, then, is how governments can provide affordable housing to those people whose incomes are inadequate for them to find housing in other ways.

Public housing was first established on a large scale immediately following the Second World War, with the first Commonwealth-State Housing Agreement concluded in 1945. The agreement provided cheap loans from the Commonwealth to the states, to build public housing dwellings. During the period of the first agreement, which ran until 1956, the number of public housing dwellings went from zero to over 100,000.

After this large initial investment in public housing, the Menzies government diverted substantial Commonwealth funds from new public housing to schemes to assist low income people to purchase their public housing dwellings. This led to a slowing of the increase in the number of publicly-owned dwellings.

While assistance with home ownership helps many people break the poverty cycle and benefits will often flow to the children of those people assisted with purchasing, there will always be some people whose circumstances prevent them from purchasing property, even if generous government assistance is provided. There are also people who are on low incomes for a relatively short period of time. Whilst they definitely cannot afford the private market when on a low income, a substantial public investment to enable home ownership is not warranted. Public housing is needed for people in this situation.

Sadly, successive ACT governments have not put enough emphasis on maintaining our stock of public dwellings. The stock purchased with loans given throughout the 1950s, 1960s and 1970s has been allowed to run down, to the point where repair or refurbishment is now being deemed uneconomic. These dwellings have been sold for the value of the land they stand on, and the money has been used to purchase properties that are further from the town centres and the necessary services located there.

I have repeatedly expressed grave concerns about the fact that the number of ACT public housing dwellings was permitted to decline under the last Liberal government, and that this Labor government has not committed to expanding the number of dwellings. Our population is growing, and so is the number of low income people. The private rental market in the ACT has become steadily more expensive, to the point where Canberra is the most expensive place to rent a house and is second only to Sydney in the cost of renting an apartment. Without public housing, certainly many more people would be homeless—and because we have an inadequate number of public dwellings now, we already have a growing homeless population.

Most public housing tenants are severely disadvantaged. Many have not completed high school, and many have chronic illnesses or disabilities. Many have substance abuse problems and many have a broken employment history—or no employment history at all. We are not fulfilling our moral obligations to our fellow Canberrans if we think we have done enough by simply providing a roof over their heads. Every disadvantaged person is worth a public investment, to help them overcome the causes of the disadvantage.

I will acknowledge that the ACT government has made some attempts to address this disadvantage. Community settlement support workers have been engaged to help recent migrants in public housing, and community development workers have been based part time at public housing dwellings.

The digital divide project has been rolled out at some public housing complexes to help low income residents gain computer skills. These are worthwhile initiatives, but there is clearly unmet need among ACT Housing tenants, and an even more acute need among the people on the waiting list for public housing. More investment is desperately needed.

There are a number of questions that still require answers. We need to be looking at how the government can provide affordable housing through the masses of developments happening throughout our city. We know that the cost of housing in this city has gone up drastically, as has the cost of renting. The provision of more high-rise complexes of flats by public developers does not lessen the burden and does not make housing cheaper. The ACT government should be looking at how these new developments could be made adaptable and affordable so we use the developments that are going up on ACT land to help the people of the ACT find housing.

We must question what is going on in our multi-unit complexes. They were built a number of years ago and reports have repeatedly called for attention to be applied to these properties. Yet, even the current minister has taken his time in making decisions about the future of these properties, whilst still committing significant amounts of money to them.

I am disappointed that this government has not been able to make the commitments for which we were so hopeful for the provision of public housing. Whilst we might have been able to address the decline in the number and availability of public housing, we still have less public housing today than we did a few years ago. The growing housing crisis in the ACT is not one that can continue to be ignored.

I thank Ms Tucker for bringing this down as a matter of public importance today. Although it has sparked a heated debate in this chamber, I hope we all agree on a number of basic principles. The right to housing is a human right. We should be supporting people who cannot, in a time of need, get housing through other means, by making sure that public housing is accessible; that it is clean and safe; that we are not waiting seven weeks for the turnaround of one public housing tenant to another; and that our public housing tenants are supported as they live, often in times of great need.

Hopefully, this debate, and another debate about housing in this chamber—after all the reports that have come down over the past year and over the past five years about the desperate need to address the situation of housing in the ACT—will lead to some real outcomes.

MR SMYTH (Leader of the Opposition) (4.30) It may interest Ms Tucker and other members to know that the original use of the $10 million Treasurer's advance that the Auditor-General says the Treasurer misused was, in fact, for the provision of service purchase payments for social housing. That money was effectively to be split 50/50 between public and community housing, and would have been spent on housing stock. We know this, Mr Speaker, because the then Under Treasurer told Mr Thompson of Urban Services, in his letter of 4 June 2002, which has already been tabled in this place, that the money was for social housing and that it would attract property tax equivalents.

So what happened? As far as I can make out—and I am happy to be corrected, perhaps somebody from the government benches would do so—the fear of audit problems, and nothing else, led to its use being changed to fire safety three weeks after the original decision was made. Indeed, as late as 12 June, Treasury officials were reminding Urban Services that the money had to be shared between public and community housing. One of the emails from an officer in Treasury to an officer in DUS says:

> I believe in Howard Ronaldson's letter, it was inferred that the amount that is to be forwarded to community housing would need to be negotiated with Treasury, and would be at least half of the initial $10 million, but may take place over a period of years.

I seek leave to table that email.

Leave granted.

MR SMYTH: According to the list of ACT Housing properties to have fire upgrades, tabled by Mr Quinlan in December last year, and the document just tabled by Mrs Burke, some $4.5 million of the TA is to be spent on fire safety upgrades in buildings that ACT Housing wants to get rid of.

I would also like to point out to members that the key point about the liability issues raised by the Government Solicitor is not the need to spend money, but the need to have a management plan in place. I doubt there is any legal need to spend the $4.5 million on fire safety for ACT Housing properties that are marked for disposal.

There certainly are other needs. Let's not hide behind the excuse that there is a legal need. The question Ms Tucker might like to reflect on is how much housing stock could have been purchased if the $10 million had been spent on social housing, as originally intended; and, if the government had appropriated that money for this year as part of its budget, how many of the issues raised by Ms Tucker would have been solved? Then perhaps we would not have needed this MPI to occur today.

MS GALLAGHER (4.33): I also thank Ms Tucker for bringing this MPI to the Assembly today. I think Ms Tucker understands that I have many shared interests with her, in addressing disadvantage in our community.

I would like to concentrate on the second part of the MPI, which is about adequate social support for tenants suffering hardship. Before I do so, I have listened to other contributors to the debate, and there are a couple of things I would like to say.

I do not play negative politics very well, but I could not sit here and believe that opposition members do not take any responsibility for the current situation we are facing in ACT Housing, considering the mass sell-off of stock in the five years from 1996 to 2001.

Mr Smyth: It was usage, in fact.

MR SPEAKER: Order, Mr Smyth!

MS GALLAGHER: Mr Smyth, I listened to you. I do not interject very often.

In relation to Ms Dundas's comments about the housing stock having been allowed to run down, we need to acknowledge that that stock came over from the Commonwealth in very rundown condition and that we have copped it. It is certainly not something we, as a government, blame the opposition for, but it is something we have been left with as a result of self-government.

In looking at some of the programs being put in place for public housing tenants who suffer hardship, I think it is important that we get on the record the variety of services in place in the ACT and acknowledge the work that is being done, whilst not discounting the fact that there is certainly unmet need that we all know about.

ACT Housing facilitates tenants gaining access to a wide range of government and community support services in the ACT. Other members have already talked about the five housing manager specialists who are employed. Everyone spoke about them very positively.

The main focus of the community linkages program is to link ACT Housing and community housing tenants to a range of support services, trying to promote safer living environments, more sustainable tenancies, improved social connectivity between residents and the community, and decreased poverty for public housing tenants.

The community linkages program provides funding to a range of community organisations, which in turn provide a preventing eviction program, financial counselling, strengths-based training, mobile mediation, and community development services. Examples include the employment of a community development worker at the Bega and Allawah Flats, and YWCA community development workers operating at other multiunit complexes. Funding of up to $25,000 per project is also provided to tenant groups for local activities.

ACT Housing, along with other government agencies, also provides funding to CARE for credit and debt counselling service, to facilitate access for public housing tenants. Winnunga Nimmitjah is an Aboriginal Health Service for delivery of an indigenous housing liaison service. That provides information, advice and assistance on housing-related issues. There is also Homelinx, under which community organisations employ four youth housing workers to assist young people with advocacy, referral, information, education liaison, crisis intervention, household management, and follow-up services in relation to housing needs.

Another program—the boarding house program—has been developed in response to an increasing need for cost-effective supportive singles accommodation identified by the poverty task group, the youth housing task force, and the Assembly Health and Community Care Committee Inquiry into Elder Abuse. This program will provide supportive accommodation which offers an exit from SAPP services into more independent living. Security of tenure for public housing tenants was restored on 10 December last year, fulfilling let another election promise, Mr Speaker.

In addition, this government's formation of the new Department of Disability, Housing and Community Services will result in the provision of more integrated services, and greater synchronisation of program development and service delivery. A more coordinated response to service provision for people with special or complex needs will be possible. We will be able to respond to issues raised in reports such as the Gallop inquiry in a holistic and systemic, way. Mr Speaker, within my own portfolio responsibilities, the Department of Education, Youth and Family Services also works closely with ACT Housing to provide support to families in need.

The support services provided by the department are not targeted solely at public housing tenants, but at all families, young people, and children in need. Obviously, however, many of those in need are also public housing tenants, and family services works cooperatively with ACT Housing to support any clients they have in common.

One of the support services provided is the schools as community program, which employs community outreach workers to provide support to families and targeted schools in the ACT. Currently, outreach workers are located at 10 schools in the ACT—Macgregor, Charnwood, Higgins and Holt Primary Schools, Ginninderra District High, Narrabundah, Isabella Plains, Richardson and Charles Condor Primary Schools—and Calwell High.

The community outreach workers offer assistance to families across a range of issues. This support often includes assistance with housing-related issues. Outreach workers work cooperatively with ACT Housing and, in particular, with the specialist ACT Housing workers to assist families to deal with the issues related to their accommodation. Schools as communities program workers also attend forums with other Housing workers to ensure cooperation between sectors.

There are a number of other social support programs provided, either directly by the department or by community agencies, with government funding assistance, which target disadvantaged and at-risk youth and indigenous families, for example.

Mr Speaker, I welcome the opportunity to consider this important social issue—the provision of public housing and support to tenants—and would like to conclude by noting the significant efforts and cooperation between ACT government and community agencies to achieving that end.

Of course, there is always room for improvement. I would carefully consider any constructive suggestions for my portfolio arising out of today's debate.

MR SPEAKER: Thank you, Ms Gallagher. Discussion on the matter of public importance has concluded.

Confiscation of Criminal Assets Bill 2002

Debate resumed.

MR SPEAKER: Mr Stefaniak, at the luncheon suspension I interrupted your speech. That may have seemed a bit mean on the surface, considering that you had only a couple of minutes to go. I was flying rudderless, in that we attempt to suspend at 12.30 unless an agreement is brought to my attention. Could members keep that in mind. Members have appointments they have to keep at lunchtime. Unless it is brought to my attention that there is an arrangement, I try to break at 12.30.

MR STEFANIAK (4.40): Thank you for that, Mr Speaker. I was a little bit taken aback. I think you interrupted me mid-sentence. You have indicated your position, and I thank you for doing that.

I was referring to page 5 of the Attorney's response under the heading "Self-incrimination and other privileges overridden". It explains the government's position quite well, and we are quite happy with that.

I have two further points on this legislation. Very important are the new investigative tools to locate and seize assets. One big benefits will be financial notices to banks to give information. That has always been a huge problem with the current legislation because of national privacy legislation. There are a lot of issues around privacy legislation. It can be very difficult for people legitimately trying to get information from people who have done the wrong thing. There are probably other national laws we need to look at. Some unintended consequences have made it hard for law-abiding citizens trying to pursue a reasonable remedy in a whole range of areas.

The bill also provides for examination of a person's assets and income. Whilst that could occur under the old legislation, this bill makes it simpler and easier. It is terribly important to work out what assets of a criminal are the proceeds of crime and what assets genuinely and legitimately belong to them.

This process has taken some time. It stated in 1999 and it is now 2003, but this is good legislation. I am concerned that we will not finish considering it today. It is now getting late in the afternoon, and the matter was set down towards the end of executive business for today. I appreciate that it is difficult in this small Assembly for people like Ms Tucker who have to cover a whole range of areas, but the government did get its response to us on Tuesday. It is important legislation, and the opposition regrets that we will not finish it today. However, the Attorney has undertaken that we will finish it on Tuesday week when we resume. I hope that nothing further delays it then.

The opposition is quite happy to support this legislation. It will prove to be a very significant tool in the fight against crime.

Debate (on motion by **Ms Tucker**) adjourned to the next sitting.

Gungahlin Town Centre

MR SMYTH (Leader of the Opposition): Mr Speaker, I seek leave to move a motion concerning the Gungahlin Town Centre.

Leave not granted.

Suspension of standing and temporary orders

MR SMYTH (Leader of the Opposition) (4.44): Mr Speaker, I move:

> That so much of the standing and temporary orders be suspended as would prevent Mr Smyth moving a motion concerning the Gungahlin Town Centre.

This is a very serious and urgent matter that has to be resolved today, as by the next sitting certain actions may already have been undertaken that would negate the will of the Assembly. The Assembly yesterday called on the Minister for Planning to immediately recommence consultation with the Gungahlin community. In answer to a question today, the minister said, "I can confirm that the government will be pushing ahead with the release of these sites. We will not be letting the proposal put forward by Mrs Cross and others delay services. I anticipate that the final decision and announcements in relation to the tender will be made in the next two to three weeks."

As you can see, Mr Speaker, from the words that the minister has so arrogantly used today here in the Assembly, he takes no notice of what the Assembly asks him to do. There is a very important principle: we are all elected as representatives of the community, and when we pass a motion here it is passed as the will of the community. It is arrogant of the minister to say, "I do not care". That is the important issue we must discuss.

I would like the opportunity to move a motion that directs the minister to adhere to the terms and conditions of yesterday's motion, simply because ministers need to have respect for this place. Ministers need to listen to their community. Tabled yesterday was a petition with 11,031 signatures from the community saying, "We are being ignored. We need to be listened to. We want to be listened to. We want to be included in the process." The minister might not like that.

The reason for moving for the suspension of the standing orders is that if we do not pass a motion today to clearly direct the minister to adhere what the Assembly, representing the people, has said, then what respect will we have for this place and what respect will the government have for the motions that are put to it?

Many people have served in this place for a long time and have had respect for the motions of this place. Ms Tucker and others have served here a long time and have adhered to conventions. If we are not given the opportunity to move a motion before the house rises, certain actions will be taken by the government arrogantly and by the minister arrogantly that will make a nonsense of what the majority of the community representatives yesterday said that they would like to occur.

We are asking for six weeks of consultation with the community, a community that has spoken out and is being ignored by the government. If this motion to suspend standing orders is defeated, it will allow the government to ignore the community. That would be a very bad precedent.

In the past when governments have ignored calls, the next step has always been to direct the government. It is the next logical step. That is why we seek the suspension of standing orders today.

