



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

8 May 2003

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**Thursday, 8 May 2003**

**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.

## **Petition**

*The following petition was lodged for presentation, by Mrs Burke, from nine residents:*

### **Fraser Court and environs**

The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly: the long-term disorder at Fraser Court and environs.

Your petitioners therefore request the Assembly to: call on the ACT Government to take urgent and vigilant action to quash the intolerable disorder at Fraser Court and environs.

*The Clerk having announced the terms of the petition would be recorded in Hansard and a copy referred to the appropriate minister, the petition was received.*

## **Electoral Amendment Bill 2003**

**Mr Wood**, on behalf of **Mr Stanhope**, pursuant to notice, presented the bill and its explanatory statement.

Title read by Clerk.

**MR WOOD** (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for the Arts and Heritage and Minister for Police and Emergency Services) (10.33): I move:

That this bill be agreed to in principle.

The provisions in this bill are based on recommendations made by the ACT Electoral Commission in its report *The 2001 ACT Legislative Assembly election: review of the Electoral Act 1992* tabled in the Assembly on 20 August 2002. This report examined the operation of the Electoral Act in relation to the conduct of the 2001 election.

The government supports all of the recommendations put forward by the ACT Electoral Commission in this report. The amendments to the Electoral Act proposed by the Electoral Commission and included in this bill largely involve fine-tuning of the act to clarify some procedures and remove some inconsistency.

The Electoral Commission tabled another report entitled *The 2001 ACT Legislative Assembly election: electronic voting and counting system review* on 27 June 2002. This report examined the successful introduction of computer voting and counting at the last election. The government supports the use of electronic voting and counting at future elections along the lines used at the 2001 election.

The government does not support replacing the traditional concept of polling day with a three-week polling period, as suggested by the Electoral Commission in its report. This is considered to be too big a change in the nature of the political process in the ACT. No changes to the Electoral Act are needed to continue the use of electronic voting and counting.

The measures listed in this bill include:

- changes to the party registration scheme to clarify membership requirements;
- the removal of non-party groups on ballot papers;
- changes to postal voting procedures to increase the chance that votes will be included in the count;
- preventing the Electoral Commissioner from taking part in the review by the Electoral Commission of a decision not to conduct a recount of ballot papers; and
- bringing all the disclosure thresholds up to the same amount to remove inconsistencies in the current disclosure scheme.

I will address each of the proposed changes in more detail.

The bill will require a political party applying for registration to provide a list of members with its applications for registration. This list must contain the names and addresses of at least 100 members who are electors. The change will make mandatory a requirement that is currently up to the discretion of the Electoral Commission.

Party membership lists received by the Electoral Commissioner will not be able to be used for any purpose other than for checking whether a party has 100 members who are electors. The bill further provides that the Electoral Commissioner must refuse an application to register a political party if the commissioner believes on reasonable grounds that the party did not have at least 100 members who were electors on the date on which the party applied for registration.

These changes are intended to ensure that only eligible political parties will be able to apply for registration. By contrast, under the existing provisions, it is possible for a party to apply for registration before it has attained the necessary number of members needed for registration.

The bill also brings forward, to 30 June in an election year, the latest date on which an application for party or ballot group registration or an application to change the name or abbreviation of a registered political party or ballot group may be made before an election.

Providing this cut-off date ensures that there will be time for appeals to be made and considered against a decision to register a party or ballot group before the election period commences. By contrast, under the existing provisions a party or ballot group can be registered just before the start of the election period, leaving no time for appeals to be made against the registration.

The bill removes the provisions that allow candidates to form non-party groups on the ballot papers. Only candidates belonging to registered political parties or ballot groups

will be able to be listed in groups on ballot papers. All non-party candidates will be listed in “ungrouped” columns on the ballot papers.

The Electoral Commission noted in its report that in its original conception, dating back to the days when political party affiliations were not listed on ballot papers, a non-party group was seen as a collection of like-minded candidates campaigning on a common platform. These days a non-party group is commonly used as a vehicle for two or more candidates to distinguish themselves on the ballot paper by being listed in a separate column. There is no expectation that candidates in a non-party group have any connection with each other beyond a desire to be listed in a separate column.

Removing non-party groups would give voters a clearer picture of the backgrounds of candidates by more clearly delineating independent and non-party candidates from candidates representing registered political parties or ballot groups. It would also reduce the opportunity for persons to mischievously frustrate the electoral process by causing ballot papers to be unnecessarily large through a proliferation of non-party groups.

The bill provides that postal vote applications from electors who are overseas must be received before the last mail delivery on the Friday eight days before polling day. This will allow for the time needed for mail to be delivered to and from overseas locations and should serve to increase the probability that an overseas postal vote will be received in time to be included in the count. At the 2001 election all postal votes sent to overseas locations in the week before polling day were not able to be returned in time to be counted.

The bill also provides that postal votes must be issued for the electorate for which the elector is enrolled. Or, if the issuing officer cannot determine whether the elector is currently enrolled, the vote is to be issued for the electorate in which the elector claims to be entitled to vote.

This will ensure that postal voters will be treated on the same basis as voters at a polling place and will increase the probability that a postal vote will be included in the count. At present, electoral officers are obliged to issue postal votes for the electorate a person claims to be enrolled for, even when the officer knows the person is enrolled for a different electorate and that therefore the postal vote will have to be rejected at the count.

Under this bill the Electoral Commissioner will not be permitted to be present during any deliberation of the commission in relation to a review of a decision of the commissioner not to conduct a recount. The commissioner will not be permitted to take part in making any such decisions unless the original decision had been made by a delegate of the commissioner. This will bring this process into line with the principle that a person should not consider appeals of the person’s own decisions.

The bill provides that the thresholds related to the disclosure of identities of donors to candidates and submission of disclosure returns by persons incurring electoral expenditure, which currently specify \$200, will be increased to \$1,500. The bill also increases the threshold at which anonymous gifts may not be received by candidates, MLAs, parties, ballot groups and associated entities to \$1,500.

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These changes to the disclosure thresholds will bring all the thresholds for disclosure and for receipt of anonymous donations to \$1,500. This will remove a number of inconsistencies and inequities in the current disclosure scheme, ensuring that different types of political entities will be treated the same way. For example, under the current scheme the identity of donors giving \$200 or more to candidates must be disclosed, whereas the threshold for identifying the identity of donors to parties is \$1,500. As party candidates can direct all of their donations through the party, this means that the effective disclosure threshold for donations to party candidates is \$1,500 compared to a \$200 threshold for donations to non-party candidates.

The bill also amends the Electoral Act to provide that broadcasters and publishers will be required to provide the address of those people who have placed election advertisements when submitting election disclosure returns. This will facilitate identification of and contact with advertisers. This will enable the Electoral Commissioner to follow up cases where advertisers are required to submit disclosure returns.

Mr Speaker, the measures contained in this bill will further refine the ACT's electoral arrangements to ensure that the ACT continues to follow best practice in the conduct of its elections.

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

## **Registration of Deeds Amendment Bill 2003**

**Mr Wood**, on behalf of **Mr Stanhope**, pursuant to notice, presented the bill and its explanatory statement.

Title read by Clerk.

**MR WOOD** (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for the Arts and Heritage and Minister for Police and Emergency Services) (10.45): I move:

That this bill be agreed to in principle.

The Registration of Deeds Amendment Bill 2003 amends the Registration of Deeds Act 1957 to prevent a person registering a deed poll under the act in order to record a change of name. This amendment is important, as it will restrict the registration of names to the process provided under the Births, Deaths and Marriages Registration Act 1997.

At the present time there are two ways of registering a change of name in the territory: by registering a deed poll under the Registration of Deeds Act 1957 or by applying to register the change of name under the Births, Deaths and Marriages Registration Act 1997. It is not necessary to have two separate and distinct options to register a change of name. Unlike the Registration of Deeds Act 1957, the Births, Deaths and Marriages Registration Act has a monitoring process designed to reduce fraud and the use of undesirable or offensive names.

The Births, Deaths and Marriages Registration Act also prevents the registration of undesirable names, permits changes of names only to persons who are resident in the

territory, refuses name changes where it is suspected that the change is being made for a fraudulent purpose, provides for the notation of the person's birth certificate in the state of birth and establishes a mechanism that links birth and death records around Australia. These safeguards are not available under the Registration of Deeds Act 1957.

The proposal to amend the act has arisen out of discussions between the registrars of births, deaths and marriages across Australia, the Australian Federal Police and other Commonwealth agencies. A meeting of the Council of the Australian Registrars of Births, Deaths and Marriages in 2002 recognised the need for states and territories with general deeds registries to amend the legislation to prevent the registration of changes of name by deed poll. The annual Australian Conference of Registrars of Title in November 2002 also agreed that the legislation should be amended to prevent names being changed by deed poll.

The amendment bill addresses an issue that the government sees as of great importance: the reduction of identity fraud in commercial dealings. The bill further exemplifies the government's determination to manage the process of name changing to prevent or minimise fraudulent changes of name. I commend the bill to the Assembly.

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

### **Statute Law Amendment Bill 2003**

**Mr Wood**, on behalf of **Mr Stanhope**, presented the bill and its explanatory statement.

Title read by Clerk.

**MR WOOD** (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for the Arts and Heritage and Minister for Police and Emergency Services) (10.48): I move:

That this bill be agreed to in principle.

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

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

The enhancement of the ACT statute book through the technical amendments program is also a process of modernisation. For example, laws need to be kept up to date to reflect ongoing technological and societal change. Also, as the ACT statute book has been created from various jurisdictional sources over a long period, it reflects the various



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drafting practices, language usage, printing formats and styles throughout the years. It is important to maintain a minimal level of consistency in presentation and to maintain cohesion between legislation coming from different sources at different times so that better access to and understanding of the law is achieved.

This bill deals with four matters. Schedule 1 contains minor amendments proposed by government agencies. Schedule 2 contains amendments to the Legislation Act 2001 proposed by the Parliamentary Counsel to ensure that the overall structure of the statute book is cohesive and consistent and is developed to reflect best practice. It also contains amendments to further enhance access to ACT legislation.

Schedule 3 contains technical amendments proposed by the Parliamentary Counsel to correct minor typographical or clerical errors, improve grammar or syntax, omit redundant provisions, include explanatory notes or otherwise update or improve the form of the legislation. Schedule 4 repeals a redundant act. It would be remiss of me not to mention several of the amendments of the Legislation Act in Schedule 2 and related technological changes to the legislation register, which further enhance access to ACT legislation.

The scope of chapter 3 of the act, which deals with authorised versions of legislation and evidence of acts and statutory instruments, will be extended to include legislative material such as explanatory statements for bills. This will give legislative materials that are authorised by the Parliamentary Counsel the same status as authorised copies of legislation. The principal benefit will be that the various presumptions in the chapter about the correctness, et cetera, of authorised copies of legislation will apply to legislative material.

The chapter will also be amended to permit authorised electronic copies of legislation and legislative material to be obtained by downloading authorised electronic copies from the legislation register. At present, electronic copies are only authorised when they are actually viewed at the approved web site.

Related amendments will also permit authorised written copies of legislation and legislative material to be produced by users directly from authorised electronic copies. At present, only copies printed by authority of the territory government are authorised copies. The change means that any copies of legislation or legislative material that a person prints from an authorised electronic file will be authorised copies.

The amendments of chapter 3 will be supported by technological improvements to the legislation register. In particular, digital signatures will allow users to verify the authenticity and accuracy of authorised electronic files of legislation and legislative material published on the register. They will enable users to ensure that what appears to be an authorised copy of legislation or legislative material is in fact an authorised copy. The digital signature technology will complement measures that have already been implemented to make the ACT's electronic legislation secure and reliable. One important measure has been to provide a secure web site for the legislation register, using a certification service that allows users to verify that the site is legitimate.

To check whether an electronic file of legislation or legislative material that purports to be authorised is in fact authorised, a user can verify the legitimacy of the web site at

which the file is accessed and use the file's digital signature to verify whether the file is the same as the authorised version that has been digitally signed by the Parliamentary Counsel's office.

I would also like briefly to mention one other matter in relation to the legislation register. Amendments will clarify the procedures for gazette notification of the making of a law, or the disallowance or amendment of a statutory instrument by the Legislative Assembly, rather than notification in the legislation register. Such a case has never happened since the register was established. The amendments ensure that the gazette notification procedures are sufficiently flexible to deal with the exceptional circumstances in which they may need to be used.

The bill contains a large number of minor amendments, with detailed explanatory notes, so I will not go through each of them. However, there are two amendments in schedule 3 that members may want to note.

The first is to the Bushfire Inquiry (Protection of Statements) Act 2003 to remove any doubt about whether the defence provided by the act would still be available after the expiry of the act. This was the clear intention of the Assembly when the bill was debated recently.

Second, the terminology of the Discrimination Act 1991 is updated by changing the term "impairment" to "disability". This change was suggested by the Discrimination Commissioner, Ms Rosemary Follett, to bring the terminology used in the act into line with common usage and other legislation, including the ACT's Disability Services Act and the Commonwealth's Disability Discrimination Act. The change does not affect the legal operation of the Discrimination Act.

The parliamentary counsel is also available to provide any additional explanation or information that members would like about any of the amendments in the use of digital signatures to verify the accuracy of downloaded electronic copies of authorised legislation and legislative material.

The explanatory statement for the bill also contains more detailed information about the technological changes to the legislation register. The bill, while minor and technical in nature, is another important building block in the development of a modernised and accessible ACT statute book that is second to none in Australia.

I commend the bill to the Assembly.

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

### **Nurses Amendment Bill 2003**

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

Title read by Clerk.

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**MR CORBELL** (Minister for Health and Minister for Planning) (10:58): I move:

That this bill be agreed to in principle.

I am pleased to present today the Nurses Amendment Bill 2003. Establishing the role of nurse practitioner is part of the government's commitment to building a strong, sustainable nursing work force in the territory, as was highlighted in the government's ACT Health Action Plan 2002. In December last year the Chief Minister, Mr Stanhope, launched a report of the successful trial of the nurse practitioner role, *The ACT nurse practitioner project final report of the steering committee*.

The report recommended regulation and endorsement of the nurse practitioner role. It also identified the processes of authorisation and credentialling that were necessary to protect the title of nurse practitioner, support the legal conditions for extending nursing practice and ensure that appropriate standards of practice and education are formalised according to the health expectations of the health profession and the wider community.

The Nurses Amendment Bill 2003 is the first step towards endorsing this extended nursing role and is consistent with the future direction as outlined for the profession by the National Review of Nursing Education and recommendation 34 of the Senate inquiry into nursing. The bill is also in line with international and national trends to establish nurse practitioners and make legislation changes to allow them to be registered to practise.

Nurse practitioner roles are being implemented in the public sector of New South Wales, and legislation changes have also occurred in South Australia. Nurse practitioners offer new approaches to providing high quality health care for people who do not easily have access to current health services. The successful ACT nurse practitioner trial demonstrated that nurse practitioners provide safe health care and offer additional choices to consumers whilst using a collaborative approach.

Further legislative changes will be introduced later this year to allow nurse practitioners to undertake the expanded scope of practice that has shown itself to be effective during the trial, but the changes required to accredit the University of Canberra course need to be made quickly so the course can commence.

Formal education of nurse practitioners in the ACT is due to commence later this year through a masters program at the University of Canberra. This course will be the first to utilise evidence-based research, generated by the ACT trial, to determine the course content. These amendments are essential to enable the Nurses Board of the ACT to accredit the course and begin educating nurse practitioners for the Canberra community.

The current Nurses Act 1998 provides for the registration and enrolment of nurses, the supervision of nursing, education and standards, and for related purposes. Currently, the act does not refer to nurse practitioners. It is therefore necessary to amend the act to protect the title of nurse practitioner to allow the Nurses Board of the ACT to register nurse practitioners and accredit postgraduate nurse practitioner courses.

The ACT community will benefit from this extended nursing practice in the autonomous assessment and management of clients and in the use of nursing knowledge and skills

gained through advanced education and clinical experience in a specific area of nursing practice.

I commend the Nurses Amendment Bill 2003 and its explanatory statement to the Assembly.

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

## **Building (Residential Building Warranty) Amendment Bill 2003**

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

Title read by Clerk.

**MR CORBELL** (Minister for Health and Minister for Planning) (11.03): I move:

That this bill be agreed to in principle.

I wish to present the Building (Residential Building Warranty) Amendment Bill 2003. This bill is part of the government's response to the crisis in the insurance industry. It deals with the renewed possibility that the ACT will be left with only one provider of residential building warranty protection.

The ACT's Building Act, and similar legislation in other parts of Australia, requires warranty protection for new buildings and significant alterations or extensions. Originally this protection was provided by insurance. In 2002 the Master Builders Association's residential building warranty insurance agent, Dexta, withdrew from the market. The government responded by introducing legislation for the establishment of fidelity funds to provide building warranty protection alongside the Housing Industry Association's existing insurer. The Master Builder's Association then established a fidelity fund scheme under this legislation.

Residential building warranty insurers have maintained that governments across Australia need to change their regulatory regimes to minimise the call on insurance pools. The scope of the building work that residential building warranty must cover varies considerably between jurisdictions and has been widest in jurisdictions such as New South Wales and Victoria. In March last year, in response to the insurance crisis, the insurers obtained the agreement of governments in Victoria and New South Wales to reduce the scope of residential building warranty insurance. The resultant legislative reforms are now in place in those states.

The ACT was then asked by the remaining insurer operating in the territory to bring the Building Act into line with these reforms to ensure that insurance would continue to be available here. The insurer asked that that insurance should only apply if the builder has died, disappeared or become insolvent. ACT legislation currently requires cover where the builder is insolvent, dead or has disappeared, but it can be interpreted to also require cover when every effort has failed against a builder who is not insolvent or dead and who has not disappeared.

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The effect of change would be less than in New South Wales and Victoria, where insurers provided first recourse against all defects and might then recover from the builder. Secondly, the insurer asked that the value of work that does not require insurance should increase from \$5,000 to \$12,000. This range of values represents minor additions and alterations. If badly carried out, the work involved might have serious effects on other parts of the dwelling, but the work itself is on a small scale.

Thirdly, the insurer expected limitations on the height of buildings to which warranty protection applies. The ACT legislation already limits cover to three residential storeys and garages. The bill clarifies the wording of this provision. Finally, the insurer proposed that insurance should apply to structural works for a period of six years and to non-structural defects for two years after completion, instead of applying to all defects for five years, as is currently the case.

The term “structure” as defined in the New South Wales and Victorian legislation, and in the bill, includes not only the frame or other load-bearing elements but also the external walls and roof. In practice, it is structural defects that might not become apparent for prolonged periods.

The bill also follows New South Wales and Victoria by excluding developers from statutory warranty cover. Owners or buyers of individual residential dwellings are the class of consumer with the best claim to statutory protection. In contrast, developers in search of a profit are normally informed participants in the marketplace, like owners or buyers of commercial buildings. Past experience in the States has shown that claims by developers can have a significant impact on insurance funds.

Most of the proposed reforms clarify the present position or modify it without reducing protection for consumers. Where they do affect existing consumer rights in the ACT it is in the context of a larger crisis in the insurance industry.

Statutory protection, it should be remembered, is only one element in the maintenance of standards for residential building, and in the ACT it has been a last resort. The insurer’s emphasis on this limitation underlines the responsibility of government to take action against builders and building certifiers for inferior design or inadequate standards of work. I intend to bring forward reforms that strengthen the regulation of building work.

Mr Speaker, I commend the Building (Residential Building Warranty) Amendment Bill 2003 to the Assembly.

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

## **Planning and Land Legislation Amendment Bill 2003**

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

Title read by Clerk.

**MR CORBELL** (Minister for Health and Minister for Planning) (11.09): I move:

That this bill be agreed to in principle.

The Planning and Land Act 2002 was passed by this Assembly on 12 December last year together with the Planning and Land (Consequential Amendments) Act 2002. In the course of discussing and debating those two important acts, I made well known my intention, and the government's intention, to present at a later date further legislation to repeal the acts that established the Kingston Foreshore Development Authority and the Gungahlin Development Authority.

It is necessary to repeal those acts to give proper effect to this core of the intent of the Planning and Land Act in establishing the Land Development Agency: that there will be a single public entity capable of conducting development on behalf of the territory, governed by one set of rules and operating under a consolidated management umbrella.

That is not to say, however, that this government does not have a high regard for the work and the objectives of the existing development authorities. On the contrary, the provisions of the Planning and Land Act have in part been modelled on the operation and experience of those authorities. It is proposed that the two existing authorities will merge smoothly into the new Land Development Agency through a process that ensures the effective conduct of existing projects. There will be a gradual transfer of those projects into the full management of the agency.

The planning and land task force, the Land Group, the Kingston Foreshore Development Authority and the Gungahlin Development Authority have been working for many months to set in place all of the arrangements for commencement of a single development agency on 1 July this year.

To that end it is necessary, as discussed in the Assembly last year, to repeal the Kingston Foreshore Development Act and the Gungahlin Development Authority Act. The Planning and Land Legislation Amendment Bill 2003 is the vehicle for those repeals. This bill effects a range of changes which I would summarise briefly as follows:

- The principal purpose of the bill, which is to commence at the same time as the Planning and Land Act, is to repeal the Kingston Foreshore Development Authority Act and the Gungahlin Development Authority Act, and this occurs in part 3 of the bill at clause 5.
- The larger part of this legislation is devoted to transitional provisions in connection with those repeals, which ensure the transfer of assets, rights and liabilities to the new Land Development Agency and the continuation of rights and responsibilities in any proceedings for or against a repealed authority.
- Final reports and financial statements of the repealed authorities will be prepared and submitted by the outgoing chief executive officers of the authorities after 1 July 2003.
- Transitional matters are often complex, and it is not uncommon for legislation to provide that outstanding transitional issues may be dealt with through regulations. For that reason, a provision to that effect is inserted into the Planning and Land Act. I should note, for members' information, that the transitional provisions are to expire after one year.
- A number of provisions in the Land (Planning and Environment) Act 1991 are amended to change references to the Gungahlin Development Authority and to correct one typographical error. The amendment also includes a new provision to

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transfer to the Planning and Land Authority the responsibility for legal proceedings relating to the functions of the Commissioner for Land and Planning, a position that will not continue after the commencement of the Planning and Land Act.

- The opportunity is taken in this bill to correct two typographical errors and one omission in the Planning and Land Act.
- References to the Gungahlin Development Authority have also been removed from the Public Sector Management Act and the Taxation (Government Business Enterprises) Act.

Simply put, apart from a few very minor corrections, the amendments proposed in this bill are machinery provisions that give effect to the legislation passed by this Assembly on 12 December 2002.

Mr Speaker, today I have also tabled for the information of members the draft Planning and Land Regulations 2003.

The Planning and Land Act 2002 provides for regulations for two important purposes. They are, firstly, the identification of matters that must be referred to the Planning and Land Council by the Planning and Land Authority and, secondly, the preparation and approval of the business plan of the Land Development Agency.

As members will be aware, the Planning and Land Act provides for the establishment of a Planning and Land Council, an independent body quite separate from the Planning and Land Authority, which has the single, critical role of providing advice to the minister and the authority on planning and land management issues. The council has no decision-making functions in relation to those issues. Decisions are the responsibility of the minister, the Assembly or the authority, according to the kind of decision to be made.

The act recognises the importance of ensuring that issues of significance are referred to the council for advice and that the advice given should be accessible to the public. Members will note that the act allows the authority to refer any matter to the council, but the regulations—the draft of which I have tabled today—may specify the circumstances in which that must be done.

It is also important to note that regulation 4(1) makes a quite general statement about the responsibility of the Planning and Land Council. It must refer any matter that it considers to involve significant policy, planning or community issues. That is a strong obligation but, you will agree, open to some interpretation. To clarify that obligation, regulation 4(2) states that the following measures are always taken to involve significant issues:

- preparing draft variations to the Territory Plan, except variations that do not affect adversely anybody's rights or are only to correct a formal error in the plan;
- preparing or reviewing a section master plan;
- preparing or reviewing the land release program;
- advising on the broad spatial planning framework for the ACT;
- dealing with an application, or the grant of a lease, if the minister has directed that an environmental impact assessment be made or a panel of inquiry established;

- deciding on a development application that relates to
  - residential buildings intended to be higher than three storeys and more than 50 units; or
  - buildings intended to have a total floor space of more than 7,000 square metres;
  - or buildings or structures intended to be higher than 28 metres; and, finally,
- deciding applications to change concessional leases into leases that are not concessional, sometimes referred to as “paying out” the concessional status of a lease.

The authority is not required to seek the advice of the council if the council has already effectively advised about the particular matter.

There will always be perfectly reasonable arguments put forward that a wider range of issues should be forwarded to the council for advice. In forming those arguments, I believe we should keep in mind the following facts:

- The council is to be a part-time body of not more than seven expert members.
- It is an advisor to the authority and the minister on significant policy issues, not on the majority of development applications or on “ordinary” process.
- These regulations do not define or limit the matters that might be referred to the council, only those matters which must be referred.

I believe the range of matters proposed in these regulations is appropriate, given the function of the council and its resources. I should also note that this government proposes to engage the community in discussion on significant policy issues. That will ensure a much more informed debate on planning and land issues with potential to deliver a vastly improved range of outcomes.

The regulations also provide, at clauses 5 to 8, for the content, and acceptance by the minister, of the annual business plan of the Land Development Agency. The requirements are similar to those that currently apply to the Kingston Foreshore Development Authority.

In each financial year the agency is to provide a plan that sets out:

- a statement of expected performance over the next four years;
- a statement of the expected financial position for the next four years;
- an explanation of any variation from a previous plan; and
- a statement of the main challenges and opportunities for the next four years.

A draft business plan is to be submitted to the minister for comment and ultimate acceptance. Clause 8 provides for variation of the business plan through a similar process. These business plan regulations are substantially machinery provisions, but they are important because they provide for the effective planning and giving of information about the territory’s principal public development agency.



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I commend both the draft regulations and the Planning and Land Legislation Amendment Bill 2003 to the Assembly.

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

## **Bushfire Inquiry (Protection of Statements) Amendment Bill 2003**

**Mr Wood**, on behalf of **Mr Stanhope**, pursuant to leave, presented the bill and its explanatory statement.

Title read by Clerk.

**MR WOOD** (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for the Arts and Heritage and Minister for Police and Emergency Services) (11.20): I move:

That this bill be agreed to in principle.

On 10 February 2003, Mr Stanhope announced an inquiry into the operational response to the January 2003 bushfires in the ACT. The report by the McLeod inquiry will be of interest to all Canberrans.

Earlier this year, the Assembly passed legislation protecting people who made submissions to the McLeod inquiry from any risk of defamation that might exist. The Assembly also provided similar protection for the report of the inquiry and to fair summaries and extracts of the report.

At the time the legislation was prepared it was expected that the report would be completed in time for tabling during a sitting period. Accordingly, the act does not make provision for tabling the report outside a sitting period. Without the amendment proposed today, if the report is completed when the Assembly is not in session, the report will not be able to be made public until the Assembly has reconvened and the report has been tabled. The delay between the completion of the report and the tabling of the report could amount to a number of weeks.

This amending bill, the Bushfire Inquiry (Protection of Statements) Amendment Bill 2003, permits the reports of the inquiry to be released publicly, even though the Assembly is not sitting at the time. This will enable fair discussion of that report at the earliest possible time.

Mr McLeod and his team have been working diligently to investigate the operational response to the fires. This is a mammoth task and, on behalf of the Chief Minister, I thank them for their continuing efforts. Many people have made valuable submissions to the inquiry. This bill will enable the community to view the results of these efforts and to discuss the report without unnecessary delay. I commend the bill.

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

## **Legal Affairs—Standing Committee Report No 3—discharge from notice paper**

**MR STEFANIAK** (11.23): Pursuant to standing order 152, I move:

That order of the day No 1, Assembly business, relating to the Standing Committee on Legal Affairs Report No 3 on the Operation of the *Dangerous Goods Act 1975* with particular reference to fireworks, be discharged from the *Notice Paper*.

Question resolved in the affirmative.

## **Government response to Report No 3—discharge from notice paper**

Motion (by **Mr Stefaniak**, by leave) agreed to:

That order of the day No 2, Assembly business, Government Response to the Standing Committee on Legal Affairs Report No 3 on the Operation of the *Dangerous Goods Act 1975* with particular reference to fireworks, be discharged from the *Notice Paper*.

## **Health—Standing Committee Report No 4**

**MS TUCKER** (11.24): I present the following report:

Health – Standing Committee—Report No. 4—Looking at the health of school-age children in the ACT, dated 17 April 2003, together with a copy of extracts from the relevant minutes of proceedings.

I move:

That the report be noted.

This report has 48 recommendations. It has taken over a year and a half to develop these recommendations. As a committee we worked with a lot of expertise. We worked with people in the community who are involved with this question because they are parents, because they are teachers, because they are experts in the field. We worked with young people as well. The committee made a particular effort to involve young people in the consultation on this report.

It is hard to summarise the work that is in this report in the time I have. In the report we did an overview looking at the current status of health, emerging health issues, Aboriginal and Torres Strait Islander health issues and children with disability. Then we divided the work up into physical wellbeing, mental wellbeing and social wellbeing.

When you hear the adult world speak about the health issues of young people, there are a couple of things that always come up. Obesity and lack of physical fitness are seen to be very important, and they are, of course, very important. But what was very clear to the committee when we consulted the young people was that the main issue for them in high school—and to a degree in primary school—was mental health.

In primary school, that took the form of discussion of bullying. Talking about serious mental health issues, the number of young people who have been exposed to friends who have been considering suicide or who have considered it themselves is very disturbing. Drugs, substance abuse and sexuality are definitely issues for young people, as are their place in society and how they are not involved in or listened to when it comes to the structures in which they have to exist—in this case, schools.

That is what came clearly from the young people. It is very important for us to take note of what these young people said. Governments of both persuasions, Labor and Liberal, are always saying that they recognise it is important to listen to young people. They have youth advisory bodies and make attempts to consult with young people. But they are not comprehensive attempts; they are not reaching a lot of young people, particularly young people who are marginalised in any way. However, the overall commitment is there from governments of both persuasions.

It is not acceptable, when there is a clear message on a particular issue from young people, that those same governments say, “We would like to listen to young people, but we do not like what they’re saying; so we won’t listen to them on that subject.” That has happened in areas which are contentious and challenging to the adult world.

On the question of physical fitness, obesity was addressed in some detail. Members are aware already of the issues; they are always being discussed. The question is: how to address poor diet and lack of exercise? We made a number of recommendations that deal with that.

There’s a contentious one. Mr Stefaniak was on 2CC again, misrepresenting again what the committee or I had said. I am not going to waste taxpayers’ money on getting the transcript so that I can respond. Mr Stefaniak was under the mistaken impression that this committee did not support there being competition in physical activity in schools. That is not correct. What the committee actually said was:

The Department of Youth and Family Services assist schools to collaborate with community organisations to provide physical activities that focus on fun, not just competitive sports, particularly where schools do not have a dedicated physical education teacher.

The committee was not saying that we should eliminate competitive sports. What came through very clearly from the young people—and it is obvious—is that it is not useful to have only a competitive option when it comes to physical exercise in schools. Many children do not want to play competitive sport, because they can feel a sense of failure if they are not good at it. So, we need to provide options for young people, as we do for adults, in terms of physical exercise.

There is quite a lot of evidence in the report to support this position and the fact that we can have a win-win here. Mr Stefaniak does not have to get upset about this. He can still have his competitive sport; we are just saying we would like to see other options there as well. Another thing Mr Stefaniak is sensitive about is the fitness testing question; I know he is very supportive of it. After receiving evidence, the committee expressed caution

about fitness testing, particularly against prescribed exercises. It has to be done with caution. Recommendation 5 says:

Fitness testing against prescribed exercises should only be undertaken with extreme caution. Instead, if schools choose to follow this route, 'exercise as fun' programs that allow fitness assessments to be undertaken on the child's own ability should be implemented. Any results from these assessments should be only available to parents/carers.

That recommendation came out of the evidence that was received, and I am hoping that, now Mr Stefaniak has read the report, he will take note of the views that were put by professionals and young people about this issue.

As I said, the report broadens the options once again and is asking for caution because there are serious issues about body image, which I am sure all members here are familiar with. A sense of failure around one's body can have significant mental health implications for young people, and it can also have significant implications for their attitude to physical exercise for their whole lives.

It is important that we do not just look at whether children and young people are doing exercise now; we also have to look at whether the nature of that exercise is such that it will be a lifelong habit and that it is not something that is just imposed—something they might do if they are forced to, for a short term, while the power is there to force them to do it. That is really the aim of physical education. I will read directly from the committee report:

The focus of physical education should not be on immediate physical activity, but on achieving and maintaining physical fitness for life.

That cannot be stressed enough. We know as a society that there are serious issues of physical fitness for our community, and the health costs of that, as people are well aware, are significant.

I will go to the other contentious issue of condom vending machines in schools. There has been some reaction to that from the media and some members of this Assembly. I will read out some of the important comments that were made by the committee on this. Recommendation 29 states:

4.95. The Committee heard evidence that twenty percent of year 10 students and 48% of year twelve students had had sexual intercourse. It is essential that these children receive appropriate and reliable information about safer sex and the risks associated with sexually transmitted infections (STIs).

4.96. Sexual Health and Family Planning ACT (SHFPACT) expressed concerns to the Committee that while secondary school students have a good knowledge of HIV, their perception of their own risk of STI infection and their knowledge of STIs is poor.

4.97. The most common STI in the ACT is chlamydia, with a 200% increase in diagnoses in 2001 to 2002 – young people are largely overrepresented in this group.  
...

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4.99. It was made clear to the Committee by young people that safer-sex education as currently delivered is largely irrelevant and ignores the reality of their experience ...

I want to link sex education to the question of condoms because that is the fundamental point here. The committee has received evidence that if you have sex education it makes you more discerning and thoughtful about sexual activities. That is recognised. I do not think anyone disagrees with that. We all agree that sex education is important.

This committee has shown that sex education is not being well delivered. It is particularly badly delivered to young people who are not heterosexual, but it is not good right across the system. It is inconsistent. That is somewhere we need to go, and the recommendation is therefore that we need to see much better sexual education.

I will return to the question of condoms. We know that a certain percentage of young people are having sex. Some of the young people who talked to the committee had carried out surveys of much larger groups of young people who we know are not accessing condoms from current outlets such as pharmacies, because they are embarrassed about doing that. We have had a 200 per cent increase in chlamydia, so we would think that, as a public health question, we would like to do something about sexually transmitted infections.

The availability of condoms for young people has been said by some to be a problem because it will incite or encourage young people to have sex. There is a United States study I can refer to. This is an extract from a study on condom availability in New York City public high schools and the relationship between condom use and sexual behaviour, in the *American Journal of Public Health*.

The study examined the impact of condom availability during a program in New York City public high schools by comparing rates of sexual activity and condom use for New York students and similar students in Chicago. I won't go into all the detail of the actual study, but I am happy to table this. The conclusions were that condom availability has a modest but significant effect on condom use and does not increase rates of sexual activity. These findings suggest that school-based condom availability can lower the risk of HIV and other sexually transmitted diseases for urban teenagers in the United States, and there is no reason to imagine that it wouldn't apply here. I seek leave to table that study.

Leave granted.

**MS TUCKER:** On the question of young people and whether or not they engage in sex, it is very important to understand that there are so many pressures on young people about sexuality that you cannot put your head in the sand and say, "This will be the definitive thing that will encourage young people to have sex."

Having a condom vending machine in a school—I acknowledge—to a degree legitimises sexual activity. But the point is that sexual activity is occurring. The evidence supports the fact that to reduce sexual activity you do not worry about the availability of condoms,

you worry about sex education. Sex education information is what creates young people who think about the issue much more carefully, and the evidence is there to support that.

The other point I would make is that, if young people are engaging in sex, it is quite possible that there are other issues in their lives, and those issues need to be dealt with. Schools can of course have a role in this, but they cannot carry the full responsibility. We have made a lot of recommendations in this report about how we think the health of the students, and also their relationship with their school and families, needs to be supported and developed.

I am sorry I have had to spend so much time on that particular issue, but I know it will be focused on in this debate. I want to briefly talk about what I see as extremely important recommendations of this report, which are on the social environment of schools. If we are going to talk about the health of school-age children, we have to understand that the social environment they are brought up in is absolutely critical. (*Extension of time granted.*)

We are still operating within a shame-and-blame culture where people are expected to take responsibility for circumstances affecting their health, such as poverty and low educational attainment, and make changes to these circumstances without being provided with skills to do so. This is particularly difficult for young people, who may have neither skills learned at home nor life experience. School performance has been shown to strongly correlate with family, economic and social disadvantage.

Socio-economic status is the strongest predictor of educational outcomes. Research shows that as parental income declines poor academic outcomes increases. Poor education outcomes in turn lead to lower income generating capacity and the maintenance of socio-economic disadvantage, creating a continuum of the cycle of economic disadvantage, which becomes difficult to improve upon.

There is a fundamental societal issue here, which we have to address through the public school system and the independent school system. It has to be recognised as a fundamental issue in educational and health outcomes, and it has to be integrated into any response from any school.

We have the health promoting schools model in the ACT, and that has been very well supported in this committee. But the committee submitted concern that it was not properly supported and that how well it was implemented really depended on the individuals in schools. There is also, of course, the resourcing issue.

We have made recommendations about what is called the Gatehouse project, which is related to the social environment question. It is a practical, whole-of-school strategy, which can be used in individual schools or whole school systems. The project identified three priority areas for action: building a sense of security and trust, enhancing skills and opportunities for communication and social connectedness and building a sense of positive regard through valued participation in school life.

The project recognised that health outcomes are compromised in situations where students feel victimised, socially isolated, bored and not noticed or valued. The Gatehouse project, plus our recommendations about values education, are the exciting

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recommendations of this report. They address the school, culture and environment of students in a way that I believe will develop their emotional intelligence; challenge teachers, staff and parents; and have very positive outcomes for the whole community.

Fundamental to the aspect of Gatehouse of feeling respected and respecting people is the notion of young people being listened to. Young people are thoughtful, intelligent and want to engage in the issues that we are all dealing with as a society. If you respect them and give them the information, they will come up with sensible solutions and suggestions that can teach us a lot. Children can teach us.

I want to finish with a quote from a young person who gave a submission to the committee in response to the contentious issues that people will no doubt want to focus on in this debate. This is the voice of a young person, and it is supported in essence broadly by all the young people we spoke to:

Get rid of the idea of bad things—indeed, bad drugs, bad sex, bad smoking et cetera. Many of us feel that doing something risqué is much more exciting than doing something acceptable, and thus more youths are likely to experiment with the bad things. We are not saying that we should legalise drugs and alcohol. We are just saying that by telling youths that “drugs are bad” and “do not drink” is not as effective as saying, “Make your own choices but know all the risks.” This “bad things” attitude also puts parents in the wrong frame of mind and reduces their ability to remain open-minded and their ability to communicate and support their children and, thus, to help them through to the best answer and response.

If people took notice of that, I think they would see the wisdom of it. The ability of parents, teachers and the adult world to communicate and support children is fundamental to the question of the health of school-age children. I commend this report to the Assembly, and I look forward to seeing a positive government response.

## Visitors

**MR SPEAKER:** Order! Before I call Ms MacDonald, I wish to inform members of the presence in the gallery of Year 6 students from Red Hill. Welcome.

## Health—Standing Committee Report No 4

**MS MacDONALD (11.45):** I also rise to speak about this report *Looking at the health of school-age children in the ACT*. It is good to be able to welcome such a range of young people into the gallery at this time. This report was written with you people in mind, addressing all of the issues that face you today and in the future.

One of the students who appeared before the committee said:

Children are basically the future, but that also applies to adults, because they are role models for us. I know that, when people eat less food, they have a big impact on their children, because their children think, “I want to grow up like my parents”, and so they will eat what their parents eat. With foods, and with cigarettes for adults, the warnings on some packets are actually very small and so they do not

stand out. If people see more warnings on foods and read them more often, then they will know what they are actually eating, whether it tastes good or not.

That was in the section of the report that I had a particular interest in—the nutritional health of young people. That section highlighted that it is not just about giving the messages to young people in our schools. It is also about ensuring that the adults—their parents and grandparents and any role models they have—are also getting those messages and passing them on to their children and grandchildren.

The committee heard some alarming statistics about the number of children who do not eat breakfast, which we all know significantly impedes children's ability to learn. In fact, all people's ability to function is impeded if they do not have a nutritional start to the day and do not get their metabolism going.

I have a concern that information about how to prepare nutritious meals is decreasing within our community. That correlates to the increase in obesity in our society, as was highlighted by another of our witnesses. It means that our young people will have a different target to aim for in the future. They won't necessarily look back to a youth where they were fit and healthy; they will be looking at their childhood as not as healthy as somebody of your generation, Mr Speaker, or mine.

This report covered a wide range of things and, as Ms Tucker said, it is hard to single out one area that is of more significance than others. Of course, I had an interest in the nutrition area. Another area that came up was the mental health of our children. Mental health issues seem to be starting at a younger age, but the lack of school counsellors and counselling services is one of the biggest issues that came up.

I am pleased that the Treasurer's budget for 2003-04 has now introduced within the education budget the issue of providing a counsellor in every school. I am looking forward to that being the case, and I know that that will be welcomed in all of the schools around the ACT.

I might finish on those issues. I commend this report. It was a long time in the making, and we heard from a large number of witnesses over many months. I would like to thank all the witnesses who took time out to both present submissions and appear before the committee to give their views on a number of points.

We could not cover every issue that relates to the health of school-age children, from preschool right up to the college years, because they are ever emerging. If we had done that we would have been here for eternity. It is a thorough report, and I commend it. I would also like to thank the committee secretary, Ms Siobhan Leyne, for her extensive work on the report. At the moment, she is probably on a train going across Siberia or somewhere.

**MRS BURKE** (11.51): Speaking on the tabling today of this report, I consider that it should be noted that, although I was and am a member of the Health Committee, which is responsible for the report's production, I only came onto the committee at a very late stage—shortly after my return to this Assembly in mid-February this year. That was more than a year, I might say, after the committee had resolved to conduct the inquiry, in March 2002; indeed, some 21 meetings had already been conducted.



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I attended only six meetings in total, of which three were public and three were private. Naturally, with the draft report already at an advanced stage by this time, I had little quality time within which to properly consider all the material already before the committee—both submissions and public hearing transcripts.

Due to the last minute change in the handing over of the baton and a subsequent misunderstanding on my part, I gave my imprimatur to the report as a whole. I will not dwell on this matter, however, because I believe there were extenuating circumstances surrounding my personal situation at this time. Indeed, I am sure most of us in this place have been given the grace to make one or two mistakes in our time.

Although I have already done so privately, I must now publicly apologise to the committee's chair, Kerrie Tucker—I value your guidance, Kerrie, for the future, and I thank you for that—and to the deputy chair, Karin MacDonald, who have genuinely sought to produce a report of high standard offering important material on this critical area of public policy, for the misgivings I now feel concerning several aspects of the report. Perhaps the feedback I have received, not only from my Assembly colleagues but from beyond the Assembly, will only enhance our mutual interest in seeing this Assembly properly further address and debate many of the issues and ideas proposed in the report and its recommendations.

This report makes—and I will stand corrected, possibly—67 individual recommendations set out in 48 different subject areas. While there are several recommendations to which I give my unequivocal support and there is a significant portion of the package to which I give my general support, at the same time there is a smaller group of recommendations about which I am less sure. Ms Tucker referred to those as the more contentious issues contained therein. There is another, even smaller, group that I am definitely opposed to. I would be very surprised, and even alarmed, if I was alone in this Assembly in holding a personal position on a report that covers such a broad range of public policy issues.

I, too, would like to add to Ms MacDonald's statement about the work of the secretariat. They are never to be undervalued in any of these things, and we know how hard they worked. I am sure the secretary is having a wonderful time.

It is my view that it is only now, upon the tabling of this report and other non-committee members being given an opportunity to digest its contents, that we can responsibly move forward. This is what we need to do: move forward to the future. This, I should stress, is a view I hold in relation to all committee work in this place, whether it is the work of a committee on which I have sat or not—or, as is the case here, on which I have only sat late.

Perhaps it is also timely that I suggest that MLAs give serious consideration to seeking access to the volume of written submissions, no less than 32 of them, or at least the ones that are of specific interest to them. These people put in inordinate amounts of time, and it is very important to our general community that they feel esteemed and valued in the work that they do. We shouldn't take that lightly or ever take it for granted.

I encourage members to avail themselves, whenever they are able to, of public submissions and read them, making sure that they take a keen interest in what people are trying to say. After all, that is the only way we are going to know what is going on in the big wide world. There is also a transcript of the six days of public hearings, which saw further input from no less than 47 individuals. Again, people have given up their time because they feel it is a subject worthy of debate. I think it has been a healthy time to bring out some of the points mentioned in the report.

The report has been well referenced and footnoted. Many of the submissions are set out in great detail, providing useful background material on many subjects, which, quite frankly, are new concepts to many of us. It should be noted, though, that a mere handful of primary schools out of the 93 in the ACT were consulted, which is a little bit of a skew. That is an area I have a problem with—where some of the information has come from. It is a little bit out of left field.

As they say, hindsight is a great gift. Having sufficient time now to digest this report, I am concerned by some areas, not least of which the suggestion of condom vending machines in our schools and particular high schools. This to me presents some very serious challenges regarding the possible condoning of underage sexual intercourse and activity within our schools. I know Ms Tucker says that sexual education does not promote this; I just have a big worry. As a parent I have a worry about some of these areas and where they are leading to legally. I am sure that my learned colleague Mr Stefaniak will want to add to that.

The World Health Organisation defines health as “a state of complete physical, mental and social wellbeing, and not merely the absence of diseases or infirmity”. I agree. Wouldn't much more use be served by educating our children about relationships and the consequences, both physically and mentally, of promiscuity? I have a problem here.

Ms Tucker says that sexual education is not good in our schools, and I agree. But I think there is a very skewed balance. Why aren't we promoting the alternatives as heavily? We get told we are bigots, homophobes and that it is draconian. Well, I am fed up with hearing that. We need to be promoting a balanced approach. If we are going to do it at all, let's balance it. That is my aspect on that.

As I say, it is a view seen as draconian and old-fashioned by some in this place. However, I refuse to bow my knee to the fact that it is wrong to have this viewpoint. I believe that many people enter into sexual or physical relationships ill prepared mentally. There seems to me to be something terribly wrong with our society today. We live in a time when we can just throw our hands up in the air and say, “Oh well. Children are sexually active at a younger age.”

I know that some in this place believe that putting such things as condom machines in schools will prevent people from contracting sexually transmitted diseases, and I understand Ms Tucker's standpoint on that. On face value it is possibly true, but it still does not make condom vending machines in high schools legal. Sex is still illegal under the age of 16 in this country, as far as I am aware. I am confused about how that would work legally, as well as all the other areas.

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Why aren't we teaching students about the psychological scars caused by underage sexual activity? Again, these are my thoughts. Why aren't we teaching them about the value of abstinence and long-term relationships? Whilst our young people may be physically mature, they are certainly not emotionally mature. We can't have ourselves on; you can't put an old head on young shoulders.

Once a person gives himself or herself sexually to another person, a part of that person is gone forever. Indeed, the second point in the conclusion, on page 105 of the report says:

... children and young people are in need of a 'moral toolbox' filled with the skills of help-seeking, resilience, coping, and the ability to analyse and express their emotions; ...

We need to make sure, when we look at this again down the track, that we have a more balanced view and perspective of it.

I am not overly critical of this report, as there are some very good recommendations in relation to health and nutrition. I would agree with Ms MacDonald on that. I think that Ms Tucker laid out very clearly the view of the committee on fitness, health and testing. We must pay attention to and focus on obesity without weakening the aspect of physical activity.

We must recognise that we live in an increasingly sedentary world and are now dealing with a generation in which more and more young people seem not to associate with sporting and fitness. It is a fact of life. We may none of us like it, but that is the reality. Fitness needs to be fun. We must ensure that, whilst we talk about healthy nutrition, physical fitness is a major part of that.

Other sensible measures in this report are about anti-bullying and an early years intervention project that provides parenting support—recommendation 45. There are healthy body image projects, in recommendations 28 and 29, which are an excellent idea in this day and age, where glossy magazines and movie stars often present unrealistic images of the perfect girl—or boy for that matter.

There are many more aspects of this report that I could lift out and praise, and I look forward to focusing on the future. I commend to this Assembly consideration of all the issues contained in this report and look forward to future debates on aspects of the report.

**MR PRATT** (12.01): I rise to make some comments about the Health Committee report, a report that we generally support. I personally believe this is a useful report, and in my capacity as shadow education minister I welcome it. The majority of recommendations are worthy of adoption, and I call upon the government to seriously consider them.

Indeed, many of these recommendations are core issues germane to education and the welfare of our children. They have been raised by the opposition and broadly discussed here, but some of them do not seem to have been addressed in the budget. We therefore hope the government can implement those for which they find funding, but in some cases many of these recommendations could be approached in a cost-neutral fashion. Some of them simply require cultural change, not necessarily the spending of a lot of money.

We hope the government finds the strength and the vision to initiate the sort of cultural change in our schools that would enable them to implement the recommendations we think are worthy. However, the opposition is very concerned with a number of the recommendations in this report, which we think will have a negative impact if implemented. They are negative points that I think detract from what is otherwise a useful report.

One of the recommendations I strongly support is recommendation 3, on disability services in schools. I note that the committee report is unable to tackle that issue in detail because it is pre-empted in some sense by the Connors report. However, I am pleased to see that the Health Committee report has said that, pending the outcome of Connors, something needs to be done about up-gunning disability services in schools. That's something I entirely welcome.

Recommendation 4 is another particularly good recommendation—the on-site medical and health monitoring services in schools. There is a need for us to intervene somewhat earlier in our kids' development, and the institutionalisation—if you want to call it that—of medical capabilities in schools that allow that to happen can only be a good thing and is entirely welcome.

Recommendation 25 is an excellent recommendation. It deals with human values and the philosophy plan in schools. A number of us have been talking for some time about the need to improve that aspect of schooling. We are not just about fitting out our children to be capable of carrying core academic values with them; they also need to know a lot more about life, learn to appreciate their country, their community, a multicultural society, the history of where we have come from and to pick up on those virtues.

I strongly support recommendations 37, 38 and those through to 45, regarding early intervention with medical care. Children need to be encouraged to come forward. They need to be encouraged to come and see a school medical officer to present the concerns they may have. They need to be prepared to have a good look at themselves and where they can improve their mental health—perhaps in esteem terms—and how they can overly improve themselves.

They need to learn the value of maintaining their own health, and I think the early intervention programs being recommended in terms of medical care will go a long way to pursuing those sorts of principles. Recommendation 43—the identification of and assistance to young carers—is a very sensible recommendation as well.

I should also stress that recommendation 23—the introduction of full-time health and welfare officers in schools—is also extremely valuable, as it assists the early identification of children at risk. If we can identify children with health and mental problems at a younger age, there will be a better opportunity to do something with them. Schools have a very strong role to play, in addition to families and community services, in the identification of and early intervention for children at risk. This recommendation will certainly go a long way to gearing up for that.

I will go through the recommendations we have difficulty with. First is recommendation 5, which refers to a change in the way physical education is practised. In the report

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concern is expressed that “mandatory times” for physical activity in schools will politicise physical education. I cannot see how it does that; I do not think anything can. The community expects that children, when they are sent to school, will be involved in a program of physical education that involves mandatory times.

Why are mandatory times important? If schools have a regime of physical education run along mandatory times, it assists to teach our children about routine and personal discipline. It teaches them to gear themselves up to turn up at the right time, at the right place and properly equipped with white sand shoes on to undertake what is recognised to be an important part of their education. If it is not mandatory, it may not be seen to be important. That is why mandatory times are very important.

I note the comments in the report about the watering down of competitive sport. I do not think this is on. Competitive sports contain elements that are very important to the development of our kids, such as teamwork. It is important for our kids to learn to get on with others, not just in the classroom but out on the sporting field where there is perhaps a little bit of physical adversity. It is important for our children to enjoy sharing the goals that teams achieve, and sporting teams are probably the most effective vehicles we have in schools for teaching our kids teamwork and what it is like to achieve goals. A maths class does not do that, but a sporting team can.

What I really have criticism for is the comment that the competitive spirit thing is a bit overdone. That is bunkum, and I am sorry to see that people think in those terms and influence our schools by saying that competition is a bad thing. We have to teach our children that a competitive edge is important in life. Kids have got to understand the value of a competitive edge. They have to understand that this is a pretty tough life, and it is a pretty difficult world in which we live. They need to learn that.

**Mr Cornwell:** Hear, hear!

**Ms MacDonald:** It’s been really tough for you, hasn’t it, Greg?

**Mr Cornwell:** Yes, that is why I had the competitive edge, Ms MacDonald. I wasn’t cotton-woolled.

**MR PRATT:** My learned friend is absolutely correct. We were born to take the first breath and to take a bit of a risk. But it is important that our children of the ages of 13, 14, 15 undertake a little bit of rigour, undertake the odd onerous activity, learn to share the bumps and the grinds with their mates and learn a little bit about the competitive edge because as they get out into the bigger, wider world they are going to have to cope with people who are going to compete with them and institutions who are going to compete with them for their time and their resources. So I am sorry to see that the report has taken that approach.

To suggest that the very little physical education time that we have in the school curriculum should be taken up by softer activities, which are of a more recreational nature, versus competitive sport, is not on. Where are we going to get our children to get out there and go the extra yard? (*Extension of time granted.*) It is important that our children learn to go the extra yard, and it is important that our children learn to aerobically stretch themselves. It is good for their health if nothing else.

If, through our PE program each week, our children take on a bit of onerous activity where they have to push themselves and aerobically lift themselves, then that is going to contribute to their health. So, recognising full well individual capabilities and sensitively programming in our classes to make sure that some kids who cannot do it as well as other kids are catered for in a proper and a sensitive way, it is important that we ask all the children to push themselves to their physical limit at some stage somewhere.

On the subject of fitness testing, the committee is concerned that fitness testing is undertaken in an exhibitionary manner. I am not quite sure where to come in on that. I agree with the committee that there is a need to maintain sensitivity and confidentiality in fitness testing. You certainly cannot allow children's testings to be laid open to the rest of the class to have a look at. If that is happening, it must stop because every child is entitled to a confidential testing and to be told, quite frankly, where they stand.

Do they need to go and seek medical help? Do they need to go on to some other sort of supplementary physical program to improve their health? That is a private matter between the child, the family and the school and, if it is not happening, then it should. Up to a point, I agree with the committee that that must be the case, but it does not mean that we should abrogate fitness testing in such a way that, because of the concerns we might have for a minority of children, who we can quite properly and professionally manage and do that in a sensitive way, for their sake we throw the baby out with the bath water and degrade our physical fitness testing to such a point that we do not intervene anywhere to identify children who need to have work done on them.

The report has made some very good points about obesity, and surely the report's treatment of the issue of obesity should ring alarm bells with respect to the need for a substantive physical education program and mandatory fitness. The report points out that the rate of obesity has more than doubled in the 15 years to the year 2000. I particularly agree with the comments at paragraphs 3.50 and 3.51, and I congratulate the committee for their useful and thoughtful observations.

However, I must disagree with the comment at 3.54 that says that "the constant dialogue could compound cultural obsession ...". There is no way that we cannot but talk regularly, through education and public information, about the wretched concern of obesity. We have got to make sure that we get this message out to adults and children: "You have to maintain your health and look after yourself. Your obesity is going to burden the country's health system, and you've got to do something about it."

We must do that in such a way that, if some children find that they are oversensitised by this, it is up to the school, the school welfare officers and the physical education teachers to take care of that child's concerns. I am sure that can be done without cutting off at the knees the otherwise very important need to teach kids and the community about obesity.

I must go on and talk about condom vending machines. We do not send our children to school to have sex. Where we might identify children at risk who need to be given the opportunities to obtain condoms because of the great fear that we have about STDs and unwanted pregnancies, there are ways we can do that. I do not think putting vending machines where 13-, 14- and 15-year-old children can see them is helpful. That is

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ramming it down our children's throats. Let our children grow with their innocence. They need to grow up first before they can be mature to tackle this. Otherwise, I applaud the report.

**Mr Corbell:** I think Jacqui got rolled in the party room.

**MR STEFANIAK (12.17):** No, Mr Corbell. Mrs Burke has well and truly made her point of view in this matter. There are a number of issues that I find very good. I am pleased to see issues of diet come up and also some of the steps and issues the committee looked at in relation to outside the school, around the home and encouraging people to have basic, user-friendly activities, design things better and walk and use bicycles better. All of that is good stuff.

I see the hand of Ms Tucker in a lot of suggestions that this or that should be funded, which I think would cause any government, even a profligate Labor government, concern as to how much can actually be funded. I would suggest to the government that, when considering this report, some things obviously need to be funded, but they need to be sure they are getting good value for them.

Obesity and the health of children are real problems. The report quite properly points out a significant increase, and there are a lot of factors in that. One of the most basic is that 20, 30, or 40 years ago, kids would walk everywhere or ride their bikes everywhere. It might surprise Ms Tucker, but I was not particularly competitive in sport until I was about 14 or 15. I played Aussie Rules as a seven-year-old, and some kid came and kicked the ball out of my hand so I wasn't much good at that. I played a bit of hockey.

I recall that then people walked a lot more; we rode a lot more. In the modern age people simply live too far away or perhaps some parents fear for the safety of their children out in the streets. We are not the quiet little country town we used to be. All those factors play large, and anything that you do to get people to walk more and exercise more in the most basic way is to be applauded.

There are, however, other things that come to light here. One thing I would suggest in terms of some of the suggestions for what should be funded is that the government improve structures and in many instances ensure that managers ensure that people underneath them do their own jobs properly. I would suggest that a number of concerns raised here by individuals could well be overcome if people adopted a slightly different way to go about their jobs.

I come to recommendation 5. I do not know if I am misrepresenting Ms Tucker, or if she is misrepresenting me. Let's just look at the facts. She quite rightly quotes the Senate report where it shows great concern about the decline in physical activity and physical education in schools. It was becoming a joke under the Follett government where, in some primary schools, there was no physical activity or about 40 minutes a week. Physical education teachers in high schools were pulling their hair out, and groups like ACTSport were very concerned indeed.

Schools have a crowded curriculum so, if you do not mandate a certain amount of time it will not happen. In late 1995 we mandated 150 minutes of physical activity a week in government schools from kindergarten to year 10. As a result of our consultations,

another 30 minutes was mandated for health education. Interestingly, that recommendation has stayed in. Indeed, the health education people were very keen to see that. It was the first time they felt they had been recognised by anyone.

The 150 minutes was arrived at by talking to all stakeholders, including the P&C, who actually came up with a breakdown around that figure. I can remember Ms Tucker—and Ms McRae, when she was here—being on the quite large committee I established to look at the best way forward. What came out then was what is accurately reported here in terms of compulsory physical exercise in schools.

I specifically wanted to get away from just competitive sport. That has its place. It should not be downgraded, and I think the report does try to have a downgrading. Maybe it is intellectual snobbery that I found in some people's reluctance to look at these issues in the education system—as if physical activity was a second grade thing rather than a priority. It is one of the eight key learning areas, after all.

But—Ms Tucker may remember—in the paper that was delivered and became policy, there was an annex C, which listed 60 or 70 activities, which people could go through. Kite flying was one of them, and there was the magnificent Rock Eisteddfod. A lot of kids are not remotely interested in playing organised sport but love that. As anyone can tell, you dance.

Ms Tucker has a wry look on her and, Ms Dundas, congratulations you were brilliant—and a few others. Mr Smyth partook in a dance yesterday. That was only 90 seconds, but if you are not fit that was good activity. If you did that all the time you would be a very fit person. That is why the Rock Eisteddfod was classed as physical activity in annex C, as I think it was, to that particular report.

The report tried to be as inclusive as possible, and it was not implemented in 1996 as it should have been because at the time there were some industrial problems. It was implemented in 1997. We had a look at it again in 2000 to make sure that schools were doing what they were meant to, and you have to keep them up to the mark because we had complaints that some were not. Some further improvements were made there.

I see a number of quotes from a Ms Easton, who raises the point that programs are not being done properly there, whatever her school is, because people have a range of different abilities. The main thing, if someone is not sportingly inclined and does not want to play competitive sport, is that it is all the more reason to give them at least the opportunity for good physical education training.

Obviously, in her case it could be done better. If she is improving by two minutes in a one-and-a-half kilometre run, that is magnificent. I can remember a very good fitness trainer by the name of Brian Burke, who used to terrify us. His statue is in the Queanbeyan Leagues Club. I think he was a five-eight or lock or something for Queanbeyan United. He used to run, in his 50s, from Queanbeyan to Fyshwick, where he worked at a bus depot. He was an incredibly fit bloke.

He also had the ability to pick out in any group people who were trying and those who were not. Reading Ms Easton's comments reminded me of Burkie at a rules training session, where all six grades were running around—120 blokes or so. There was one



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bloke called Woodgers, who played sixth grade. Woodgers came to rugby late in life. He was somewhat overweight, and he wore a Raiders jumper. Raiders were sponsored by Woodgers at the time, so he was nicknamed Woodgers.

I remember some of the first graders having a bit of a go, and Burkie was having a go at them saying "You're not trying hard enough." They would whinge and say, "Yes we are. Look at Woodgers; he's so far behind everyone." I think they were backs. Backs tend to get like that: a bit catty and they whinge. Burkie said to them, "You guys are first-graders. Woodgers is trying hard. I know he's trying hard, and he's doing a lot better than he was last week. You blokes aren't doing as well as you can."

Burkie, as any good fitness trainer will do, had graded people in terms of what was expected of them, and he praised up Woodgers for having a go. Maybe the school programs do need to be improved, and quite clearly so. A lot of extra work can be done there. It does not have to cost money either; it is doing things in a better way.

Having said that, there is a place, too, for competitive sport in schools and in the school system. Ms Tucker recommends that kids who play competitive sport should do the health component but should not have to do any of the other basic physical education things. That is a bit elitist. It is like saying, "You're so good. You're doing this, so you do not need to do this." It is important that it is inclusive and everyone does something to the best of their ability.

**Ms Tucker:** What are you talking about?

**MR STEFANIAK:** I am not quite sure what you are getting at there, Ms Tucker, but that might not be very effective. Your committee has made this report, but what I recommend the government do then is look at ways of improving how schools deliver physical education training.

When we started our program, we trained 600 primary school teachers, empowering them to feel confident about delivering a very basic fitness education program. I wonder whether that professional development has been continued. It should be. Paragraph 3.11 on page 14 indicates that a witness says there should be programs, especially at primary level, where there are very few dedicated physical education teachers. I would support that.

Maybe we need to do some more training. We did in 1996, or whenever it was. Obviously, more needs to be done now and must continue to be done. Also, perhaps the government could look at whether they can put into primary schools dedicated physical education teachers (*Extension of time granted.*) Failing that, they could ensure that proper training is there. I think that is imperative.

I am worried about a few points the report makes in this area. After paragraph 3.11, Ms Tucker's report says, at 3.12:

This however, places additional demands on teachers to implement programs that need to be supported by parents and carers in order to succeed. There is no use in teaching children appropriate physical activity if they are not encouraged in the home to engage in it as well.

I do not agree with that. If we did that and just relied on what happened in the home, we would not teach children anything. I think the opposite should apply. If children are unfortunate enough to have a home where they are not encouraged to engage in physical activity, all the more reason to ensure that those kids are at least able to engage in decent physical activity programs in schools. It may well be their only chance to do so.