MS TUCKER (4.48): I do not disagree with the comments from Mr Smyth about the unacceptable response from Mr Corbell to the motion yesterday. I also think it was a rather arrogant and inappropriate response. But I will not be supporting the suspension of standing orders, for two reasons.

The first reason is the same-question standing order. I would seek your guidance on that, Mr Speaker. My concern is that this place will become totally unruly if we start suspending standing orders to avoid the same-question standing order because people are not happy with the way a question was resolved the day before. Yes, I have been here long enough to have heard this discussion before. Having been here for a long time, I have learnt and I respect the need to keep proceedings in any parliament orderly. I do not believe that motions such as this would be useful in ensuring orderly proceedings.

I agree that it was not a good response from Mr Corbell, but I know the government is going to give other responses we are not happy with. Fundamentally, the government has the right to do that if it wants to.

That takes me to the second point, which is the question of directing. When I spoke to Mr Smyth about this, he said, "But what about the Gallop inquiry?" I learnt from the Gallop inquiry. I do not have time to go into detail, but I learnt that we have to be clear that we do not blur the lines between government and the Assembly. There are serious issues of governance here.

If we start thinking that the Assembly can direct the government of the day to do something, as has been implied by what Mr Smyth said, then we are seriously crossing the lines that are normally drawn in the Westminster system. For that reason I am not prepared to support this motion.

MR SPEAKER: Ms Tucker, you sought guidance on the same-question rule. Logically, if the standing orders are suspended, then the rule does not apply. But even if it did—and I have taken some advice on the subject—I do not think it would apply in this case.

MR CORBELL (Minister for Health and Minister for Planning) (4.50): Mr Smyth is not proposing to move the same motion as he moved yesterday. In fact, if you look at the minutes of yesterday's Assembly, you will see Mr Smyth has dropped paragraph (2) of the motion that was agreed to yesterday. He can hardly claim that he wants to recommit that motion or to have it strengthened, when he has not included the whole motion that was proposed yesterday. In fact, he has left off 50 per cent of yesterday's motion.

Mr Speaker, I made it very clear in my comments yesterday that I did not believe that the government was under any obligation to agree with the motion. I could have done something different. I could have let the motion go through and then ignored it. But I did not want to do that. I wanted to make it very clear to members that I did not agree with it, that the government did not agree with it and that we did not intend to implement it. I made that quite clear on the public record. I did not try to sneak around and pretend to do something without doing anything. I made it quite clear up front what my response was going to be.

If the Liberal Party are unhappy with the result, then there is private members business next sitting Wednesday and there are plenty of other opportunities for them to raise this matter. But yesterday they did not direct this government to do anything. The Assembly yesterday did not direct the government to do anything. The Assembly requested the government to do certain things. It was not a direction. The accepted convention is that the government of the day is responsible for the administration of the territory and the Assembly can request things. But it is not incumbent on the government to adhere to those things unless the motion says so.

As Ms Tucker outlined, the convention which is evolving in this place is that the legislature does not interfere in the responsibilities of the executive. I am prepared to be held entirely accountable for my actions yesterday. I am prepared to go to any meeting in Gungahlin you like and defend my actions, because I have every confidence that my actions would be vindicated.

MR CORNWELL (4.53): Mr Speaker, I am absolutely appalled at this decision, because you are rendering this house superfluous. There is no purpose in any of us debating matters here. We might as well just rubber stamp them and go home. I do not know what the people of the ACT would think about this, but this is the truth.

Mrs Dunne: Being accountable is tough.

MR CORNWELL: It is about being accountable. You cannot afford to laugh at the moment, Chief Minister. You have an extremely great responsibility to the people of the ACT, particularly those in Weston Creek. I would not laugh about this. We all have a responsibility. We have all been elected to this place by various people. To say now it does not matter and that the majority, the government, will do as they choose reduces the rest of us to a rubber stamp. There is not any point in this Assembly continuing for longer than however long it takes to get through a notice paper by rubber stamping everything.

I applaud Mr Corbell for his honesty. At least he told us where he was coming from. He said that we have an opportunity in private members business. What point is private members business? Under the new regime of the iron fist, this will not make any difference. We can move whatever motions we like in this place, and they will not have any effect. If this motion does not have any effect, then why should any other?

Ms Tucker talked about conventions. I must remind crossbenchers they have a particular and very onerous responsibility in this matter. I am surprised and sorry that Ms Tucker, who is such a paragon of consultation with the community, has abdicated that responsibility with her comments just now. In this matter the crossbenchers have a great responsibility to the people of the ACT. If you do not support attempts to get the government to accept the moves that have been put forward in this place and the motions that have been passed, then you are abdicating your responsibilities. There is nothing that an opposition can do without your help. I strongly urge you to reconsider your position. Otherwise, everything we do and everything we pass in this place that is not of the government's liking or choosing they will ignore. They are not responsible. I find that an appalling situation. All members should think extremely carefully of their responsibilities to the people of the ACT.

MRS DUNNE (4.57): We are seeking to suspend standing orders because yesterday and today are a new low in representative government in this place. The sheer arrogance and the disdain with which this minister and the government hold this place and the people of the ACT are utterly appalling. I hope that when this is reported the people of the ACT will see that this is not a group of heroes; that this is a bunch of shonks who cannot face a simple direction on a simple matter which had the support of a very sound majority in this place across all parties except one.

MR SPEAKER: Order! I think "a bunch of shonks" is unparliamentary.

MRS DUNNE: I withdraw "a bunch of shonks". This government is sending a clear message that they will do whatever they want on anything that they want because they are the government, they are the Labor Party and they are born to rule.

We had an unacceptable response from Ms Tucker, who said, "We cannot possibly suspend standing orders, because the place will become totally unruly." I tell you what will make this place totally unruly and make this territory totally unruly—if ministers in this government can get away with doing what they want and flouting motions passed by the lawfully elected representatives. Ms Tucker is straining at gnats to cover her hypocrisy.

MR SPEAKER: The time allowed by standing orders for this debate has expired.

Question put:

The Assembly voted—

Ayes 6	Noes 9	
Mr Cornwell	Mr Berry	Mr Stanhope
Ms Dundas	Mr Corbell	Ms Tucker
Mrs Dunne	Mrs Cross	Mr Wood
Mr Pratt	Ms Gallagher	
Mr Smyth	Mr Hargreaves	
Mr Stefaniak	Ms MacDonald	

Question so resolved in the negative.

Adjournment

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

> That the Assembly do now adjourn.

Confiscation of criminal assets—legislation

MR CORNWELL (5.02): Mr Speaker, earlier today I voted against a proposal to adjourn the Confiscation of Criminal Assets Bill 2002. I am about to explain why. We have been off for 13 weeks, and we adjourned this piece of legislation, which was introduced on 21 November.

MR SPEAKER: Mr Cornwell, I think you are reflecting on a vote of the Assembly.

MR CORNWELL: No, I do not think I am, Mr Speaker. I am explaining why I voted against the proposal.

MR SPEAKER: Be aware I am on to this.

MR CORNWELL: It is all right. I anticipated that you may take that view. I had a look at the personal explanation standing order. I could not see that I could explain myself under that standing order. I am explaining why I voted against adjourning debate on a bill introduced on 21 November. After 13 weeks I would have thought that everybody could get their act together in order to address this matter.

MR SPEAKER: I think you are now reflecting on a vote of the Assembly, Mr Cornwell. I am going to order you to sit down if you continue.

MR CORNWELL: I simply place that fact before the house and remind everybody that we spent a considerable amount of time last night on another matter which did not concern us directly. We could have well spent that time in addressing the Confiscation of Criminal Assets Bill 2002.

Confiscation of criminal assets—legislation

MS TUCKER (5.04): I cannot miss this opportunity to respond to Mr Cornwell's constructive comments.

MR SPEAKER: Not if you are going to reflect on what happened last night.

MS TUCKER: I have just been to a conference in Tasmania which has reinforced in my mind the importance of the scrutiny of bills committee. When the scrutiny of bills committee thoroughly examines legislation clause by clause for the potential for trespass on the rights of citizens, it is important that we allow government time to respond, which occurred in the case we are not talking about. It is also important for members of a legislature to have the opportunity to look at the government response, consult and get advice on what their position is after points have been raised.

Mr Cornwell mentioned the responsibility of the crossbench. If you look at *Hansard,* you will see how often members of the crossbench speak. We speak on nearly every issue. I certainly do. The workload is much greater than that of people such as Mr Cornwell, who very rarely speaks compared to the number of times members on the crossbench speak. It is important to acknowledge that difference in workload.

I understand that it makes Mr Cornwell unhappy that particular legislation was not debated in the time that he wanted. As a person who has had some experience in this place, I would have thought he would understand the importance of giving members time to look at comments such as those made in the report of the scrutiny of bills committee and in the government response. I take my responsibility extremely seriously to be sure that comments I make on any piece of legislation are informed by consultation. Consultation with experts on this particular issue—and on any issue—is critical.

Confiscation of criminal assets—legislation

MR STEFANIAK (4.06): I wish to respond to a couple of things Ms Tucker said as chair of the scrutiny of bills committee. The committee tries to come up with a report on legislation in ample time for the government to respond. We did that, and the government managed to respond on Tuesday.

We are a small Assembly. I have some sympathy for Ms Tucker's position as a single-member party. But we have passed important legislation a lot quicker than 48 hours after the government response. I checked comments made to me several days ago by an adviser to the Chief Minister and found them to be quite right. I am getting better with my emails now and I am almost computer literate at times. Three offers were made to members for briefings on this legislation. I availed myself of a briefing. I do not know whether Ms Tucker did. My briefing was particularly helpful in understanding what the government's position was, as was the Attorney's response to some of the concerns raised by the committee.

It is important legislation. It has been sitting on the table since November. As the Attorney said in his speech, there was extensive consultation with all relevant agencies in developing the legislation. I am very disappointed that we did not pass the bill today. There are some serious gaps in this area, as witnessed by events last year which led to the DPP recovering only $40,000 of $550,000.

I make these points in relation to the bill because there were factors which I think could have enabled Ms Tucker to satisfy some of her concerns. In our committee we also had fairly detailed discussions with our adviser on various aspects of the law, which I think was helpful in understanding this bill.

Gungahlin Town Centre

MS DUNDAS (5.08): Mr Speaker, I would like to put on the record my reasons for supporting Mr Smyth's unsuccessful motion to suspend standing orders. I do not wish to reflect on the vote, but if I do stray will you please let me know?

MR SPEAKER: Rest assured.

MS DUNDAS: I was happy to support the suspension of standing orders to have the debate on the difference between calls and directs and on the role of the Assembly. I supported the suspension of standing orders because I believed that the debate Mr Smyth's motion referred to was time critical. It related to a core process issue that I think needs to be resolved before it gets further out of hand.

I admit that we have had a couple of hard months. The ACT has faced a crisis. The government responded well in the early days of that crisis. But as time has progressed and the city looks to rebuild more and more, this Assembly is being ignored by this government. I find that quite disturbing.

Mr Wood: We have been sitting for three days. We have done a lot in three days.

MS DUNDAS: We do more than just sit in this chamber, Mr Wood, and you know that. It is important that this place debate how this Assembly sees itself and how the government sees this Assembly, so that we can resolve these issues, hopefully satisfactorily, and move forward. We are all community leaders, we all represent the people of the ACT, and we all have significant roles to play. Hence I think the need for the debate sought by Mr Smyth's motion was quite critical.

I hope that we have future discussions on the role of the Assembly and that this matter is resolved quickly so that blatant disregard for this Assembly does not continue and the community does not continue to be frustrated in trying to participate and provide input into how the future of this city is directed.

Mr Gary Humphries

MR STANHOPE (Chief Minister, Attorney-General, Minister for Community Affairs and Minister for the Environment) (5.11): Mr Speaker, I take the opportunity to comment on the decision the Assembly took on Tuesday to nominate Mr Gary Humphries for the vacancy in the Senate. I am mindful of the fact that Mr Humphries resigned from the Assembly in early December 2002 and at that time had not been preselected by his party for the vacancy.

Mr Humphries was a longstanding member of this place—indeed, one of the originals, along with you, Mr Speaker, and Mr Wood. Those who have served the Canberra community since the inception of the Assembly and the start of self-government have now dwindled to two—you, Mr Speaker, and Mr Wood. Mr Humphries was a member of a band of three.

I make that point to acknowledge the long service that Mr Humphries gave this Assembly. This place has not had an appropriate opportunity to congratulate him on his preselection and pending appointment to the Senate, an appointment that I understand will take place on 3 March.

I take the opportunity of noting that Mr Humphries served the Canberra community through the Legislative Assembly for 13 years. Irrespective of whether we agreed with his policy positions or his personal philosophy over the period he was here, it was a significant period of contribution to the community.

He served the community respectively as a minister, as Deputy Leader of the Opposition, as Leader of the Opposition, as Deputy Chief Minister and as Chief Minister. They were very significant achievements by Mr Humphries. The community would wish us to acknowledge his significant contribution to the governance of the territory through his 13 years of service in this place.

I congratulate Mr Humphries on his achievements, and I congratulate him on his impending appointment to the Australian Senate, a significant honour. I wish him the best in the Senate and look forward to the government of the ACT continuing to work with him for the betterment of the Canberra community.

Mr Gary Humphries

MR WOOD (5.13), in reply: Mr Speaker, along with you, as one of the few surviving aged and not altogether decrepit members, I would add my words to Mr Stanhope's. I served on committees with Mr Humphries. I think we were on the first ever committee established by this Assembly, which was the committee to inquire into university amalgamations. I also served on the casino committee with him. I sat opposite him in estimates committees when I was minister and he questioned me and when he was minister and I questioned him. And we snarled at each other, not too fiercely, across the chamber. It is quite a history.

My archivist has provided me with one of a number of newspaper clippings she holds. It is from the *Canberra Times* dated 10 December 1989, at the end of the first period after self-government. The heading at the top says:

> Gary Humphries gives the distinct impression of a fox waiting outside a hen house: Lean and hungry but he has his ambition on hold.

The story was mostly about tensions within the Liberal Party and whether he would challenge Trevor Kaine for leadership. But there is an interesting point near the end of the story:

> In the long term, he sees the assembly as a stepping-stone to federal politics and would like to take ACT Liberal Senator Margaret Reid's seat when she retires.

Margaret Reid had not been in the Senate very long at that time, so I must commend Mr Humphries for his tenacity and his continuing intention of purpose to see it through to the end, about 13 years down the track. One of the characteristics of Mr Humphries was that he was tenacious.

Mr Speaker, you and I, as sole survivors of the continuing members of the First Assembly—Mr Stefaniak was one of the first, but he lost membership for a while—we will battle on, won't we?

Question resolved in the affirmative.

The Assembly adjourned at 5.16 pm until Tuesday, 4 March 2003, at 10.30 am.

Answers to questions

Remuneration Tribunal—Determination No 108 (Question No 344)

Mr Cornwell asked the Speaker, upon notice:

In relation to the ACT Remuneration Tribunal Determination No. 108 and the travel conditions:

(1) Do these conditions apply to our Australian CPA Representative, Ms Tucker, and if not, why not.