**Ms Tucker:** What page are you looking at?

**MR STEFANIAK:** Pages 14 and 15. So I have a problem there. I do have some significant concerns in relation to this section, which seems to be slanted. It says, "Let's get rid of the mandatory time for physical activity." If you do that, you will go back to the bad old days of the early 90s and the late 80s—not only in Canberra but elsewhere—when some schools did absolutely no physical education of their students and you will be tinkering with a pretty good program, which can be improved.

I would suggest the government look at ways of improving that program rather than dismantling it. Obviously, when we become the government again, if you do dismantle it, we will simply bring it back. That would be a shame because a lot of work has been done and it has a fair amount of support amongst people in the school system, especially parents.

There are a number of other issues in this report I will touch on briefly. I only have time to do the ones I am a bit concerned with. Recommendation 35 reads:

The Committee recommends that all ACT Government schools make greater efforts to reduce homophobia through the use of inclusive language and environment.

I actually thought we were doing that. I would caution about having the opposite effect to the one you want—that you might extenuate it. I thought we had programs there. Along with fellow colleagues, I still have significant problems in relation to recommendations 35 and 33. I am well aware of some government colleges at times having condom machines. I was told by one fellow that the college he was at had a condom vending machine. It broke down a lot, and it was treated as a joke by most of the students. All of his friends went to the chemist anyway.

I have big concerns in relation to a proposal to put them in high schools. For goodness sake! High schools have students who are aged from 12 to 16. Mr Pratt made some very good points in relation to children having their innocence. Those students are very young; they are not in the same category as college students. They are immature, and they are formulating their attitudes to a whole range of things. I think the majority of teachers and parents would be absolutely horrified if condom vending machines were to be put into government high schools.

Parents send their children to school to be educated; parents do not send their children to school to have sex. Mr Pratt made part of that point. It would be totally inappropriate and something I would very much counsel the government against doing. That being said, I will finish on some of the very positive points in this report. I like the idea of

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recommendation 42: reviewing the anti-bullying program and seeing if improvements can be made there. The way the committee has framed that is sensible.

There are some very good things in this report, and I thank the committee for its efforts in that regard. There are also some very dangerous recommendations, recommendations the government needs to look at very closely and be very wary of. There are far better ways of achieving what the committee wants to achieve, and what we all want to achieve, than what it is recommending.

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

**Sitting suspended from 12.34 pm to 2.30 pm.**

## **Visitors**

**MR SPEAKER:** I acknowledge the presence in the gallery of members of the University of the Third Age who are doing a program with us. Welcome.

## **Questions without notice**

### **Budget expenditure**

**MR SMYTH:** My question is to the Treasurer. A comparison between the budget for 2002-03 and the estimated outcome for 2002-03 shows that budget expenditure has blown out by \$233 million. Even removing the net impact of the bushfires only reduces the expenditure blowout to \$206 million, which is still alarming. To put this in context, this is roughly as much expenditure as the Department of Disability, Housing and Community Services and ACT Housing put together. Why have you failed so abysmally to keep your spending under control?

**MR QUINLAN:** It is all necessary expenditure for good government, for the reasons we are here. I have a summary of the major variances for the year. They include clerical wage increases of about \$11 million; losses on superannuation investments of \$56 million, because they are in the net figures; the waiver of expenses of \$25 million; the insurance payment to the VTE sector of \$82 million; some extraordinary expenses—I will give details if you need them—of \$45 million; and a superannuation actuarial assessment of \$7 million.

In large part, these amounts are not about spending blowouts. They are about circumstances of the budget. They are also about accounting within the budget. They are in the main not about huge blowouts in actual expenditure in administration.

**MR SMYTH:** I ask a supplementary question. Treasurer, would you mind tabling that list? Yes, I would like to know what the extraordinary figures were as well, please.

**MR QUINLAN:** We will give you a list of the extraordinary expenses. The list is only a working note, so I will not be tabling it.

## **Bushfires—pine plantations**

**MS MacDONALD:** My question is to the Minister for Urban Services. Minister, we are all aware that the pine plantations managed by ACT Forests were seriously affected by the 18 January bushfires. Has the government made its decision on the future of our commercial pine plantations?

**MR WOOD:** No, the government has not yet made its final decision on the replanting of the pine plantations. As the question indicates, besides the huge damage to our urban, rural and bushland areas, the January fires did great damage to our substantial pine plantations.

It has been appropriate for the government to respond somewhat differently to the damage in all of these quite different areas. In the case of our pine forest areas, there are a number of important reviews in progress, and the government will not make its decision until these reviews are completed and adequate consultation has occurred.

Cabinet authorised ACT Forests to complete a new business case for the operation of the commercial pine plantations, and this business case will be submitted to the non-urban land use study by the end of May. The non-urban land use study should itself be completed by August. At the same time, the important issue of insurance for the pine plantations for future years is currently being investigated by the ACT Insurance Authority.

As minister, I am hopeful for a good outcome for ACT Forests. However, given the complexity of the issue, it is not likely that the government will make a final decision on the burnt plantations until towards the end of the year. Members should also be aware that not all of ACT Forests pine plantations were burnt in the bushfires. The Kowen plantation is unaffected, and ACT Forests is still supplying unburnt logs from this plantation to all of its customers. On a sustained basis, it can provide over 13,000 tonnes of sawlogs each year.

I should also stress that the forest industry involves much more than what the ACT government does. The local softwood mills are still operating. There are non-government pine plantations in the region. The local mills purchase logs within the Canberra region economic area from State Forests of NSW and from private plantation growers, including South Forestry. There will, of course, be a log supply shortfall in the future due to the loss of so much of the ACT plantation. However, State Forests of NSW has agreed to meet this shortfall with extra logs from its plantations for at least the next three years.

The government is developing a forest assistance package to support the mills in any restructuring, and the Commonwealth government recently contributed \$1 million to the ACT government to assist with timber industry restructuring. The government is currently finalising its assistance package for Integrated Forest Products, the largest sawmill in the ACT, to enable it to develop new valued added timber processing capacity at its Hume plant. I reiterate that the ACT government has not yet made its decision as to the future of our commercial pine plantations.

### **Centre of excellence**

**MS DUNDAS:** My question is to the Treasurer, and I understand that he may have had some notice of what I am about to ask him. Treasurer, the papers tabled in Appropriation Bill (No 3) 2002-2003 show that \$4.3 million from the Treasurer's Advance was used for the purchase of land for the ACT node of the national ICT centre of excellence. Considering that \$10 million was appropriated from the 2002-03 budget for the same purpose, can you please explain how this expenditure of Treasurer's Advance was unforeseen?

**MR QUINLAN:** I have to say that this question and the press release that went out relating to it were quite unnecessary. All that had to be done to start with was just to ask a question of my office.

The government has budgeted for \$10 million for the centre of excellence—that is \$10 million in land. That \$10 million worth of land will be provided—in case there is a further deep question, that is an approximate figure—for the establishment of the centre of excellence. At the time the budget was put together the probable site was the ROCKS site near Barry Drive and Marcus Clarke Street. Of course, other sites were considered. Since that time the Commonwealth has put on the market some land that it no longer has a need for but had reserved at the time of self-government, and that included part of section 61 on London Circuit just virtually across Marcus Clarke Street from Llewellyn Hall. That will be the site for the centre of excellence.

It is necessary to spend \$4.3 million with the Commonwealth to buy that land. We are actually buying other land from the Commonwealth. I would say to this house that we should not have to; that should effectively be ACT crown land. Nevertheless, this is necessary in order that it not be sold to the private sector, with the creation of a centre of excellence being alienated by the whole section. I am sure that that will become the hub of a business cluster in a place where there is room to expand and accommodate further businesses.

From this point on you could say that instead of being \$10 million worth of land out of pocket, the ACT government will be \$5½ million worth of land out of pocket and \$4½ million worth of cash out of pocket. It is purely only a case of changing the form of asset. It is not an additional \$4 million going to the centre of excellence.

Really, as I said, the question could have been resolved with just a simple question to my office as opposed to trying to build it up into some form of scandal—that is the tone of the press release—which I think is quite inappropriate.

**MS DUNDAS:** Mr Speaker, I ask a supplementary question. I will again ask: how was this unforeseen, considering that the 2002-03 budget clearly indicated that there was going to be land purchased for the ICT, and the supplementary budget papers for Appropriation Bill No 3 clearly indicated that the \$4.3 million was for the purchase of land for the ICT?

**MR QUINLAN:** Mr Speaker, maybe I did not answer the first question very well.

**Ms Dundas:** No you didn't.

**Ms Burke:** In a word, no.

**MR SPEAKER:** Order! Mr Quinlan has the floor.

**MR QUINLAN:** It is a fairly simple matter.

**Mr Smyth:** Well, make it a simple answer.

**MR QUINLAN:** The answer was simple as well. I cannot make it any more simple. There are a few pieces of land around the ACT that the Commonwealth has put up for sale since the time of our budget, changing the opportunity for the government in respect of the placement of a centre of excellence. Therefore, it is absolute commonsense that we buy that land.

It is not necessary to appropriate money for that land because it is in the budget and because we are only changing the form of asset. We are not spending any more money; we are not absorbing any more of the territory's resources. We are just changing cash for land. We can then use that land—a bigger parcel of land beyond the \$4 million piece of section 61—to accommodate the centre of excellence. We expect that that will be in the vicinity of \$10 worth of land all up. So the purchase of land is a quite separate issue. The giving of the land to the centre of excellence was not foreseen at the time of the budget because it was not on the market. The Department of Finance probably had not even decided to sell it when we brought our budget down.

**Ms Dundas:** So the \$10 million asset was not expended?

**MR QUINLAN:** Is that a supplementary, supplementary? Next time that you think there is some form of deep dark scandal in relation to land deals, come and see us and ask about it. If needs be, if there is some confidential information, we will keep that information confidential to you.

### **Woden police station**

**MR PRATT:** Mr Speaker, my question is to the Minister for Police and Emergency Services, Mr Wood. Mr Wood, this government replaced plans for a Woden Joint Emergency Services Centre, which the Canberra Liberals had estimated would cost \$8 million, with a Woden police station, originally estimated to cost \$5 million. Next year's budget now estimates that this will cost \$7.3 million. Why have you replaced plans to build a joint emergency services centre at a cost of \$8 million with a police station at a cost of \$7.3 million, when it will house only one service rather than three?

**MR WOOD:** There is no problem at all in that, Mr Speaker. You are assuming that those costs would not indicate that they are not indicative figures—it is as simple as that. A careful study, when we get down the track, indicates what the real cost would be.

**Mr Smyth:** So we cannot trust your numbers?

**MR WOOD:** I'm coming back to you later on, after question time, with a response to Mr Cornwell's question yesterday about roads. As you get into the more detailed design, you get the real costs. There are many circumstances where what is put into the budget is a statement of intent and, as decisions are made and the situation becomes much clearer, the real costs emerge. That is the case with the police station.

Five million dollars is a very nice round figure, but I will tell you something. It was an indicative cost and it was never expected to be that cost. Now that the careful examination is complete, we have a clear cost of \$7.332 million, I think. That tells you that we are now down to the precise stage of the budget.

**MR PRATT:** Mr Speaker, I have a supplementary question. Nevertheless, why will you spend so much to achieve so little?

**MR WOOD:** We are achieving a great deal. A further point which emerges is that I believe the original staffing thought for Woden was less than the staffing that is now going to be incorporated in the new building, to adjust to changed police boundaries, if you like. So we are going to spend \$7.332 million on a lot, Mr Pratt—not on a small product.

### **Land—east O'Malley**

**MS TUCKER:** My question is to Mr Corbell as Minister for Planning and relates to the government's proposed sale of land at east O'Malley. Do the proposed sale documents imply any guarantee that buyers or developers actually will be able to develop the land, given the requirement for it to be referred for assessment under the Commonwealth's Environment Protection and Biodiversity Conservation Act?

**MR CORBELL:** There is, of course, a requirement potentially for any land sale in the ACT to be referred to the Commonwealth under the Commonwealth's EPBC legislation. That is a standard process that could happen with any parcel of land in the ACT. Obviously, the key requirement that the Commonwealth must be satisfied with is that the territory has properly taken account of and responded appropriately to any ecological or environmental issues on the site. We believe that the territory has and, as such, we believe that it is appropriate to proceed with the auction.

**MS TUCKER:** I have a supplementary question. Minister, could you explain to the Assembly now or take on notice what work has been done by government or anyone else to satisfy the requirements for clearance under the EPBC Act in terms of the presence or otherwise of endangered species listed under the act?

**MR CORBELL:** A very detailed analysis has occurred, including a preliminary assessment under the land act and two rounds of examination in accordance with the ACT's relevant strategies for, first of all, yellow box/red gum grassy woodland and, as it is now called, the lowland woodland strategy. The assessment has been detailed in relation to understanding what is on the site and in understanding the impact of any development on the site. So it has been a significant assessment and one that we believe meets fully our requirements to assess the issues at east O'Malley comprehensively before making a development decision.

## **Budget—community response**

**MR HARGREAVES:** My question is to the Treasurer. Would he advise the Assembly how the budget has been received in the community?

**MR QUINLAN:** It is my great pleasure to advise the Assembly, for those who might have missed these matters, of the reaction to the budget across the community. Let me start with ACTCOSS, who have given the budget an overall tick of approval, applauding us for providing for the SACS award increases. They also welcome the \$2.4 million allocated to alleviating homelessness.

**Mr Cornwell:** Point of order, Mr Speaker. Don't you think the person who asks even a Dorothy Dix question should at least listen to the answer?

**MR SPEAKER:** The standing orders impose no obligation on anybody to listen to anybody else here.

**Mr Cornwell:** I wish that were so, sir.

**MR QUINLAN:** Nevertheless, Mr Speaker, just in case, ACTCOSS gave it a big tick. Let's turn to business. Wait for it: Mr Chris Peters of the Chamber of Commerce described initiatives as fantastic and said that they far outweigh the initiatives that he did not like.

The ACT division of the Property Council said that the budget initiatives were a good start for the economic future—a plan, a direction, I assume. They congratulate us for providing the funding for a convention centre and also describe Partners in Canberra as a great initiative. Of course they refer to the centre of excellence. The Tourism Industry Council's chief executive said that tourism was faring well in a tough budget year.

Unions support the budget and there are quite often hard to please, let me tell you. The conservation council said that the budget contains a number of very positive environment initiatives. Their director referred to the wood heater rebate, weed control measures, restorative works in parks and reserves and new woodland reserves at Callum Brae and Gooroo.

The Federal Police welcomed the funding. Mr Pratt happens to be within earshot, having spread rumours to the opposite. Mr Speaker, the ACT Ambulance Service have welcomed the significant funding in the budget for computer-aided dispatch. I am sure that the other emergency services branches would share that view.

Turning to the fire levy, in the vox pop in the *Canberra Times* today, seven out of 10 people had no objection and thought it was fair enough, given the circumstances of Canberra. Community group after community group has communicated its acceptance and given this budget the thumbs up.

Yesterday morning, Access Economics gave it a D—not an A, B, C, D, but a D for distinction. The only reason it did not get a high distinction was that it did not have initiatives in it to effectively buy business. Of course, Access Economics are an



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economically dry forum. From all of those people, all of those areas, and with the dimension of those comments—from the community centre through to the dry economists—this budget gets a big tick. I have to say that I think it deserves it.

**Mr Smyth:** My mother always said that self-praise is no recommendation.

**MR HARGREAVES:** I will just wait until Mr Cornwell can hear the actual question, because he is not listening to me. Can the Treasurer advise the Assembly if he heard comments from the Leader of the Opposition that he would broaden the tax base in the ACT if he were in government?

**MR QUINLAN:** Thank you, Mr Hargreaves, for that question. Following on from Mr Smyth's last interjection, I wonder if his mother also said that flattery is the sincerest form of appreciation or praise—

**Mr Smyth:** No, mum did not believe in flattery.

**MR QUINLAN:** —because broadening the tax base is an issue that I have spoken about on many occasions in many forums. Not only have I spoken about it but I am working on it, and I can provide some specifics about the work we are doing with the New South Wales government to look at the economic region. There are some real positives there compared to the shallower approach of the Leader of the Opposition.

Mr Speaker, I think on all counts—even, by inference, Mr Smyth's—this budget receives a big tick.

### **Gungahlin Drive extension**

**MR CORNWELL:** My question is to Mr Corbell. Minister, in this place on 25 June last year you took issue with the previous government's allocation of funding for the Gungahlin Drive extension, saying that you had had departmental advice that the \$32 million was out of date and would build only what you called, and I quote, "a road to nowhere". We now see, in this year's budget, that the allocation for the same road is, surprise, surprise, the same \$32 million.

Minister, if that figure was out of date last year and applicable, as you said, to a road at 1997 prices, why is it not even more out of date now? Can you tell the Assembly what sort of road you propose to build—you might alert the residents of Gungahlin too—and why your road will not also be a road to nowhere?

**MR CORBELL:** The simple answer is that there is an additional \$21 million in the budget to pay for the duplication of Caswell Drive to the Glenloch interchange. That means that you have a complete road, not half a road, which is where you get the \$32 million.

**Mr Quinlan:** I request that all further questions be placed on the notice paper.

## **Discrimination and gay, lesbian, bisexual, transgender and intersex people**

### **Paper and statement by minister**

**MR WOOD** (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for the Arts and Heritage and Minister for Police and Emergency Services): Pursuant to the resolution of the Assembly of 28 August 2002, as amended on 3 April 2003, I present the following paper:

Discrimination and Gay, Lesbian, Bisexual, Transgender and Intersex People in the ACT—Government Report to the ACT Legislative Assembly.

**MR WOOD:** I ask for leave to incorporate a related statement in *Hansard*.

Leave granted.

*The statement read as follows:*

I am pleased to table for the information of Members the Government Report to the Legislative Assembly on Discrimination and Gay, Lesbian, Bisexual, Transgender and Intersex People in the ACT.

The Government has previously stated its commitment to addressing areas of ACT legislation that still discriminate on the grounds of sexual preference or gender identity.

On 12 December 2002, I introduced the Legislation (Gay, Lesbian and Transgender) Amendment Bill 2002 as the first stage of this process. That Bill was passed by the Legislative Assembly on 13 March 2003.

The second stage, including amendments to adoption and other parenting laws, anti-vilification measures and removal of the so called “gay panic” use of the defence of provocation, involves some of the more complex issues associated with this law reform process.

The Government released an issues paper on these more complex issues in December 2002.

That issues paper was tabled in this Assembly on 12 December 2002, the same day that I introduced the Legislation (Gay, Lesbian and Transgender) Amendment Bill.

The purpose of the issues paper was to act as a platform for community consultation.

The consultation strategy for the issues paper was aimed at engaging as many interested individuals as possible.

I am pleased to say that this strategy was quite successful, with 338 people choosing to make a submission.

I would like to express the Government’s thanks to all of the people who took the time to let us know their views on these important issues.

In addition, the Department of Justice and Community Safety engaged consultants O’Brien Rich Research Group to undertake a series of focus groups specifically targeted at obtaining the views of those most directly affected by legislative discrimination—that is gay, lesbian, bisexual, transgender and intersex people.

Again, I would like to convey the Government's thanks to those people who participated in the focus groups as it has given us some valuable insights.

Appendix 1 to the Government Report identifies a number of provisions that still discriminate in respect of their application to gay, lesbian, bisexual, transgender and intersex people.

The Government will address a number of these issues in a package of legislation that I intend to introduce into this Assembly before the end of this year.

While some of the details of this package are still being developed, I would like to briefly outline the Government's general direction on these matters for the information of Members.

The package will include amendments to the *Discrimination Act 1991* to provide that it is unlawful to vilify a person on the grounds of sexuality, transsexuality or HIV/AIDS status and will also create an offence of serious vilification on the same grounds.

Some people have expressed the fear that such provisions might be used to gag free speech and interfere with legitimate religious discussion.

I do not believe that such fears are in any way grounded.

The test for vilification is "a public act, to incite hatred towards, serious contempt for, or severe ridicule of, a person or group of persons".

Serious vilification involves the additional element of threatening physical harm, or inciting others to threaten physical harm.

These are high thresholds that I consider should not impinge on legitimate religious teaching or free speech.

Article 19(2) of the International Covenant on Civil and Political Rights (ICCPR) protects the right to freedom of expression. Article 19(3) notes that the exercise of this right carries with it special duties and responsibilities and recognises that the right may be restricted in order to respect the rights and reputations of others.

Article 18(1) of the ICCPR protects the right to freedom of thought, conscience and religion. As with Article 19, Article 18(3) expressly recognises that this right can be limited.

The proposed anti-vilification laws restrict freedom of expression and religion only insofar as the exercise of those rights may interfere with an individual's right to privacy which includes his or her sexuality and health status. The right to privacy is guaranteed under Article 17 of the ICCPR.

The restrictions on rights in the proposed anti-vilification laws are both legitimate and consistent with Australia's international human rights obligations.

The package will also include amendments to the *Crimes Act 1900* to qualify the general application of the defence of provocation so that it is not available in the case of a non-violent homosexual advance.

The issue of the general availability of provocation as a defence to murder will be addressed as part of the implementation of the model criminal code.

In addition, the package will also deal with a number of miscellaneous amendments that are more in the nature of "tidying up" amendments.

Included in these amendments will be an amendment to the *Public Baths and Public Bathing Act 1956* to repeal the offence provisions relating to the segregation of public baths and public bathing facilities.

These provisions generated a great deal of comment in the consultation process. Submissions suggested a range of approaches. Some submissions expressed the view that transgender people should simply use the facilities appropriate to their gender identification or alternatively, with which they felt most comfortable.

Other submissions expressed the view that there should be a distinction between “temporary” and “permanent” gender identification. Of these submissions, there was a general concern about ulterior motives.

I would like to say that it is disappointing that a number of people seemed to assume that transgender people are more likely to engage in predatory behaviour than anyone else. I think that this quite clearly demonstrates the need for additional anti-discrimination education in our community.

Across all submissions, there was a general level of concern for the safety and privacy of all users of such facilities.

The Government will be repealing these provisions primarily because they are outdated and no longer appropriate. These are the only provisions of this kind in ACT legislation—there are no equivalent provisions, for example, in respect of other facilities such as public toilets.

Secondly, there are sexual harassment and sexual assault provisions in other ACT legislation that more directly and more effectively address the operative concerns identified in the consultation process.

If the prevention of this type of behaviour is one of the purposes of these particular offence provisions then they are sadly deficient as they assume that paedophiles only prey on children of the opposite sex.

While the reason for examining these provisions was related to how the provisions apply to transgender people, the reason for repealing the provisions is simply that they are ineffective and no longer appropriate.

The most significant amendments proposed for inclusion in the package of legislation are those relating to the legal recognition of parenting relationships in relation to the children of same sex couples.

These issues generated a great deal of comment during the consultation process.

The fact that the law is discriminatory is not in dispute.

Where submissions were diametrically opposed in view was on the question of whether this discrimination should continue.

The Government’s view is that continued discrimination is not sustainable.

Regardless of views on the desirability of same sex parenting, the reality is that there are many different and diverse family models.

The Government’s view is that we should deal with this reality.

Part of that reality is that children of couples who do not fit into the traditional model may not have two legally recognised parents.

The Government’s view is that this is contrary to the best interests of those children.

The proposed changes will remove the discrimination between same sex and opposite sex partnerships and the children of those partnerships in respect of parenting.

When it comes to adoption, the paramount consideration in every case is the welfare and interests of the child concerned, and the Government’s view is that

there is no sustainable reason to automatically exclude a particular group of people, the non-heterosexual group, from being considered as adoptive parents.

Applications for adoption are often made by people who already have a parental role in the life of the child and to deny the parties the right to formalise that relationship simply on the grounds of sexuality is unjustifiable discrimination.

The Government will be including amendments to address these issues in its legislative package.

There are other matters identified in the Government Report that the Government intends to consider in more detail over the longer term.

The issue of providing for registered relationships or civil unions is a complex matter that requires further and more extensive investigation than was possible within the timeframe required by the Legislative Assembly for delivery of the Government Report.

This is one of the matters on which I have requested the Department of Justice and Community Safety to develop a more detailed position paper for further consideration by the Government.

Issues that must be considered include:

- what the purpose of registration might be—for example, will registration give the same status as marriage for the purposes of all ACT legislation;
- qualifications for using the process—the age of the parties, whether it should be available only to same sex couples, whether it should be available only to ACT residents;
- legal effects of registering a relationship, including how such a registration can be terminated and the effects of termination;
- constitutional issues about the ability of the ACT to enact legislation for civil unions;
- administrative issues about how the registration process should be carried out and how the records of registered relationships should be maintained.

The issue of how legislation takes account of matters of sex and gender is similarly complex and the Government's view is that they should be addressed as a discrete project.

Again, I have requested that a more detailed position paper on these matters be developed for further consideration.

In the process of preparing the paper legislative provisions that require people to be identified as either male or female will need to be examined. Each provision will have to be considered to determine whether or not that identification is necessary.

The question of how "male" and "female" should be defined for the purposes of particular legislation will also need to be considered.

An assumption that all people can be classified as either male or female is deeply embedded in much of our legislation and cannot be altered hurriedly.

It will also be important to consider similar law reform that has been undertaken in other jurisdictions in order to assess its effect.

In this context further consideration will need to be given to the issue raised by some of the submissions of whether a transgender person should have to undergo surgery in order to be considered to be a person of the gender with which they identify.

Some consultation comments suggest that identification with a particular gender should be sufficient. Others take the view that surgery provides a clear and irreversible indicator that a person wants to be considered for all purposes a person of a particular gender.

For intersex people the question of regulation of normalising surgery for children is important. This issue was raised in the issues paper and most of the people who commented on that issue thought that there should be some form of regulation.

The Government believes that this is an issue that should be dealt with in the context of other matters relating to consent to medical treatment involving children. It may also be appropriate to consider it at a national level along with regulation of sterilisation surgery for children and people with intellectual disability.

I have asked that the Department of Justice and Community Safety progress this matter separately from the other issues in the discussion paper.

Some people, in commenting on the discussion paper, expressed concern that legislative change should be made to accommodate a small minority.

My strong view is that it is precisely to protect minorities that discrimination legislation is necessary.

This government is committed to fair, equitable treatment for all people and that includes people in all sorts of minority groups. I do not accept the argument that we should not seek to attain equitable treatment under the law for people with particular attributes simply because there are not many of them in our community.

For that reason we will continue to give consideration to these more complex issues surrounding relationships law and the legal treatment of transgender and intersex people.

The Government Report is a valuable insight into community views and legislative provisions about discrimination.

It gives us an idea about where we stand today and a vision of the fairer community we could become.

I commend the Report to all Members and I look forward to working with you to progress this reform process.

## **Bushfires—departmental submissions to McLeod inquiry Papers and statement by minister**

**MR WOOD** (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for the Arts and Heritage and Minister for Police and Emergency Services): For the information of members, I present the following papers:

Operational Response to the January 2003 Bushfires (McLeod Inquiry)—  
Departmental Submissions—

Report of the Territory Health Controller—Health and Medical Aspects—ACT  
State of Emergency, 18 to 28 January 2003, dated February 2003.

Copy of Letter from the Chief Executive, Chief Minister's Department, to Mr  
Ron McLeod, dated 7 May 2003.

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ACT Bushfire Recovery Taskforce—"Completion of the Emergency Response", dated 7 May 2003.  
InTACT, ACT Department of Treasury.  
Emergency Services Bureau.  
ACT Policing's, dated May 2003.  
Department of Urban Services, dated 2 May 2003.

**MR WOOD:** I ask for leave to incorporate the related statement in *Hansard*.

Leave granted.

*The statement read as follows:*

Mr Speaker, the Chief Minister has stated previously that submissions from Government agencies to the Inquiry into the Operational Response to the January Bushfires will be made public. In line with this, I today on behalf of the Chief Minister table those agencies submissions which have now been provided to the Inquiry.

These include submissions from the Chief Minister's Department, the Australian Federal Police, and the Departments of Treasury, Urban Services, Justice and Community Safety, and ACT Health. Submissions have also been provided by the Bushfire Recovery Taskforce (which incorporates input from Education, Youth and Family Services, Disability, Housing and Community Services, ACT Health, and ACT WorkCover) and also from InTACT.

It is important to note that these submissions have been prepared by agencies and, as such, represent the views of agency officials and not the Government. As the Inquiry will be reporting to the Government, it is appropriate that the Government respond to the Inquiry Report as a whole when it is released.

This reaffirms the Chief Minister's earlier commitment that all documents in the possession of the ACT Government will be provided to Mr McLeod and that the Inquiry will be one which is fully open and transparent.

## **Community Services and Social Equity—Standing Committee Printing, publishing and circulation of report**

**MR HARGREAVES:** I seek leave to move a motion to enable the tabling of the report of the Standing Committee on Community Services and Social Equity's inquiry into the rights, interests and wellbeing of children and young people out of session.

Leave granted.

**MR HARGREAVES:** Mr Speaker, I move:

That if the Assembly is not sitting when the Standing Committee on Community Services and Social Equity has completed its inquiry into the rights, interests and wellbeing of children and young people, the committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, publishing and circulation.

What has happened is that the committee went down the track and a whole stack of doors opened up and we decided that, sooner or later, we had to finish the inquiry. However,

owing to the illness of the secretary, we were delayed a tad. We had hoped to table the report in this sitting period. Unfortunately, we were unable to finish the inquiry in that time and I seek the agreement of the chamber that we table that report out of session, because it would be most helpful if members got hold of a copy of the report and considered it in preparation for debate in a later session.

I am sure that members have been in this situation before and that they will agree that this is a particularly difficult issue. I thank members for their support.

Question resolved in the affirmative.

*It being 3.00 pm, business was interrupted pursuant to the order of the Assembly.*

## **Appropriation Bill 2003-2004**

Debate resumed from 6 May 2003, on motion by **Mr Quinlan**:

That this bill be agreed to in principle.

**MR SMYTH** (Leader of the Opposition) (3.00): Mr Speaker, considering that I was expecting massive revenue from a buoyant economy, solid jobs growth, and low interest rates, I was expecting a wonderful budget from a wonderful Treasurer, but it was not to be. Instead, we got a mediocre budget from a mediocre government.

I think it is fair to say that the people of Canberra had high expectations of this new Labor government. After all, they did say that they would be low taxing; that they would deliver better value for money; that they would have plans for the city and that they knew where we were going. What have the people of Canberra got? According to this budget, none of the above.

Mr Speaker, in the 2002-2003 financial year, the government has received the most enormous increase in revenue. They received \$288 million in extra revenue. A component of that—\$105 million—is insurance receipts. Let us take that off. What we have is a government receiving an unplanned and unexpected windfall of \$183 million—a difference of \$189 million on the December forecast.

To give this extra \$183 million in revenue a sense of scale, the budget for the Canberra Hospital—the single most expensive item in any ACT budget—this year is \$281 million. Calvary Public Hospital this year cost \$76 million. The revenue windfall could run two Calvary Hospitals for a year, or two-thirds of the Canberra Hospital for a year. In all, for the financial year 2002-2003, the government will have spent \$2.430 billion. According to the budget papers from last year, the government intended to spend \$2.197 billion. For the benefit of the Treasurer, the \$2.197 billion is clearly stated on page 5 of budget paper 2.

In the broad, the government has overspent its estimate for the 2002-2003 year to the tune of \$233 million. What did we get for this money? Or, more to the point, what did the Canberra community get for their money? What did the taxpayers of the ACT get for that money? You would have to say not much. I have to ask, Mr Speaker: how can so little cost us, as a community, so much?



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Some people—just a few—might say, “It’s okay this year because the Treasurer has been bailed out by a surge in cash.” That is the problem. The problem is that this government does not have a plan for the future fiscal needs of the territory. I would have expected their budget to be a blueprint for the future. I would have expected a budget that was drought-proofing for the future.

The budget papers clearly state that the government is expecting significantly less revenue in the 2003-2004 financial year. Budget paper 2 says at page 5 that revenue is expected to be down by \$130 million, 5 per cent on the estimated outcome for the 2002-2003 year. As it stands, you would have to ask: if this is what we get in the good times, what will happen in the bad times?

Mr Speaker, in promoting the budget, the government has stated that there are 115 initiatives worth \$35 million in recurrent items and \$12 million in capital items. I have not included the bushfire initiatives in this tally. I will go into the bushfire component later in the speech.

The initiatives of the budget are an example of the malaise that affects the budget as a whole, and indeed also the government. The Treasurer appears happy to live with the budget being tagged bland but safe. I argue that it is barely bland and definitely not safe.

When it comes to the non-bushfire initiatives the budget does not even meet the description of bland. One can ask: when is an initiative not an initiative? The answer to this question is: when you are the current Labor government and you want to find a filler for budget paper 3. Labor claims there are 115 initiatives—in their conclusion to budget paper 1.

These claimed initiatives are in fact a range of initiatives from previous financial years; a range of ongoing initiatives from previous governments; a range of Commonwealth initiatives and a range of technical departmental processes or standard recurrent expenses. One is a personal initiative of John Howard; a range was taken from the opposition; some are the initiatives of community groups and others are necessary responses to the bushfires. The reality is that this government is bereft of any initiative.

For those who have not bothered to check the dictionary, an initiative is the first step, the origination—to be the first to take action without being prompted by others. Mr Speaker, this government is bereft of any initiative, but they do have fillers.

So we see that one of the loudest trumpets of the budget—the initiatives—was really the political equivalent an Aero bar. It is the bubbles of nothing that makes it seem like it is something. In the light of these Aero-bar initiatives, I have to ask again: how can so little cost us, as a community, so much?

It is an important part of the opposition’s right of reply to post their own analysis of the broader economic assumptions in the budget. All too often, we tend to take the difficult bits of the budget papers as gospel. In some cases, my response contains elements of eternal economic arguments; in others I think the Treasurer is wrong, and that his use of incorrect assumptions has led him to wrong policy conclusions, especially on the bushfire tax.

Turning to the outlook for economic growth, Treasury's forecasts have traditionally been conservative. This reflects the mindset developed in the early and mid-1990s, when economic growth rates were low and there was a sense of disbelief that the higher growth rates of more recent years could continue. It also reflects an understandable desire on the part of officials to set a low estimate and be pleased when it is exceeded, rather than aim too high and then be criticised for being overly optimistic. On that basis, you would expect the forecasts of economic growth in this budget to be low, but you should not accept them as being valid or realistic.

Another reason for expecting low official growth forecasts in this budget is that the Treasurer wants to avoid any criticism arising from forecasting an increase in economic activity as a result of the bushfires. I must say I disagree. I am strengthened in my view by independent analysts of the ACT economy, who are saying that bushfire recovery activities will add about one percentage point to economic growth rates over the next 18 months. This is simply a reality—an outcome of an unfortunate event.

Hence, on an annual basis, gross state product will grow more like 3.8 per cent in the coming financial year, rather than the 3.1 per cent for this budget year. The incomes and profits of local businesses supplying materials, household items and services will be the main reason for that greater gross state product.

State final demand is also likely to be high, due to sustained household consumption and private investment, boosted by greater building activity and expenditure on domestic items. I am further strengthened in my view that economic growth will be higher than forecast by the general outlook for the economy.

The Treasurer forecasts an increase in interest rates, and uses that as a reason for keeping consumption and investment down. I disagree. The only factor that will suppress consumption and investment is a lack of confidence in the ability of Labor to control its spending, and fear that we are heading down the well-worn Labor path of big spending, higher taxes and deeper debt.

The Treasurer's forecast of gradual increases in interest rates was probably made several months ago, when he was spooked by media speculation about the future rates, both in Australia and the US. It is now clear, from economic information and associated analysis, that interest rates are on hold for the foreseeable future and are likely to go down, rather than up.

Moreover, the Treasurer's expectation of upward pressure on prices, because of the impact of oil prices and the extended drought, is not soundly based. The outlook for oil prices is stable or down, mainly because of the increased supply expected from Iraq and the difficulty OPEC will have in trying to reduce world supply, in the face of diplomatic pressure not to deny Iraq the means of recovery.

Mr Speaker, the impact of the drought is already factored into prices, so there is no point in trying to cite the drought as a cause of higher prices in the year ahead. In fact, prices could even moderate, as a consequence of recovery from the drought.

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As if to further undermine the Treasurer's credibility on economic affairs, having warned about upward pressure on prices, he then contradicts his own words by forecasting a drop in the consumer price index from 2.75 to 2.5 per cent from 2002-2003 to 2003-2004. That is very odd. So I fundamentally disagree with the Treasurer's budget parameters, and I believe events over the coming 12 months will prove my view of the economic situation and outlook to be correct.

The budgets for 2002-2003 and 2003-2004 have each referred to maintaining a balanced budget over the economic cycle, which the Treasurer defines as being from 2002-2003 to 2005-2006. It was intriguing to see the phrase "economic cycle" appear in the first Labor budget. It is disturbing to see this phrase repeated in the second budget.

Let me pose a simple question. How can the Treasurer, in June 2002 and subsequently in May 2003, assert that an economic cycle will run from 2002-2003 to 2005-2006? The simple answer to this question is that he cannot—the claim by the Treasurer is ridiculous. It is not possible, in an *ex ante* context, to say what period an economic cycle will cover. Before any attempt is made to say that an economic cycle has taken place, it is necessary to define what parameters will be used to identify the economic cycle.

What parameter is our Treasurer using? Is he using interest rates? Is he using gross domestic product? Is he using an index from the Australian Stock Exchange? Is he using unemployment? Is he using other factors? We do not know. Irrespective of what parameter he is using, it is clearly a nonsense for the Treasurer to say that there will be an economic cycle between 2002-2003 and 2005-2006.

The only way we can identify any type of economic cycle is to look at what has happened—that is in the *ex post* sense. It is only then that we can see what happened to interest rates, the rate of inflation, building approvals, the ASX 200 index and to unemployment. Each parameter will have its own characteristics, so it is likely that there will be a number of economic cycles. They will coincide sometimes, and at other times they will not. Sometimes an economic cycle or series of cycles will become apparent only when very long periods are examined, such as the index of the Australian Stock Exchange when observed over the last 150 years or so.

A reasonable conclusion to my comments on this aspect of the Treasurer's budget—line 3, page 1 of the budget—is that, as far as economic concepts are concerned, he does not know what he is talking about. This reference to economic cycle is one of the more ridiculous and ignorant statements in this budget. Perhaps he meant—for convenience—electoral cycle. The Treasurer clearly has no idea what he is talking about. This rubbish should never appear in a budget, let alone in a government publication. Mr Speaker, the Treasurer may believe that he is a good accountant but, as an economist, he has failed.

There is no doubt that the bushfires the ACT experienced on 18 January this year was an event of the most dramatic proportions for the territory. The loss of life; the toll on native, domestic and farm animals; the loss of homes; the damage to much of the territory's infrastructure—forests, national parks, urban assets and firefighting equipment—was unprecedented. The outcome of this disaster was an extraordinary demonstration of the spirit that exists within our community as we combined to recover

from that loss and damage, as we pulled together—from the ACT government and its leadership, through the spectrum of community, service, business and government organisations.

As an aside, it is humbling to reflect on the way in which we have responded to the bushfire disaster and to ponder on what we have learned, and will continue to learn, as we move into a phase involving some of the more intangible recovery activities. In the context of the budget for 2003-2004, however, it is important to examine the ongoing consequences of the bushfires and how we are responding to those consequences.

The budget is rather confusing in relation to the bushfires. There is a table on page 79 of budget paper 3 that is very difficult to understand. There are comments on page 105 of the same volume which provide part of the story related to natural disaster relief arrangements. There is a reference to the fire tax on page 87 of BP 3, and there are a number of relatively minor references to the bushfires.

Let us try to make sense of what we have here. It is estimated that the total cost of damage to property in the ACT was around \$250 million, including both private and public property. There is no division into private and public, but it appears the current estimate is that public property damage totalled around \$160 million.

Much of the private property damage will be covered by insurance. In relation to public property, estimated recoveries and net costs are: insurance receipts, currently totalling around \$106 million; Commonwealth NDRA funds, estimated at around \$17 million; fire tax, totalling around \$10 million—leaving a cost to the ACT of around \$34 million.

We then have an intriguing comment in the budget, on page 80 of budget paper 3. It says:

Most of the other costs will be covered by insurance, including restoration or replacement of \$21m of general government assets.

Does this comment relate to the net amount of \$34 million, or is it to some other amount? It is not clear.

Mr Speaker, I noted earlier that the budget analysis relating to the bushfires is rather confusing. There is further confusion when we consider what the budget says about recovery of funds from the Commonwealth. All we are told is that the estimated NDRA reimbursement for this year is around \$11 million and, for the year 2003-2004, we add \$6 million. As far as it is possible to tell, these funds are all to be derived from the application of a formula set within the NDRA guidelines. We assume these funds include any payments determined under the provisions of recompense for other acts of relief or restoration.

Nowhere is there any reference to the offer of assistance made by the Prime Minister on 19 January—the day after the fire disaster. We are aware that the ACT government did not react quickly in writing to the Commonwealth, seeking assistance under the NDRA—and we are not sure whether any additional requests for financial assistance have been made.

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Where does this leave the ACT? For instance, will we receive any more insurance recovery moneys? Will we receive any more Commonwealth funds? Will we receive funds from any other sources?

In this confused environment, this Treasurer, this government, has proposed a fire tax to raise \$10 million—and you have to ask why. We in the opposition have stated all along that there was not—and there still is not—a case to impose a bushfire tax. There is a short-term requirement for funds. We have sufficient cash funds to cope with that need, especially after the boost to revenues during the 2002-2003 year. Overall, while there is clearly a net cost at this point arising from the bushfire disaster, it does not appear that the ACT government has done all it can to obtain funds to cover it.

A number of questions arise. Has the ACT asked the Commonwealth for additional funding to pay for the repair and replacement of assets, in the context of the offer from the Prime Minister? Has the ACT asked the Commonwealth to pay the ACT for the excess amounts—totalling around \$8 million—we have paid on our insurance policies? Have any other potential sources of funds been identified?

We are a small jurisdiction, and we have experienced a major and traumatic event. I believe it is entirely appropriate that we make approaches to others to assist us to recover from this bushfire disaster. We do not need a fire tax, what we need is a Treasurer. We need a Treasurer who will identify potential ways of obtaining support from other sources, to assist us to recover from the bushfires—not a Treasurer who appears to seek the easy way out by taxing those who, in many instances, have already borne a substantial cost from the bushfires.

Mr Speaker, I will now go through the portfolio areas in brief, and my colleagues will expand on them later in this debate. In the health portfolio, we see the main problem of the budget at work. It is simply not sustainable. The funding for the Canberra Hospital does not keep up with CPI and does not allow for population growth.

The government claims \$18 million worth of new initiatives in health. Nearly half of this constitutes either redirected growth funds from last year's budget or attending to our obligations under intergovernmental agreements. The funding to address waiting lists is welcome, but it is less than two-thirds of what Calvary Hospital needs to make up for last year's cuts. The funding for increased throughput is also welcome, but I am concerned as to what the community will get for its money.

While I applaud the extra money for mental health, I cannot fathom why the number of raw in-patient separations is being reduced. This is the area of mental health that needs more, not less. We are talking here of intense clinical intervention. It cannot withstand a 6 per cent reduction. The shortfall will overwhelm the new community-based intervention. In health, I cannot find any reference to early intervention—the cornerstone of a sustainable health system.

In education, this bland budget is lacking in a vision of excellence. There are very few core education initiatives to show for the amount of new funding of \$18 million. Again we see the government throwing money around, with few or no performance indicators

to demonstrate to the community how programs have performed to date, or how they will be measured in the future.

While we are critical that there are too few initiatives for the amount of money that has been spent, we are pleased to see funding to provide significantly more support for disruptive children at risk—although we are wary whether this will be spent in a meaningful fashion. There is funding for class reduction programs in non-government schools, assistance to pre-schools for cleaning and insurance, and no apparent slash and burn of the non-government schools sector. Well done, Minister.

Mr Speaker, the government has spent nearly \$500,000 on reports and reviews—Connors et cetera—to tell them how to spend \$7 million. A paltry \$460,000 has been allocated to evaluate school performance and achievement—the things parents are interested in. I take this opportunity to voice the opposition's concern that not all of the \$7.4 million has been promptly allocated inside the school gate as promised, and we continue to investigate.

An education budget that does not invest in the artistic, creative and sporting potential of our youth is an education budget that misses a vital opportunity to play its part in creating a sustainable future for Canberra.

I think it is fair to say there are some useful initiatives within the justice and community safety portfolio, such as the mediation of property disputes before the AAT, which will save much time, money and heartache. The budget provides, however, \$200,000 a year, rising to \$204,000, then \$208,000 and \$212,000 in the out years for human rights legislation. I am not sure when drafting legislation became an initiative but my colleague, Mr Stefaniak, has a number of serious concerns with this part of the budget which he will expand upon later.

Another disappointing factor in the AG's area is that crime prevention programs have dropped from 14 programs down to 10. Meanwhile, as is now common with this government, the cost of these programs goes up.

The opposition applauds the government's commitment to a new communications system for our emergency services. I am personally heartened to see more funding for community involvement with bushfire fighting.

Turning to business and tourism, Mr Speaker, this budget is a disappointing one for the business sector, and for economic development generally. It is further evidence that the government has no real understanding of, or commitment to, the business sector in Canberra. The consistent lack of an economic development strategy is obvious with the hopelessly overdue white paper.

So far, all the government has delivered is a discussion paper which the minister himself labelled a statement of the bleeding obvious. There is nothing new in this year's budget to help the troubled tourism and timber industries. CTEC has its funding reduced by 9 per cent next financial year and by almost a quarter in the year following—and the government has delivered no payroll tax relief in this budget.

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In tourism the only initiative is a \$250,000 scoping study—another study for the convention centre, followed by the promise, for what it is worth, of \$40 million in the year 2004-2005 for planning and construction of a new or renovated convention centre.

We should not forget that, in the tourism section of the Labor Party's developing industry policy, they said that, firstly, they would develop a coherent industry strategy that properly recognises the different sectors, as well as developing industry development plans for each sector with a marketing plan and identifying opportunities for innovative marketing in areas such as sports tourism. Secondly, they said they would develop and implement a whole-of-government tourism network that coordinates the tourist-related activities of all government agencies. But, ominously, the 2003-2004 budget makes no mention of any of these initiatives.

The commitment on the convention centre is welcome but long overdue. However, we must take it with a grain of salt, after the Treasurer's own answers to questions of when, where and how were, "Dunno"; "Dunno"; and "Dunno". However, the major cuts to the CTEC budget are wrong in principle and could not come at a worse time—when the local sector is doing it tough as a result of the bushfires and the SARS crisis.

Mr Quinlan recently said, "I think we have enough in Canberra if we did absolutely nothing". Cuts to the CTEC budget indicate that he might be implementing this strategy. The lack of vision is disappointing as well, when the industry has faced ongoing challenges due to shocks such as terrorism, the Ansett collapse, bushfires, Iraq and SARS.

Mr Speaker, in 2001 Mr Quinlan promised a coherent industry strategy and industry development plans for each sector, but has not delivered on this. By contrast, a Smyth Liberal government would implement a plan of action to secure the future of the local tourism industry.

In the housing portfolio, the overall amount of funding being injected into ACT Housing is a point worthy of detailed investigation. I have no doubt that the finer detail referring to how many tenant applicants were housed, or how many tenancies and dwellings are being managed, will show that the poor old ratepayer is paying a lot of money for significantly reduced services. For example, there are 60 less tenancies and 110 less dwellings.

We have the Treasurer's claim in the budget of an increase of \$13.3 million from the 2002-2003 estimated outcome for housing. However, when you scratch down a few layers to determine where the money is being spent, there is not great deal more delivery of service coming from the provision of more funding. My colleague, Jacqui Burke, will elaborate on this and will no doubt cause Mr Wood considerable discomfort.

In disability, I congratulate the government on providing the disability community with the \$600,000 it requested in its budget submission. I can only wish that the rest of the community was treated with such respect. On an early reading, there appears to be enough in the budget to meet the commitments to Gallop, but we shall have to wait and see on that score.

Another initiative of note is the introduction of a lift fee for wheelchair accessible taxis. Mr Speaker, as you would know, the issue of wheelchair accessible taxis is one close to my heart. I remember the issue of a lift fee being discussed when I was the minister. My view was then—and is now—that, if it will improve the performance of the WAT, then it was probably worth doing. However, the government's habit of throwing money at a problem in the hope that it will go away has not worked to date. We will be watching the performance of the WATs very closely indeed.

In planning and transport, with this budget the Gungahlin Drive extension is, in the government's own words, shaping up as a road to nowhere. The government is simply not being serious about building the road, especially now they cannot go down their preferred western alignment.

The last Liberal government set aside \$32 million for the road's construction on the eastern alignment, and work was scheduled to start last July. However, while Mr Corbell did nothing at all, and no construction work started, he rubbished the previous government's costings. In the Assembly on 25 June last year, he said that they were out of date and would deliver only a road to nowhere.

Surprise, surprise! In this year's capital works program, we find the same amount of \$32 million being used. You have to wonder if there will ever be a Gungahlin Drive extension.

Mr Speaker, the opposition welcomes the \$420,000 earmarked for the start of the implementation of the Canberra spatial plan. With any luck, it may get finished, as we note that from 1 July the new planning authority and land agency will come into being, although we are yet to be convinced that they have been appropriately resourced.

We note with interest the land release program providing for 2,400 new dwelling blocks, and redevelopment providing a further 1,000 blocks. The new land development agency is projected to return an end-of-year profit of almost \$100 million. We will wait and see whether that occurs, but we see in this little movement towards affordable housing.

The government, in its action on this front, is failing those who are seeking to become home owners, as well as those struggling to stay in the market. The sustainable transport strategy implementation is, at face value, a step in the right direction, but we on this side have a suspicion that it may well be just another review.

For all the talk about greater emphasis on public transport, this budget has little in the way of positive incentives for people to make the switch. We tinker at the edges here, revising services there and juggling the fare structure. However, we see nothing yet that will bring about radical change, such as the sort of change which meant that the express bus service in Brisbane, for example, saw a 16 per cent shift in modal use in its first year.

If this is just another review dressed up as a study instead of a big-picture scheme, then we will not have addressed the issue. However, there is cause for hope in the territory signing up to the national travel behaviour change program, but that is a year down the track.



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Mr Speaker, looking at capital works, I am extremely conscious of the disruptions caused by the bushfires in January, and of course the impact the disaster has had on undertaking previously planned capital works and the availability of resources to undertake bushfire recovery work.

Nevertheless, it is important to consider the Treasurer's plans for capital works and to attempt an analysis of what has been proposed. As a general characterisation, it appears that much of the capital works program for 2003-2004 comprises relatively minor works. There are a number of new, big ticket projects but a major proportion of the spending will take place in the out years.

There are interesting developments with several projects—for example, the Mugga landfill project. This project appeared in 2002-2003, at a cost of \$2.4 million. According to the December quarter 2002 capital works update, there has been no progress with this project, yet it is still valued at \$2.4 million. In BP 3 for the 2003-2004 budget, we find that this project—now apparently valued at \$1.6 million—has been deferred and retendered. At the same time, in the Treasurer's press release dealing with capital works, he says there will be \$2.4 million to progress stage 2 of the construction of the new lined landfill cell at Mugga landfill.

A sizeable proportion of capital works has been rolled over. Of the more than \$36 million being rolled over, the capital works program is still carrying works in progress from 2001-2002 of almost \$14 million. This is an increase of almost \$10 million in projects being rolled over, compared to the position in the 2002-2003 year.

I note that a large chunk of the capital works table is completed works—another filler. I am pleased to see so many of the projects I started now successfully completed.

Mr Speaker, in urban services, the general theme seems to be the continuing delays in completing capital works programs. For example, Horse Park Drive has been listed for completion in June 2004—not November 2003, as recently advised by the Minister for Urban Services.

The Gungahlin Drive extension is now listed for completion in June 2006—not June 2005, as stated in the previous year's budget. We remember the boast—"On time; on budget."

**MR Corbell:** That's another lie.

**MR SMYTH:** "We will keep the commitment." Will it be the case that these projects are delayed past these forecast dates?

**MR SPEAKER:** Order!

**MR Corbell:** It's another lie.

**MR SMYTH:** In the current budget, spending on municipal services will see fewer outcomes for increased expenditure. For example, spending on community path

maintenance has been increased by \$200,000 from the previous year. That is welcomed, but the outcome will see 2,800 metres less pathway maintenance than last year.

Spending in the current budget on waste and recycling has been decreased by \$1.3 million from the previous year's estimated outcome. How does the government expect to achieve no waste by 2010, if it is not prepared to ensure that the spending in this area at least keeps pace with CPI?

In sport, whilst the government can be commended for allocating \$1 million for pools, sportsground lighting and sportsground improvements, we must remember that this is, after all, only an ongoing program. It can be partly commended for at least replacing the very old sand hockey pitch with a synthetic water-based pitch at the Hockey Centre at Lyneham at a cost of \$850,000.

However, it has not put any money towards the proposed \$5 million redevelopment there to enable ACT Hockey to host major international tournaments from 2005 onwards—an initiative that I believe would also receive funding from the Commonwealth.

The obvious gaps in the sports area—something dear to your heart, Mr Speaker, are the broken promises to the dragway people. There is no money for a dragway and none is likely to come from this government. The government has done nothing in relation to its promises made last year to assist sports with the insurance crisis. This seems to have vanished as an issue for this government.

Mr Speaker, in the arts, I commend the government for at least continuing with a number of projects in the art portfolio such as the Link, even if they are doing it very slowly. With the Duntroon dairy project, which I recall being our initiative—again better late than never.

Regarding the Glass Works, that has been incredibly slow, but this year sees \$2.5 million finally reallocated, which is welcomed. The word, I suppose, in relation to arts is: yes there are ongoing projects, but they will arrive slowly.

In corrections, I am pleased to see that the funding has been included—a year late—for remandee health at the Symonston temporary remand centre. I also note the government's commitment in the out years for the funding of a new remand centre. The fundamental problems facing the ACT's corrections system will not be resolved until we have a prison. I know I sound like a broken record in calling for it again, but it is too important to let go, with the promise of a remand centre in the future.

The ACT has a moral obligation to take care of its own. The evidence is incontrovertible as to the effect that sending prisoners interstate has on recidivism, prisoner welfare and the welfare of their families. The ACT also has a fiscal obligation to build a prison. At present, it costs around \$800,000 a month to house prisoners interstate. That money, and the prisoners it funds, belongs here in the ACT.

The government has attempted to summarise the opposition's response to the budget as merely criticism of lack of vision. This is not the case. The Labor response is a lazy one, and I have just delivered a serious critique of this budget. I have pointed out its flaws and shown how it fails the community. I have proved the folly of the government's fiscal

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attitude, but that is not enough. The opposition has always been clear that it is not enough to simply criticise—we must present the alternative. As I have said many times in this place, I will try to be a positive opposition leader. The community expects and deserves to know what the opposition vision is.

Mr Speaker, the community expects and deserves to know what a Smyth Liberal government would do when it takes office. The city is now at a watershed. The bushfire disaster has forced us to take a long, hard look at what Canberra is, and what it is going to be in the future. For too long, the ACT has been bailed out of financial troubles by its dependence on the sale of land.

If it were not for the extraordinary growth in revenue from land sales and property-based taxes, this year's budget would have had an enormous deficit, as it has in the past. The previous Labor government's \$344 million deficit was partly addressed by Liberals through growth in land sales, but we must face the reality that this is unsustainable. There is only so much land left in the ACT. Already we have pretty much gone as far as we can down south. If we are to believe the whispers, north Gungahlin is not going to be able to accommodate nearly as many people as was first thought. The zero sum equation of the land-based economy is fast approaching its zero point.

The Treasurer was this morning quoted on radio as saying that part of the ACT's Stromlo Forest area could become new suburbs. Indeed, the ACIL report values the land of the Stromlo Forest for residential development at something like \$700 million.

If this government is to develop that land, the money must not be squandered. A development at Stromlo would be Labor's last throw of its economic dice. On current evidence—the evidence of this budget—if this government realised new suburbs at Stromlo, the money would be frittered away.

The Treasurer has mentioned in his post-budget speeches that the people of this town are its greatest asset, and that is true. A Smyth Liberal government would invest in this asset, but not in the piecemeal, hotchpotch, lazy, and indecisive way of Labor. The future of the ACT is dependent upon its people. I have already shown how I would reshape the economy around that asset. The insurance crisis is a case in point. The government's response was to be content with tinkering with tort law. My response was to create a system that has, as its primary goal, the welfare of the injured party.

The health action plan is another example. On being presented with yet another of the government's paper achievements, I acted to make it work for people by inserting goals, targets, and outcomes. Today's *Canberra Times* carries a story about a father whose son died at the Canberra Hospital psychiatric unit. The headline of that story says it all: "More cash no remedy". Throwing cash at a problem does not fix it. That is why I, and many in the community, have called for, and will continue to call for, a time-out facility to assist those approaching a mental health crisis.

Mr Speaker, in the dry language of economics, we call this government's approach "focusing on the inputs". The economic alternative is to focus on the outputs. In real language, that means to focus on people. A Smyth Liberal government, in its budgets, programs and policies, would return to the fundamental principle of spending money on

better results for people. It would be spending more money on outcomes—outcomes that provide real benefits to the people of the ACT, its community, and its economy.

In my early speeches on the budget, I talked about the need to broaden the revenue base, not just raise taxes. It is obvious that, if we are to be sustainable, we must broaden the base. The Treasurer has spent at least \$600,000 on developing an economic white paper that will come to the same conclusion.

The way forward for the ACT—the way to drought-proof the economy of the ACT—is to use the proceeds of what is left of the land asset and invest it. I do not mean investment in banks—it will not be invested in hotchpotch initiatives. It will invest in the people of the ACT, in developing their creativity and unleashing their potential.

We will invest in developing education in real and systematic ways, not only on the basis of reading, writing and arithmetic—although they are important. We will also promote the creative and artistic potential of young Canberrans by fostering and developing the creative potential of our youth so that this creativity feeds into every aspect of our community.

We will invest in developing early intervention programs in health, which this government seems to have abandoned. We will use the investment in creativity to develop new markets, starting with restoring our relationship with South Africa and China—markets which have been shamefully neglected by Labor. These markets will grow new businesses. We will develop new industries, such as the film industry. I am glad to see that that industry is picked up in the white paper.

A Smyth Liberal government will recognise that the ACT is different and that sometimes, to succeed, it will have to behave differently from other jurisdictions. My public liability reforms, for instance, stand alone. No other jurisdiction has suggested this approach, but that should not stop us—it can stand alone. We did so with workers compensation, and that is working.

Our business taxes are the same as New South Wales. How can we compete with business if this is always the case? We must change. A Smyth Liberal government will change the business taxation regimes so we can compete and attract business—not only from surrounding New South Wales, but from around Australia and the rest of the world.

People will ask, “What would a Smyth Liberal government do?” We will not delay and we will not prevaricate. We will not delay important projects like the prison, the convention centre or the Gungahlin Drive extension. This Labor government does not make decisions—a Liberal government will. We will not spend more money to get less, as this Labor government does.

This Labor government cannot manage money. A Smyth Liberal government can and will be sustainable. This Labor government has no vision—it has no plan for the future. The Smyth Liberal opposition has the vision to take it into government and to secure Canberra’s future.

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**Mr Stefaniak:** I rise on a point of order, Mr Speaker. During Mr Smyth's address, Mr Corbell on two occasions used the word "lie". He said, "It's a lie". Then, about 30 seconds later, he said, "It's another lie." I ask him to withdraw that.

**MR SPEAKER:** Mr Corbell, would you withdraw that?

**Mr Corbell:** On the point of order, Mr Speaker, I think only the member who is offended can take a point of order.

**MR SPEAKER:** I believe anybody can raise a point of order.

**MR Corbell:** I am happy to withdraw that comment.

**MR STEFANIAK (3.45):** Mr Speaker, as my colleague, Mr Smyth, has said, there are indeed some good points in this budget. I have been in this place for some time, and I think you can say that in every budget there are some good points. I will come, fairly soon, to a number of points in my own specific portfolio areas.

I also have been to a few of the budget functions so far. I think my colleague, the Leader of the Opposition, has made a number of very good general points. One is the need, first and foremost, for a broad base. I wonder if this budget gives us anything in relation to that.

I have a number of significant concerns in relation to where we are, in the territory, at this point of time. With record income and revenue coming in from such things as stamp duty, primarily, our situation is effectively based on the real estate boom we are experiencing.

In fact, we have \$183 million extra income and revenue coming into the territory. Despite the fact that that has occurred in a financial year which has seen the ACT suffer loss as a result of the dreadful bushfires, through prudent management in the past and the fact that we are largely insured, that problem has been considerably restricted. Already \$105 million has come in in insurance. It comes in and goes straight out again. On top of that, we still add \$183 million.

Mr Speaker, this budget has a deficit of \$7.7 million. It has a number of significant expenses. Next year, as my colleague has indicated, it should have \$130 million less revenue, yet the Treasurer aims to be in surplus by \$1.7 million.

If the Labor government, with the record amount of revenue we have seen coming in this year, can only deliver a budget that is still in deficit by \$7.7 million, how on earth, when they are anticipating \$130 million less revenue, are we going to see a budget with a surplus of \$2 million? I will believe that when I see it, Treasurer.

As I indicated, there are a number of good things in this budget. I will come to some of my portfolio areas. In relation to the Attorney-General's portfolio, I was pleased to see initiatives such as mediation of property disputes before the AAT. I think that is a sensible initiative. That will save time, and it will simplify the process before that body.

I was also pleased to see further improvements in relation to what is occurring in the ACT courts, and that also is necessary. I do have, however, significant concerns in relation to other areas of that portfolio and perhaps I could turn to those. Specifically, Mr Speaker, I have a number of concerns in relation to the proposed human rights legislation.

At page 170 of budget paper 3, it shows resources for proposed human rights legislation for this financial year of \$200,000. For the following years it is \$204,000, \$208,000 and \$212,000. It says:

This initiative provides for the implementation of the proposed Human Rights Act. It will provide advice to the Attorney-General, promote provisions of the Act, and support an information campaign to raise public sector and community awareness of the act.

I am trying to think whether, in any budget, we have had a situation where money is put in over a four-year period for an act of this parliament which we have not yet seen in the form of a bill. It presupposes that we are going to have it. It presupposes debate in the Assembly. It has a name. It is going to be called the Human Rights Act.

I thought the government was not yet at a stage where it would go down this path. It may well be that it gets its legislation through. It certainly will need money, if it gets it through, to raise public awareness, in both the public and the community sectors, because there is absolutely no call—and there never has been—in this community for such an act.

A maximum of about 120 people went to the six public meetings, which were probably used to try to drum up support. The lowest attendance was about four, and the highest about 40. Even the trumpeted event at Old Parliament House last year did not have the completely satisfactory result that the government would expect.

There is absolutely no demand for this act. I think that is an area of the budget where we would see extra money being spent. I predict that, if this act does get up, it is going to cause Mr Quinlan, or whoever in future years is Treasurer, a great deal of further angst, because I do not think there is any way it is going to be of benefit to the community. Additional expenses in many unpredictable ways may well flow from that. With regard to the Attorney-General's area, that is of real concern to me.

There is another area of concern in this portfolio. The government has talked a hell of a lot about early intervention. The government and the opposition differ on how best to fight crime in this community. I have no doubt who is right—that is us, and it aint them. Yet we agree that early intervention is important—I think this is very much a central plank of this government's justice policy. I was amazed to see the 14 community crime prevention programs and initiatives which existed this year drop to 10 for the year 2003-2004.