(2) What has been the overall cost of Ms Tucker's travel upon CPA travel since her election to the position, what class did she travel, where, specifically has she visited and for how long.

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

1. As travel as a regional representative of the Commonwealth Parliamentary Association is classed as Assembly business, the determination of the Remuneration Tribunal relating to class of air travel applies to that travel.

2. The overall cost to the Assembly of the travel in question was $2,756.45. Details are as follows:

- Attendance at the meeting of the Executive Committee of the CPA in Kiribati from 29 April to 3 May 2002. The class of travel was business class, and the initial cost to the Assembly for a component of the cost of travel was $1689.20. However this cost was refunded by CPA Headquarters (who reimburse the Branch the cost of Executive Committee meeting travel) and so there was no cost to the Assembly budget.

- Attendance at the Wilton Park Conference in London from 7 to 18 June 2002. The net cost to the Assembly was $763.34, which related to reimbursement of accommodation costs in London (2 days). The cost of airfares and conference accommodation was met by CPA Headquarters. Ms Tucker travelled economy class.

- Attendance at the Regional Management Committee meeting (part of the Presiding Officers and Clerks' Conference) in Brisbane from 1 to 4 July 2002. The travel was undertaken in conjunction with a study trip and the relevant cost was $832.47, comprising $556.74 air travel, and $275.73 travel allowance. The class of travel was economy.

- Attendance at the Australian and Pacific Regional Conference in Adelaide from 21 to 29 July 2002 together with a meeting with officials of the Victorian Branch of the CPA in Melbourne. The cost of the travel was $960.64 comprising $755.64 for air travel, $105 for travel allowance and $100 for expenses incurred. The class of travel was economy. During her return from the Regional Conference held in Adelaide Ms Tucker broke her journey in Melbourne for a period of one day and met officials of the Victorian Branch of the CPA.

- Attendance at the General Conference of the CPA (together with a meeting of the Executive Committee) held in Namibia from 1 to 14 September 2002. In addition, Ms Tucker undertook some personal travel, the cost of which was met by her. The total duration of the travel was 1 to 20 September. The cost of the trip was $5,537.03 (of which $200 related to travel related expenses), but the cost of air travel ($5337.03) was fully recovered from CPA Headquarters. The class of travel was business class for most of the international segments of the trip.

Consultancies, inquiries and similar activities—final reports (Question No 351)

Mr Humphries asked the Deputy Chief Minister, upon notice:

In relation to each of the portfolios for which you are responsible:

(1) What final reports of any consultancies, inquiries or similar activities have been received since 12 November 2001 by any of these portfolios, or by the departments or agencies falling within these portfolios.

(2) Was a draft of any of the reports listed in (1) received prior to receiving the final report.

(3) Where a draft report was received, was this draft report tabled in the Legislative Assembly or otherwise promulgated prior to receiving the final report.

(4) If a draft report was received but was not promulgated, what was the reason for this decision.

Mr Quinlan: The answers to the member's questions are as follows:

(1) Refer Attachment A for the Treasury, Gaming and Racing portfolios

Refer Attachment B for the Economic Development, Business, Tourism, Sport and Recreation portfolios

Refer Attachment C for the Police, Emergency Services and Corrections portfolios

(2) Refer Attachment A for the Treasury, Gaming and Racing portfolios

Refer Attachment B for the Economic Development, Business, Tourism, Sport and Recreation portfolios

Refer Attachment C for the Police, Emergency Services and Corrections portfolios

(3) Refer Attachment A for the Treasury, Gaming and Racing portfolios

Refer Attachment B for the Economic Development, Business, Tourism, Sport and Recreation portfolios

Refer Attachment C for the Police, Emergency Services and Corrections portfolios

(4) Refer Attachment A for the Treasury, Gaming and Racing portfolios

Refer Attachment B for the Economic Development, Business, Tourism, Sport and Recreation portfolios

Refer Attachment C for the Police, Emergency Services and Corrections portfolios

Portfolios: Treasury, Gaming and Racing

"What final reports of any consultancies, inquiries or similar activities have been received since 12 November 2001 by any of these portfolios, or by the departments or by the department or agencies falling within these portfolios"	**Was a draft of the report received prior to the receiving the final?**	**Where a draft report was received, was this draft tabled in the Legislative Assembly or otherwise promulgated prior to receiving the final?**	**If a draft was received but not promulgated, what was the reason for this decision?**
Financial and Budgetary Management			
Commission of Audit Report on the State of the Territory's Finances at 31 October 2001	Yes	No	Stage 1 Report was provided to seek confirmation that the Terms of Reference had been addressed. The final Report was tabled with no change

Commission of Audit Report (No 2) on the State of the Territory's Finances	Yes	No	Stage 2 draft was provided for information only, and had yet to incorporate agency comments and views
Review of the 1995-96 Operating Result	Yes	No	Provided to Treasury as a 'work-in-progress' for Treasury to verify figures and confirm progress against the Terms of Reference. Promulgation was not appropriate at this stage

Revenue Management

Review of STAX Project Expenditure	No	Not applicable	Not applicable
User Acceptance Testing (UAT) Review	No	Not applicable	Not applicable
User Training Plan	No	Not applicable	Not applicable

Procurement Solutions

KLA Australia P/L final report issued 18 February – "A review of both Projects and Contracts functions, ACT Procurement Solutions"	Yes	No	The draft report was not promulgated as the report only dealt with internal branch administration matters.
Solutions Alliance P/L final report issued July 2002 – "Report on an audit of probity considerations in procurement projects"	Yes	No	The draft report was not promulgated as the report only dealt with internal branch administration matters

Economic Management			
Review of ACT Business Regulation	No	N/A	N/A
Review of ACT Prison capital costs	Yes	No	The consultant's draft report was received for comment by Treasury and the Prison Project Team only prior to finalisation of the report
Review of ACT Prison operating costs	Yes	No	The consultant's draft report was received for comment by Treasury and the Prison Project Team only prior to finalisation of the report
Independent Competition & Regulatory Commission Final Report – Full Retail Contestability for Electricity in the ACT – released July 2002	Yes	Yes - released for public consultation	N/A

InTACT

Dimension Data - Logging and Security Auditing	Yes.	No.	Internal use.
Gibson Quai Report of Voice and Data Communications Technology and Services	Yes.	No.	The report was for the use of InTACT and Agencies to assist in the formulation of a procurement strategy to replace the current Strategic Partner Agreement for the provision of Telecommunication products and services to the ACT Government.
Deloitte Touche Tohmatsu Review of 2002/03 Budget – received June 2002	Yes.	No.	It was for internal InTACT use only.

Deloitte Touche Tohmatsu Review of 2001/02 Financial Statements – received September 2002	Yes.	No.	It was for internal InTACT use only.
Acumen Alliance - RAPS (Receipting and Payment System)	Yes.	No.	Internal use only.

ACT Gambling and Racing Commission

Risk Assessment on the Deployment of ACT Gambling and Racing Commission Inspection Staff at Casino Canberra	Yes	No	The Report was undertaken as part of the Commission's internal review of operational requirements and the need to multi-skill inspectorial staff to meet statutory responsibilities.

Attachment B

Portfolios: Economic Development, Business, Tourism, Sport and Recreation

What final reports of any consultancies, inquiries or similar activities have been received since 12 November 2001 by any of these portfolios, or by the departments or by the department or agencies falling within these portfolios.	**Was a draft of the report received prior to receiving the final?**	**Where a draft report was received, was this draft tabled in the Legislative Assembly or otherwise promulgated prior to receiving the final?**	**If a draft was received but not promulgated, what was the reason for this decision?**

Economic Development, Business and Tourism

Provision of Consultancy Advice for the Economic Development White Paper - Community Services (ACTCOSS)	Yes	No	The advice is an input for the development of the Economic White Paper.
Provision of Consultancy Advice for the Economic Development White Paper - 'Ageing Population' Industries (Allen Consulting Group)	No	N/A	N/A
Provision of Consultancy Advice for the Economic Development White Paper - Centrelink Expenditure Analysis (KLA Australia)	No	N/A	N/A
Provision of Consultancy Advice for the Economic Development White Paper - Commercialisation of Research (Advance Consulting and Evaluation)	Yes	No	The advice is an input for the development of the Economic White Paper.
Provision of Consultancy Advice for the Economic Development White Paper – Defence (ACIL Consulting)	Yes	No	The advice is an input for the development of the Economic White Paper.
Provision of Consultancy Advice for the Economic Development White Paper - Economic Catchment for the ACT & Freight Transport (MRI & MEIR)	Yes	No	The advice is an input for the development of the Economic White Paper.
Provision of Consultancy Advice for the Economic Development White Paper - Education Exports (University of Canberra)	Yes	No	The advice is an input for the development of the Economic White Paper.

Provision of Consultancy Advice for the Economic Development White Paper - Environment Management (Advance Consulting and Evaluation)	Yes	No	The advice is an input for the development of the Economic White Paper.
Provision of Consultancy Advice for the Economic Development White Paper - New Technologies (Allen Consulting Group)	Yes	No	The advice is an input for the development of the Economic White Paper.
Provision of Consultancy Advice for the Economic Development White Paper - Personal Services (Strategic Economic Solutions)	Yes	No	The advice is an input for the development of the Economic White Paper.
Provision of Consultancy Advice for the Economic Development White Paper - Editorial/Summary (Allen Consulting Group)	Yes	No	The advice is an input for the development of the Economic White Paper.
Provision of Consultancy Advice for the Economic Development White Paper - Land used under Softwoods (ACIL Consulting)	Yes	No	The advice is an input for the development of the Economic White Paper.
Gutteridge Haskins& Davey Pty Ltd – Review of the Proposal to upgrade the National Convention Centre and Cost Benefit investigation of alternative options	Yes	No	The findings in the draft report were preliminary findings only and required further work.
MjaMatchpoint – Review of arrangements for ACT Government involvement in Tourism, Events and Attractions	Yes	No	The findings in the draft report were preliminary findings only and required further work.
David Marshall - National Capital Educational Tourism Project review	Yes	No	The findings in the draft report were preliminary findings only and required further work.

Sport and Recreation

NIL	N/A	N/A	N/A

Attachment C

Portfolios: Police, Emergency Services and Corrections

What final reports of any consultancies, inquiries or similar activities have been received since 12 November 2001 by any of these portfolios, or by the departments or by the department or agencies falling within these portfolios.	**Was a draft of the report received prior to receiving the final?**	**Where a draft report was received, was this draft tabled in the Legislative Assembly or otherwise promulgated prior to receiving the final?**	**If a draft was received but not promulgated, what was the reason for this decision?**

Emergency Services

Review of Financial Management – Emergency Services Bureau (insight Business Solutions Pty Ltd)	Yes	No The draft report was circulated to relevant areas for comment.	The draft report was made available as appropriate and has been acted upon within the Department.

Corrections

ACT Prison Projections Update 2002, John Walker Crime Trends Analysis ($11,000)	Yes	No	The ACT Prison Projections Update 2002 was required in order to prepare confidential advice for Government about possible options for the future development of custodial facilities in the ACT. It is expected that this advice will be provided in early 2003. Following this, the Government will table information about the Prison Project at an appropriate time.

Mugga Lane Fireworks Depot (Question No 354)

Mrs Cross asked the Minister for Industrial Relations, upon notice, on 10 December 2002:

In relation to the question I asked on 13 November 2002 regarding the Mugga Lane Fireworks depot, and your answer where you stated Workcover has recently had an audit undertaken which has identified that the facility is safe:

(1) Who undertook the audit and when was it carried out.

(2) What qualifications did the person or persons carrying out the audit possess.

(3) What was the cost of the audit.

(4) Was the audit conducted under the guidelines and principles in the *Auditor-General Act 1996*.

(5) Was any independent auditor appointed pursuant to section 27 of the *Auditor-General Act 1996*.

(6) Was the letter and spirit of the *Auditor-General's Act 1996* complied with in this audit.

(7) Was a 'performance audit' of Workcover's facilities conducted pursuant to the definition on page 24 of the dictionary in the *Auditor-General's Act 1996*.

(8) Was the audit carried out by an independent body, and if so, is the Minister satisfied that the audit was truly independent.

(9) Does WorkCover hold all fireworks legally at the Mugga Lane facility.

(10) Who are the legal authorities for each holding.

(11) How many different individual holdings of confiscated fireworks does WorkCover currently hold.

(12) How many individual firework businesses have their property currently in WorkCover custody.

(13) How many parcels (by which I mean pertaining to one owner and being part of one seizure) does WorkCover hold.

(14) Is the Minister aware of any incidences where WorkCover had breached its own regulations.

(15) Is WorkCover subject to the same laws as the wider community.

(16) What authority exists to monitor Workcover's compliance with its own regulations.

(17) Is the Minister satisfied that the overseeing authority is independent.

(18) What quantity of fireworks has been seized by WorkCover in the past five years.

(19) Can WorkCover account for each seizure.

(20) How much seized property has been returned to its owners and on what basis.

(21) Is the 45 tonnes of fireworks stored at the Mugga Lane facility considered a large quantity of fireworks.

(22) What are the requirements of the storage of such an amount at the one depot.

(23) Is the Minister aware that Queensland authorities regard the transport or storage of 500kg gross weight or more of fireworks as a high quantity and views them as high explosives.

(24) Can the Minister confirm that the Mugga Lane facility contains 90 times that amount.

(25) Is the Minister aware that the fireworks explosion at Enschede in Holland two years ago killed many people and caused extensive damage to the surrounding area and that those fireworks were stored in steel shipping containers.

(26) Are the fireworks at the Mugga Lane facility stored in steel shipping containers.

(27) Is the Minister aware that Queensland and Western Australia explosives regulators have determined that fireworks which are transported or stored in large quantities could function similar to high explosives.

(28) Is the Minister aware that under Regulation 19 of the Dangerous Goods Act, the licensee, which in the case of Mugga Lane is WorkCover, must take all precautions to prevent anyone entering the exclusion zone around the facility and the facility itself.

(29) Does the Minister believe that a solitary security guard at the facility is sufficient to comply with this Regulation.

(30) When was the security guard installed and at what cost.

(31) Can the Minister confirm that the default classification for high explosives requires a distance of 817 metres from fireworks storage facilities to any dwelling or place of work. Is the Minister satisfied that this requirement is complied with in the case of Mugga Lane.

(32) Can the Minister confirm that no security guard, Mugga Lane quarry worker or any other employee, carries out his or her duties within the required safety distance from the facility.

(33) Can the Minister confirm that the fireworks have not been modified, repacked or subjected to rough handling since their manufacture.

(34) Can the Minister also confirm that the original manufacture labels are correct.

(35) Have any of the fireworks at the Mugga Lane facility been tested.

(36) Does WorkCover represent contingent liabilities in its annual report and financial statements.

(37) Is the Minister satisfied that these contingent liabilities are accurate.

Ms Gallagher: As I have assumed the portfolio responsibilities of Minister for Industrial Relations, this question has been referred to me.

(1) Who undertook the audit and when was it carried out.

A safety and security audit was conducted by Intelligent Outcomes Group in June and July 2002.

In addition to the formal audit, the Australian Federal Police Bomb Squad and the Fire Brigade have provided relevant advice.