It is interesting to see how much this is costing. The target for 2002-2003—remember this year is not yet finished—is \$1.075 million. The anticipated estimated outcome has blown out to \$1.125 million—an extra \$50,000. For next year—2003-2004—it is

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\$1.082 million. That is \$7,000 more than was budgeted for this year, and only \$43,000 less than the anticipated outcome this year for 14 programs, not 10.

Mr Speaker, that is another classic example of paying for more and getting less. It is an indictment on this government because it prides itself on early intervention and crime prevention. It talks loudly and tries to make a lot of it but, when it comes to the crunch, there is very little action.

There are good initiatives in this portfolio. The Belconnen Joint Emergency Services Centre is something we started, but it is good to see that being funded. It is pleasing to see the \$823,000 for equipment for the West Belconnen Joint Emergency Services Centre. Those are good initiatives. When one looks at some of the other areas, again they are fairly light-on and there are worrying signs. I highlight specifically those two programs with which I personally have significant problems.

Turning now to the arts portfolio, in this area also there are projects being funded. We see the recurrent theme in this budget of an incredible slowness in getting these projects happening. That is fairly predictable in relation to all the capital works programs, and some of the other programs. It is good to see the Link going ahead.

A matter I can recall us dealing with in cabinet some time ago is the Duntroon dairy project. It finally gets \$50,000—it is going to happen.

Regarding the Glass Works—another of our initiations—there was money last year for that, of which only about \$300,000 was spent. That money is being reused. Hopefully \$2.5 million or thereabouts next year will finish the project.

There are a number of good programs there but, again, very slow progress is being made in getting them completed. I think one can say that in relation to a number of programs.

Much has been made in recent times of the need for an arts centre in Belconnen. Belconnen is not well served in that area compared with others—in respect of the current expenditure, which is some \$57,000, as opposed to, for example, \$177,000 in Tuggeranong. It does not have a dedicated centre. I would have thought something might have been done.

I could not find anything at all about that in the budget papers. Nevertheless, I think I recall something in the minister's press release suggesting the spending of a teeny-weeny \$60,000 to start looking at the possibility of a centre somewhere in Gungahlin, Belconnen or North Canberra—and that is about it. I suppose one can be thankful for small mercies. That is something, but again another potential initiative that is simply not there.

In the area of sport and recreation, I am pleased to see a continuation of the ongoing program for sportsground and sports lighting improvements. The minister has tacked something in there in relation to pools, and \$1 million is a reasonable figure for that. I was administering that program for a number of years and I have no quibble in relation to that.

I commend the Treasurer on being able to allocate a quarter of a million dollars per year for the next three years to the AFL. I hope the conditions—the contracts— under which they play here are very much the same.

**Mr Quinlan:** They have been sorted out; they have been fixed.

**MR STEFANIAK:** They have been sorted out and you have managed to have the same amount of money. If that is the case, Mr Quinlan, I say well done on that.

Whilst it is pleasing to see an allocation of \$850,000 for a new water-based pitch to replace the old sand pitch at the Lyneham Centre—and that is about what they cost—I would like to have seen money from this government to assist the ACT to host the major international tournaments being planned from 2005 onwards. That is \$5 million all up, Treasurer, but a lot of that can be obtained from the Commonwealth. Just a little start by the people opposite may well have been useful.

In respect of the dragway, say what they might in the Labor Party, everyone out there regards that as a broken promise. You, Mr Speaker, were very supportive of that.

**Mr Corbell:** Show us the promise!

**MR STEFANIAK:** Mr Corbell—who has been interjecting and being incredibly rude during this entire debate—was also very supportive of it. Say what you will, those people regard that as a promise, and a lot of effort has been expended there. Indeed I well recall the money I, as sports minister, spent in the last few months of the previous government in respect of the economic study—and also a site for that.

Treasurer, I notice there may be another site. I almost saw a glimmer of hope there. I thought you might be doing something. I thought you had completely wiped the dragway. If you have done so, that is an absolute travesty. I repeat that there is very much a broken promise there and a lot people are extremely unhappy as a result of that.

Mr Speaker, during the time of the previous government, we did rein-in of cost overspends in a number of areas. One of those areas was the running of swimming pools. We inherited running costs of \$1.79 million a year for the five pools owned by the government. Through contracting out the pools and other arrangements, that got down to under \$400,000.

There are concerning figures here in relation to a possible change in the way the pool subsidies are operating, with the figure for this current financial year being \$497,000, increasing to \$784,400 for the next year. The explanation given for that is that it is a result of pool subsidies being higher than the target over the current financial year, due to increased subsidies required to be paid to operators in accordance with revised contracts, reflecting sustainable funding of pool operations. That is a significant increase in the operating costs of swimming pools, and perhaps just another indication of the inability of this government to efficiently manage the finances of the territory. That is an area of concern, and something I will be watching very carefully.



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Generally, in relation to items like capital works, I thought they were very light-on. I was concerned to see only a limited number of capital works in relation to my own area of Belconnen. There are a number of things that I have indicated are occurring there. I was pleased to finally see a start on William Hovell Drive. That is another initiative we started but, again, it is light-on.

Mr Speaker, this is a budget that really does not do very much for the territory. If this is the best this government can do in good economic times, God help us when times get tough.

**MS DUNDAS** (4.01): Canberrans know what is good about our city. The cityscape is clean, green and open. It is easy to drive around to see friends and family. In crisis we reach out to help people in need. The outpouring of generosity following the January bushfires showed that Canberra has a big heart. But in some parts of our city community networks are not strong enough to ensure that people are getting the support they need to keep their lives on track.

Canberrans want a healthy, sustainable and vibrant city. In short, they want to have the most liveable city in Australia, and I think it is up to all of us in this Assembly to make that happen. With this in mind, I am pleased, on behalf of the ACT Democrats, to reply to the budget speech.

Mr Speaker, last year's budget was a budget of reviews, and this year's budget is a budget of token responses, whilst leaving some of the big issues not addressed. Last year's budget signalled that the Stanhope government did not know what to do. This year they show they lack the courage to do it properly.

Canberrans know that there are ways that our city can be improved. When talking to the community there are three things that always come up. Firstly, we are told that our public transport system is inadequate, that people without cars find it hard to visit friends or get to work, and that most car commuters do not see buses as a viable option. Secondly, people talk about the financial stress caused by renting and by buying houses that have become unaffordable. Also, there is a shortage of bulk-billing general practitioners, and the fear future has only been heightened by the talk of changes to Medicare. Unfortunately, these issues are not properly tackled in this year's budget. However, there are initiatives that are positive, and I will give credit where credit is due.

Both in last year's budget and this year's budget we have seen the purchase of new buses, but there are no new bus services on existing routes. There is still an urgent need for extra services at night and on the weekends, and an investment in the operation of public transport could result in a substantial reduction in future spending on road upgrades, and improve the quality of life and employment opportunities for all Canberrans, including those who do not have cars. However, this government has refused to put more resources into public transport. In fact, they expect to reduce payments to ACTION for public transport services by \$1.7 million in the next financial year.

In the lead-up to this year's budget I floated the idea of a tied parking space levy on commercial businesses in Civic, similar to that which exists in other capital cities. A levy

of \$200 per annum on the approximately 2,200 parking spaces in Civic alone could result in an immediate 13 per cent increase in the number of bus services on every route on every work day. If this were matched dollar for dollar from the road works budget, we could have at least a 26 per cent increase in bus services by July 2004. Twenty-six per cent more bus services would mean more routes at night, on weekends, as well as in peak periods. Commuters would be able to truly “discover the pluses of buses”.

Given that the government will be receiving additional payments from paid parking in Belconnen, Tuggeranong and Barton, and that there will be a new parking levy on private car parks in commercial areas, I believe the government has a responsibility to provide improved public transport services to these areas to make buses a viable alternative.

The Treasurer claimed that my suggestion of a parking levy was a budget leak, and I assure him it wasn't. Maybe it was the other way around. My costings reflected the number of commercial spaces in Civic—as I said, around 2,200 and a rate of \$200 per annum. In media comments, the Treasurer said his calculations were also based on \$200 per year. So I am interested to know how the Treasurer works out that introducing this levy in Civic, Woden, Belconnen and Tuggeranong would still net only \$2.5 million. I assure you this is something we will continue to explore in estimates.

The ACT Democrats support earmarking the revenue from any parking levy towards the provision of public transport, as is done in New South Wales and Western Australia. Despite what the Treasurer has said, it appears that the ACT government does not currently have a public transport plan. We welcome the funding for the development of the sustainable transport plan, but after 18 months of reviewing planning and transport, this community expects this to be backed up with real resources to change Canberra's transport usage.

Mr Speaker, no-one in this community would doubt that housing in Canberra has become less affordable over the last couple of years. The housing boom just continues to grow. A real investment this year in public housing could substantially reduce spending on crisis and emergency housing in future years, as well as easing the immediate burden.

The ACT government has been a major beneficiary of the high housing prices in the ACT. The stamp duty windfall in last year's budget was not a one-off. This year the stamp duty on conveyances was up by \$24 million, yet Treasury continues to conservatively estimate stamp duty into the future. Of the \$24 million windfall, housing receives just \$3 million extra.

If the government were serious about tackling the lack of affordable housing, they should have allocated much more of this windfall into public housing stock. Further, a modest investment in assistance to private renters, such as guaranteeing rental bonds to encourage people out of public housing and into the private rental market, could reap substantial benefits as we alleviate pressure on public housing and help people to stay out of crisis.

The 2003-04 target number of ACT Housing dwellings is lower than the target for 2002-03. Not only is the Stanhope government failing to reverse the decline that began under

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the Liberals, they are allowing property numbers to fall while our waiting lists continue to grow.

Mr Speaker, there is also the growing problem of the shortage of GPs, particularly bulk-billing GPs. The proposed federal changes to Medicare has heightened the anxiety of families and our aged communities that they may not have access to bulk-billing GPs. A number of times in this Assembly we have spoken about how nurse practitioners would provide part of the solution. However, there is no funding in this year's budget for a nurse practitioner scheme, despite legislation being tabled today. By training, supporting and retaining nurses who are performing higher duties, we would have nurses who would be able to perform many of the duties and services of GPs. We would thereby be supporting GPs and our nurses and making real inroads into the GP shortage. This is really a missed opportunity and it should be a priority for next year's budget.

The New South Wales government has already gone ahead with a system to accredit highly qualified and experienced nurses as nurse practitioners with referral and prescribing rights in their areas of speciality. Victoria has also moved in the same direction by establishing accreditation of nurse practitioners to take pathology samples. If we fail to take similar action we could lose our nurses across the border, making the situation here much, much worse.

Mr Speaker, there was much debate in the lead-up to the budget about a possible bushfire levy. The bushfire that struck on January 18 has deeply affected the Canberra community, and the community responded in a time of crisis. Canberrans have opened their hearts over the last 3½ months. They have donated generously, through the bushfire appeal and in many other ways, to the families who were directly affected by fire. They have offered accommodation, clothing, food and other support.

The Stanhope government should not exploit this sympathy by creating a further burden on the community when this is not absolutely necessary. The proposed \$10 million tax could easily have been met within a \$60 million surplus. We must be careful about introducing a new tax across the community based on rates because some people who are already facing a crisis with the housing they own will not be able to afford to pay. As the affordability housing task force showed, there is a great number of people in our community who are not in housing crisis but live in housing stress.

Mr Speaker, having highlighted housing, public transport and the GP shortage as three big issues that the Stanhope government has not tackled, and also registering my opposition to the unnecessary bushfire levy, I will now acknowledge that the government has listened to the community in other respects and delivered some good initiatives in this budget.

The ACT Democrats lodged a petition from over 900 residents calling for the construction of a permanent library at Kippax, and since that time there have been Assembly motions calling for a commitment to and a time line on planning in Kippax. So I was pleased to see that \$300,000 will be spent in this year and \$2.2 million in the next year on Kippax Library facilities. This is a win for the community of west Belconnen.

In the area of aged care, the \$100,000 for a hotline and education to tackle elder abuse is a welcome initiative. In June last year I introduced and received support for a motion calling for action on elder abuse and I am pleased that that motion has now turned into action in this year's budget. Similarly, an Assembly motion highlighting the urgent need for mental health outreach workers was successful earlier this year. The expanded community teams in Woden and Tuggeranong and the expansion of mental health outreach workers in Gungahlin are excellent initiatives and recognition of the unmet need in this area.

I am also extremely pleased to see that youth workers are being supported in every government high school. The Youth Coalition and ACTCOSS are just two groups who have been instrumental in lobbying for this reform.

In regard to the vibrancy of Belconnen and section 187, I would like to make the point that through questions to the government I have joined with the Belconnen Community Council, the Belconnen Cultural Planning Group and the Belconnen Community Service in calling on the Stanhope government to commit land and support a cultural centre in Belconnen on the edge of Lake Ginninderra. I welcome the \$60,000 for a feasibility study. I do understand it is taking time, but the Stanhope government is realising that the people of Belconnen want a vibrant arts and cultural centre. This is a win for the Belconnen community and the people of Ginninderra but what is now needed is a commitment to fund such a centre, and I hope that that money will be available in next year's budget.

Another healthy and sustainable initiative is the \$202,000 travel behaviour change program. This does not start until next year, and it is not quite the \$507,000 it would cost to roll out "The Way To Go" program across Canberra, as was suggested in a motion I put forward last September. However, this is again an acknowledgment that the program is worthy of support. I challenge the government to find more funding in next year's budget and I am happy to help them identify savings on road construction to fund this worthwhile program.

Having given credit where credit is due, I will now return to what was sadly lacking in this year's budget. The Women's Electoral Lobby, Toora and the ACT Democrats have all announced their disappointment that there is no new money in this budget to implement the recommendations of the Chief Minister's women and violence inquiry or the Assembly's status of women inquiry.

In the area of health, despite funding for an additional breast cancer nurse, the government has not increased its target for breast screenings next financial year and estimates it will be 1,300 breast screenings short of target this year.

In the area of women's sport there is still no parity of support. \$180,000 has been allocated to women's elite sporting teams, yet more than three times this amount has been given to men's elite sporting teams.

Sadly, another budget has come and gone without funding for outreach workers for women with mental health and other complex needs. Such a service would help prevent

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homelessness and reduce the incidence of women repeatedly accessing homelessness services.

The government has committed \$240,000 in the 2003-04 financial year for an initiative entitled "Supported accommodation". However, this is certainly not funding for the community-based, widely accessible, non-medical outreach service that has long been identified by the community as a place of unmet need.

I am also concerned that the government has not kept its word in response to the estimates report of last year, which was to include more detailed accounts of the Office of Women, the Office of Multicultural Affairs, and other such offices in the Chief Minister's Department, so that we could clearly see the government's support for these key areas.

Support for women is sadly lacking in this budget. The delivery of the government's response to the status of women inquiry on the same day as the budget was presented shows that there was not time to fully consider the response when the budget was being developed. All but one of the recommendations of the status of women inquiry were, as the government says, supported. However, it was concerning to see that, although a number of the recommendations were supported in principle and were going to be reflected within current funding parameters, there was no new money in a number of areas relevant to women that are in desperate need.

In the area of education, primary school teachers have been crying out for more resources to help children with behavioural problems who are not able to learn effectively and who affect the learning outcomes of their classmates. This budget does not allocate enough funding for tackling behavioural problems. The counselling services will help, but most new spending is delayed for another year. We need more teachers to provide intensive support now. Also the allocation to the schools equity fund is still woefully inadequate. Schools with a high proportion of kids from low socioeconomic backgrounds need far more resources to achieve good educational outcomes.

In the area of vocational training, I was disappointed to see that CIT received only a minor funding boost and no new initiatives. CIT provides excellent vocational training for local students and the government should be looking at expanding in this area. In order to become a hub of educational excellence we need to show support not only for our universities but for the Canberra Institute of Technology.

The budget does have some positive environmental initiatives, but the government has fallen down on sustainable transport, waste management and the implementation of triple bottom line reporting. It is quite disappointing that, even though we have been working on sustainability over the last 18 months, the new initiatives in this budget could not be balanced in accordance with triple bottom line accounting measures so that we could see their impacts not just economically but environmentally and socially.

There is no funding for kerbside collection of compostable waste. The bio bin trial did go well in Chifley and deserves expansion. There is also no new funding for the Environment Commissioner, who we know is struggling to complete all the work that is put in front of him.

In conclusion, Mr Speaker, the Stanhope government should be ashamed of returning a \$60 million surplus in a year where affordable housing in Canberra is almost a contradiction in terms. This budget was always going to require funding for bushfire recovery, but I find it offensive using the bushfire as an excuse for a grab for tax which does nothing except make the budget bottom line look a little better.

We have \$50 million in underspends and a \$60 million surplus, off the back of stamp duty windfalls, which are likely to continue despite the extremely conservative Treasury interests. Canberrans have given generously in money and in time to help our community through this crisis, and that should not be exploited.

Mr Speaker, in last year's budget much was made of the expenditure review committee. This razor gang of Mr Quinlan's was going to systematically go through every department and cut out inefficiencies and any doubling up of services. Despite my questioning during estimates and in question time in this Assembly, we are still unable to see any timetables or savings as a result of the ERC. Perhaps Mr Quinlan can identify some of the savings that the ERC has found. If not, he should at least tell us which departments have been assessed and can rest easy that there will be no cuts.

In reply to this year's budget the ACT Democrats have acknowledged where the government has listened to the calls of the community and we welcome many of the initiatives. But the Stanhope government could have been more courageous and tackled the GP shortage, inadequate public transport and the housing crisis facing the ACT. Also, more money should have gone through to women's services, because women need more than just a minister.

The Canberra community will judge this government on the services delivered and problems tackled far more than they will on whether the budget was in a minor surplus or a minor deficit. If you can show you have the courage and the faith to invest in Canberra, only then will you help produce the healthy, sustainable environments and vibrant city that our residents so deserve.

**MRS CROSS** (4.20): Mr Speaker, I rise to give my response to the Labor government's 2003-04 budget. I must say that this appears to be a "steady as she goes" budget and, while being reasonably responsible in many areas, I do have some concerns.

I am pleased that the dire predictions of an up to \$100 million budget deficit for the next financial year have not eventuated. I must say, however, that the general government sector operating results do raise some concerns.

This government inherited a budget that was in a very healthy position. The last four financial years, including this one, have produced surpluses of \$81 million and \$65 million under the former government, and \$28 million and \$60 million under the current government. To have the 2003-04 budget dip into the red by almost \$8 million is a very serious concern. That is a \$70 million turnaround in just 12 months—12 months that have been fairly kind to this government in terms of revenue raising, despite the January fires. It will not get much better over the next couple of years either, and it will not take much of a financial hiccup to reduce next year's \$1.7 million surplus to a deficit. However, I am pleased that this government has not done what a lot of people suspected

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they might, and take the territory back to the dark financial days of the mid-1990s. Credit where credit is due, though.

I am particularly pleased with the government's recognition of the urgent needs of the people of Gungahlin, given that the district is the ACT's fastest growing region. The extension of bus services, for which the government has committed around \$750,000 a year for the next four years, is a very positive step. This will allow residents of Amaroo and Yerrabi to enjoy services already offered to the wider ACT community. Hopefully, this initiative will encourage residents to take advantage of the extra services that will be available and leave their cars at home. The provision of outreach services for Gungahlin is a positive step in delivering improved support for mental health patients.

I would also like to express my relief that there has finally been an allocation of \$800,000 for the construction of the Parramatta Street extension to Athllon Drive in the Phillip business district. I have been keen for the government to honour its commitment to the Phillip traders, who have seen a marked decline in patronage since the closure of Callam Street into Botany Street.

I would like to thank Minister Corbell in particular for his efforts in keeping his promise to the Phillip business district, and also for his focus and commitment to the Woden area in general, but I urge the government to continue this commitment to the Phillip business district and begin construction urgently. I also look forward to the government's ongoing commitment to Phillip businesses in the next budget. I will continue to lobby for small business in the ACT and will address some of my concerns in this area during estimates.

The government has earmarked over \$2 million in the 2003-04 financial year for planning, which includes \$470,000 for the implementation of a sustainable transport strategy. While commendable, many of these studies have been done in the past and I am concerned we are just regurgitating much of what has already come before. I hope this money will be spent wisely and I will be keeping a watchful eye out to see how this strategy unfolds and what it entails.

Now to some of my major concerns. The proposed bushfire levy is supposedly designed to benefit the recovery process and return the ACT to its former self by taxing home owners. The government says this will raise \$10 million over two years. Mr Speaker, the Canberra community has already donated close to \$8 million in cash, on top of the many generous donation of actual goods and services. Why should they be asked to dip into their pockets again? I suggest this will not help the recovery program and could actually have the reverse effect.

Many people are still giving generously. I know of families who are living with friends or relatives while their homes are being rebuilt. There are people who are helping others fix gardens, fences, sheds and so on that were destroyed or affected by the fires. Now the government wants them to hand over even more cash so it can pay for its budget promises. The community will resent this tax, and it is a tax—no government spin doctoring can disguise it as anything else. I, for one, will not be supporting the proposed bushfire levy.

On the issue of help for women, specifically single women, the 2003-04 budget appears to have fallen short. The women's support organisation Toora recommended that the

government provide funds for three outreach workers to deal with women who suffer mental health and other complex needs. These three workers would assist women with those problems to maintain a home, and provide early intervention and prevention where needed. Sadly, another budget has come and gone without funding for outreach workers to assist women with mental health and other complex needs. As you know, such a service would help prevent homelessness and reduce the incidence of women repeatedly accessing homelessness services; that is, being stuck in a cycle of homelessness.

The government has committed \$240,000 in the 2003-04 financial year for an initiative in the health portfolio entitled "Supported accommodation". The budget papers describe this as "providing support for clients living in their own accommodation, whether it is a private dwelling, rooming house, supported residential service or government housing". Discussions that Toora has had with the department representatives clearly indicate that this initiative is essentially additional funding that has been earmarked to go to Mental Health ACT to enable them to do more outreach with people post discharge from hospital. I am not suggesting that this is not a useful service in its own right. But it is something Mental Health ACT already does with variable effectiveness. It is certainly not funding for the community-based, widely accessible, non-medical outreach service that has long been identified as a need; nor does it have any gender focus whatsoever.

The government has failed to provide the limited amount of \$250,000 that would fund an effective outreach service. Such a service has been a key recommendation of the status of women report, the homelessness needs analysis, community consultations undertaken as part of the affordable housing taskforce report, and the mental health needs analysis report. The effectiveness of such a service was one of the key themes taken up by national homelessness experts at the public forum on women's housing convened by Toora Women Inc. in March. The government has also received many submissions on this need.

I should note that there also seems to be some confusion within the government about the issue. The response given by Minister Wood's office to these criticisms was that the \$240,000 supported accommodation initiative was essentially a funding of the outreach service advocated by Toora and recommended in the reports mentioned above. However, the response to Toora by the health minister's office and his department has been that this is certainly not the case. It may be that the budget "supported accommodation" initiative could be revamped to more closely reflect the community need on this issue.

Let me turn to parking space levy. The only people thanking the government for the introduction of the parking space tax in Civic, Woden, Belconnen and Tuggeranong will be people who live or work in other areas. I am sure many people will think twice about using those areas when they can easily go to smaller centres that will not attract the tax, for now at least. This could have the effect of driving business and development away from the town centres and into the smaller centres. This is simply yet another tax on business. It is about time this government woke up to the fact that it needs to provide incentives for businesses to operate in Canberra—not disincentives.

This is not Sydney or Melbourne, which have populations of 3 or 4 million people clamouring for space. This is Canberra. We are competing directly with our two major neighbours and other centres like Queanbeyan, Goulburn and Wollongong. Let's not tax businesses—especially small businesses that have been the lifeblood of the remarkable



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recovery of this community—out of existence. We need to help them establish and grow in the ACT, not scare them away to other regions. This parking tax does nothing to help that situation.

While I am pleased that this government has increased the actual amount provided for health and education, I am concerned that there appears to be little direction given as to where the money is spent or what taxpayers get in return. We cannot continue to just hand over money to any sector—including health and education—without expecting those sectors to be accountable. There are many areas that desperately need money so that they can provide better services, but there are plenty of others that are in desperate need of restructuring so that they can provide services more efficiently.

All government departments evolve over time and changes need to be made to accommodate the changing needs of this community. However, I see few examples of this government pushing for those efficiencies. Unless this occurs, taxpayers' money will be wasted. I am also disappointed at the government's lack of foresight. There is little vision for the future.

The ALP has been in power for a year and a half now—more than enough time to get a feel for the job. We are still waiting for its vision for business, and that is quite a few months away, I understand. There is no money allocated in this budget for any new initiatives anyway, so I guess we will have to wait another 12 months for anything new there, if at all. Overall, Mr Speaker, this is not a brilliant budget but it probably gets a low pass mark from this member.

**MR PRATT (4.30):** Mr Speaker, I rise to follow up on the Leader of the Opposition's analysis of this government's budget. The 2003-04 budget represents nothing more than a "steady hand on the tiller" with little in the way of new initiatives. There is no vision of excellence in education, no strategy for the protection of the people of the ACT against natural and unnatural disasters, and very little innovative or strategic assistance for our police and emergency services personnel.

This, Mr Speaker, is the budget of a government completely satisfied with the status quo. It would seem they have so little interest in education issues that they have not identified any problems that they ought to address. This government is so complacent about future emergency incidents that it has not identified any real deficiencies that it ought to cover. And this is a government that takes the service provided by the Australian Federal Police so much for granted that it fails to recognise any gaps in the system that it has a duty to address.

Let me refer in particular to the education portfolio. The new minister for education has failed to articulate a forward program or strategy for the future of ACT schools, from pre-school right through to college. What an opportunity missed, Mr Speaker. Perhaps the minister could make some effort to tell us what is wrong, what needs doing. Where has she actually identified need and where does she think she is heading in this portfolio? In her mind, where are the inadequacies in the system? Neither I nor anyone in the education sector is clear on what the minister expects to achieve in the education portfolio. I understand that the minister is new, I understand that the minister has just arrived in that portfolio, but, Minister, let's find out quickly what your strategy is. Where is your innovation? What, in short, is your plan?

Mr Speaker, the middle budget of a three-year term is the opportunity for any government to flex some muscle and stretch its wings of vision. Despite all the advantages of increased and windfall revenue, it is clear that this Labor government has failed. It has too eagerly accepted the limitations of the status quo and rejected innovation and planning.

Of course, it is not true to say that the government has always been entirely free of aspirations. Before the last election they did promise to inject into education \$67.5 million over the four years to 2005, including the \$27 million from the free school bus scheme—a great idea that the opposition would warmly welcome. Sadly, however, these funds have not materialised. Even the \$27 million has not been fully allocated, unless, of course, you count the additional \$30-odd million that has gone into the department's administration and enterprise bargaining negotiations. Surely, Mr Speaker, not even this government would perpetrate such a sham, such a con, as that upon the ACT public.

The funding of bureaucracy is hardly “committing to education programs”, as Labor promised to do at the last election. The funding of bureaucracy, Mr Speaker, is not the way to address the decade-long cumulative exodus of nearly 10 per cent of student numbers leaving the public school system for the non-government school sector. The funding of bureaucracy does little towards addressing IT infrastructure in school classrooms, supporting disability services in non-government schools or providing role model teachers to boys who are slipping through the curriculum cracks.

I do not want to sound too critical of the minister's achievements in this, her first budget. No opposition should oppose for opposition's sake. However, the government has achieved something in this budget. This government has admirably achieved the full maintenance of the previous Liberal government's projects and budgetary allocations. In fact, they have done almost as well as we could have done in administering the initiatives we started and they railed against when in opposition—lower class size programs, early intervention, support for students at risk, the non-government schools interest subsidy scheme, a centre for IT excellent, IT school grants, school-based management. Mr Speaker, the list goes on and on. These are all very good, very worthy programs, but all borrowed from the Liberals, all initiated by the Liberal government and all set out in the Liberal's 2001-02 budget.

Where is Labor's vision? It could be said to be in the very few “new” initiatives contained in the budget, but I and my colleagues on this side of the chamber are shocked at the tiny ineffectual amounts that have been allocated. For example, there has been an allocation of a mere \$900,000 over four years to assist pre-schools in respect of insurance, cleaning and consumables. For the school excellence initiative, to assist in the evaluation of school performance and achievement, just \$464,000 thinly spread over four years has been allocated to cover all government schools in the ACT.

The amount of just \$1.5 million, again spread over four years, for reduction in class sizes for kindergarten to Year 3 in non-government schools, is appallingly little. Assistance to children at risk—a very worthy initiative—has attracted a paltry \$225,000 in the first year. That would cover only six or seven counsellors.

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Mr Speaker, these few new initiatives, formulated by a committee of education stakeholders, are indeed worthy programs. They are really good programs for which the government should be congratulated and which, by the same token, the government should treat more seriously by funding adequately. These funding amounts are a mere token gesture to innovation. This is not vision.

Where is the funding for other priorities such as boys education programs; arresting the decline in literacy and numeracy performance in years 7 and 9; childhood obesity and nutrition and exercise programs; the teaching of values and ethics, promoting positive cultural change in public schools; and addressing the exodus of students out of the public system and into the non-government sector? The minister and her government cannot claim to be strangers to these ideas. As shadow education minister, I have repeatedly called for these and other issues to be taken seriously by the government. Education stakeholder groups have repeatedly called on the government to address these problems. Why aren't they in the budget?

But all ideas seem to have fallen on the deaf ears of this government. It is just not clear what the minister hopes to achieve in the education portfolio. It is just not clear where she hopes to make a difference or how she intends to return Canberra's schools to the status of best in the country. What a missed opportunity this education budget is, and what a shame for the parents and children of the ACT.

Mr Speaker, I would like to turn now to a different part of the budget that unfortunately contains a similar theme. The police and emergency services budget also represents nothing more than a "steady hand on the tiller" with little in the way of new initiatives—no vision for excellence, no strategy for the protection of the people of the ACT against natural and unnatural disasters, and very little innovation or strategic policy and initiative design.

I use as an example—I have only got time for one—the erstwhile late Woden Joint Emergency Services Centre. Please bring the yellow flowers. This is one instance where the government has not followed the previous Liberal government's plan. It is one instance where they have "gone it alone", and look at the mess they have created. This will be somewhat difficult for the government benches to follow, as I am beginning to think they are not good at all with numbers, so I shall spell out their mistake step by step. Firstly, in the 2000-01 budget the Liberals allocated \$5.7 million to the Woden Joint Emergency Services Centre (JESC) project. Secondly, in the 2001-02 budget the Liberals re-assessed the enterprise and added money to the initiative to a total value of \$7.89 million. Thirdly, in the 2002-03 budget Labor removed the \$7-odd million and wiped out the Woden JESC project. They sought to replace it with a less useful, simple upgrade to the Woden police station costing \$5 million. Big deal!

Now, this year, the cost has gone up and the government has had to put in more money to a total value of \$7.332 million for the police station upgrade. If it still is not clear to the government, I will spell it out: for a comparable sum you could have purchased a brand spanking new joint emergency services centre to service the whole of the Woden Valley and south Canberra. Instead, for a comparable amount of money you get only a one-third capacity facility—a mere upgrade of an existing facility. You have let the people of Canberra down. You are asking them to make compromises in their safety and

emergency cover because of your mismanagement—your mismanagement and yours alone. This is not something you can foist upon the previous government. It is your own debacle.

Similarly, I turn now to what is another government debacle of complacency and mismanagement—this government's response to the acts of terrorism we have witnessed throughout the world. I, like all Australians, fervently hope that we will never have to cope with an act of terrorism inside our borders. Bali, September 11, the threat of sleeper cells and ill-conceived and misguided religious fervour are all things that every government in Australia must consider and protect its population against.