(2) What qualifications did the person or persons carrying out the audit possess.

The Managing Director has 22 years experience including security, risk management, and weapons and explosives control. The Managing Director provides services to a number of government agencies in relation to these matters. His most recent qualification is Master of Defence Studies. The Senior Consultant has 18 years experience in risk management, and threat and risk assessments (including explosives and weapons control). The Senior Consultant is currently completing a Masters of International Affairs.

(3) What was the cost of the audit.

$8,477.00

(4) Was the audit conducted under the guidelines and principles in the *Auditor-General Act 1996*.
No. The audit examined compliance with the *Dangerous Goods Act 1975* and the relevant regulations. This is the law that applies to the operation of the fireworks depot.

(5) Was any independent auditor appointed pursuant to section 27 of the *Auditor-General Act 1996*.

No. See (4) above.

(6) Was the letter and spirit of the *Auditor-General's Act 1996* complied with in this audit.

Not relevant.

(7) Was a 'performance audit' of Workcover's facilities conducted pursuant to the definition on page 24 of the dictionary in the *Auditor-General's Act 1996*.

Not relevant.

(8) Was the audit carried out by an independent body, and if so, is the Minister satisfied that the audit was truly independent.

Yes.

(9) Does WorkCover hold all fireworks legally at the Mugga Lane facility.

Yes.

(10) Who are the legal authorities for each holding.

The ACT Government through ACT WorkCover.

(11) How many different individual holdings of confiscated fireworks does WorkCover currently hold.

ACT WorkCover holds fireworks in two locations, the fireworks depot and a high explosives magazine. ACT WorkCover stores fireworks for a number of reasons:

- seizures by ACT WorkCover;
- seizures by the Australian Federal Police and handed to ACT WorkCover for storage;
- seizures by Customs and handed to ACT WorkCover for storage;
- fireworks handed in by members of the public; and
- fireworks found abandoned (often reported by members of the public) and stored by ACT WorkCover.

ACT WorkCover holds around 45 tonnes of fireworks. Fireworks that are rated as 1.4 are held in the Fireworks Depot. Fireworks considered to have the characteristics of explosives greater than 1.4 are held in a high explosives magazine. It is estimated there are over 2000 parcels of fireworks in storage. ACT WorkCover holds records in relation to the fireworks but to provide details of each parcel would be an administratively costly exercise given that the details are kept on files relevant to each case and some seizures involve many parcels.

The majority of the fireworks in the Fireworks Depot have been seized by ACT WorkCover and of these the majority are from one retailer. Twenty-five tonnes were seized from four locations in relation to a seizure from that retailer.

(12) How many individual firework businesses have their property currently in WorkCover custody.

As this question relates to matters that, in some cases, are subject to legal action, it is not appropriate to divulge this information.

(13) How many parcels (by which I mean pertaining to one owner and being part of one seizure) does WorkCover hold

See (11).

(14) Is the Minister aware of any incidences where WorkCover had breached its own regulations.

No.

(15) Is WorkCover subject to the same laws as the wider community.

Yes. WorkCover is bound by the same provisions for storage of fireworks that apply generally.

(16) What authority exists to monitor Workcover's compliance with its own regulations.

Dangerous goods inspectors appointed under the Dangerous Goods Act monitor compliance of all licencees, including WorkCover and other government agencies. In addition, independent auditing has taken place to ensure all elements of compliance are being met. The Australian Federal Police also have powers under the Dangerous Goods Act.

(17) Is the Minister satisfied that the overseeing authority is independent.

Yes. Inspectors have a responsibility to discharge their duties under the Act in relation to government activities and bodies including ACT WorkCover.

(18) What quantity of fireworks has been seized by WorkCover in the past five years.

In excess of 40 tonnes.

(19) Can WorkCover account for each seizure.

See (11).

(20) How much seized property has been returned to its owners and on what basis.

A small quantity has been returned to various owners. When fireworks are returned it is on the basis that owners can store the fireworks legally.

(21) Is the 45 tonnes of fireworks stored at the Mugga Lane facility considered a large quantity of fireworks.

Yes.

(22) What are the requirements of the storage of such an amount at the one depot.

The requirements are set out in the *Dangerous Goods Act 1975* and Dangerous Goods Regulations 1978.

(23) Is the Minister aware that Queensland authorities regard the transport or storage of 500kg gross weight or more of fireworks as a high quantity and views them as high explosives.

Yes.

(24) Can the Minister confirm that the Mugga Lane facility contains 90 times that amount.

Yes.

(25) Is the Minister aware that the fireworks explosion at Enschede in Holland two years ago killed many people and caused extensive damage to the surrounding area and that those fireworks were stored in steel shipping containers.

Yes.

(26) Are the fireworks at the Mugga Lane facility stored in steel shipping containers.

The details of the storage are a security matter.

(27) Is the Minister aware that Queensland and Western Australia explosives regulators have determined that fireworks which are transported or stored in large quantities could function similar to high explosives.

Yes. Certain types of fireworks can. These are typically display fireworks that contain chlorate or perchlorate admixtures (flash powder, which is a more sensitive explosive than black powder). Based on packaging information and on information provided by the industry, the fireworks stored in WorkCover's depot are shopgoods fireworks. Shopgoods fireworks are not supposed to contain flash powder. In the random testing of shopgoods fireworks carried out to date in the ACT, none have been found to contain flash powder.

Fireworks that have been seized and assessed as having high explosive potential are stored in a different facility.

(28) Is the Minister aware that under Regulation 19 of the Dangerous Goods Act, the licensee, which in the case of Mugga Lane is WorkCover, must take all precautions to prevent anyone entering the exclusion zone around the facility and the facility itself.

The requirements of Regulation 19 (Precautions to be observed in relation to premises) of the Dangerous Goods Regulations 1978 are:

> 19(e) take all practical precautions to prevent the occurrence on the premises of accidents through fire, explosion, leakage of dangerous goods or other causes;
>
> 19(f) take all practicable precautions to prevent persons from entering, except with the permission of the holder of the licence or the occupier of the premises, the premises and any depot or building on the premises, and from having access, except with that permission, to any dangerous goods in or on the premises; and
>
> 19(g) not do any act in or on the premises that may cause fire, explosion, or any other dangerous occurrence.

WorkCover has put in place a standard of security and safety which is higher than that required under the legislation.

(29) Does the Minister believe that a solitary security guard at the facility is sufficient to comply with this Regulation.

Security is regularly assessed. No specific arrangements will be commented upon for security reasons.

(30) When was the security guard installed and at what cost.

See (29).

(31) Can the Minister confirm that the default classification for high explosives requires a distance of 817 metres from fireworks storage facilities to any dwelling or place of work. Is the Minister satisfied that this requirement is complied with in the case of Mugga Lane.

The depot at Mugga Quarry meets current requirements of the licence to operate and of the legislation. Shopgoods fireworks are class 1.4 explosives. The separation distance of 817 metres is the requirement for magazines with a licensed capacity of 50,000 kgs in relation to class 1.1 or 1.2 explosives.

(32) Can the Minister confirm that no security guard, Mugga Lane quarry worker or any other employee, carries out his or her duties within the required safety distance from the facility.

See (29).

(33) Can the Minister confirm that the fireworks have not been modified, repacked or subjected to rough handling since their manufacture.

No, the industry is accountable for how fireworks were handled prior to them coming under the control of WorkCover. The owner has the responsibility to ensure goods are handled safely. Following seizure, WorkCover ensures fireworks are properly stored. Some fireworks have been removed for testing.

(34) Can the Minister also confirm that the original manufacture labels are correct.

No. This is an industry responsibility.

(35) Have any of the fireworks at the Mugga Lane facility been tested.

Yes.

(36) Does WorkCover represent contingent liabilities in its annual report and financial statements.

Yes. The WorkCover annual report and financial statements are prepared in accordance with legislation and standards. The financial statements are audited by the Auditor General.

(37) Is the Minister satisfied that these contingent liabilities are accurate.

Yes. The Auditor General provided an unqualified report.

Mugga Lane Fireworks Depot (Question No 355)

Mrs Cross asked the Minister for Industrial, upon notice, on 10 December 2002:

In a statement you made on 13 November 2002, you indicated that "…as soon as the Commissioner for Occupational Health and Safety became aware that some members of the fireworks industry had made public the location of the facility, she undertook a security assessment of the facility from an independent provider...". You then went on the say "…the safety and security assessment cannot be made public for security reasons…". You seem to indicate that a security assessment took place, whereas earlier in the day, you were stated as saying that "a safety assessment took place".

(1) Was there both a safety and security assessment carried out at Mugga Lane.

(2) Who was the independent provider used.

(3) If both were carried out, can you confirm that they were carried out by two separate, independent providers, or were both audits carried out by the same independent provider.

(4) Are safety and security audits the same.

(5) What are the parameters of each audit.

(6) Can you confirm that both, or either, safety and security audits had been carried out by OH&S before the location of the facility had, as the Commissioner claimed, been made public.

(7) If so, was there an audit or audits done by an independent provider, and if no such assessment or assessments had been done, why not.

(8) Can you confirm that he has seen the Commissioner's reports of either or both audits.

(9) When does the term of the current Commissioner expire.

(10) Does the Minister still have full confidence in the Commissioner.

Ms Gallagher: As I have assumed the portfolio responsibilities of Minister for Industrial Relations, this question has been referred to me.

(1) Was there both a safety and security assessment carried out at Mugga Lane.

Yes.

(2) Who was the independent provider used.

Intelligent Outcomes Group.

(3) If both were carried out, can you confirm that they were carried out by two separate, independent providers, or were both audits carried out by the same independent provider.

The two assessments were made by the same provider and form separate sections within the report.

(4) Are safety and security audits the same.

No.

(5) What are the parameters of each audit.

In terms of safety, the minimum parameters are those set out in the relevant legislation.

(6) Can you confirm that both, or either, safety and security audits had been carried out by OH&S before the location of the facility had, as the Commissioner claimed, been made public.

In the previous Minister's comments and the Commissioner's comments it is clear that when the Commissioner became aware that the location of the fireworks depot was to be made public by the Fireworks Association, she asked for the safety and security audits to commence. At no time was it indicated that this work was completed by the time the location was made public.

(7) If so, was there an audit or audits done by an independent provider, and if no such assessment or assessments had been done, why not.

See (1) and (2).

(8) Can you confirm that he has seen the Commissioner's reports of either or both audits.

Yes. The report was provided to the [then] Minister of Industrial Relations at the time of its completion.

(9) When does the term of the current Commissioner expire.

24 June 2003.

(10) Does the Minister still have full confidence in the Commissioner.

Yes.

Kippax—Fitness and Leisure Centre, and library (Question No 358)

Mr Stefaniak asked the Minister for Planning, upon notice:

(1) What is the current status in relation to the proposed development of the centre.

(2) What is the current status in relation to a new and permanent library for Kippax.

(3) What is the current status of the former Kippax Fitness and Leisure Centre that has been closed and unused now for over a year.

(4) Can you advise whether you have received any advice as to whether there is any danger to adjoining buildings should the former closed Kippax Fitness and Leisure Centre be damaged by fire, and specifically what danger would there be to the Kippax Library which is in very close proximity to that particular building.

Mr Corbell: The answers to the member's questions are as follows:

(1) A Government agency working group consisting of Health, Community Services and Urban Services representatives is currently considering issues relating to the development of commercial and community facilities in Kippax.

A brief to Government is expected early in the new year and this will be followed by community consultation about the options.

(2) Design funding is provided in the 2002/03 budget. Once the site selection process described above is completed detailed design of the new library will begin. Construction of the new Kippax library facility will be considered in the context of the 2003/4 ACT budget.

(3) Since the closure of the Fitness and Leisure Centre PALM has communicated with the lessee regarding repair and maintenance of the building on Block 51 and the expiry of development covenants on Block 50. PALM also advised them of a possible action to enforce the lease provisions, including termination of the lease. The lessee has responded by submitting a proposal to redevelop the consolidated blocks and is going through the initial phase of the High Quality Sustainable Design process and has also been required to prepare a preliminary assessment (PA) because the proposal removes the former recreational uses on site. The proposal is to redevelop the site mainly for residential purposes with some commercial use along the street. The lessee's architect presented the concept to the West Belconnen LAPAC on 26 November 2002.

(4) Enquiry with the ACT Fire Brigade indicates that the site is adequately secure against the perceived danger of fire. The distance between the closest corners of the library building and Kippax Fitness and Leisure Centre is about 15.0m and there is a service lane between the two buildings. The potential risk of fire in the former Kippax Fitness and Leisure Centre is not considered high and therefore there is only limited risk of it spreading to the library.

Respite care (Question No 359)

Mr Cornwell asked the Minister for Health, upon notice:

Further to your letter of 11 June 2002:

(1) Has the empirical study into respite care been completed.

(2) If the study has been completed, may a copy of the study be made available to interested parties, including myself.

(3) If the study has not been completed, why not, given your letter quoted above said the study would take 4 to 6 months to complete.

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

(1) The *Review of Respite Care Empirical Needs Study* is in the process of being undertaken. This study will cover both Territory and Commonwealth funded programs. The aim of the study is to identify met and unmet need and to better coordinate existing respite care models.

(2) The final report is expected to be publicly available in March 2003.

(3) My letter to you dated 11 June 2002 stated that the study would take 4 to 6 months to complete. This timeline started from the completion of the tender process for the appointment of a consultant to undertake the study. A respite care reference group was convened by ACT Health to ensure that all stakeholders were consulted in the development of the study terms of reference. A tender process followed and Enduring Solutions has been appointed to undertake the study. The reference group included both ACT and Commonwealth officers, community service providers, and carer groups. Enduring Solutions commenced work on the study in October 2002. The final report is due to be completed in February 2003.

Hungarian Australian Club (Question No 360)

Mr Cornwell asked the Minister for Planning, upon notice:

(1) Have you received any notification of any sort that another club was negotiating to purchase the Hungarian-Australian Club and if so, which Club.

(2) Why did you not wait to see the result of these negotiations before proceeding with this decision.

(3) How much was this club offering for the premises as opposed to the amount offered by a developer for residential redevelopment.

(4) If (3) above is commercial-in-confidence can you provide a ratio (ie: 30/70) and if not, why not.

(5) Where is the Suburb Master Plan for Narrabundah that shows that there is no need for this type of facility on this site now or in the future.

(6) Where is the outcome of the review into concessional leases.

(7) Has the concessional lease now reverted to the ACT Government, in accordance with your position prior to the 2001 elections.

(8) Will the ACT Government be holding an open and transparent sale of the site to allow the maximum amount of money to flow into ACT Revenue.

Mr Corbell: The answer to the member's questions is as follows:

(1) I am aware that in August 2002 the Eastern Suburbs Rugby Union and Amateur Sport Club registered an expression of interest concerning the prospective purchase of the Hungarian Australian Club.

(2) The Hungarian Australian Club's Expressions of Interest process had effectively been concluded or taken as far as the Club was able to prior to the Government making the decision to support a Land Use change. The Government made its decision on the balance of all factors but particularly on sound long term planning principles for the area. The operation of a club immediately adjacent to a primary school, in the middle of a residential area, is not necessarily the most desirable planning outcome. The Government believes that the land use policy as proposed, is more appropriate and it will provide benefits to the broader community.