I am afraid that Canberra, as the beautiful capital of this nation, could, of course, be a primary target for any terrorist group hell-bent on an attack against Australia and its governing centre. Complacency could spell disaster. Mr Speaker, I was interested to see what the Stanhope government proposed to do about protecting Canberra citizens. Just like all other aspects of this budget, we on this side of the chamber discover the answer to be nothing—nothing, Mr Speaker.

This government is so content with supporting the status quo that they are incapable of determining any counter-terrorism measures and safety procedures. The one and only thing the government is able to do is to hire a consultant. Again, like every other aspect of their governance, the Chief Minister is unable to make a decision to start an initiative or take action without hiring somebody to tell him how. I do not dispute that specialist knowledge is necessary, but isn't it a bit late to be asking for it? September 11 happened in 2001, 18 months ago, and still nothing has been done by Labor, who should have acted 12 months ago. The terrible fact is that the ACT is exposed to terrorism. People must be secure now. And what does this government do? It takes the bureaucratic approach and hires a damned consultant, who will report in 12 months at a cost of \$195,000.

Mr Speaker, on a brighter note: thank God our excellent police and emergency services people do see the risks and have re-organised and re-trained as far as they possibly can within budget limitations. Come on, support them government. I and the rest of the people of Canberra can only hope the federal government will show more foresight in their federal budget next week and ensure the safety of Australia and the nation's capital from the threat of terrorism. Clearly, this government has no idea about where to even begin. (*Extension of time granted*).

In conclusion, Mr Speaker, I can only say that the Stanhope government's 2003-04 budget is a directionless document that merely supports the status quo. It is a lost opportunity and a poor reflection on the ability of the government members. No imagination, no vision, no foresight, and an utterly complacent attitude.

**MR CORNWELL (4.46):** I would like to begin my comments on this wretched budget by referring to urban services. My colleague and leader, Mr Smyth, has already mentioned the apparent problem of delays in the completion of various important roads in the ACT. There have been delays in the past. Considering that the completion date for Horse Park Drive has been moved from November 2003 to June 2004, I am wondering whether we should not rename it perhaps Tortoise Drive or something of that nature. Of

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course, the Gungahlin Drive extension has passed beyond being a local scandal. This work is now listed for completion in June 2006, 12 months beyond what was originally intended.

Mr Smyth also mentioned the problems in municipal services. Path maintenance will increase by \$200,000 from the previous year but the outcome will see 2,800 metres less pathway. Waste and recycling will decrease by \$1.3 million. Spending on sports grounds and asset maintenance in the 2003-04 budget is over \$600,000 less than that forecast as the estimated expenditure for 2002-03. I wonder whether this is going to lead to a decline in the upkeep of these community facilities.

If expenditure in the previous year was higher as a result of increased water consumption due to the drought, the government obviously has not taken into consideration that we are still in drought and that stage 2 water restrictions are still in place. Of course, if they have taken this into consideration then this means that even less funding from the 2003-04 budget will be available for maintenance. I also note that spending on domestic animal services has increased by only around 2 per cent, well below CPI, and I wonder whether that will be sustainable.

Finally, the government has funded the upgrade of the Holder shopping centre by some half a million dollars, and I welcome that, as I am sure the residents of Holder do. However, it has neglected to allocate funding for improvement to the Duffy shopping centre, in spite of its public pledge in *Community Update No 10*, the PR exercise of this Labor government in relation to the bushfires, that improvements would be made after the fires. They went on to talk about lighting. Well, where is the money, Mr Wood, or can't you be bothered? Is it ex-budget or something of that nature?

**Mr Pratt:** It's on the tree.

**MR CORNWELL:** It is on the tree—the money tree. Thank you, Mr Pratt. I would look forward to an explanation in due course, Mr Wood. Perhaps we can chase this up in estimates.

**Mr Wood:** I think it's this year's budget.

**MR CORNWELL:** Perhaps the upgrade and refurbishment of the Deakin shopping centre is also in this year's budget because the Chief Minister gave an assurance to the Deakin Trader's Association that this upgrade would be included in the 2003-04 capital works program. If it is in this year's budget, I don't quite know how you justify the 2003-04 capital works program. But, again, I look forward to an explanation.

I would like now to turn to the extra taxes that we have been asked to look at. We have got a ratepayer bushfire tax, and we have got taxes on water, parking, poker machines, conveyancing, car registration and licences. There are seven extra taxes, five of which will affect most Canberrans. Three of them—parking, car registration and licences—would suggest to me a bias against private vehicles. Of course, we can understand this because the government is pushing, I believe unsuccessfully and they are doomed to fail, to get more people into public transport. They seem to forget that this is 2003 and not 1953; that society has changed and that people's transport needs and wants have changed

substantially. If you want to turn up on time when you take children to child-care centres or to school, catching buses will not work.

I regard the bushfire tax as petty and tokenistic. I wonder, in fact, whether the government is trying to keep the memory of their glory days green. I don't know. This tax will not help the victims. The amount of tax to be collected works out at \$5 million per annum. You could argue, in fact, that it is not even a fair tax, if any tax ever is, because ACT Housing is exempt—why should ACT Housing be exempt?—as are fire victims and pensioners, though how you accurately manage the last two of these groups escapes me.

Self-funded retirees and those renting are the losers from this opportunistic tax. The former, the self-funded retirees, are losers because it is an unexpected impost. Unlike pensioners, I believe they are not exempt. Of course, the latter, the tenants, the people who rent, are losers because landlords simply will pass on the cost. That is what will happen. I find that interesting because tenants are among those that this Labor government purports to care about.

Unfortunately, this exemption for pensioners from paying this bushfire tax is about all that pensioners will receive. Apart from the predictable increase in the concession to eligible card holders to offset increases in electricity under full retail contestability, which was supported by this chamber and, as I say, was predictable, there is a paltry \$100,000 essentially for education material for elder abuse. We have waited two years for the government to act on this and we end up with \$100,000. I don't think that is very much. What happened to the other 13 recommendations, please? The answer is nothing, of course.

I remember the debates that went on here and I would remind the government that, as the Chief Minister identified, there are already 76,000 people over 50 years of age in this city. It is true that an older women's boarding house to house eight people has been budgeted for. I really do not know why older men are not mentioned.

Finally, there is a mysterious \$5.2 million set aside for what is called a "sub and non-acute" aged care facility. This is mentioned only twice in the budget papers and I cannot find any mention of it in the media release. I have no explanation for it apart from those two single line items. I wonder, Mr Pratt, whether it might be a WMD—don't get nervous, because in this case WMD stands for "whatever might develop". I look forward to being enlightened when you get around to deciding just what you are going to do with this \$5.2 million. This a classic example of the opposition's accurate claim of more money, less services. From what I can gather, in this case we have all the money and no service.

So far, Mr Speaker, I have mentioned only the meagre benefits the pensioner section of our aged and ageing community has obtained. The other part of our elderly component, about 5,000 voters, is made up of self-funded retirees—the often asset rich, provident people, who are the forgotten contributors to the greatness of this city. They have received nothing. Do they benefit from the full retail contestability for electricity? Are they exempt from the bushfire tax? Do they receive the range of pensioner concessions that the Commonwealth has offered to this Labor government to extend to holders of the Commonwealth seniors health card? Do they receive the reciprocal transport concessions

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that should be available to ACT seniors health card holders? By the way, this is a denial they also share with ACT pensioners. The response to those questions is a resounding no. Why does this Labor government deny these builders of this city some comfort in their old age just because they have been responsible and provident, as best they could, in providing for their own retirement?

The final insult to the aged is the government's failure to pick up a licence for 65 aged care places at Calvary Hospital. These were given to the hospital by the Commonwealth government, but nobody in this ACT government has given permission for the facility to be built to house these desperately needed beds. This denial has lasted 18 months and, even if planning permission were given tomorrow, another 18 months would elapse before completion. Labor will have denied at least 65 of our aged people access to beds for three years.

**Ms MacDonald:** That's a result of—

**MR SPEAKER:** Order, members! Mr Cornwell has the floor.

**MR CORNWELL:** They don't want to listen, I suspect, Mr Speaker. The three-year period, of course, is significant. There is even—this is a popular word these days—a synergy, because three years will, in October next year, be the earliest that 65 aged people can move in and three years, again in October next year, is when this Labor government should be moved out. I commend my speech to an unlistening and unresponsive Labor Party.

**MRS BURKE (4:58):** Obviously, we are all getting a little weary, particularly those opposite, of all the number crunching. Just like a true trooper, I have some more.

Mr Speaker, nowhere is it more obvious in this budget than in public and community housing that the community has the advantage of seeing so much more money available and so much less delivered. The minister for housing, a Labor minister at that, is presiding over the demise of public housing in this territory. I know that it is not earthquake-style damage, but it is the death of a thousand cuts, slow and torturous.

What is more fundamental to this minister's responsibility than ensuring that he maintain and grow public housing? While the size of this community increases, the percentage of public housing stock in real terms reduces. In fact, it is worse than that: the raw number of public and community housing tenancies has reduced. There are targets for the slightest increase over the expected outcome, but they are still below the targets from last year. This minister does not even pretend to match last year's goals.

There is increased money over last year's budget. Last year, the budget for public housing services and policy was identified at output 1.1 as \$90.914 million.

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

**MRS BURKE:** This year, the government is prepared to spend \$98.537 million. That is a substantial increase over last year's budget and is to be commended. It is in the order of

\$7.6 million. But what will the community get for this money? Going by last year, it will get nothing. According to output 1.1, which relates to public housing services and policy, nearly \$5.5 million of the money was not spent.

I find it incredible that \$5.5 million for this sector was not spent. The minister had a target of \$90.914 million and an expected outcome of \$85.535 million. Indeed, it is most interesting to see what Mr Wood boasted about 12 months ago. I believe that we are still waiting to see some items mentioned in the particular document he put out, so how can this minister be trusted to deliver fully again this year?

What is the community to believe? Will the minister keep promising to spend the windfall money on public housing by putting it in the budget or will he genuinely get control of his department and spend the money where it is needed and where Labor promised—to improve public housing? How can the public be confident of any better delivery of services over the next 12 months from this minister? Quite frankly, they cannot. But one thing they can be sure of is that more of their money will be spent with less to show for it. In other words, this year's budget provides over \$30 million more than was spent last year.

This minister has the wherewithal to set reasonable targets using this large sum of money. Do we see a target for a huge increase in the number of dwellings? Do we see a target for a huge boost in tenancies? Do we see a target for a huge increase in the number of applicants housed? These are the issues I will pursue through my comments on this budget.

Labor promised, to quote from an election commitment, “to cease the downsizing of government housing stock”. Was that an honest promise or is this minister just not competent enough to get control of his department and deliver what the government, his government, had decided upon? It is an either/or question. It is a question of incompetence or a question of a genuine promise.

What are the numbers of dwellings in public and community housing? The target for public and community housing dwellings for the past year, 2002-03, was 11,910. This minister wanted to have a stock of 11,910. How many was this minister able to deliver? The expected outcome is 11,800, an outcome of 110 less than his target.

And what is the target for the coming year? It is 11,819. Yes, that is right; let me say it again. It is 11,819. That is about 100 dwellings short of his target for last year. He is aiming for just a tad short of 100 fewer dwellings when the government had a windfall gain of the best part of \$200 million in revenue. The bottom line cost target has increased exponentially from the 2000-01 budget estimated outcome to the targets outlined in the 2003-04 budget papers, but it does not appear that very much more service is being delivered for the dollars allocated.

This is a quandary. What is going on? What is the number of tenancies managed in public and community housing? The target for public and community housing tenancies for the past year, 2002-03, was 11,760. This minister wanted 11,760 and the expected outcome is 11,700, an outcome of 60 less than his target.



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And what is the target for the coming year? It is 11,810. This infers that the number of tenancies will fall short of his target for the number of dwellings for the coming year by nine. What is the aim? Why the shortfall between tenancies managed and the number of dwellings to be made available?

The number of applicants being housed is the issue, one that the minister conveniently ignored and avoided yesterday when asked. So much money, with much less delivered. To quote from an election commitment, "Labor will aim to maintain the current level of public housing." I am sure that the minister is listening. Again, I ask: was that an honest promise or is this minister just not competent enough to get control of his department and deliver what the government has decided? It is, again, an either/or question. It is a question of incompetence or a question of genuine promise.

Labor promised to fix the problem with the public housing list. For six years—not one, two, three, four or five years, but six years—they promised to fix the problem. The minister seems to think that he is doing this by measures such as debt management and encouraging people to enter the private rental market. The minister is causing people to be driven from accessing public housing.

People are tired and weary of waiting. Is that what he is secretly hoping for? People will just be forced into more debt by extending themselves beyond what they can manage. Shameful! The sum of \$5.5 million was rolled over. Shameful! Why does this government push the people it proclaims to protect to the outer and into housing options that they cannot and will not be able to pay for? That is of concern.

Let's move to community care. In contrast to the disappointing housing aspects of the budget I have outlined, some of the work in the area of community care starts to make it almost look half good. However, from what I can see in looking more closely behind the figures, and I do look forward very much to the estimates process in relation to my portfolio areas, that much of the government talk is in many ways more rhetoric than reality.

We have only to look at the performance of this government over the last 12 months since their first budget last year. Some may have been prepared perhaps to accept that they were still picking up the pieces 12 months ago after years—yes, six years—in opposition, but that can no longer be claimed as they approach the end of their second year in government. It seems to be more a matter of having bandaid solutions than any great holistic approach to policy, as they proclaim so loudly to practice.

Let's move to disability services. Overall, it is important to note that reference was made to continuing to respond to the major tenets of the Gallop report, but where is that indicated directly in the 2003-04 budget? I cannot see any direct correlation to the Gallop report in terms of addressing the many recommendations in there. I realise that it is a slow and long process, but I think more could have been done in a more urgent fashion. I would have hoped to see more funding for this sector, given the obvious, but again I think that we have here a minister who keeps his department under pressure.

I do have to congratulate the minister on addressing individual support needs of people with a disability. I am really pleased about that. It is excellent and I am pleased with this

vital area being given consideration. This initiative responds to the critical funding request for people with disabilities who have been assessed as having high and complex unmet support needs. The initiative will provide immediate and ongoing support for people with disabilities and their families who have reached a personal crisis and need ongoing support. So, to give credit where it is due, I thank him for that. It is welcoming to see \$600,000 from the 2003-04 budget, but more should be done to ensure that the needs of people are being addressed in relation to the recommendations of the Gallop report.

I am very pleased with and welcome the introduction of a lift fee for wheelchair-accessible taxis. As we know, a great burden was placed on taxi drivers and it was very difficult for them as they were compromised, so I applaud the minister for introducing this fee. The initiative enhances the current taxi subsidy scheme by providing for a \$7.50 lift fee per hire for wheelchair hirings to cover the costs of the taxi drivers' time associated with loading and unloading customers in wheelchairs from taxis.

The fee will act as an economic incentive to operate wheelchair-accessible taxis and assist in reducing the waiting time for customers in wheelchairs. The fee will be adjusted annually in line with the Independent Competition and Regulatory Commission's determination of the waiting time rate for taxis. One comment I would make on that is: what is the justification for indicating that the \$7.50 lift fee will provide an incentive to operate wheelchair-accessible taxis? I will wait and see. No doubt, all of us will be getting feedback on how that is or is not working.

On community care, I fully endorse and support funding that helps our carers, namely, the support for carers, so thank you again. This initiative provides for a carer training and support package to allow the program to continue until June 2004. I would like to see something being done beyond that, of course. The funding will also allow for the evaluation of the program, which is most important.

In the forward years the initiative will provide for the education and training of clinical staff on the needs of carers of mental health consumers, peer support training for carers and representation of carers' views to government. The program will support the role of carers and assist with their involvement in the planning and delivery of mental health services. Just to comment again, \$35,000 for 2003-04 and subsequently for the forward years does seem a little short of the mark in terms of training funding to ensure that carers are given the best tools and skills to equip them to continue in their supportive role as carers. However, again, some is better than none, so we are thankful for that.

The additional funding under the ACT home and community care program will be welcome. The additional funds will be matched by the Commonwealth, of course. This funding—\$700,000 for 2003-04 and subsequently in the forward years—will be welcomed, particularly the injection of needed funds into assisting the frail aged and young people with a disability and their carers to provide them with the independence needed to remain in their homes.

Women's services, unfortunately, have been sadly missed and let down again. I am very disappointed with that. I hope that the minister will keep his ears open a little more next time. I am very disappointed that nothing is represented here. I hope to bring energy and vision to these areas as long I am in this place. After all, we are here for the whole

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community and we need to be listening to and consulting with the whole community—a process which, by and large, sadly was bypassed before and during the development of this budget. That is something that we should not move away from. We need to look at why that happened and make sure that we engage the community.

If we have not had full and frank input from the wider community, surely that will mean that this government has not hit the mark in targeting and allocating its funding. That is sad for me. It is a missed opportunity. There has been some attempt to tackle the homelessness situation, a most welcome boost indeed. I hope to see a continued improvement in our homeless situation. I will work with the minister in any way I can to improve the lot of our most vulnerable. I would say that it is not always about throwing money at a problem. It is, however, about listening to people and directing the funding accordingly. This government has not done so.

We hear comment made about education lacking in excellence. Sadly, there is very little going to lift and enhance the vocational education sector. Let's not forget that much of this activity is linked to the workplace. Again, I thank the minister, who is just leaving the chamber, for the fact that the CIT has had a small increase, which I acknowledge, but there are no real commitments to put some energy and financial input to school/college work initiatives in any significant way. Because it is obviously lacking in an understanding of business per se, this government cannot seem to get its head around the fact that having a lively, buoyant business sector means more jobs for our young people, which means more revenue being generated, which means more money in our economy, which means more money to help those in greatest need. It is quite simple, really.

Finally, Mr Speaker, it has to be said again that the budget seems to lack a strategic plan and vision for the future. It lacks spark and energy; it is flat. It is rather challenging and somewhat disconcerting that the deficit we are experiencing, albeit small, has come about with the aid of a large windfall of cash to save the day and in what have been very good economic times. I wonder how we will fair in an economic downturn? One or two have expressed that concern. I acknowledge and welcome some minor initiatives across the board, as I have said, but generally this budget is quite bereft of energy, ideas and vision. (*Extension of time granted.*)

For many of the initiatives and funding allocations, sustainability in the outyears is of concern. Time will be the judge of that, I dare say, Mr Treasurer, as you look over your glasses. The Liberal opposition leader said in relation to education that this budget was lacking in excellence. On the surface, at first glance it is fairly innocuous. No doubt, the devil is in the detail.

**MS TUCKER** (5.14): It is a good idea to consider this government's budget in the context of the political cycle and the overlapping stages of a government's period of office. The government came to office after a long period of Liberal government with a lot of community goodwill and hopes for a new way of doing things and delivery on the community's expectations.

The government had a honeymoon period, as happens, during which people remained hopeful and waited to see how the government would go about delivering on its reform agenda. This period was characterised by many reviews and studies across a range of

policy areas so that the government's policy decisions would be based on sound information.

The Greens support that approach and believe that, if you have evidence-based policy with a long-term perspective, there is some hope of reversing some of the negative trends that are being witnessed in this country and in many other countries. I understand the pressures of the electoral cycle on any government and the nature of the political debate is not one which does facilitate a long-term perspective being taken. I am concerned that this tension is being resolved in the shorter term in some areas, particularly the environment and some social areas.

In some ways, the unanticipated bushfires presented the government with a second honeymoon period in which it was called upon to show leadership in its response to the devastation, and in many ways it has risen to the call. This budget heralds the government's delivery period in which the community will see how the government invests their money and delivers on its agenda.

The Greens said that we wanted to see leadership, even courage, and a strategic addressing of the real challenges in protecting the environment and reversing the trend of further social isolation and disadvantage. We were looking for the budget to be a real investment in these areas. In saying that, I believe that we were reflecting the hopes of a broad part of the community. This budget was the government's opportunity to show how it would lead, invest and deliver.

Our feedback from the community suggests that we are now entering the reality bites stage where people are coming up against considerable unmet expectations, disillusion at being consulted and then finding that it is more of the same or business as usual, and in some cases bitter disappointment at complete policy backflips.

I am not saying that the government is not delivering. It is delivering some good things in this budget. The government's reinstating of public development of land is an example of a courageous initiative which we have supported. But the measure of that is the benefits it delivers to the community in terms of quality services, affordable housing and the protection of our environment.

In this regard, the budget delivers some very inconsistent and, in some cases, quite retrograde measures that could well shake the community's confidence in this government. This trend has not come out very much yet, with the media and community groups broadly supporting the budget and with little attention so far being given to some of the budget's limitations, missed opportunities, inconsistencies and even environmental travesties. But it is these things that will now characterise the next period of this government and the government's budget has largely set the framework for what will and will not be delivered in this term, although there is still a pre-election budget to come, of course.

On the question of sustainability, we now have an Office of Sustainability within the Chief Minister's office with an across-government role in assisting the integration of economic, social and environmental considerations into the decision-making processes of government. In March, a glossy sustainability policy was launched by the lake. Among the vague generalities contained in that policy document, we are told that the

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progress indicators for monitoring and reporting are being worked on. Meanwhile, the evidence of social and environmental considerations being given appropriate emphasis in the government's decision making is pretty thin on the ground.

The first towards sustainability report is to be prepared during 2003-04. I wonder how it will look at some of the short-sighted decisions in this budget. They will be water under the bridge by then and perhaps there will be further promise of a fresh approach to be taken at some time in the future. It is a bit like St Augustine praying, "Lord, please make me chaste, but not just yet."

This budget is not the big win for the environment that the government has tried to portray. Only days after releasing *Woodlands for wildlife* and the draft ACT lowland woodland conservation strategy, which identifies areas of high conservation value and emphasises the importance of preserving them and their connectivity, the government announced that several such high-value areas in east O'Malley, Forde and Bonner are to be sacrificed to development in the land release program. The protection of Gooroo and Callum Brae is very good, but it should not be trumpeted as some bold conservation achievement that delivers what we should reasonably expect. Who knows? We might have got that even under the Liberals.

Labor's environmental credibility is not looking good at this stage. The woodland conservation strategy development process is still under way. The document is still in draft form and further consultation and refinement are planned before it becomes a final action plan around the end of the year. This draft in no way gives the government the all-clear to say that it has protected the most valuable part and can therefore plunder the rest.

I think that it is very important that we remember how much is left of this ecological community in the south-east region. I remember having this debate with the previous Liberal government in relation to Conder. It was trying to argue that it was being reasonable and that the response was balanced because not all of the grassy woodland was being used. The thing you have to remember about grassy woodland is that only about 5 per cent of it is left in the region. You cannot get away with saying that you are going to use only 25 per cent of what is left because there is so little left. We have to keep going back to the fundamental reality that we cannot afford to lose any more.

By making this land release announcement, the government has ensured that it will now have ongoing fights within the community as it moves against each area of high conservation woodland and sets in train further destruction of important wildlife habitat and biodiversity. The positive environmental initiatives in the budget pale into insignificance against that. With PALM considering Stromlo Forest for residential development following the bushfires, why are we rushing in to build Forde and Bonner, rather than one of the other proposed suburbs in north Gungahlin?

Where we do appear to have a good new initiative, it is difficult to establish what is being delivered. For example, there has been a new allocation for weeds work, after a discontinuation of earlier weeds work because of the fires. A new program has been provided to control weeds in the burnt out areas, but should the former work have been discontinued, or has it been discontinued? How do we compare what was provided for weeds work in the last budget with what is now being provided? When I looked at that,

I found that we do not have a target any more, because the measure has changed. That seems to happen every year in so many areas and is extremely frustrating.

I could not find a breakdown of the actual cost of the weeds work. That could have been a way for me to work out how much was spent in previous years, but it was not there, either. These are obviously things that I can pursue in the estimates process, but it is of concern to me that we still keep finding it hard to get that basic information from the budget.

What is happening with the implementation of the greenhouse strategy? The strategy is in its fifth year of implementation and it is said to be a priority in 2003-04. Page 192 of budget paper 4 shows a target for 2002-03 of approximately \$831,000 and, next to that, an estimated outcome for that year of nearly \$1.5 million, with the target for 2003-04 being down to about \$900,000. A footnote tells us that the 2002-03 outcome reflects a carryover of activity from 2001-02 and that the 2003-04 outcome reflects a return to normal activity levels. One can only assume that this means that the allocated money has not been spent. The obvious questions are: why is that so? Why hasn't the money been spent? What is the problem in implementing the greenhouse strategy? Where is the progress report on how the greenhouse strategy has been reviewed?

I thought that maybe I could get more information on that by going to the web page and looking at the greenhouse strategy. I do not understand what has happened there, if it just has not been updated or whatever, but the document that I found on the web page says about future review of the strategy, "Regular formal review of the strategy will be undertaken together with an assessment of the international/national situation. The first reviews will be held in 2001-02, and then 2003-04. The timing of subsequent reviews will be determined as part of the 2003-04 review."

It looks as though there should have been a review in 2001-02, but this document obviously has not been updated because it is still speaking as if 2001-02 is in the future, so it does not fill you with confidence in terms of what is happening. I will certainly be asking more questions about that in the estimates process.

The question of reporting in the budget, as I have already said, is a problem. For example, in the budget's measuring of performance against quality effectiveness in environmental management and regulation in relation to water quality and air quality, efforts to minimise smoke problems and greenhouse emissions are shown as 90 per cent for last year's target, 90 per cent for the outcome and 90 per cent as the target for the coming year.

What does that 90 per cent mean? Are we improving? How many days of air pollution problems do we have? We do not seem to have done anything on smoke pollution. We have had some warnings about not lighting up at night, warnings which cannot be evaluated, according to the government. How do we get to that 90 per cent measure? It would be very interesting to know what makes up the other 10 per cent? Were the 10 per cent of people who were not happy people who have a respiratory weakness?

A really interesting thing to do if you wanted a quality measure about smoke pollution would be to speak to people who have a respiratory illness and see what they think about improving the air quality in Canberra. That would be a more meaningful measure than

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this vague 90 per cent. As I said, perhaps the 10 per cent missing are the 10 per cent of people surveyed who do happen to suffer from asthma. I remind members that one in five, 20 per cent, of our community suffer from some kind of respiratory weakness. It is not an insignificant public health issue and it is something that you should be able to get an idea of when you look at the budget.

There are some measures in the budget which seem to be better. I will refer to them later when I am talking about the social area. There are examples that we can look at. I just think that there needs to be so much work done on how we are actually presenting the information, particularly the quality information. That goes back to what I said before about the Office of Sustainability. It is linked to that, because we are being told that that office is developing performance measures and indicators, which is what this is about. Triple bottom line reporting is seen to be difficult and tricky, and I am not saying that it is not, but a fundamental way of addressing it is by having measures such as this which actually mean something and communicate something to someone when they read the budget.

I note that a five-year recreation strategy is being developed to guide recreational developments in the ACT's natural areas. Programs involving the community and monitoring are to get under way during this year. While that is a good initiative, we need action now. I do not know why the government did not pick up this one earlier, because it is pretty obvious that, due to the fires, we have lost major areas that were being used for recreation.

I am talking particularly about mountain biking. Mountain bikers do not have the opportunities they had previously in Stromlo. I think that the southern riders have the potential to go to Tuggeranong Pines, but a lot of the people who were using Stromlo were coming from different areas and are now using nature parks. We need to have something happening immediately in that regard. If we do not, we are going to have more environmental damage in those areas and conflict with the various recreational users over the impact of their activities. That needs to be worked on with the community in a constructive way. I am not blaming anybody at this point. It is just an obvious result of the fires that does not seem to have been picked up by the government.

There are some good initiatives on transport in the budget, but it is largely steady as she goes. We welcome the decision to start implementing the first phase of the government's sustainable transport policy and we are pleased to see resourcing for additional bus services for Gungahlin, bus priority measures for roads that cause most delay for ACTION services, the introduction of pay parking in Barton, and demand responsive feeder services for late night travellers.

Oaks Estate still does not have ACTION bus services. As I have mentioned before in this place, residents there continue to be required to use the New South Wales service and are unable to access ACTION concessions in the way that other ACT residents can, which affects their ability to access the full range of services that are dependent on affordable transport to reach. As citizens of the ACT, they deserve that access.

We do not have new spending on cycling capital works to fill the identified gaps in the cycling network, nor do we have new expenditure on much needed public education and driver training to enhance the safety of cyclists on the road. But it is good that funding is

being continued for the Dickson-Woden and Belconnen Way cycle lanes and that a cycling network plan, cycle path maintenance and Travelsmart are to be funded. I am having a lot of trouble with Travelsmart numbers as well. I have been trying to follow that. I will pick it up in the estimates process. I cannot work out what is happening with the money there.

As well as funding the implementation of the first phase of the sustainable transport policy, the government is continuing funding for a public transport futures feasibility study. When, if ever, will the progressive thinking that these initiatives promise actually percolate through to the government's actions in planning for the transport needs of this city? The rhetoric and the studies are there, but when we look at the government's present day actions it becomes clear that the culture change has not really happened. New behaviours are something for some time in the future, but certainly not now.

I have mentioned the woodlands already, but in the area of transport the issue of the Gungahlin Drive extension illustrates this point. The government plans to spend \$32 million on a socially divisive and environmentally damaging road that will increase our car dependency and still not solve the problems of congestion as car use grows and keeps filling up the roads. This is despite having been elected on the platform of not building this road on the eastern alignment. Although the government has presented itself as helpless following the National Capital Authority's refusal to allow the eastern alignment, the government remains committed to building another road and will not look at the alternatives.

This is an opportunity for the government to take a proper look—evidence-based policy development—at the question of transport in Canberra. Transport in Canberra is not just about more roads and more cars. That was the plan of the 1960s and it has failed. Any decent analysis of the efficacy of building more roads and filling them with cars will show that that policy is a failure. That cannot be disputed by a search of the literature on the subject.

The government and the opposition are not prepared to show courage in this regard. They are making decisions on it purely for political reasons. They have neglected Gungahlin for 10 years or more and are now succumbing to pressure. Instead of showing leadership, working with an evidence-based policy and working with the community to take into account sustainability at all levels, we have a poorly advised decision which is going to cost a lot of money and is not going to solve the problem. It is going to create problems, as I said.

The strategies are supposed to be happening, but the thinking and action seem to be for more and more of the same. In terms of the road, I ask: where is the consideration of the so-called externalities, the hidden costs of this road? Where is the triple bottom line accounting in this respect? It is not there. The sorts of hidden costs I am talking about are increased air pollution and the health implications, the loss of equity in that people who live in Gungahlin will need to have cars to get around, the loss of land for development because of the need for car parks and roads, and the loss of protection of the environment in this case.

The people of Gungahlin need and deserve sound transport solutions. Possible alternatives could include a combination of things, some of which are already being



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worked on, such as improving other roads, including Horse Park Drive, improving public transport in a range of ways, including increased bus services, bus only lanes, ADART services and possibly light rail. Planning and where employment is put are major factors in this regard as well.

Another problem with this decision and the government's decision on developing woodlands, not to mention the Nettlefold Street trees, is the way they cut across our heritage obligations at both territory and federal level. The Commonwealth has approved the provision of more than \$3½ million for natural heritage trust projects in the ACT, many involving conservation and restoration of remnant vegetation patches.

The intrinsic value of remnant vegetation is well documented and cannot be easily or quickly replaced. The partnership between the Commonwealth and territory governments has the goal of working for bush care to reverse the long-term decline in the quality and extent of Australia's native vegetation cover. For the ACT, the main concern was "the cumulative effects of clearing small areas of native vegetation" and the agreed additional outcomes for the territory were the long-term conservation of native vegetation remnants and that any clearing of native vegetation is managed so that requirements to conserve native biodiversity are not compromised. O'Connor Ridge and Bruce Ridge are certainly relevant in this discussion.