(3) I consider this information to be commercial-in-confidence and therefore, I am unable to provide it.

(4) I understand that the amount offered by the developer is in excess of 35% higher than the amount contemplated by the Eastern Suburbs Rugby Union and Amateur Sport Club. It is expected that this money will enable the Club to extinguish its current liability, including the payment, to the Territory, of the market value of the land to remove the concession applicable to the lease. It would also help with the relocation of the Club to premises more appropriate to its current needs.

(5) There is no such plan. The Government has initiated Neighbourhood Planning processes for those suburbs considered to be most under pressure from development. As a result of highly successful collaborative planning processes with the community, five Neighbourhood Plans have been finalised. The Minister will be announcing the next round of Neighbourhood Planning shortly.

(6) The consultants selected to carry out the review of the concessional leasing system are currently gathering information. I expect that a discussion paper will be released within the next few months.

(7) No, the lease has not reverted to the ACT Government. Unless the Club is prepared to surrender its lease, there is no mechanism or law that entitles the Territory to resume the lease without the Government paying full market value for the land and improvements as required by the Land Acquisition Act.

(8) As this property is already leased, it is the responsibility of the lessee and not the ACT Government to conduct the sale process.

Mr Bill Cape—review of allegations (Question No 361)

Mr Stefaniak asked the Attorney General, upon notice, on 12 December, 2002:

In relation to several letters written to you by a constituent, Mr Bill Cape, commencing on 13 November, 2001 where he made allegations concerning his treatment by an Officer of the ACT Supreme Court :

(1) why, after receiving advice from you in January 2002 that the matter was being attended to and receiving no further correspondence from you, has no reply been received;

(2) what is the cause of the delay;

(3) when will Mr Cape receive a reply; and

(4) given the serious nature of the allegations is the Attorney-General considering having an independent inquiry into the matter.

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

(1) Mr Cape's allegations were reviewed by both the Registrar of the Supreme Court and the former Courts Administrator. As a result, the allegations were referred to the Australian Federal Police in July 2002. In August 2002, the Australian Federal Police sought the assistance of the Australian Securities & Investments Commission. In October, 2002, the Australian Securities & Investments Commission advised the Australian Federal Police that it did not propose investigating Mr Cape's allegations and the Australian Federal Police subsequently advised the Courts Administrator that it would not be conducting an investigation into those allegations.

(2) The delay in finalizing a response to Mr Cape was occasioned by the need to refer these matters to the Australian Federal Police, the subsequent referral to the Australian Securities & Investments Commission and an unexpected period of sick leave by the former Courts Administrator, who had carriage of this matter following personal meetings with Mr Cape.

(3) Mr Cape has now received a reply from the Chief Executive, Department of Justice and Community Safety, on my behalf, including copies of the advices from both the Australian Federal Police and the Australian Securities & Investments Commission containing the reasons for their respective decisions.

(4) No.

Aboriginal tent embassy (Question No 362)

Mr Cornwell asked the Chief Minister, upon notice, on 18 February 2003:

In relation to the reply to question on notice 230 that "the site of the Aboriginal Tent Embassy is on Commonwealth land within the parliamentary triangle. The Registration of the Aboriginal Tent Embassy is on the Register of the National Estate, and as such, is outside the jurisdiction of the ACT Government":

(1) does this exemption from ACT jurisdiction apply when a state of emergency is declared as happened during the January 2003 firestorm and if so why;

(2) if this exemption from ACT jurisdiction does not apply during an ACT state of emergency, why was the fire at the Aboriginal Tent Embassy not extinguished for the duration of the state of emergency:

(3) if an ACT state of emergency does not apply to Commonwealth land within the parliamentary triangle containing site(s) on the Register of the National Estate, what (a) procedures are required to enact state of emergency provisions in this area and, (b) were they enacted and if not, why not.

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

The issues around jurisdiction of land use management on National Land are quite complex.

Since self government the ACT Government manages all land in the Territory except those areas gazetted as National Land, which the Commonwealth retained for its own use. National Land areas are administered by either the National Capital Authority or the Department of Finance and Administration, on behalf of the Commonwealth.

The National Capital Authority's responsibilities include the Parliamentary zone, Lake Burley Griffin and parts of the foreshore, ANZAC Parade and diplomatic estates in Yarralumla, Deakin and O'Malley.

The National Capital Authority is responsible for managing national assets, which includes land in the parliamentary triangle. In doing so, the Authority aims to ensure that maintenance and other practices are consistent with the design intent and support the objectives of the National Capital Plan.

The Aboriginal Tent Embassy is located on designated National Land in the Parliamentary Zone and therefore land use management of the site is the responsibility of the National Capital Authority.

Separate to this, is the Register of the National Estate, which is Australia's national inventory of natural and cultural heritage places which are worth keeping for the future. The Aboriginal Tent Embassy is registered on the National Estate. However, entry in the register of the national estate is not a decision or responsibility of the ACT Government.

In response to part one of the question, there are no exemptions in the Territory when a state of emergency is declared.

Furthermore, there is no exemption from ACT laws on national land. Whilst the registration on the National Estate and planning and management for the land on which the Aboriginal Tent Embassy is located are not responsibilities of the Territory Government, the area remains protected by the laws of the ACT. For example, if a person breaks the law on ANZAC Parade, London Circuit or King George Terrace ACT laws still apply to that person.

In response to part two of the question, at the time of the state of emergency being declared, the ceremonial fire at the Aboriginal Tent Embassy was not the first fire to be extinguished on 18 January 2003. I think everyone here would understand that the areas of most need were not at the Parliamentary triangle and did not pose the threat of other fire fronts.

However, I am advised that as soon as practical, representatives of the Embassy and the ACT Fire Brigade held discussions about the fires at the Embassy site and arrived at a solution that does not pose a danger during total fire bans.

I understand that it was agreed that one ceremonial fire could be active at the Embassy site during total fire bans. The agreement is based on a set of conditions including that only one fire is active and it be kept small and smouldering without a flame, there is a clearing of three meters around the fire, it be supervised at all times, and a means of extinguishment is on hand.

These measures ensure that the ceremonial fire at the site is safe and of no danger to anyone during those days designated as total fire ban. I can assure you that the ACT Fire Brigade will enforce these conditions.

In view of my answers to the first two parts of my question, a response to part three of the question is unnecessary.

Telstra—connections (Question No 363)

Mr Cornwell asked the Treasurer, upon notice:

(1) What is the current waiting time of a Telstra connection in the ACT;

(2) Is there a problem for a person signing up with Telstra who is a member of a body corporate and if so, what is the problem;

(3) Is it true that Telstra will not sign up potential customers who are members of a body corporate;

(4) Is it true that unless you are signed up with Telstra, you cannot obtain Transact;

(5) What is your legal situation if you transfer to Telstra from Optus and then cannot obtain Transact service.

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

(1) The ACT Government has no role in, or relationship with, Telstra's operations. The Commonwealth Minister for Communications, Information Technology and the Arts is the appropriate party to respond to this question.

(2) Refer response to question (1).

(3) Refer response to question (1).

(4) The Member's question is too broad to answer definitively as it depends on the service required (eg voice, data, video or any combinations of these), what the Member specifically means by "signed up with Telstra", an individual client's needs and the basis of a client's relationship with Telstra. For example, if a customer only took a TransACT internet product they may still require a Telstra connection to their home for access to telephony services. Alternatively, if the customer took both TransACT telephony and internet products they may not necessarily need to be connected to a Telstra service. Similarly, if a customer is currently provided local access and telephony services through Optus or other resellers they can still obtain TransACT services.

(5) The Government is not in a position to provide legal advice on the relationship between clients and telecommunications service providers.

Australian International Hotel School (Question No 364)

Mr Cornwell asked the Treasurer, upon notice:

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

(1) What was the annual operating expense per student in (a) 2001 and, (b) 2002;

(2) What were the operating expenses per graduate in (a) 2000, (b) 2001 and, (c) 2002;

(3) What fees are charged to students who enrol at the AIHS;

(4) What subsidy did the ACT Government pay to AIHS per student in (a) 2000 (b) 2001 and, (c) 2002.

Mr Quinlan: The answer to the member's question is as follows:[1]

(1) Operating expenses for the AIHS includes the cost of operating the Hotel Kurrajong. These expenses can not be fully attributed to the cost of educating students.

(a) Based on the 2000-2001 annual operating expenses of $7,408,602 and undergraduate student enrolments of 187, the operating expense per student was $39,618.

(b) Based on the 2001-2002 annual operating expenses of $6,903,822 and undergraduate student enrolments of 159, the operating expense per student was $43,420.

(2) It would not be appropriate to draw conclusions about the cost of providing a degree to graduates based on the data sought for this question. Operating expenses for the AIHS includes the cost of operating the Hotel Kurrajong. These expenses can not be fully attributed to the cost of educating students.

(a) Based on the 1999-2000 operating expenses of $7,642,926 and 28 graduating students, the operating expense per graduate was $272,962.

(b) Based on the 2000-2001 operating expenses of $7,408,602 and 38 graduating students, the operating expense per graduate was $194,963.

(c) Based on the 2001-2002 operating expense of $6,903,822 and 68 graduating students, the operating expense per graduate was $101,527.

(3) As at 17 February 2003, the current enrolment fees were $1,700 per subject for international students and $1,520 per subject for Australian students. These fees do not include meals or accommodation for students.

(4) A Government subsidy was not provided to the AIHS in the years 1999-2000 and 2000-2001. A $2m subsidy was paid in 2001-2002 which equates to $12,579 on a per student basis.

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[1] Note: all financial and student data is sourced from AIHS Annual Reports.

University of Canberra—operating expenses (Question No 365)

Mr Cornwell asked the Minister for Education, Youth and Family Services, upon notice, on 18 February 2003:

In relation to the University of Canberra (UC):

(1) What was the average annual operating expense per student in (a) 2001 and (b) 2002;

(2) What were the operating expenses per graduate in (a) 2000 and (b) in 2001 and (c) 2002;

(3) What is the average fee charged to full-time students enrolled at UC.

Ms Gallagher: The answer to Mr Cornwell's question is:

(1) Based on information provided by the University of Canberra, the average annual operating expenses per student was: (a) $11,172 per student in 2001; and (b) $11,408 per student in 2002.

(2) Based on information provided by the University of Canberra the average operating expenses applied to the number of graduating students was: (a) $35,260 (2,638 students graduated in 2000), (b) $35,537 (2,846 students graduated in 2001); and (c) $37,229 (2,930 students graduated in 2002).

(3) Based on information provided by the University of Canberra the average annual fee charged to full-time students enrolled at the University was:$6,598 per fee paying student in 2001; and $6,975 per fee paying student in 2002.

Respite Care Empirical Needs Study (Question No 366)

Mr Cornwell: Asked the Minister for Health, upon notice:

In relation to the review of Respite Care Empirical Needs Study, due in the first week of February 2003 (Question 325 reply refers):

(1) Has the Government received the report;

(2) Will the Report be tabled in the Assembly and if so, when;

(3) If it will not be tabled, why not.

Mr Corbell: The answer to the member's question is:

(1) The Government has not received the report of the Respite Care Empirical Needs Study as the consultation phase of the study was due to be undertaken during January of this year. The community organizations and the consultants involved in these consultations were affected by the January bushfires. A number of these organizations had to vacate the Grant Cameron Centre whilst work was undertaken and ongoing issues related to accommodation, communication and increased demands on services during this time has meant that the finish date of this report has been extended to mid April 2003.

(2) The report will be tabled in the Assembly during the June sitting following completion and consideration by the Government.

(3) The report will be tabled.

Magistrates referral program (Question No 367)

Mr Cornwell asked the Attorney-General, upon notice, on 18 February 2003:

> In relation to the New South Wales Magistrates Referral Program (MERIT) pilot program:

(1) Has the Attorney-General seen details of the program which offers drug treatment before sentencing as a voluntary option for first offenders and that 60 percent of participants had never had any contact with a health service;

(2) Will the Government consider introducing MERIT in the ACT;

(3) Are there ACT statistics available about addicts and their access to health facilities in the ACT;

(4) Can more details of MERIT be obtained, eg. the comparable costs of such treatment versus sentencing, and can these details, if available, be provided to interested persons, including myself.

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

(1) At the Council of Australian Governments meeting on drugs in April 1999, all States and Territories agreed to a national approach to the diversion of drug offenders into treatment programs. The Commonwealth agreed to fund, under the National Illicit Drug Strategy (NIDS), initiatives to divert illicit drug users from prosecution and custodial sentences into drug treatment.

The New South Wales Magistrates Early Referral Into Treatment (MERIT) is a program funded by the National Illicit Drug Strategy. It commenced as a pilot scheme in July 2000 in Lismore.

The ACT Government has a strong interest in non-custodial sentencing options. This is seen in the current Sentencing Review, which will consider extending the existing use of diversionary programs along with other non-custodial sentencing options.

In 1989 the *Drugs of Dependence Act (1989)* introduced the Treatment Referral Program in the ACT which enables a magistrate or judge, as part of the sentence imposed, to instruct a charged person to undergo a treatment order to reduce or substitute for a custodial sentence.

This program applies to people who have either committed a crime to get drugs, or money for drugs, or while under the influence of drugs. It currently applies only to those drugs which appear in Schedule 4 of the Act, which does not include alcohol. The treatment is overseen by a Treatment Assessment Panel, and conducted by an approved treatment agency. The treatment can be for a period of 6 months up to 2 years. Clients who fail to complete their treatment order may revert to a custodial sentence.

Other diversionary options in the ACT are the Court Alcohol and Drug Assessment Service (CADAS) and ACT Policing's Early Diversion Program.

The Court Alcohol and Drug Assessment Service is a treatment option for people charged with alcohol and other drug-related offences which is available before a plea is entered. It is designed as an immediate, short-term intervention when a person first appears before the Court to reduce recidivism during the bail period, and to engage them in treatment. The CADAS clinician is located at the Court, and provides an immediate assessment and recommends an appropriate treatment plan. If the person is released on bail to comply with the treatment plan, the CADAS clinician monitors attendance, and reports all outcomes to the Court. Non-compliance does not necessarily result in a penalty, but is taken into account by the Magistrate at sentencing.

ACT Policing's Early Diversion Program is designed for people who have been apprehended by the police for possession of a small amount of illicit drugs (or legal drugs used illicitly). Instead of charging them, police can divert the person to the health sector. They are referred to the Alcohol & Drug Program Diversion Service for assessment, and then referred to an approved ACT agency for treatment (education, counselling, withdrawal, pharmacotherapy, or residential rehabilitation). Compliance is determined by the Diversion Service staff. Following treatment the person must return to court to determine the outcome. Non-compliance is reported back to the police, who then determine what action should be taken (if any).

(2) The diversionary options in place in the ACT make reproducing the MERIT Program unnecessary.

(3) Statistics for the diversionary schemes described are available from the Territory Reference group of the Intergovernmental Committee on Drugs. For the September 2002 quarter these are as follows:

Treatment Referral Program

- New assessment orders – 7
- Gender – 7M/0F
- Average age – 30
- Primary drug – opiates (4); cannabis (2); amphetamines (1)
- Current treatment orders – 7
- Non-compliance notifications – 0

Court Alcohol and Drug Assessment Service (CADAS)

- New assessments– 95
- Gender – 81M/14F
- Average age – 28
- Primary drug – opiates (38); alcohol (32); cannabis (13); amphetamines (11); benzodiazepines (1)
- Treatment attended – counselling (59); detox/rehab (19); education (11); remanded in custody (2)

- Non-attendance at treatment – 4 (alternative recommendations/sentence)
- Non-compliance notifications – 8
- Current clients – 113

Police Early Diversion

- Number of clients referred - 5
- Gender – 5M/0F
- Average age – 23
- Primary drug – cannabis (2); methamphetamine (1); opiates (1); ecstasy (1)
- Treatment attended – counselling (2); assessment for pharmacotherapy (1)
- Non-compliant - 0

(4) The ACT's range of drug diversion programs described here are, like the MERIT Program in New South Wales, early intervention approaches which in the longer term are more cost effective than custodial sentencing responses, regardless of their self evident differential in human costs. A primary goal of all such programs, irrespective of jurisdiction, is to break the cycle of drug dependency and criminality.

Quantifying the cost-effectiveness of custodial sentencing is a task that would require the tracking of recidivists along with those who never return to the criminal justice system as well as numerous other variables. The Government's support for diversionary strategies draws both on extensive international research showing the cost-effectiveness of early intervention programs and the public's widely understood preference to minimalise the criminalisation of people, especially young people caught up in drug issues.

Mugga Lane Tip (Question No 368)

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

In relation to the Mugga Way Tip:

(1) What is the cost per rubbish placement at each area;

(2) If you wished to deposit rubbish at each area, how many stops would you have to make;

(3) Is the person delivering the rubbish to each area responsible for its unloading;

(4) What penalties are imposed if rubbish is off-loaded in the wrong area;

(5) Who administers the penalty, ie; on-the-spot or by mail;

(6) How many people are employed at the Mugga Lane Tip.

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

(1) The cost of general waste disposal at Mugga Lane landfill is as follows:
Non-Commercial waste, for loads of up to 0.5 tonne: $6 small, $12 medium and $18 large, for loads of over half a tonne, $40 per tonne.
Commercial waste, $44 per tonne with an $11 (0.25) tonne minimum.

(2) In addition to the waste disposal area, there are eight free drop off areas for recyclable material available at the Mugga Lane landfill consisting of: Green Waste, Motor Oil, Paints, Car Batteries, Paper/cardboard, Containers (glass, plastic, cartons, aluminium and steel cans), Metals and Reusable items (Revolve).

(3) Yes.

(4) There are no penalties.

(5) There are no penalties.

(6) The landfill operator, Thiess, have 9 fulltime employees and 11 sub-contractors. The recycling contractor, Corkhill Bros, have 9 full time employees and 8 part time.

Public housing—rent arrears (Question No 369)

Mr Cornwell asked the Minister for Disability, Housing and Community Services, upon notice, on 18 February 2003.

In relation to the December 2002 Quarterly Performance Report and the 2.36 percent of tenants over 8 weeks in arrears:

(1) As a percentage how many tenants are (a) six (b) four and (c) two weeks in arrears;

(2) What procedures are (a) followed to chase up arrears and (b) when are these procedures initiated;

(3) What is the total amount outstanding in each category of (1) above in the December 2002 Quarter and over 8 weeks.

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

(1) (a) 1.29 percent (b) 2.69 percent (c) 10.50 percent. These figures are not inclusive of each other.

(2) (a) See attachment.

(b) These recovery procedures are commenced when the tenant's account is more than $20 in arrears. This is calculated at the end of each week after all payments are applied to the account.

(3) (a) $57,153.53 (b) $93,172.82 (c) $85,069.08 (d) over 8 weeks, $353,024.89. These figures are not inclusive of each other.

Attachment A

DEBT RECOVERY PROCESSES AND LEGAL ACTION UTILISED BY ACT HOUSING

Debt Recovery Process

- computer system recognises a tenant's rent account has fallen into arrears by more than $20.00
- system generates a 'contact' letter advising tenant of this and requesting payment of the arrears
- Housing Manager (HM) makes personal or telephone contact if practicable
- if unsuccessful, further telephone and or personal contact is attempted requesting payment of arrears in full
- if tenant is unable to make full payment, an agreement is made to pay arrears by instalments.
  CARE financial counselling, available at no cost to the tenant, is recommended at this stage
- agreement is monitored to ensure account is eventually brought to two weeks in advance
- if an account falls into arrears by more than 3 times the weekly rent, the system prompts HM to issue a Notice to Remedy (NTR)
- HM issues NTR under the *Residential Tenancies Act 1997* (RTA) requiring payment within 7 days
- further contact made with tenant with a view to seeking full payment
- tenant referred to Housing Manager Specialist or an advocate (eg. Mental Health Service, Aboriginal Liaison Officer, Public Trustee) at this stage if appropriate
- if tenant unable to pay in full and no previous agreement has been made, HM negotiates a repayment agreement

- depending on previous arrears history an appointment is made with tenant to discuss arrears and their payment in full, or to negotiate a repayment agreement, or a Notice to Vacate (NTV) is issued under the RTA
- if agreement is reached, account is monitored until it is brought to 2 weeks in advance
- if NTV is issued, tenant has 7 days in which to lodge a request for a review
- if request for review is lodged, depending on previous arrears history, tenant may be offered 'one final agreement' to repay arrears
- if agreement entered into is not adhered to, the matter is referred to the Legal Unit which lodges an application with the Residential Tenancies Tribunal (RTT) for a termination and possession order and tenant is advised accordingly
- if no final agreement is offered the matter is referred to the Legal Unit, which lodges an application with the RTT and tenant is advised accordingly. Legal processes are followed. At any time until the RTT makes an order, proceedings will be suspended if the tenant enters into an agreement.

ACT Housing properties (Question No 370)

Mr Cornwell asked the Minister for Disability, Housing and Community Services, upon notice, on 18 February 2003.

What is the total amount of occupant debt in ACT Housing properties as at 31 December 2002?

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

The occupant rental debt at 31 December 2002 was $617,326.05.

Community information technology access plan (Question No 371)

Mr Cornwell asked the Treasurer, upon notice, on 18 February 2003:

In relation to the answer to Question on Notice 313:

1. Is the Community Information Technology Access Plan available;

2. If not, can you advise when in 'early 2003' the Plan will be available.

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

In response to your question I am pleased to advise the following:

- The Community Information Technology Access Plan has been finalised and endorsed by me.

- The Plan will be publicly available within the next few weeks.

Dog area exercise maps (Question No 372)

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

In relation to dog exercise area maps

(1) Is Minister aware that maps of dog exercise areas, are presented by single suburb by page;

(2) Could consideration be given to issuing maps covering a wider area than a single suburb;

(3) While available from the ACT Government Shopfront and libraries, could availability of these maps, existing or proposed, be made widely known, because at present they are not easily accessible.

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

(1) Yes.

(2) It is not practical to issue maps for the current dog exercise areas for an area larger than a single suburb because at this smaller scale, the details of the boundaries of these areas would be lost. The majority of requests for information on off-leash dog exercise areas are focussed on finding out which areas are available in each suburb.

(3) The ACT Government is proposing to consult the community about the location of the existing and proposed new dog exercise areas within the next six months. At that time we will be making the maps accessible through our Internet site, as well as through the ACT Government Shopfronts and libraries.

Senior card holders—reciprocal transport concessions (Question No 373)

Mr Cornwell asked the Chief Minister, upon notice, on 18 February 2003:

In relation to a letter from you of 1 October 2002, concerning reciprocal transport concessions for ACT Senior Card holders:

(1) Have there been any further developments in ACT participation since your letter;
(2) Have any other States, apart from Tasmania, now joined the scheme;
(3) Is there any indication of when the scheme could be introduced nationally.

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

(1) On 20 September 2002, senior officials from all States and Territories met with Commonwealth officials to discuss the Federal Government's election promise to fund a national transport reciprocity regime. At the meeting, the Commonwealth officials indicated they would be undertaking bilateral discussions with States and Territories to resolve individual outstanding issues. Notwithstanding requests from each of the States and Territories, the Commonwealth has yet to commence these bilateral discussions.

(2) No State or Territory (including Tasmania) has yet to join the scheme. It is understood that the Tasmanian Minister for Transport wrote to Minister Vanstone late last year accepting the offer made to Tasmania, but with specific terms and conditions. Tasmanian officials advise that they have not yet received a reply from Minister Vanstone.

(3) The ACT will continue to lobby the Commonwealth Government to fulfil its election promise to fund a national transport reciprocity regime.

Australian International Hotel School (Question No 375)

Mr Cornwell asked the Treasurer, upon notice:

In relation to the report in the *Canberra Times* of 16 January 2003 that you have set up a working group of "senior department staff, the Canberra Institute of Technology (CIT) and the Australian International Hotel School (AIHS), to examine a new collaborative working arrangement with CIT":

(1) Who are the members of the working group by name;

(2) When will the working group report;

(3) Why have you announced continuation of the AIHS before the working group has reported;

(4) Will a copy of the working group's report be made available to interested parties, including myself, and if not, why not;

(5) If the AIHS has cost $30 million since opening in 1995, how much additional funding has been written off by governments in each of the periods from 1995 to 2002 (to 31 December);

(6) What is the (a) cost per graduate over the period at (5) above and, (b) how many people have graduated in this period

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

(1) The working group consists of the following members:
- Mr Neil Bulless, Department of Treasury;
- Mr Glen Gaskill, Department of Treasury;
- Mr David Hughes, Department of Treasury;
- Mr Andrew Wilson, Chief Minister's Department; and
- Mr Trevor Wheeler, Department of Education, Youth and Family Services

(2) The working group is expected to provide its advice to the Government in late April 2003.

(3) Alternative options, such as closer ties with the CIT, cannot be investigated if the AIHS was closed. Therefore the Government has decided to keep the school open so that options can be investigated.

(4) The working group will be providing advice to the Government on the findings of its investigation rather than the publication of a report. The Government will make public its decision on the future operation of the AIHS, and the basis of its decision, following consideration of the working group's advice.

(5) The AIHS has not cost $30 million since 1995 as suggested in the Member's question. Rather, the $30 million refers to Government support received by the AIHS since 1995 and consists of:

- the transfer of the Hotel Kurrajong to the Government at a book value of $10.9 million;

- debt totalling $11.8 million converted to equity; and

- a waiver of loans and outstanding interest totalling $7.3 million.

There has been no funding written off in addition to the $30 million support over the period 1995 to 2002.

(6) It would not be appropriate to draw conclusions about the cost of providing a degree to graduates based on the data sought for this question. The total expenses for the AIHS, referred to in the table below include the cost of operating the Hotel Kurrajong. These expenses can not be fully attributed to the cost of educating students.

The figures in the table below are based on the audited financial statements and graduate numbers to 30 June. Note, it is not possible to determine the total operating costs for the period to 31 December 2002 as referred to in Question 5.

(a) The total expenses per graduate since the first graduation in December 1997 are detailed in the table below:

	1997-98 ($)	**1998-99 ($)**	**1999-00 ($)**	**2000-01 ($)**	**2001-02 ($)**
Total expenses	6,907,153	6,971,365	7,642,926	7,408,602	6,903,822
Graduates	26	25	28	38	68
Total expenses per graduate	$265,660	$278,855	$272,962	$194,963	$101,527

Source: AIHS Annual Reports for the year ended 30 June.

(b) 224 students have graduated from the AIHS (for the period December 1997 to 31 December 2002).

Athllon Drive duplication (Question No 376)

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

In relation to funding for the Athllon Drive duplication (between Drakeford Drive and Isabella Drive):

(1) Has the original $11 million funding for this duplication as announced by the former Liberal Government been reduced;

(2) Is this capital works project still going to duplicate the road from Drakeford Drive through to Isabella Drive, or will this duplication end at Reed Street (south) as implied in your press statement of 5 February 2003;

(3) Is the $8.2 million figure quoted in your press statement of 5 February a figure for the works from Drakeford Drive to Reed Street only, meaning the remaining amount of $2.8 million is for the duplication through to Isabella Drive;

(4) How much funding has been expended to date on this project?

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

(1) No reduction has been made to this project with $11 million authorisation available as advised in the budget papers.

(2) The intention is to duplicate Athllon Drive from Drakeford Drive to Isabella Drive subject to sufficient funds being available.

(3) The $8.2 million represents the cost of the construction contract from Drakeford Drive to Reed Street but excludes the cost of the design, the supervision, the bridge works and the roundabout. When due allowance is made for these costs, $1.0 million is available to complete the duplication of the road to Isabella Drive.

(4) An amount of $676,492 has been spent on this project at the end of January 2003.

ACTTAB office—relocation (Question No 377)

Mr Cornwell asked the Treasurer, upon notice:

How many staff will be relocated to Gungahlin following the decision to move the ACTTAB head office to the town centre.

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

ACTTAB has advised that, subject to no increase or decrease in staff numbers over the next 18 months to 2 years, during which time the new head office will be constructed, all of ACTTAB's 35 permanent head office staff will be relocated to Gungahlin.

ACTTAB has an additional 32 casual staff who currently work at the Dickson head office as telephone operators and supervisors. ACTTAB intends relocating these staff to Gungahlin also.

Dalrymple-Goyder streets intersection (Question No 378)

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

In relation to your letter of 2 December 2002 advising of a review of the performance of the new Dalrymple/Goyder Streets, Narrabundah by your department:

(1) Has the review been completed, and what was the result;

(2) Can a copy of the review be made available to interested parties, including myself, and if not, why not.

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

(1) An independent road safety audit of the new arrangements at the Dalrymple/Goyder streets intersection in Narrabundah was completed on 10 December 2002 and is available for interested parties.

(2) The Australian Federal Police have also reviewed the performance of the intersection and support the new arrangements.

(3) The safety audit recommended improvements to assist night time visibility. The improvements included advanced warning signs, reflective pavement markers and additional lighting. All of the recommendations except the additional lighting have been implemented. The additional lighting will be installed in the near future.

Respite care—funding (Question No 380)

Mrs Burke asked the Minister for Health, upon notice:

In relation to respite care funding:

(1) Have any of the funds allocated to respite care in the 2002-03 Budget for this financial year - $1 million - been expended;

(2) If so, how much of that funding has been expended and can you provide a detailed list of where that particular funding has been spent;

(3) Has an empirical study assessing respite care needs in the ACT, as outlined in Budget Paper 3, p144, been completed;

(4) If so what are the results, if not, why has this study not been completed.

Mr Corbell: The answer to the member's question is:

(1) On 20 December 2002, Mr Jon Stanhope MLA announced that several respite care projects in the ACT were set to receive a share of $1 million from the 2002 - 03 Respite Care Budget initiative.

Funding was allocated to innovative respite models for emergency respite care for carers of people with disabilities, frail older people, families at risk, people with mental health issues and young children with medical conditions. Other pilot programs included support for carers of people with a mental illness. Ongoing funding will be introduced in the next financial year to purchase services identified in the respite needs study.

(2) The following table sets out respite care project funding from the 2002 – 03 initiative.