In the recently finalised ANZECC national vegetation framework work plan for the ACT, the Commonwealth and territory governments agreed that for discrete sites containing critical habitat or other values of significance the application of off-reserve conservation mechanisms and responsible town planning is the preferred approach. Unfortunately, we are not seeing that responsible town planning approach. No matter how many times the government puts it on paper, that is not what it is doing on the ground.

We support the general principle behind the increase in the water extraction charge, but we are concerned to see that the increases are applied equitably. For example, how will low-income households with large families be dealt with? While it is generally good to have the increase relate to the degree of usage, I would be interested in exploring how it can also be progressive and not punitive for low-income earners.

I think that there is an overall problem in this regard in that the government does not have the policy decision-making role in terms of the water abstraction charges. I understand that it is basically a matter for ACTEW and that ACTEW will put a proposal to the ICRC about how this abstraction charge will be imposed on the consumers. That seems to be a pretty basic policy decision and I am surprised that the Assembly or the government is being sidelined from the making of this decision. That is something that I intend to raise in the Assembly because I think that some legislative changes need to occur.

On the social issues, the government's Wednesday media release on the social aspects of the budget claims that this budget will build Canberra's social future. There are certainly some new initiatives in areas of identified need. These are very welcome, particularly as importantly they build on the research work and consultation and the results of a number of Assembly committee inquiries. I must say that when I saw the initiative about youth workers in schools and a couple of other budget initiatives, I thought that the situation is

not always hopeless in that we do this work and you see the same recommendations in committees over three, four, five or six years and finally something is picked up.

The Greens believe that building on research work and evidence is a really important shift in the way government is done here. I commend the government for that, but I think it is going too far to say that social sustainability has been given the priority it ought to have. Social sustainability is about people having a real stake in how their society works and knowing that and the community sector is a vital tool towards that understanding. Many small organisations in particular, although they may not have the efficiencies of scale, do support in a very effective way the qualities of participation, creativity and flexibility.

This budget provides funds up to the SACS award for only the lower grades of community sector workers when the award is Peter Reith's version of an award. For example, in the ACT public service the award for an ASO2 is \$23,000 to \$25,000, but the certified agreement is for \$48,000 to \$55,000. For the ASO6 level, the award is \$35,000 to \$40,000, but the agreement is for \$48,000 to \$55,000.

In summary, on this brief survey, ACT public servants are paid, rightly, at roughly 37 to 47 per cent higher than their award rates, but there is no extra money even to bring the wages up to this safety net level for grades 5 to 8. It is almost impossible for the community sector to retain staff when their wages are so much lower than the alternatives available to their staff by working in government. Particularly when the community sector is running government projects, the government has an obligation to fund those projects adequately to ensure staff with high skills, experience and dedication are able to stay in the job and able to eat, live securely and so on. Without adequate funding for wages, staff are overworked and become burned out and in the end services suffer.

The government commits, in budget paper 2, to move from purchaser/provider to a cooperative model for funding community services. That is welcome and in line with the compact into which the sector put a lot of good faith and work. It is also very welcome that performance reporting will be aggregated to feed back into policy and needs analysis. That is a significant shift and the government is to be commended for picking it up. I know that that has been asked for over the eight or nine years that I have been here. We have been asking for that for a long time.

**Mr Wood:** You weren't grey then.

**MS TUCKER:** I have not been here for as long as Mr Wood. He has been here much longer, as has Mr Cornwell.

**Mr Wood:** It shows on me.

**MS TUCKER:** It shows on me, too. The sector may need some assistance to work with this feedback, but it is a welcome recognition of the importance of feedback, closing the policy loop. It is good to see funding for maintenance and repairs and minor capital works for community facilities in government facilities being planned for.

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Another major problem facing community groups of many kinds, not just community services, is insurance. We have reached a ridiculous stage where a community group cannot without particular, express sponsorship or an enormous one-off insurance premium hold a simple public meeting—no dancing and no acrobatics at the local school hall.

Community services have been limited by insurance concerns. Some community development projects could not occur in the past year. In this budget I cannot see an initiative for, for example, school insurance to cover community meetings. I can find no money set aside for insurance solutions for community groups, although there is a commitment in words to work on the problem.

Insurance is a problem bigger than the ACT. Insurance companies have their own agendas and government is working on solutions. While this situation is not of the government's creation, it imposes increased costs on allowing for social activity. I cannot find anything in this budget that indicates an understanding of the impacts on the broader community sector.

In regard to education, the funding for youth workers in schools can be seen as answering the calls for partnerships between the youth sector and schools to provide improved support for children at risk. This initiative is welcome. It is certainly something that has been recommended in a number of committee inquiries that I have been involved with in this place. It could be a tremendous initiative if the government is prepared to work on a partnership model with youth sector providers.

For kids in trouble at school, having easy access to non-teaching staff, non-education department youth workers, avoids the barriers to support when the workers can be seen as part of the system. Dr Walter de Oliveira, a leading world expert in working with disadvantaged young people, spoke very highly of the youth sector here when visiting Canberra earlier this year. We are lucky to have them here. Their commitment, expertise and understanding of the job have to be commended. His presentation to ACTCOSS on building a sustainable society hinged on listening to and working with people in need of support and recognising individual needs. This initiative could assist in building stronger constructive links between schools, students and the society.

The RecLink funding is good. It is useful to end the uncertainty around a successful program's continuity. It is disappointing, however, that there is not funding to expand other successful programs for young students outside the school gate. Programs like the messenger program and the Gungahlin Youth Centre's linking program with Gold Creek, et cetera, for high school students have not been built upon.

What we would like to see in high schools and colleges in particular is a real commitment to taking the school and students out to the community. We need to get beyond seeing community and public as competitors and recognise the relative strengths and how much can be done for kids by engaging between these two different sectors.

We are pleased to see efforts being made to strengthen the government agency's response to children at risk of abuse, but this remains an area of concern which we note has not been adequately dealt with in the past. We will be watching that carefully.

I have talked already about reporting and measurement and will not do so again, but I will talk about housing as housing is a fundamental part of social sustainability. As house prices and rents increase at horrifying rates, driven in part by a desire to invest outside the fluid stock market, people without money or who are discriminated against in the market are finding it more and more difficult to be housed. It is extremely difficult for people who have the money to find rental housing or buy a house. As the Chief Minister said in his press release, safe, affordable housing is the right of everyone in the community.

In addition to market forces, the housing market is also defined by planning controls and land release programs and we cannot look at affordability without looking at planning controls. That is why it is particularly disappointing that none of the developments approved in the past few years have affordability requirements, much less public housing, factored into them.

Despite efforts at the application level to instil some sense of responsibility in the case of the Kingston Foreshore and the Metropolitan, when things came to the crunch it was not carried through. I would like to see the ACT government take up a recommendation by the Western Australian housing affordability task force on state-owned land sold for redevelopment for housing that a minimum of 10 per cent be allocated either to increase affordable housing on the existing site or to be set aside for affordable housing in alternative locations.

Land releases could be targeted not only to generate maximum revenue but also to provide a supply of lower cost blocks. If land releases are informed by revenue and not by equity or affordability, nor by ecological limits, they cannot be called part of a sustainable society. A concern to maximise revenue might dictate holding on to areas currently less popular until the others have been sold. An integrated approach to social sustainability and to affordable housing would factor in those considerations.

Taking the Metropolitan as an example, the task force's recommendations were complex, it is true, but there is a clear commitment to affordability, something both the developers and the planning authorities understood. An answer to a question of mine tabled yesterday tells us that, prior to the DA, the applicant of the Metropolitan had indicated that the development would contribute positively to the overall supply of affordable housing in Canberra through, amongst other things, the overall impact on price that would flow from the injection of 343 one, two, three and four-bedroom residential units into the market.

Based on recent experience, surely that was a bold claim to make. While fresh supplies of apartments have been popping up everywhere, the prices of what were previously affordable rental and purchase units have doubled in some places. A flat that could have been bought for \$95,000 can now only be bought for \$195,000, and the rent on that place in the future will not be affordable. This is an area where government must take strong action and now, when prices are so high, is the time to do so.

I am concerned that the commitment to rebuilding public housing properties after the fire includes the decision that rural properties will be rebuilt in the urban areas. Why now?

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Why was that decision made before the spatial plan/non-urban capability study review and before input from the affected residents of Stromlo and Uriarra?

The initiative to reset the subsidy for house purchasing costs, particularly low-income earners, is welcome, but limited in effect. As I understand it, it will bring the number of people eligible to about the same as it was when the scheme was first introduced some years ago. The \$4,780 will ease some of the burden, but will not reduce the cost of housing itself.

There is no new commitment of funds in this budget to increase the supply of public housing. In the situation of the current housing crisis and the growing certainty that the Commonwealth-State Housing Agreement will be backing away from capital works, steady as she goes will not make a difference.

Anyone who is on a priority 2 listing will know that their chance of ever getting a house is quite low. All the housing crisis services recognise that one of their supply problems is the difficulty in finding places for clients to live. The \$3 million for community housing, which will include some funding for new premises, is a welcome adjunct to public housing, particularly as it is not a direct stock transfer from public housing this time. I look forward with great anticipation to the government's response to the report of the affordability task force; but, without having money set aside to implement the findings, it is difficult to have faith in how it will be solving the problems.

Homelessness gets attention, which is good, but is mistakenly confused in the social sustainability media release with efforts towards affordable housing. Attention to increasing affordable housing will help reduce some homelessness, but efforts to prevent or address homelessness cannot be called measures for affordability. The budget contains funding for new places for families and single men, which was identified in the homelessness needs analysis as the service with the highest reported utilisation. Indeed, there were almost no services for families. However, another identified gap—SAAP services in Belconnen and Gungahlin, with particular emphasis on young people and indigenous people—has received nothing.

SAAP services for single women have not received additional funding, although there is a crisis in that sector, and the proposal from the sector for outreach workers from the community sector to assist women with mental health problems and prevent homelessness became an initiative that apparently will be funding additional mental health workers within the department. While this is sorely needed, it is not going to provide the innovative, effective outreach service proposed by Toora. Such a service has been a key recommendation of the status of women report, the homelessness needs analysis, community consultations undertaken as part of the affordable housing task force report, and the mental health needs analysis report.

The indigenous housing program has not been progressed. There is no new funding, although there is, at long last, a trilateral agreement and the \$350,000 per year for sector growth will continue. I sincerely hope and urge that the allocation of this money to a diverse range of providers to match diversity in the community will be done promptly this year. It is a very important initiative. It was only last week that we heard about the allocation of that money from the current year.

In conclusion, we cannot say that the government has come to terms with the scale of the housing crisis in this budget. The plan to construct the old women's hostel is still on the books, although we do not yet have the facility. Indeed, there are no new initiatives that target women's needs.

Funding for mental health outreach is an important step but, in common with the education moves, we would like to be sure that the money will go to work in the community sector. Winnunga Nimmityjah, the Aboriginal health service, is sorely underfunded. A statement tabled in the Legislative Assembly on behalf of the Health Committee before this budget made the point that it had to be looked at in the budget. I am extremely disappointed that it has not been.

We know that the client base has increased significantly over the last year. We know that part of that is a result of the lack of bulkbilling opportunities in Canberra. Winnunga Nimmityjah is not accepting just indigenous people, it does not want to discriminate, and it is now finding that it is looking after more and more people who are very marginalised and socially excluded in our community and who cannot find medical attention anywhere else. That really important work should have been acknowledged in this budget; it is one of the very serious omissions.

The refurbishment of the psychiatric unit is long overdue and the funds provided are welcome. I am just trying to remember what Mr Smyth said on that. It was quite amazing and hypocritical. The work must be informed by the coroner's comments and be designed in consultation with all who use the unit—patients, carers and staff.

The remand centre construction and design proposal is good and it is good that there is attention in the design to requirements for specific groups within the population, women and other minority groups, but construction has been put off until next year and the need is urgent. The government could have been working on the design issues during the past year. This is certainly more urgent than the convention centre construction.

I look forward to carrying out investigations through the estimates process of a lot of these issues. I conclude with that tonight.

**MR QUINLAN** (Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming) (5.51), in reply: I thank all members for their comments, I truly do, because if you distil them down you will find that the budget still stands up well, despite, as one would expect, a fair bit of huff and puff, a bit of theatre and a bit of indignation. I think that the budget does stand up as a good budget. It has had a resounding endorsement from a lot of the stakeholders, those that do not have particular political posturing to do. If we dilute or discount the political posturing, I think the budget has stood up well.

One of the things that concern me is that Mr Smyth's speech began with a verbal and ended with misinformation being provided to this place. A couple of times since the budget was brought down Mr Smyth has said that this government promised to be a low-taxing government. We are a relatively low-taxing government, says the grants commission.

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I have here a folder of the Labor and Liberal policy announcements for the 2001 election and we did not make that promise. I would expect Mr Smyth to come in here and correct the misinformation that he has put before this place. I know that he is not a very original person and it is a practice that a smarter man, a better man in many ways, Mr Humphries brought to this place. I did not respect Mr Humphries for that practice and I do not respect Mr Smyth.

If he has to stoop to making up and creating pronouncements and then fighting the straw men he has created, then I do not think that he is much of a leader in the community. I find Mr Smyth's response shallow. He uses one little phrase—"We are paying more for less"—with hardly any specifics to go with it and figures that if he chants it often enough someone might believe it. Out there, the people are not believing it; they are, in fact, applauding this budget. Mr Smyth has become something of a rolling cliché, with just the general shallow comments that are made in political debate, and there is no depth behind the rolling cliché. This place did not resonate with huge hits laid upon this budget.

I was entertained, I have to say, by the lengthy time he spent discussing the real meaning of the economic cycle, or my relaxed use of it. I will admit that there was a relaxed use of the phrase "economic cycle", a momentous matter, but David Chessell, the economist from Access Economics, did not seem to have a great deal of problem with grasping what was really meant and recognising that it was a relatively neat way of communicating a message, one that everybody appears to have got, so it was obviously good communication.

I started taking notes of what members of the opposition were saying, but I soon stopped because there was not much to write down. I just want to make one comment on what Mrs Cross said about there being no money for small business. Mrs Cross, please take another look. The structure and the suite of programs and support for small business and what we are doing for small business are probably the first time that there has been a decent targeted system. If the millions of dollars we have put into and are continuing to put into the knowledge bank are not good for starters, and let me say that they are only for starters, then she must be very hard to satisfy.

Again, I thank members. I will in closing go back to Mr Smyth's speech. As I said, he started with a verballing by creating a claim that was ascribed to the ALP and misleading this place. You know when Mr Smyth has not got a lot to say about the economy when he reaches for the old \$344 million line. Everybody in this place knows now that that is misleading. Nevertheless—

**Mr Pratt:** I repeat that the \$344 million is still a factor, regardless of what you say about that, Ted.

**MR QUINLAN:** Old chum, we are in government. It was shouted before the last election. Here we are; we are in government and we have put down our second budget, which has received great acclamation in the community. It is really working, mate; keep playing the game! I gather now that the very imaginative Steve Pratt is going to fall in behind. I do not know whether it is in your background, Mr Pratt, but if you fall in behind you will add very little to this place.

**Mr Pratt:** I am not quite sure what you meant, but I won't take it personally.

**MR QUINLAN:** Go ahead; be my guest. Mr Speaker, I will close by, as I said, thanking members for their contribution. I really do think that, once you distil down to what was really said, the budget has stood up very well. I commend the budget to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Reference to estimates committee**

**MR QUINLAN** (Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming) (5.58): Pursuant to standing order 174, I move:

That the Appropriation Bill 2003-2004 be referred to the Select Committee on Estimates 2003-2004.

Question resolved in the affirmative.

### **Sitting suspended from 5.59 to 7.30 pm**

### **Auditor-General's report No 4 of 2003**

**Mr Speaker** presented the following report:

Auditor-General Act—Auditor-General's Report—No 4 of 2003—Management of fraud and corruption prevention in the ACT public sector, dated 7 May 2003.

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

That the Assembly authorises the publication of the Auditor-General's Report No 4 of 2003.

### **ACTTAB Ltd**

#### **Paper and statement by minister**

**MR QUINLAN** (Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming) (7.32): I present the following paper:

Territory Owned Corporations Act, pursuant to section 17—Direction to ACTTAB Ltd—Relocation of existing ACTTAB head office functions from Dickson to Gungahlin—copy of letter from Jon Stanhope, MLA, CM and Ted Quinlan, MLA, Treasurer to Chairman, ACTTAB Ltd, dated 21 December 2002 and 13 January 2003.

I ask leave to make a short statement.

Leave granted.



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**MR QUINLAN:** Mr Speaker, the relocation of the headquarters of ACTTAB reflects the government's policy to encourage the ongoing development of decentralised town centres, including Gungahlin, into viable economic and social centres for the territory. Relocation of the head office is an important investment in the future growth of Gungahlin.

In accordance with section 17(4)(b) of the Territory Owned Corporations Act, I advise the Assembly that the estimated net reasonable expense of the direction is a one-off estimated cost of approximately \$627,000 and an estimated annual cost of approximately \$20,000 for a period of five years.

The estimated net reasonable expense is made up of additional communications infrastructure of \$27,000 and an estimated potential building write-down of \$600,000. The building write-down may result if the construction costs of the building and purchase of the land total more than their value upon completion.

The estimated annual cost of \$20,000 relates to funding of the running costs of a microwave link between Gungahlin and the Canberra Racecourse for disaster recovery reasons. These costs are estimates only. The final costs will not be known until the building has been constructed and independently valued, and other communication costs are incurred and paid by ACTTAB.

### **Insurance issues—ministerial meeting Paper and statement by minister**

**MR QUINLAN** (Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming) (7.34): Mr Acting Deputy Speaker, for the information of members, I present the following paper :

Insurance Issues—Ministerial meeting on insurance issues—Joint Communiqué—  
Perth—4 April 2003.

I ask leave to make a short statement.

Leave granted.

**MR QUINLAN:** Mr Acting Deputy Speaker, this is the fourth time I have reported to the Assembly on my attendance at various ministerial summits on insurance. These summits were convened in response to the public liability insurance crisis. Since then, as members will be aware, the issues have become more complex and have expanded to encompass the medical profession, other professions and some business groups.

The most recent summit was held on 4 April 2003. It is the fifth in a series of summits. The purpose of this summit was to review progress on a very ambitious work program assigned to officials following the November 2002 summit.

Conditions under which affordable insurance might be more easily obtained are not yet with us. Some areas of business are experiencing difficult circumstances. In some cases—professional indemnity in particular—the demise of HIH still causes some

problems. The number of companies offering professional indemnity products has shrunk significantly over the past year or two—on some estimates, from 37 companies down to two. This is due to the reduction in underwriting capacity, to which I have referred in previous reports to the Assembly.

In addition, the public liability market continues to be flat when it comes to availability, and volatile when it comes to affordability. However, I am very pleased to report that the group scheme I announced in December last year has been embraced by the ACT community sector. While the crisis is still very serious, nearly 20 policies have been issued since the end of the year—and there is a healthy quota of offers and proposals going through the system.

Mr Speaker, the government is not going to relax in the light of these small steps forward. While this government has done more for the ACT community sector than any other Australian government, it is clear to me—as I have outlined before in this place—that there is much work still to be done by all Australian governments before this situation plays out. It is for these reasons that the government continues to be an active participant in ministerial and intergovernmental committees.

I have tabled the joint communiqué for the fifth ministerial summit, held on 4 April. Members will note that the joint communiqué contains a strong theme of national consistency, and it is this theme on which I want to focus today. I will start with medical indemnity and recommendations of the Australian Health Ministers Advisory Council—in the Neave report, which is referred to on page 2 of the joint communiqué.

I have been critical of the process in the past because there were two major reviews underway in relation to medical indemnity, with inconsistencies in their recommendations. Ministers agreed, at the ACT's urging, to examine these reviews, with a view to achieving national consistency in the ultimate response formula. Members will see that there was a significant general consensus on a number of areas.

Regarding proportionate liability, ministers agreed to task the Heads of Treasuries Insurance Issues Working Group to work urgently towards developing a nationally consistent model for proportionate liability for economic loss. Members will note the Chief Minister's press release on 11 April 2003 relating to the introduction of proportionate liability in the territory.

On the professional standards legislation, a decision was taken to have the working group investigate the feasibility of nationally consistent professional standards legislation. Ministers instructed the working group to report promptly on implications and mechanisms for developing a nationally consistent approach to the professional standards legislation.

As to the latter, I do not favour professional standards legislation. No other country has this. Several, including the UK, Canada and the US, have specifically rejected it. However, such was the concern of a number of my interstate colleagues, in response to the issues faced by professionals in the light of the insurance crisis, that we have all agreed to at least consider it.

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Mr Speaker, other outcomes of the summit underscore the benefits of the hard work the ACT government has done in relation to these summits. The ACT proposed that more direct, relevant action be taken nationally in respect of the long-term care of catastrophically-injured people. This has been taken up.

The ACT expressed concern that the benefits of proposed tort law reform could not be guaranteed for consumers because the ACCC lacked sufficient enforcement authority. The Commonwealth has now agreed that, if necessary, it will review the extent of the ACCC's powers, including more formal processes, if it becomes clear that cost savings are not passed on to consumers.

On the other hand, when pressed, representatives of the insurance industry who were present at part of the summit sounded an ominous note for the territory. Previously we have enjoyed some of the benefits of smallness and anonymity—representing, as we do, less than 2 per cent of the Australian public liability insurance market. This will no longer be the case.

Insurance industry representatives gave ministers a very clear message: if national consistency and tort reform is not achieved, the industry will price its products according to the tort and damage risk profile represented by particular jurisdictions, in addition to the individual risk presented by policyholders.

The ACT is now very well served in the area of individual insurance risk. This was the area on which the industry began to focus, once it became clear that its widespread denial of public liability cover to community organisations was unacceptable. Members will be well aware that some organisations with excellent claims histories were being denied insurance. The record—the top of the wazza—my department advises, is an organisation, after 27 years of insurance without a claim, being denied a renewal last year. This situation has to be, and is being, addressed.

As a result of measures I announced last year in relation to risk awareness and management, coupled with the government's tort law reform road map, the Community Care Underwriting Agency introduced the group scheme in the territory. Now, organisations with good insurance records qualify for consideration under the group scheme.

To date, Mr Speaker, the territory has succeeded in avoiding wholesale adoption of the New South Wales style of tort reform, and we are philosophically opposed to the draconian action that amounts to wholesale disenfranchisement of claimants. However, there is a national consensus emerging in respect of tort reform. There are a number of core elements that will need to be enacted in accordance with the national consensus.

Consequently, the government will introduce legislation containing stage 2 of its tort law reform package. In addition to measures previously announced by the Chief Minister and myself, stage 2 will pick up the additional Ipp report recommendations that meet efficiency and claims cost savings criteria.

Accordingly, the stage 2 provisions will focus on areas of procedural tort law in the ACT that are amenable to being made more economically efficient. In addition, the

opportunity will be taken to look at the broad spectrum of reforms in other jurisdictions, together with some issues unique to the ACT, to ascertain which could be adopted to bring about effective, positive cost outcomes without wholesale disenfranchisement of the majority of ACT claimants, most of whose claims are sound and valid.

The Civil Law (Wrongs) Act stages 2 and 3 reforms will address the whole personal injury infrastructure, not just public liability. Because the ACT is such a small jurisdiction, personal injury tort law reform cannot be limited to one segment of the territory's jurisprudence, lest efficiencies gained in one segment are lost in others.

Mr Speaker, I will continue to keep members informed of developments as they occur.

## **Paper**

Mr Quinlan presented the following paper:

Canberra Tourism and Events Corporation, pursuant to subsection 29 (3)—Canberra Tourism and Events Corporation—Quarterly Report— October to December 2002).

## **Affordable Housing Task Force—final report Paper and statement by minister**

**MR WOOD** (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for the Arts and Heritage and Minister for Police and Emergency Services) (7.44): For the information of members, I present the following paper

Affordable Housing Taskforce—Final Report—“Strategies for Action”—  
Government Response, dated May 2003

I ask leave to make a statement.

Leave granted.

**MR WOOD:** Mr Speaker, in accordance with the amendment to the motion of 3 April 2003 passed by the Assembly—that this Assembly takes note of the paper and calls on the government (1) to prepare a comprehensive response to the task force report, and (2) table that response in the next sitting period—I move:

That the Assembly takes note of the paper.

People who experience housing stress are among the most marginalised and disadvantaged in the community. It is incumbent on government to do everything it possibly can to prevent housing stress, both by providing affordable housing itself and providing a framework to encourage the private sector to do so.

This is no easy task and is certainly not one that lends itself to immediate solutions. The task force made this quite clear in its report to government. The government is

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committed to undertaking further work to achieve its long-term objectives for the provision of a sustainable affordable housing sector. However, there are no simple quick fixes.

Furthermore, housing affordability is not simply a factor of housing costs—it is also affected by general economic conditions, employment and overall living costs. Government action in other areas of its social, economic and planning agenda would also have beneficial outcomes for housing affordability.

The government considers that the key strategies identified in the Affordable Housing Taskforce report provide a sound framework for the consideration of affordable housing issues within the community and to address the broader housing policy concerns expressed in the introduction of this response.

The task force has recommended a range of strategies to address the problem of housing affordability. Many require medium to longer-term planning and should be recognised within the broader social, economic, and planning issues currently being addressed in the social and spatial plans in the economic white paper.

In recent years, the declining level of affordable housing has become an issue of concern to every level of government, as well as to the community at large. What has emerged from these debates is the requirement for a coordinated national approach to this complex issue, and for leadership from the Commonwealth government.

Ironically, the complexity of this issue is exacerbated in the ACT because of the relevant affluence of people in the Canberra community. This is reflected through higher-than-average incomes, as well as in the comparatively large supply of public housing we have, compared to other jurisdictions, and which the government aims to maintain.

The declining supply of affordable housing in the ACT is well documented. The trends, while not encouraging, have been exacerbated by the recent bushfires and their impact on the entire ACT housing system—that is, home purchase, private rental and social housing.

As I have said before, the stories of people in housing stress and its impact, which the task force has documented, paints a sober picture of what it must be like for over 9,000 households in the ACT. The government has agreed to 23 recommendations, agreeing in principle to a further 17, and noted for further investigation the remaining six recommendations. The government will be taking immediate steps, where it can, to start implementing the recommendations with which it agrees.

As announced in the ACT budget on Tuesday, up to \$3 million will be made available for affordable housing initiatives, comprising community housing projects, head-leasing schemes, innovative affordable housing projects, and ventures involving private and community sector finance and resources.

Additional funding of \$13 million over four years will be made available to provide increased short-term supported accommodation for families and single men in services for homeless people, and to more effectively respond to issues of homelessness.

The amount of \$8.8 million will be used for the replacement, in urban areas, of rural public housing properties destroyed in the bushfires. The land release program for 2003-2004 provides for the government to release land for approximately 2,400 residential dwellings. The government estimates that redevelopments will provide an additional 1,000 homes—thus meeting demand—providing stability and affordability, and meeting housing affordability objectives.

The government will commence a rental bonds assistance program for low income earners. Property value thresholds for stamp duty concessions to low income households purchasing their homes will be broadened to take into account increasing prices in residential property values.

These immediate budgetary measures will provide a platform for the government to push forward in addressing housing affordability for those with a high level of identified need.

The government is still supportive, at various levels, of all the recommendations, but many have been agreed to in principle or noted at this stage because of the need to do more work.

I have stated, right from the outset of receiving this report, that it contains recommendations offering solutions to problems that are complex and need further consideration. The upshot of this is that the government is not ruling anything out at this stage, because affordable housing is too serious an issue—and because other jurisdictions are trying all sorts of new initiatives as well. So, in principle, everything the task force recommended is still on the table for consideration.

We have spoken to the community and business sectors. There are parts of the report they like, parts on which they would like further clarification, and parts where they feel more debate and investigation is needed. The government has listened to these views and has reflected what it heard, in its response to the Assembly.

Therefore, the mechanisms recommended by the task force to increase the supply of affordable housing are all still being considered—that is land supply; planning mechanisms, such as inclusionary zoning and bonuses; encouraging the private rental market; reducing barriers to home ownership; improving the capacity of public housing; and the expansion of community housing through the recently agreed community housing framework, and so on. The government will continue to talk to the community and to the business sector about developing some of these recommendations further.

At the same time, we will push forward with the budgetary initiatives we have committed ourselves to providing to those most in distress. I commend the government response to the Assembly.

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

## **Papers**

**MR WOOD** (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for Police and Emergency Services, Minister for the Arts

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and Heritage): For the information of members, I present the following papers:

Ministerial Travel Report for the period 1 October 2002 to 31 December 2002.

ACT Criminal Justice—Statistical Profile for the December 2002 Quarter.

**Performance reports**

Financial Management Act, pursuant to section 30A—Quarterly departmental performance reports for the March quarter 2003 for the following departments or agencies:

Attorney-General's Portfolio within Department of Justice and Community Safety.

Chief Minister's.

Disability, Housing and Community Services.

Economic Development, Business and Tourism and Sport Portfolios within the Chief Minister's Department.

Environment Portfolio within Department of Urban Services.

Health and Community Care.

Education, Youth and Family Services.

Industrial Relations Portfolio—ACT WorkCover.

Planning Portfolio within Department of Urban Services.

Police and Emergency Services Portfolio within Department of Justice and Community Safety.

Treasury.

Urban Services.

**Annual Report**

University of Canberra Act, pursuant to section 36—2002 Annual Report—University of Canberra, including financial statements.

The quarterly reports, with the exception of Chief Minister's, health, and environment and planning, were circulated to members when the Assembly was not sitting.

**Bushfires—departmental submissions to McLeod inquiry  
Papers—publication**

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

That the following documents be authorised for publication:

Operational Response to the January 2003 Bushfires (McLeod Inquiry) – Departmental Submissions –

Report of the Territory Health Controller – Health and Medical Aspects – ACT State of Emergency, 18 to 28 January 2003, dated February 2003.

Copy of Letter from the Chief Executive, Chief Minister's Department, to Mr Ron McLeod, dated 7 May 2003.

ACT Bushfire Recovery Taskforce – “Completion of the Emergency Response”, dated 7 May 2003.

InTACT, ACT Department of Treasury.

Emergency Services Bureau.

ACT Policing’s, dated May 2003.

Department of Urban Services, dated 2 May 2003.

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

**MR SPEAKER:** The question now is:

That the resumption of the debate be made an order of the day for the next sitting.

Amendment (by **Mr Smyth**) agreed to:

Omit “the next sitting”, substitute “a later hour this day”.

Motion, as amended, agreed to.

Debate adjourned to a later hour this day.

## **Papers**

**Mr Wood**, on behalf of **Mr Corbell**, presented the following paper

Land (Planning and Environment) Act, pursuant to section 29, approval of Variation No. 187 to the Territory Plan—Heritage Places Register—Red Hill Housing Precinct, together with background papers and copies of summaries and reports.

ACT Public Hospitals—2nd Quarter 2002-2003—Service Activity Report, dated May 2003.

Land (Planning and Environment) Act, pursuant to section 216A—Schedules—Leases granted, lease variations and change of use charges for the period 1 January 2003 to 31 March 2003.

## **Inquiry into ACT Education Funding Report—government response**

**MS GALLAGHER** (Minister for Education, Youth and Family Services, Minister for Women and Minister for Industrial Relations) (8.00): Mr Speaker, for the information of members, I present the following papers:

Inquiry into ACT Education Funding (Connors inquiry), dated January 2003—Government response.

I ask leave to make a statement.

Leave granted.



**MS GALLAGHER:** Ms Lyndsay Connors presented her report on the inquiry into ACT education funding to me on 14 February 2003. I publicly released the report on the same day and subsequently consulted with stakeholders.

With the commissioning of this inquiry in early 2002, the government honoured an important election commitment. As well as being an election commitment, it was important that the inquiry be undertaken. ACT funding of school education is a large part of the ACT budget—around 25 per cent. It is a long time since there was a complete review of education funding arrangements—certainly not since self-government.