Respite Care Funding

Project description	**Cost**
Innovative respite care pilots – ACT Health will work with the Departments of Disability, Housing and Community Services, and Education, Youth and Family Services and respite service providers to pilot innovative models of respite care including emergency respite and respite care for carers of people with challenging behaviours using brokerage models across the areas of mental health, aged care, younger children with high medical needs, and disability. The pilot will run over 12 months and a brokerage model will be developed with agencies such as Carers ACT, Community Options and Community Connections and include other respite service providers. The pilot will be monitored to identify usage by clients and areas of need for respite care. **A family support model of respite care is being developed with these agencies.**	$450,000
Additional family support respite care packages – Existing respite care programs for families at risk and kinship carers at Marymead and Barnardos will be supplemented. This funding has been moved to the Department of Education, Youth and Family Services and additional places are being purchased.	$100,000
Innovative Dementia Respite Service – ACT Health is working with the Commonwealth and Alzheimer's Association to develop a pilot of innovative respite care for people with dementia, including younger people.	$20,000
Reduction of fragmentation of respite care service provision – ACT Health is coordinating a project to reduce fragmentation of respite care service provision by working with the Departments of Disability, Housing and Community Services, and Education, Youth and Family Services and other service providers. This project will include exploration of referral and service gateways. The project will also monitor innovative respite pilots to measure service needs to guide ongoing resource allocation. The project will include development and provision of information to carers and providers.	$150,000

Carers of People with a Mental Illness – Funding over a 12 month period to enhance the community sector's capacity to promote and support the role of carers of people with mental illness through an existing contract with Carers ACT. The project will provide a rigorous program of education and training to Mental Health ACT clinical staff including induction and orientation processes and ongoing staff development concerning the role of carers. Representation of carer needs, issues and expertise will be made to Government and services concerning policy and program development including respite care. Assistance will be provided to staff at the Psychiatric Services Unit to develop information for carers and consumers. Referrals will be made to services including respite care and Mental Health Carers Network. Mental Health ACT has purchased these services from Carers ACT by Mental Health ACT.	$100,000
This package includes funding already provided for the:	
• Maintenance the provision of 4450 hours individual respite care support and services to people with mental illness and carers of people with a mental illness. This program focuses on providing respite care where the principal carer is a young person; and	$105,000
• Empirical Respite Needs Study – Funding for the study into met and unmet respite needs in the ACT.	$75,000
Total	**1,000,000**

(3) The 2002 – 03 Budget initiative that provided $1 million for additional respite services across all areas of respite highlighted the need to undertake the *Review of Respite Care Empirical Needs Study* prior to allocating recurrent funding to meet gaps in service provision. This study is in the process of being undertaken by Enduring Solutions under contract to ACT Health. This study will cover both Territory and Commonwealth funded programs. The aim is to identify met and unmet need and to better coordinate existing respite care models. A respite care reference group has been convened by ACT Health to ensure that all stakeholders were consulted in the development of the study terms of reference. This group included both ACT and Commonwealth officers, community service providers, and carer groups. The final report was due in February 2003.

(4) The Government has not received the report of the *Respite Care Empirical Needs Study* as the consultation phase of the study was due to be undertaken during January of this year. The community organizations and the consultants involved in these consultations were affected by the January bushfires. A number of these organizations had to vacate the Grant Cameron Centre whilst restorative work was undertaken and ongoing issues related to accommodation, communication and increased demands on services during this time has meant that the finish date of this report has been extended to mid April 2003.

Majura Road (Question No 386)

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

In relation to funding for the upgrade of Majura Road:

(1) Has any funding been cut from the budget of this particular project;

(2) If so, could you explain why;

(3) If not, in Budget paper 3, 2002-03, page 203, it says that the Majura Road upgrade is a $3.5 million project, how do you explain the discrepancy of $0.3 million with a recent press release from your office promoting the road as a $3.2 million project;

(4) Are there any other road works as part of the Traffic Congestion and Road Safety Improvement Program in the 2002-03 Budget that have not commenced as of 17 February 2003;

(5) If there are outstanding works, could a list of those works that have not commenced be provided along with funding allocations.

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

(1) There has been no funding cut to the $3.5 million funding of this particular project.

(2) There have been no funding cuts.

(3) Budget paper 3, 2002-03 page 203 says the project value of this project is $3.5 million. This consists of $0.3 million for forward design in Budget paper 4 (2000-01) page 180 and $3.2 million for construction in Budget paper 4 (2002-03) page 192. The recent media report relates to the $3.2 million for construction.

(4) All other Traffic Congestion and Road Safety Improvement Program projects identified for construction in the 2002/3 have either commenced construction or are in the final stages of design and or tendering processes.

(5) Projects still in the design phase include; Gungahlin Drive Extension, Caswell Drive and Glenloch Interchange upgrade, Fairbairn Avenue upgrade, and Barry Drive Clunies Ross upgrade. The funding allocations for these projects are listed in Budget Paper 4, 2002-2003 page 191.

Anthony Rolfe Avenue—extension (Question No 387)

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

In relation to Anthony Rolfe Avenue extension (bypassing Gungahlin Town Centre):

How much money has been expended on this project to date;

Why was a sign taken down in front of that road extension (adjacent to the Gungahlin Joint Emergency Services Centre) indicating that the road extension would be complete at the end of 2002;

Is this road extension behind schedule;

When will the road extension be completed?

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

$2.0 million has been expended to the end of February 2003 out of a project value of $2.5 million.

The sign advising completion at the end of 2002 was recently removed because it was no longer valid and the works are nearing completion.

The project was delayed because an old growth high value tree in the next stage of road extension necessitated a major re-design to this project so the tree could be preserved.

The road extension is programmed for completed by the end of March 2003.

Public housing—furniture storage (Question No 388)

Ms Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 19 February 2003.

In relation to surplus storage of ACT Housing property:

(1) How many household loads of furniture can be stored on the premises of an ACT Housing property managed by a community group on behalf of ACT Housing;

(2) How is it possible for a large amount of furniture (ie: to the tune of seven households) to be stored, for example, in a shed on an ACT Housing premises, when another person has been allocated that accommodation but is not using anything from the storage shed;

(3) Shouldn't the new tenant be allowed free access to the shed cleared of surplus housing property and if not, why not;

(4) Has any property been stolen from ACT Housing blocks that have also been used for surplus stock storage in the last 12 months;

(5) Are there any considerations in the legislation or regulations for the privacy of occupants and or the amenity of the neighbouring properties where surplus stock is stored;

(6) Why isn't surplus ACT Housing furniture stored at a facility like 'You Can Stow It';

(7) Will the Government consider storing surplus ACT Housing stock at an external facility instead of in the suburbs.

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

(1) ACT Housing provides unfurnished accommodation and has no household furniture to store. ACT Housing provides head-leases to community groups, which manage them under a tenancy agreement. Properties are leased for occupation, not for storage.

(2) Refer to response to Part (1) above. Under their tenancy agreement a lessee can use garden sheds, garages, storage sheds etc on the property for their own legal purposes.

(3) Refer to response to Part (1).

(4) Refer to response to Part (1).

(5) Refer to response to Part (1).

(6) Refer to response to Part (1).

(7) Refer to response to Part (1).

Building approvals—proximity to boundary fences (Question No 389)

Mrs Burke asked the Minister for Planning, upon notice:

In relation to building close to boundary fences:

(1) What approval process does a person or organisation have to go through to construct, for example, a shed close to another's boundary fence?

(2) What should a person on a neighbouring property do if this structure has been erected less than 2.1 metres from the boundary fence?

(3) How does one inquire into whether due process has been followed in a particular circumstance?

(4) What rights does the neighbour (to the yard with the additional structure) have in regards to a structure too close to their boundary fence?

Mr Corbell: The answers to the member's questions are as follows:

(1) Development approval is required for any work that is not exempt under the *Land (Planning and Environment) Act 1991* and *Land (Planning and Environment) Regulations 1992*. A shed, for example, is exempt work if it is not more than $10m^2$ in floor area, does not exceed 3m in height above natural ground level, it is not to the front of the residence and is the only class 10 structure (ie a non-habitable structure) near the associated boundary. If the shed has metal walls or roofing, these are not permitted to be white, off-white or a zincalume finish (untreated metal).

Proposed work that is not considered to be exempt work requires a Development Application to be submitted to Planning and Land Management (PALM) for approval

(2) If the structure, for instance a shed, does not encroach into the minimum setback requirements, adjoining lessees would not have been required to have been notified. If a structure that appears to require approval has been erected on a block the neighbour can contact the Compliance Unit of the Development Management Branch, PALM to inquire as to whether the structure has been approved. If the structure has not been approved and an approval is required, the lessee of the subject block will be asked to lodge a Development Application and the complainant will be advised. If the structure is subsequently not approved by PALM, then the complainant may then apply for an order to have the structure removed.

(3) One can inquire into whether due process has been followed in a particular circumstance by contacting the Compliance Unit of the Development Management Branch, PALM on (02) 6207 1752.

(4) If the structure requires approval and a Development Application is lodged and requires public notification, the neighbour has the right to lodge a written objection with PALM within the notification period (2 weeks for single houses, 3 weeks otherwise).

If an approval has not been or cannot be obtained, then the neighbours can seek an order for the removal of the structure under section 256 of the *Land (Planning and Environment) Act 1991*.

Canbet—relocation (Question No 391)

Mr Stefaniak asked the Treasurer, upon notice:

In relation to the announcement by Canbet that it was relocating out of Canberra:

(1) How much annual revenue will be lost to the Territory as a result of the relocation;

(2) How many staff have been/will be made redundant;

(3) Did the ACT Government meet with representatives of Canbet in relation to this proposed relocation from Canberra and, if so, when and where;

(4) Was any incentive offered by Canbet to remain in Canberra, and if so what was offered and when was it offered;

(5) Has the government considered or taken any moves to change the percentage rate of gaming turnover it has received from Canbet and similar organisations engaged in sports betting and if any moves have taken place, list details of those moves;

(6) List the remaining sports betting operators in Canberra and what their turnover was for the last full year reported and also, detail in each instance what revenue was paid as a result to the ACT Government.

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

(1) Refer to table at Attachment A.

(2) Canbet will make its 12 casual staff redundant in mid April and has offered to take its 15 permanent staff to the UK.

(3) The ACT Government was not given the opportunity to meet with representatives of Canbet in relation to the proposed relocation from Canberra to the UK. Canbet's board took the decision to relocate without Government knowledge and contrary to intentions previously conveyed to the Gambling and Racing Commission (the Commission). On the day following Canbet's board meeting, the Commission became aware of rumours of the decision and immediately contacted the company. In addition to confirming its decision to relocate, Canbet advised it intends to keep its ACT licence and maintain a local office. However, it is understood that they do not intend to transact business through that office.

(4) No offer was made by Canbet to remain in Canberra and the decision to relocate was taken without Government knowledge. Canbet have indicated there are a variety of reasons for its decision, not least of which is the threat to its business provided by the Federal Government's intended review of the *Interactive Gambling Act 2001* scheduled to be conducted during 2003. This statutory review will consider the current exemptions under the Act and threatens to include Canbet's core business of telephone and internet wagering amongst the legislation's prohibited services. Breaches of this Act, render offending companies and directors liable for heavy fines and penalties.

In addition, Canbet considers the UK a more favourable operating and business environment for its activities. It cites the UK as "pro interactive" that enables new and innovative ways for growing such businesses as its own, as evidenced by the world's three largest bookmakers being based there.

Canbet also indicates it conducts 55% of its business between midnight and 8am and relocating to the UK will provide the company with more favourable time zones. The company advises that there are no ACT regulatory or taxation issues which have led it to its decision. In fact, the company estimates that on $1billion turnover with a winning margin of 2% that its move to the UK will result in it paying approximately $0.5 million more in tax than it would if it remained in the ACT.

(5) Canbet takes wagers on international sports attracting a 0.25% tax rate. This rate of taxation is the lowest levied on ACT sports bookmakers and is considered internationally competitive. A variety of higher rates of taxation are imposed in respect of other wagering contingencies up to the 6.75% maximum levied on spread bets. Preliminary discussions were held between Commission and Treasury officials in late 2002 about exploring improvements to the taxation regime during 2003. Efficiencies may be found if a single internationally competitive taxation rate could be arrived at and applied to all available betting contingencies.

(6) Refer Attachment A.

SPORTS BOOKMAKING STATISTICS

FINANCIAL YEAR
2001-2002

	Gross Turnover	Gross Turnover Tax	GST Credit Applicable	Tax Paid to Commission
Canbet Sports Bookmakers Pty Ltd	396,429,723.42	1,018,524.86	-	1,018,524.86

Betworks Pty Ltd	19,286,031.00	52,792.92	-	52,729.90
Sportodds Systems Pty Ltd	54,999,085.00	309,096.99	320,864.12	858.95
Sports Acumen Pty Ltd	21,216,502.00	206,286.43	82,047.63	124,243.79
ACTTAB Ltd	1,922,018.00	11,185.38	23,828.18	-
TOTAL	**493,853,359.42**	**1,597,886.58**	**426,739.93**	**1,196,357.50**

QUARTERLY REPORT FOR PERIOD: 1 JULY 2002 TO 30 DECEMBER 2002

	Gross Turnover	**Gross Turnover Tax**	**GST Credit Applicable**	**Tax Paid to Commission**
Canbet Sports Bookmakers Pty Ltd	291,489,669.55	745,867.53	-	745,867.55
Betworks Pty Ltd	9,672,395.00	25,515.24	4,319.00	21,196.24
Sportodds Systems Pty Ltd	44,894,639.00	289,144.46	271,050.14	18,094.32
Sports Acumen Pty Ltd	9,531,147.93	87,886.23	25,009.76	62,876.53
ACTTAB Ltd	949,423.00	6,630.34	11,648.39	-
TOTAL	**356,537,274.48**	**1,155,043.80**	**312,027.29**	**848,034.64**

Public housing—Allawah and Bega Courts (Question No 393)

Ms Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 20 February 2003:

In relation to the recent upgrades at Allawah and Bega Courts:

(1) From which budget (ie: 2001-02 or 2002-03) was funding allocated for the $2.7 million facelift of Allawah and Bega Court flats;

(2) How much money was allocated in that particular budget for the upgrade of Allawah and Bega Court flats;

(3) Did the project come in under, over or equal to that amount;

(4) If the project came in under budget where will the additional money now been spent or transferred to;

(5) If the project was over budget where did the additional funds come from to fund the excess cost;

(6) Did lighting works actually improve safety and lighting in the area:

(7) Has a lux assessment of light been undertaken;

(8) Will the improved lighting disturb any other public housing or private tenants nearby (ie: increased brightness in light that may shine in windows);

(9) Are there any other outstanding internal or external works of this nature in ACT Housing, if so, could a list please be provided along with costings and forecast completion dates.

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

(1) Funding was allocated from the 2001-02 ACT Housing Capital Program. Works were committed, designed and tendered during 2001-02, with construction occurring during 2002-03.

(2) Funding allocation of $421,000 was identified for Allawah Court (facade repair and paint) and $1,564,000 identified for Bega Court (facade repair and paint, and landscaping). Funding for the Allawah landscape works was brought forward from the ACT Housing 2002-03 Capital Program.

(3) The projects came in under budget.

(4) Remaining funds were transferred to other multi unit landscape projects.

(5) Not applicable.

(6) At this stage only anecdotal evidence is available and it will take some time to determine long-term trends. It should, however, be noted that the design of the lighting and the other improvements was undertaken to improve both perceived and actual tenant safety and encourage a greater sense of ownership of the complex in the tenants. This outcome is reflected in the comments received to date from tenants and ACT Housing staff and from the Guardian Service.

(7) The lighting was designed by an electrical engineering firm to meet relevant Australian Standards. After hours audits/ inspections have been conducted by the designer, and as a result post-construction lux testing has not been considered necessary.

(8) No. Design and locational factors ensure that the lighting targets pathways, recreational areas, open spaces and landscaped areas, and does not impinge on windows. This was a key factor in the design of the lighting improvements as it was important that tenants, as well as neighbours, were protected from light pollution.

(9) Windeyer Court in Watson, is undergoing a $ 1.1m upgrade, to be completed mid year. Stuart Flats in Griffith is undergoing improvements to building fabric and minor improvements to the interior of units, in a $0.57m project. Fraser Court, Kingston is undergoing improvements to building fabric, in a $5m project.

Belconnen Health Centre (Question No 394)

Mrs Burke: Asked the Minister for Health, upon notice:

In relation to refurbishments at the Belconnen Health Centre as part of the Capital Works Budget:

(1) How much money was allocated in the 2002-03 Budget for this project;

(2) How much money was originally allocated in the 2001-02 Budget for this project;

(3) Is there a difference in the overall funding allocation from 2001-02 to 2002-03 and if so why;

(4) If there is a difference where has (a) any additional funding come from, or (b) where has a reduction in expenditure on this project now been transferred to for expenditure;

(5) Has work on this project been completed, if not what is the completion date;

(6) To whom was the contract let.

Mr Corbell: The answer to the member's question is:

(1) An amount of $1.239 million was provided in 2002-03 and your attention is drawn to Page 460 of the 2002-03 Budget Paper No.4. This represents the balance of the approved project cost for the Belconnen Health Centre Refurbishment.

(2) The total project value was $2,032,000 and it was originally planned to complete the project in 2001-02. This was not achieved due largely to delays experienced following the introduction of the Procurement reforms and the need for the project to be implemented under additional approval processes. $0.793 million was spent in 2001-02.

(3) No, the total project allocation remained the same, but financed over two financial years instead of one.

(4) There has been no change to the funding allocation for this project

(5) The project is substantially complete with final handover expected mid March 2003.

(6) Project Coordination (Australia) Pty Ltd

National Zoo (Question No 396)

Mrs Burke asked the Minister for Planning, upon notice:

In relation to the interest of the National Zoo and Aquarium acquiring additional land to develop, among other things, a free range for endangered species, can you advise:

(1) Has the Zoo applied for an increase in land for its activities;

(2) What consideration has been given to date to this application;

(3) Has the National Capital Authority been involved in the consideration of this application;

(4) What advice, if any, has the Authority provided on this application;

(5) Have there been any meetings held between the Zoo and the Minister and/or the Authority to discuss this application;

(6) When is it expected that a decision on the application will be made.

Mr Corbell: The answer to the member's questions is as follows:

(1) Yes.

(2) The application has been referred to a variety of agencies for consideration.

(3) Yes.

(4) The Authority has agreed in principle to prepare a Draft Amendment to the National Capital Plan subject to the Territory Government advising that it is prepared to lease the required land to the lessee of the existing zoo site.

Before proceeding to prepare and release a Draft Amendment the Authority has requested:

- confirmation that the Territory supports the direct grant of a lease to the proposed lessee;
- an assessment that demonstrates that the proposal is both financial and physically feasible;
- a masterplan that addresses such issues as layout, access, the nature and location of uses, landscape, staging, safety measures, visual impact and the like.

The Authority also advised that the approval of the Draft Amendment ultimately rests with Parliament and that no action which is dependent on the approval of the Draft Amendment should be taken until the disallowance period in the Parliament has elapsed. Specifically, the Draft Amendment would need to be finalised before a lease is granted.

(5) I have held no meetings with the Zoo or the Authority on this matter. I do not know whether the Zoo has met with the Authority.

(6) The application is being considered by Government and a decision will be made shortly.

Belconnen indoor swimming pool complex (Question No 397)

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

In relation to the Belconnen indoor swimming pool complex:

(1) Where is the project up to.

(2) Is the project running according to schedule and to budget.

(3) When is the project expected to be completed.

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

(1) Bulk earthworks have been completed. Work is well advanced on inground services and construction of the pool basins. Construction is now in progress on the above ground structure of the central spine of the centre which will contain major components such as the changerooms and gymnasium. Other components of the main building structure will be completed over the next three to four months.

(2) The project is running somewhat behind schedule at present. Delays were experienced over the December/January period due to market conditions making it difficult to obtain reasonable prices in some tender packages. Delays were also experienced in finalising financing arrangements for the project.

These issues are now resolved and good progress is now being made. The project managers anticipate being able to recover some of the lost time during the remainder of the project.

(3) Current projections indicate completion in early December 2003.

Link project (Question No 398)

Mr Stefaniak asked the Minister for Arts and Heritage, upon notice:

In relation to the funding removed from the Budget for the Link Project:

(1) Where has the $6.8 million allocated as part of the 2001-02 Budget for the Link Project, removed as part of the 2002-03, now been allocated;

(2) Has that money remained in the arts portfolio or spent elsewhere;

(3) Can you prepare a breakdown of where the funding has been spent or transferred to, if not, why not;

(4) What is the Government planning to do to replace this project that would have boosted arts in the ACT along with creating jobs during construction phase.

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

(1) The $6.8m allocated as part of the 2001-02 Budget was returned to the Territory as savings due to the project being deferred.

(2)(3) The money has not been specifically reallocated to any project, and the project has not been cancelled.

(4) The Government intends that the project go ahead, and is currently considering the timing of the project.

Flemington Road (Question No 409)

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

In relation to Flemington Road corner, Mitchell.

(1) How many accidents have occurred at this intersection since it was first extended through to Gungahlin in 2001;

(2) Have any of these accidents resulted in death;

(3) How many of these accidents have involved (a) single vehicle (b) two vehicle (c) three vehicle and (d) more than three vehicles;

(4) Have there been any complaints about this corner to either yourself, police, Mitchell traders or the Department of Urban Services;

(5) Does the Government consider this a black spot for accidents;

(6) If yes to (5), would the Government consider undertaking a feasibility study to see if any traffic calming measure could be implemented to reduce accidents at this site.

Mr Wood: The answer to the Member's questions is as follows:

(1) The Flemington Road extension was opened to traffic on 16 October 2001. A total of six crashes have occurred from that date until end of August 2002 (the latest date where crash records are available for analysis).

(2) No.

(3) All six crashes involved two vehicles.

(4) Nothing more than usual. The safety of all intersections is an ongoing concern to ACT residents.

(5) No. Using available crash records for the period from 16 October 2001, this intersection is ranked at 142 when compared with other intersections in the ACT.

(6) From a safety point of view, there does not seem to be a need to further study this intersection at this time. The safety of the intersection will continue to be monitored.

Consultants—use (Question No 414)

Mr Smyth asked the Minister for Environment, upon notice:

In relation to consultants used to date this financial year:

(1) What was the (a) name of the consultant; (b) address of the consultant (c) cost of the consultancy and (d) service provided by the consultants.

(2) Was a report prepared by the consultants and, if so, where may copies be obtained.

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

(1) The attached table indicates consultancies over $5000 engaged by Environment ACT from 1 July 2002 to date.

Name of Consultant	**Address of the Consultant**	**Cost of Consultancy**	**Service provided by consultant**
Communication Breakthrough	13 Vogelsang Place Flynn ACT 2615	$13322.50	Technical Direction for SAFE 2000
Maher Brampton and Associates	78 Gardiner St Como WA 6152	$24,200	Recreation Trails Strategy
Ecowise Environmental	PO Box 1834 Fyshwick 2609	$47808	Stream Gauge Monitoring
Ecowise Environmental	PO Box 1834 Fyshwick 2609	$7508	Rivers Monitoring
Ecowise Environmental	PO Box 1834 Fyshwick 2609	$16332	Lakes Monitoring & Waterwatch

Name of Consultant	**Address of the Consultant**	**Cost of Consultancy**	**Service provided by consultant**
Ecowise Environmental	PO Box 1834 Fyshwick 2609	$6790	Macroinvertabrate Monitoring
Arising Technology	PO Box 3350 Belconnen 2617	$6350	CBS Licensing Database
Ned Noel	17 Reedy Creek Pl, Wamboin	$7002	Trees, Lake Ranger, Community Databases
Peter Sutton	6 Mark Pl Queanbeyan	$18116	Tree Advisor Conservator of Flora & Fauna
Energy Strategies P/L	Level 1 Manuka Arcade, 20 Franklin St Manuka ACT	$23905 $61,600	Administration and evaluation of the AAA showerhead rebate scheme (extension of above contract) Review of the ACT Greenhouse strategy and draft paper
Energetics P/L (Canberra office)	4/13 Murray Crescent Griffith ACT	$28,065 for marketing program and potential for further payments upon facilitating EPCs. Maximum value of contract is $140,000	Promoting and facilitating the uptake of energy performance contracts (EPCs) in the ACT commercial sector

Name of Consultant	**Address of the Consultant**	**Cost of Consultancy**	**Service provided by consultant**
Energetics P/L (Sydney office)	Level 6 144-148 Pacific Highway, North Sydney	$10,183.30	Facilitation of an energy performance contract for the lighting upgrade of Macarthur House
Veritas Alliance	27/51 Musgrave St Yarralumla	$7262	Staff Development
Results Consulting	PO Box 9089 Deakin ACT 2600	$19,200	Review of Purchaser Provider arrangements within Environment ACT
Results Consulting	PO Box 9089 Deakin ACT 2600	$6,700	Review of Environment Protection Authority

Name of Consultant	**Service provided by consultant**	**Was report prepared by consultant**	**If report prepared, where are copies available.**
Communication Breakthrough	Technical Direction for SAFE 2000	No	No report prepared
Maher Brampton and Associates	Recreation Trails Strategy	Yes	Available from Environment ACI'
Ecowise Environmental	Stream Gauge Monitoring	Data Monthly	Available from Environment ACT
Ecowise Environmental	Rivers Monitoring	Data based on flows	Available from Environment ACT

Name of Consultant	**Service provided by consultant**	**Was report Prepared by consultant**	**If report prepared, where are copies available.**
Ecowise Environmental	Lakes Monitoring & Waterwatch	Data Monthly	Available from Environment ACT
Ecowise Environmental	Macroinvertabrate Monitoring	Data 6 Monthly	Available from Environment ACT
Arising Technology	CBS Licensing Database	Data Base Development	No report prepared
Ned Noel	Trees, Lake Ranger, Community Databases	Data Base Development	No report prepared
Peter Sutton	Tree Advisor Conservator of Flora & Fauna	Yes - Individual tree assessments	Reports available through the Freedom of Information process
Energy Strategies P/L	Administration and evaluation of the AAA showerhead rebate scheme (extension of above contract) Review of the Greenhouse strategy and draft paper	Not yet finalised Yes	No Report prepared
Energetics P/L (Canberra office)	Promoting and facilitating the uptake of energy performance contracts (EPCs) in the ACT commercial sector	No	No Report prepared
Energetics P/L (Sydney office)	Facilitation of an energy performance contract for the lighting upgrade of Macarthur House	No	No Report prepared
Veritas Alliance	Staff Development	No	No Report prepared

Name of Consultant	Service provided by consultant	Was report prepared by consultant	If report prepared, where are copies available.
Results Consulting	Review of Purchaser Provider arrangements within Environment ACT	Yes	Not yet finalised
Results Consulting	Review of Environment Protection Authority	Yes	Available from Environment ACT

Consultants—use (Question No 422)

Mr Smyth asked the Minister for Arts and Heritage, upon notice:

In relation to consultants used to date this financial year:

(1) What was the (a) name of the consultant; (b) address of the consultant (c) cost of the consultancy and (d) service provided by the consultants.

(2) Was a report prepared by the consultants and, if so, where may copies be obtained.

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

(1) The attached table indicates consultancies over $5000 engaged by the Heritage Unit, Environment ACT from 1 July 2002 to date.

Name of Consultant	Address of the Consultant	Cost of Consultancy	Service provided by consultant	Was report Prepared by consultant	If report prepared, where are copies available.
Eric Martin and Associates	68 Jardine St Kingston	$6500	Heritage Assessment of Oaks Estate	Yes	Available from (Heritage Unit) Environment ACT

Consultants—use (Question No 426)

Mr Smyth asked the Minister for Women, upon notice, on 5 March 2003:

In relation to consultants used to date this financial year:

(1) What was (a) name of the consultant; (b) address of the consultant (c) cost of the consultancy and (d) service provided by the consultants.

(2) Was a report prepared by the consultants and, if so, where may copies be obtained.

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

There were no reportable consultancies for my portfolio.

Tip Fees (Question No 432)

Mrs Dunne asked the Minister for Urban Services, upon notice:

In relation to tip fees:

(1) Are their guidelines issued to staff at the weigh bridges at the Mugga Lane Landfill and the Mitchell Resources Management Centre to help them determine whether a load is small, medium or large;

(2) Are their specific guidelines that help staff determine whether a trailer-load is medium or large;

(3) If such guidelines exist, when were they issued;

(4) If such guidelines exist, are they available to the public.

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

(1) Yes.

(2) Yes.

(3) Prior to introduction of the new charges on 1 August 2002.

(4) Yes – a brochure explaining the charges was delivered to all households and the guidelines are available on the ACT NOWaste web page and are displayed on signs at the waste disposal facilities.

Planning and Land Management—video (Question No 433)

Mrs Dunne asked the Minister for Planning, upon notice:

In relation to my FOI request to Planning and Land Management (PALM) in relation to a video on High Quality Sustainable Development (HQSD):

In December 2002 I made an FOI request seeking a copy of a video on HQSD shown at a planning briefing on Tuesday 17 December. On 10 January 2003 I received a decision from the authorised officer, formally refusing me the document on the grounds that no document was in the possession of PALM.

Given that the video, which reportedly depicted members of PALM staff dressed as the Village People singing a song about HQSD to the tune of "YMCA", was seen by at least 100 at the briefing at the Albert Hall on 17 December:

(1) Was the segment on HQSD shown on 17 December part of a longer video;

(2) When was the video or segment on HQSD made;

(3) For what purpose was it made;

(4) What was the cost of production;

(5) If it no longer exists, when was it destroyed;

(6) If it was destroyed, why was it destroyed;

(7) If it was destroyed, was it done so in accordance with the Territory Records Act.

Mr Corbell: The answers to the member's questions are as follows:

(1) Yes

(2) 6 December 2002

(3) A personal record of the activities at the Planning and Land Management Staff Christmas Party.

(4) Nil to the ACT Government

(5) N/A

(6) N/A

(7) N/A. This was not the property of the ACT Government.