The last review, which was only a partial one of the non-government schools sector, was in 1991. By any measure, ACT schools compare well with schools in other jurisdictions, and the ACT community can be justifiably proud of its schools and their achievements. However, that is no reason to be complacent. Public funding is finite and it is incumbent on a government to ensure that the distribution of public funding available for education is soundly based on principles of equity and relative need. The government, while in opposition, judged that it was time to review education funding arrangements, to ensure that the principles of equity and relative need remained paramount.

Mr Speaker, Ms Connors has clearly undertaken this inquiry in a consultative way. In her report, Ms Connors paid tribute to the enthusiasm and commitment shown by those in the ACT community who participated so willingly in this inquiry. She drew particular attention to the fact that many of the participants did so on a voluntary basis.

The government expresses its utmost appreciation to all the organisations and individuals which participated in this important inquiry. In her report, Ms Connors commented that the level of participation bears witness to the public spirit of the ACT community, and to their commitment to maintaining and advancing the ACT schools system. The government wholeheartedly agrees.

There are 16 recommendations in the Connors report and the government accepts all but one. The recommendation the government does not accept involves the development of an interim new funding arrangement for non-government schools, based on an assessment of the total revenue available to individual schools.

In deciding not to accept this recommendation, the government considered carefully the reasoning behind another Connors report recommendation—the one about not pursuing a permanent new funding arrangement for non-government schools, in view of the national work being carried out by the Ministerial Council for Education, Employment, Training and Youth Affairs.

The government accepts the recommendation about a new permanent funding arrangement. For the same reason, the government has decided not to accept the recommendation to establish an interim funding arrangement for non-government schools. The government is not persuaded of the merits of undertaking, at this time, the very substantial work necessary to develop an interim model based on revenue assessments while the national work is in progress.

Several recommendations deal with the broad issue of funding principles and the merits of achieving a national agreement on appropriate and complementary funding arrangements. One recommendation is that the ACT continue to work in collaboration with other states and territories through the Ministerial Council for Education, Employment, Training and Youth Affairs, to achieve national agreement on the resources needed to realise the national goals of schooling for the twenty-first century. The government accepts that recommendation.

A related recommendation concerning support for principles that should underpin national funding arrangements between the states, territories and Commonwealth is also accepted. In addition, the government accepts the recommendation about adopting funding principles which recognise that the government's primary obligation in education is to provide quality public schooling, accessible to all.

The government of course continues to support the non-government sector as an important part of the education landscape. In doing so, it recognises the obligations of government and communities as funding partners of non-government schools and the complementary relationship between the government and non-government school sectors.

Mr Speaker, with regard to government schools, the government accepts the recommendation not to change the current broad structure of funding. As Ms Connors points out, the ACT arrangements are broadly consistent with those applying in other jurisdictions. The capacity exists, and is exercised from time to time, to adjust funding to recognise instances of particular need.

The government accepts the recommendation to give priority in government school funding to class sizes, curriculum, leadership, schools with high concentrations of students from disadvantaged families, and teacher support. The 2002-2003 budget provides additional funding for the Year 3 class size reduction. The 2003-2004 budget provides additional funds to undertake a major curriculum renewal process. It also doubles the funding available through the schools equity fund to assist schools with high concentrations of students from disadvantaged families.

In the government's view, additional support for beginning teachers and the continuation of the teacher fellowship scheme are worthy of consideration, in the context of the teachers' enterprise bargaining negotiations.

The government accepts in principle the recommendation to increase funding for pre-schools. The 2003-2004 budget provides additional funding to assist with cleaning, consumables and insurance costs.

The government accepts that the standard of accountability required of non-government schools in receipt of public funding should be increased. From 2004, non-government schools will be required to provide information to the ACT comparable with that currently provided to the Commonwealth.

It is through the school registration process that a government fulfils its obligations to the community, to ensure that the provision of a quality education by non-government

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schools is sustainable. The government accepts that, consistent with this obligation, proponents of a new school should be required to demonstrate that a sufficient demand exists and that the school has the financial capacity to be viable. School registration processes will be strengthened to require this.

The government accepts in principle the recommendation concerning assessing the needs of students with disabilities. New arrangements for assessing the needs of students with disabilities, from both government and non-government schools, will be progressively introduced from this year. A joint working party of departmental and non-government school representatives will work through the details of new arrangements for non-government school students with a disability, for consideration by government.

The government also accepts a recommendation to engage the community in debate about rationalising the numbers of government schools. In accepting this recommendation, the government acknowledges that this is a complex matter. The government will honour its election commitment not to close a school without the specific support of the school's community. Consistent with this commitment, the community will, in line with current practice, be encouraged to continue to explore issues associated with enhancing the quality of education and educational resources.

Mr Speaker, the government has carefully considered what the Connors report has to say about closing the non-government schools interest subsidy scheme. The government accepts this recommendation and will close the scheme from 2003-2004. In reaching this decision, the government is persuaded that the interest subsidy scheme has served its purpose.

The ACT school population is declining, yet there is a continuing need to provide government schools in developing areas. The main recipients of the scheme over the next 15 years are non-government schools which, by any measure, would be regarded as well resourced. In the circumstances, continuing the scheme would not represent sound public funding policy.

The government agrees that, as funds from the scheme become progressively available, they will be applied to the benefit of non-government schools. The funds will be available to meet increases resulting from any new funding arrangements developed for non-government schools, including those for students with disabilities.

I want to thank Ms Connors for this report and for the considerable contribution she has made towards the education debate in the ACT. I also want to thank the members of the ACT community who participated so willingly in the inquiry. I commend the government response to members of the Legislative Assembly.

**MR PRATT** (8.09): I seek leave to speak on this.

Leave granted.

**MR PRATT**: Mr Speaker, we will need a bit of time to properly analyse the report that has been tabled, and what has been discussed. At the outset, we are extremely concerned about, and very critical of, the fact that the government has now ceased the interest subsidy scheme. We think this will be extremely damaging to the ACT education system.

We will need time to examine in more detail the other 15 recommendations which have been discussed.

Mr Speaker, the destruction of the interest subsidy scheme will mean that a number of non-government schools will now cease to be able to develop their boundaries and capabilities any further. Neither will a range of other non-government schools be able to carry out further developments. Whilst they are well established, they depend on the interest subsidy scheme to be able to carry out further improvements.

So we see this as being a destructive day—a black letter day—for the ACT education system. The ACT education system, with 40 per cent of its students going to non-government schools, is in fact a rich tapestry of a combination of school capabilities in non-government sector and government sector schools. In fact, both sectors trade off capabilities with each other and apply lessons that each sector can learn. In respect of the government sector, we now have government schools that compete with each other to apply different capabilities to meet the different mixes that our students seek.

Parents in the ACT are entitled—they have the right—to seek the best schooling available for their children. Of course, all families are different. All children are different, and there are families in the ACT who send their children to a range of schools—at the same time.

**Mr Cornwell:** It is the politics of envy, Mr Pratt.

**MR PRATT:** Indeed, Mr Cornwell. So we see that this rich tapestry of government and non-government sector schools, with the different capabilities schools bring, has now been severely detrimented. That is what this recommendation will mean, Minister.

**Ms Gallagher:** No, it won't, Steve!

**MR PRATT:** Yes, it does, Minister. This ripping out of the—

**Ms Gallagher:** Declare your interest, Steve. Declare your interest Look at what school has bloody benefited the most!

**MR SPEAKER:** Order, Ms Gallagher! Mr Pratt has the floor.

**Ms Gallagher:** It is a clear conflict of interest, Steve, in Boys Grammar.

**MR SPEAKER:** Order! Mr Pratt has the floor.

**MR PRATT:** The interest subsidy scheme, Mr Speaker, is a fundamental tenet, and a fundamental principle, of the government's contribution and obligation to ensuring that non-government schools get a fair go. We support entirely the principles of equity and fairness for all schools in both sectors. However, we do not see any benefit in starving a number of non-government schools from the scheme they depend on for further development.

For example, Burgmann School out in Kaleen, which is an extremely popular school and has a waiting list of some years, will now not be able to carry out tertiary level, and

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beyond, staged developments because of this move by the government—this absolutely narrow-minded development by the government—to pull the scheme. They cannot. They rely on the government subsidising their interest rates to be able to carry out those developments.

We will not successfully develop or add value to the ACT education system by ripping funding out of the non-government sector to take across to the government sector.

**Ms Gallagher:** We are putting it back into the non-government sector—it is across the board.

**MR PRATT:** No. “Across the board” means you are thinning it out.

**Ms Gallagher:** Across the board—not into Boys Grammar!

**MR SPEAKER:** Order please, members! Mr Pratt, direct your comments through the chair. Members, please maintain order.

**MR PRATT:** Mr Speaker, you are a man of decorum. The fact is that, no matter which way the minister paints this, this is still the thinning-out of a particular bag of gold which has a valuable role to play in the ACT education system. Whether some of it is turned back into non-government schools—

**Ms Gallagher:** All of it, Steve—if you read the response.

**MR PRATT:** We will see. We have just got the report now. We will see the detail of it.

**Ms MacDonald:** That is right. “We will see”. You are getting up and speaking on it before you have read it.

**MR SPEAKER:** Order! Mr Pratt, direct your comments through the chair.

**MR PRATT:** Who? Me, Mr Speaker?

**MR SPEAKER:** Yes.

**Ms MacDonald:** Is there another Mr Pratt in the place?

**MR SPEAKER:** Order, Ms MacDonald!

**MR PRATT:** I thought I had reformed—but apparently not.

**MR SPEAKER:** Refresh yourself first. Take a little H<sub>2</sub>O, and get stuck into it.

**MR PRATT:** Mr Speaker, I will conclude. Excuse me, please. I am choking in anger, with what is being seen here as misguided and blind-alley initiations on the part of the government which will not improve, by one iota, any part of the ACT education system.

**MR CORNWELL** (8.16): Mr Speaker, may I ask if the Minister for Education has the courage to move that the Assembly take note of the papers, so the matter can be adjourned?

**MR SPEAKER:** Do you wish to speak now?

**MR CORNWELL:** I am asking if it has been moved.

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

That the Assembly takes note of the papers.

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

## **Answers to questions without notice**

**Mr Quinlan** presented the following paper:

2002-2003 Budget—Total Expenses—Answer to question without notice asked of Mr Quinlan by Mr Smyth and taken on notice on 8 May 2003.

### **Horse Park Drive**

**MR WOOD:** Mr Cornwell yesterday asked me a question concerning the construction of Horse Park Drive, and why the costs have see-sawed from \$7 million to \$10 million. The answer is simple. The estimate prepared for the project that was included in the 2002-2003 budget papers of \$7 million was based on the concept design only. Following detailed design, the project was tendered and the best value-for-money tender was \$10 million. Given the importance of this project to the people of Gungahlin, additional funding for the project has been obtained.

In my response to the recent question concerning delays, I acknowledge that the project is behind the original program, due to more problems with the design, including the need to avoid some significant trees. There has been no construction delay since the contract was awarded.

### **Horse Park Drive**

**MR WOOD:** On the same subject, Mrs Dunne asked me a question as to when it would become a dual carriage roadway. The answer to that question is: duplication in about 10 years time, subject to estimations, as travel volumes rise.

## **Discrimination and gay, lesbian, bisexual, transgender and intersex people** **Publication of paper**

**MR WOOD** (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for the Arts and Heritage and Minister for Police and Emergency Services) (8.20): Earlier today, I tabled the Discrimination and Gay, Lesbian,

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Bisexual, Transgender and Intersex People in the ACT report. I now seek leave to move a motion to authorise publication of that report.

Leave granted.

**MR WOOD:** I move:

That the Discrimination and Gay, Lesbian, Bisexual, Transgender and Intersex People in the ACT—Government Report—be authorised for publication.

Question resolved in the affirmative.

## **Financial Management Amendment Bill 2003**

Debate resumed from 6 May 2003, on motion by **Mr Quinlan**:

That this bill be agreed to in principle.

Debate (on motion by **Mr Stefaniak**) adjourned to a later hour.

## **Government Procurement Amendment Bill 2003**

Debate resumed from 3 April 2003, on motion by **Mr Quinlan**:

That this bill be agreed to in principle.

**MR SMYTH** (Leader of the Opposition) (8.22): Mr Speaker, in principle, this bill is a good instance of public policy. It consolidates a number of like matters in a single piece of legislation and it clarifies some matters that have been questioned by both the Assembly and the Auditor-General.

The intention of the legislation included in this package is to provide information to the public on relevant government contracts, to protect any information that satisfies the requirements of being considered to be confidential, to ensure that government entities are timely in paying for goods and services that have been purchased, and to ensure that the Auditor-General is provided with appropriate information on government contracts to enable necessary monitoring and reporting on those contracts.

Mr Speaker, much of the legislation included in this package is of relatively recent origin, except for the debts act, which dates from 1994. Consequently, various issues have arisen as experience has been gained with these acts and it is timely to review those issues and suggest improvements, as the government has done. Nevertheless, despite the matters that have been incorporated in this amendment bill, there still remain a number of matters of concern that need to be mentioned and, at an appropriate point, action will need to be taken on suggested remedies for these matters.

The opposition will be supporting this bill this evening, probably because it is a good starting point, but we expect that further work will be done in the future. Mr Speaker, probably the best starting point is a relatively recent report from the Auditor-General, Report No 2 of 2002, on the Public Access to Government Contracts Act. The

Auditor-General found that the Public Access to Government Contracts Act was not effective and was not being administered effectively. In summary, the Auditor-General found that this act was unclear in a number of important respects, there were no compliance provisions in the act, not all contracts with confidentiality clauses were given to the Auditor-General, and most of the contracts submitted did not comply with the act.

The Auditor-General was very critical of the lack of compliance across ACT government agencies with respect to the Public Access to Government Contracts Act. He suggested a number of amendments to improve this situation. These included agencies certifying their compliance, that agencies seek legal advice about confidentiality clauses, that agencies publish a list of all contracts that they have entered into, that the University of Canberra be brought within the coverage of the act, that the meaning of “kinds of confidential information” be clarified, and that the period for which contracts should be available should be established.

Mr Speaker, some of the Auditor-General’s suggestions were picked up by the Assembly in November 2002, such as agencies certifying compliance and defining a period for which contracts should be made available, but some of the suggestions have not been picked up, such as bringing the University of Canberra and the university college into the legislative regime and defining various kinds of information that should be kept confidential. Therefore, I think that it is appropriate to ask: why have these matters not been incorporated into this amendment bill?

I think that some of the interest surrounding this bill as we progress the debate will be in the position of the University of Canberra, given that there are anomalies in several acts that give it coverage and do not give it coverage. One of the big issues that perhaps we need to look at when the Auditor-General finishes his inquiry into the University of Canberra is as to what really is its position and where it should sit.

A relatively minor matter has been raised by this bill concerning contracts that are not in an electronic format. The bill notes that there may be instances where a notifiable contract is not in an electronic form. This provision would appear to be extraordinary, possibly except for contracts that have been in place for some years. We need to know what examples there are of such contracts, how many there are, and whether this provision is an unnecessary inclusion in the bill. Should there be a requirement in any event for any non-electronic contracts to be converted to electronic contracts, such that they can be placed on the website?

Mr Speaker, there are several other issues, particularly defining what are “kinds of confidential information”. The Auditor-General is most concerned about the lack of a definition of the kinds of information that could be considered to be confidential. This concern arose for two reasons. First, it appears to the auditor that some information that was claimed to be confidential in a number of contracts may not have been confidential under the act. Secondly, as the model confidentiality clause requires that the kinds of information to be kept confidential be listed in a contract, the auditor suggested that the meaning of the term “kinds of confidential information” be therefore clarified. It does not appear that the government has responded to the concerns raised by the auditor about the need to clarify this fundamental provision of the legislation.



Mr Speaker, there are some concerns about the content of explanatory statements that accompany legislation introduced into the Assembly by the government. The explanatory statement for this bill is a good example. Essentially, it simply provides a brief factual comment on each of the proposed clauses. Nowhere is there an argument in favour of, for example, the government's decision not to include the University of Canberra in the definition of relevant territory entities. On the contrary, there is only a statement that the University of Canberra and the University of Canberra College are excluded from the definition of "territory entity". What is the basis for that decision? There is no elaboration of that in the minister's tabling statement, yet that was one of a number of significant comments that were made by the Auditor-General in his report on these matters.

In conclusion, we do acknowledge that the bill is a further step in the right direction of enhancing the interface between the community and the ACT government and between businesses and the ACT government. Nevertheless, there is some important work that needs to be resolved. We will be keeping an eye on that, but at this stage we will be supporting the bill.

**MS DUNDAS (8.29):** Mr Speaker, the ACT Democrats will be supporting all but one clause of this bill. This bill is the government's second attempt to improve the Public Access to Government Contracts Act, having had numerous problems with its implementation. Members will recall that, during the consideration of the government's first bill, I attempted to strengthen the law to hold account the chief executives of departments. Further, I introduced legislation to address some of the flaws of the original act and also to extend public access to include the public text of tendered documents.

The bill we are debating today takes up some of the ideas I put forward in the Democrats' bill, and I do thank the Treasurer for taking these ideas on board. Key changes worth noting are the combination of the Public Access to Government Contracts Act, the contractual debts act of 1994 and the procurement act into one central act. That will make it easier for both government agencies and the public alike to find out about the procurement guidelines for the ACT.

This bill will make agencies tell the Auditor-General of all contracts containing confidentiality clauses and tightens up the model confidentiality clause. That was seriously lacking in the initial bill, reflecting that at the time this legislation was unique. Following the actions of the Democrats in the Senate, public access to government contracts and the use of model confidentiality clauses apply to all federal government departments, and will now apply to the ACT. This bill also establishes a central website for all government contracts. It will provide a one stop shop for government contracts and, I believe, is a necessary initiative.

There has been some debate over the inclusion or exclusion of the University of Canberra under this legislation. The bill put forward by the Democrats specifically included the University of Canberra, in line with the recommendation of the Auditor-General. This government's bill specifically excludes the university, in line with the wishes of the University of Canberra. From an accountability perspective, the argument essentially is about controlling interest of the university. A territory instrumentality is defined, in part, as a body corporate that:

(a) is comprised of persons, or has a governing body comprised of persons, a majority of whom are appointed by a Minister or an agency or instrumentality of the Territory;

(b) is subject to control or direction by a Minister ...

The university is not subject to control or direction by a minister. However, the university council is comprised of 22 members, 10 of whom are appointed by the minister. Although not a majority, if you have 10 votes at a meeting of 22 people you certainly do have power to influence. From the perspective of straight numbers, there seems to be no reasonable grounds for the act not to apply to the University of Canberra. Further, as the University of Canberra College is appointed by the university council, if the university was part of this act, then the college would be made part of it as well.

The opposing view held by Roger Dean of the University of Canberra could be summarised that the ACT government money is such a small part of the university's budget that the ACT government should not have the power to make public the contracts for their whole budget and administrative burdens would make it impossible to comply with the act.

I believe that these two conflicting views have not yet been resolved, nor look to be in the near future. Hence, I cannot support the section of this act that resolves this question. I do believe that we need further debate. Hence, I will be opposing parts of clause 4.

In conclusion, this bill is not perfect, and I have highlighted how it is not perfect, but it does have a number of strong points and has taken some points out of my own legislation. Hence, I will be supporting the majority of the bill and I do thank the government for moving forward on this issue.

**MR QUINLAN** (Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming) (8.33), in reply: I thank members. I did not expect to have to go into too much debate with this one. In relation to the question raised by both Mr Smyth and Ms Dundas, I think Ms Dundas answered her own question by informing the place that the University of Canberra is not funded by the ACT government and the ACT government or the ACT does not have a controlling interest.

By virtue of the information put forward by Ms Dundas, I think that it would be inappropriate that the territory would wish to enact legislation in relation to contracts of the university, which is, effectively, funded by the Commonwealth and which has less than a 50 per cent territory participation in its board. I thank Ms Dundas for arguing indirectly against her original argument by informing the place that we do not have a controlling interest. Yes, 10 people on the board do have some influence, but that is not a controlling interest. You would want to have a mightily elastic interpretation to call 10 out of 22 a controlling interest.

There has been some discussion about exactly when contracts should be available on the web or not. I think the Auditor-General said that he thought that they should be available on the web about three years after their expiration. Doing that would cause a certain

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amount of confusion because many of those contracts will be renewed. So, particularly if they are short-term contracts, there would be generations of contracts on the web.

The government is inclined to want all contracts to be available on the web until their expiration date. That does not mean that they would not be available any more; they could be accessed from the department through hard copy. Purely for a good, sound, sensible reason we would want to purge from the net expired contracts, particularly where they have been replaced by new contracts.

I thank members and commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail stage**

Clauses 1 to 3, by leave, taken together and agreed to.

Clause 4.

**MS DUNDAS** (8.38): I move the amendment circulated in my name [*See schedule 1 at page 1822*].

Mr Speaker, as I said in the in-principle stage, I do not believe that the debate with regard to how this bill applies to the University of Canberra has been resolved. Yes, I put forward two sides of the argument, but I believe that further discussion is actually needed by this Assembly about its role in relation to the University of Canberra. Hence, I believe that the proposed section should be omitted and that we should have the debate at a later stage when more information has been put forward about how this legislation would apply to the University of Canberra.

The Auditor-General put quite clearly in his report that the University of Canberra should be included in legislation such as this. The Auditor-General is not somebody whose reports we should ignore. Hence, I do believe that it is important that we have further discussion on this matter. That is why I have moved the amendment today that we omit this proposed section—put it aside and have the debate—but still allow the government to get on with the other pieces of this legislation, which I support.

**MS TUCKER** (8.40): This bill brings the provisions of the Public Access to Government Contracts Act into the Government Procurement Act without change, I am advised.

**MR SPEAKER:** We are dealing with the amendment, Ms Tucker.

**MS TUCKER:** I know; I am just giving a little preamble before I talk to the amendment. It is all relevant. The consolidation makes some sense in terms of access.

**MR SPEAKER:** Ms Tucker, you are stretching it a bit.

**MS TUCKER:** I am just saying that I think there is some value to this legislation in having a standalone Access to Government Contracts Act. However, the government does propose in this bill a specific exemption for the University of Canberra. It does so by exempting the University of Canberra from the definition of a territory entity at clause 3.

This is a controversial question not only in terms of this act, but also in terms of the operation of other ACT legislation, notably the whistleblower legislation. The Auditor-General is currently conducting an inquiry into a matter relating to that legislation. The Auditor-General and the University of Canberra hold different opinions on this point. The government, by including this specific exemption, takes the view of the university.

In a related bill of Ms Dundas', the university would be specifically included. The university, and I suppose the government, argue that as the ACT government does not provide funding to the university and that the government appoints only 10 of the 22 members of the board it should not be regarded as a territory board. To the Auditor-General, however, the power to appoint such a high proportion of board members, even though it is not an absolute majority, represents a near controlling interest.

I have argued that the university's operations should be covered by the legislation applying to territory entities in the case of the whistleblower legislation. The university occupies a particular role as a public body and should be of high standing. The government also argues that were the University of Canberra College to be included in this act the disclosure requirements would add unduly to the administrative burden, thus increasing costs, that there would be issues of intellectual property to be resolved, and that this is an issue that needs to be resolved at some point. I do not agree with the specific exemption in this bill and I am not prepared to support it.

**MR STEFANIAK (8.42):** I understand that my colleague Mr Smyth has talked to the crossbenchers on this matter. In terms of the coverage of ACT entities, I note that there is a lack of clarity about the extent to which the legislation applies to the range of ACT entities that exist. There is a definition of territory entity in this bill and it does differ from the definition of territory entity that already exists in the Government Procurement Act. The situation is highlighted by the continuing issue of whether the University of Canberra should be subject to this legislation.

It is our suggestion that further consideration of this aspect does need to be undertaken. I am advised that the Auditor-General is preparing a report on this issue. On that basis, at this stage we are prepared to enable this part of the bill to remain in there, but I do note that the Auditor-General is looking at this matter. The situation does need further consideration. I think that it is very important that that occur.

**MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming) (8.43):** I have to agree with Mr Stefaniak. If there is an open question, we would certainly want to resolve it. But when the logic put forward by Ms Dundas indicates that there is not a controlling interest and there is little or no funding coming from the ACT, I think that it would be bad to legislate to incorporate the University of Canberra under this bill until we resolve that.

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We are not doing so because we want to be secretive and we are not doing it because we have some particular deal with the university or whatever; we just want to get the legislation right. The university, being administered in an entirely different way from the ACT government, is going to have varying ways of presenting its contracts and maybe a varying regime for what is confidential and what is not and how that operates. To try to cut this out of this bill at this stage would just be bad legislation. Let's leave it in and leave the question to be resolved. I am happy to resolve it. If it turns out that the university ought to be embraced by this legislation, bring forward an amending bill to fix that, but do not leave a vexed question in the law. Leave the vexed question out of the law and let's do all of the good things that are incorporated in this bill now.

Amendment negatived.

Clause 4 agreed to.

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

Bill agreed to.

## **Financial Management Amendment Bill 2003**

Debate resumed.

**MR STEFANIAK** (8.46): Mr Speaker, the amendments proposed in this bill are relatively minor and can be characterised as finessing the Financial Management Act, but they can also be characterised as a general slide into the mire of more complicated rules and regulations. They are typical of the bureaucratic drift evident under this government. Hence, we are seeing the Financial Management Act and other legislation becoming more prescriptive, more detailed and more complex.

Instead of actually removing legislation and freeing up the system to allow managers to exercise their creative skills in doing a better job for the government, Labor seems intent on imposing tighter controls and greater compliance burdens on those charged with making things work. That is what Labor governments tend to do. They are compelled by their ideology to try to control everything.

Why do normal administrative functions have to be so tightly specified? Is it because the government does not trust its officials? Is the government afraid that one of its officials might make a mistake? Why else does the government feel the need to spell out in detail what the rest of us would regard as normal administrative procedure and business practice?

For example, there are insertions—proposed sections 32 (1) (a) and 56 (1) (a)—mandating that investments of public money can only be made to increase or protect the financial wealth of the territory. Fancy that! Does the government seriously expect its officials to make investments with the intention of doing anything else? Does the government really regard its investment managers as being so incompetent and so foolish that it has to instruct them via legislation only to make investments which have a positive rate of return? What else does it expect them to do?

The rather lame reason proffered by the Treasurer for including this amendment is that the Auditor-General expressed the view that the types of permissible investments needed to be clarified. If that is so, the Treasurer's response can only be described as pathetic.

**Mr Quinlan:** Who writes your stuff?

**MR STEFANIAK:** Simply saying that investments must protect or increase the wealth of the territory does not give the slightest guidance, Treasurer, to officials trying to comply with the FMA in terms of selecting the best balance in a portfolio. Indeed, this amendment not only fails to address the spirit of the Auditor-General's concerns, but also mocks them. The act would be better without this amendment.

Having mandated that investments of public money can only be made to increase or protect the financial wealth of the territory, the government does not follow it up with any sanctions against those who fail to comply with the act. What happens when an investment of public money is made in good faith but the market conditions change and the wealth of the territory declines? Is the government then going to come back with another amendment setting out a range of penalties according to the amount the investment returns fall short of a predetermined target? Where do you stop? Indeed, has the government broken its own proposed law already because of its poor superannuation investments?

Another example of excessive prescription is the insertions in section 38 (3) (a) and the amendment to section 56 (4) to provide for the deduction of management fees from interest received from an investment. To quote the Treasurer from another context, that is really a statement of the bleeding obvious. As we all know, it is standard business practice for management fees to be deducted from interest before paying the net return to the client, so why the need to spell out what is happening anyway?

It does, of course, make sense to tidy up the act to ensure that when functions are transferred from one department to another it is still possible to compare the budgets and reports from one year to the next. It ensures continued accountability and, clearly, the opposition supports that. It also makes sense for the proposed investment provisions to apply to territory business authorities as well as to government departments and agencies. They should be treated on a consistent basis, so the opposition also supports that.

However, Mr Speaker, the government is really becoming very pedantic and is bogging itself down in needless rules and regulations. The way it is going, if this bill is any indication, its legislation will finish up like the tax act—thousands and thousands of pages, internally contradictory and unintelligible to those who have to comply with it. The government's desire to spell out legislation in minute detail will give us a latter day version of Leviticus. No matter what an official does, he or she will inadvertently break some obscure rule and the public service will be so weighed down with petty rule and regulations that it will be immobilised.

We will not be opposing these amendments, the Treasurer will be pleased to know, and the government will just have to live with them. Do not expect us to do your job for you. However, most of the amendments in this bill are unnecessary and I look forward to the

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days of a more enlightened and less frightened government which will have the confidence to say clearly what it wants done and then leave it to its officials to carry out the tasks to the best of their ability, without being told how to suck eggs.

**MS DUNDAS** (8.52): The Australian Democrats have always sought to ensure that governments are accountable in the transparency and operation of their financial activities. This bill makes a number of minor alterations to the Financial Management Act, which is a key piece of legislation in keeping the government honest in its financial dealings. I understand that this bill attempts to clarify certain sections of the act, including the ability to amend the budget to reflect departmental changes, a result of the confusion with the budget last year when changes were made to the departmental structure as the budget papers were being handed down. The bill will allow the government to make the necessary adjustments in the budget papers to allow comparability with the financial statements.

It is a pity that that Treasurer did not use this opportunity to clarify the other major issue of last year concerning the Financial Management Act, being the use of the Treasurer's Advance. A need was identified last year for a more stringent definition for the use of the Treasurer's Advance, and a clearer definition would be eminently more useful in determining its correct usage.

This bill also deals with a number of provisions in terms of territory investments, including the welcome addition of clauses requiring that investments are only undertaken to protect or increase the financial wealth of the territory. This helps avoid the situation where governments use investment funds towards, for example, subsidising a business and claim that it is an investment opportunity when there are clearly more beneficial and less hazardous investments available.

The bill makes clear that funds held by the territory may only be invested in a limited number of ways. However, given the breadth of the investment in the financial management guidelines, which includes stocks, bonds, bills of exchange, derivatives, Australian property and other securities, it means that the restrictions of section 56 of the FMA probably have little effect on the make-up of the government's investment portfolio, but they are welcome as they at least ensure a minimum level of prudence in investments.

Obviously, this is not always going to prevent losses, as our recent superannuation investments attest, but overall I do welcome this legislation and will continue to monitor the application of this act to the financial management of the ACT.

**MS TUCKER** (8.54): This bill picks up some more recommendations of the Auditor-General made in the wake of the Bruce Stadium caper. The first change made by this bill is to define investment more tightly as having a purpose of wealth creation or protection, to avoid passing off as an investment things such as the Bruce Stadium redevelopment.

Wealth creation or protection could potentially include investment in property from housing to Nara House. The main Bruce prevention measures were added to the FMA a couple of years ago, but this is a further tightening. Bruce Stadium could not be argued to be wealth creation, nor protection, given that it carried such high risks of loss, risks which were realised and which I believe the territory is still paying for.

Ethical investing is not currently mentioned in the FMA. Some might think that focusing solely on wealth creation or protection without reference to the means by which the wealth is created is not entirely responsible. I make this comment to contribute to the ongoing discussion of how we look at money and how we understand its creation.

This amendment does not, in itself, change this state of affairs. Trusts are exempted from the relevant clause, recognising that the purposes of trusts may be different or more various than those of investment. Trusts are governed separately and have specific guidelines to ensure probity, or at least that investments on behalf of trusts be done sensibly and with all due process.

The second major change made by this bill is to formalise a way for the annual and financial reports to report sensibly on departments where there has been an administrative change during the year. The Treasurer can authorise a change in the presentation of information in a simple way. A committee noted difficulty in interpreting statements after changes to the health department this year.

The third change proposed is to formally permit fees to be paid to the investment brokers working on behalf of the territory. It is standard practice for brokers to return to their client the investment returns. There is some kind of fee; it is called netting of return. That is, we get the return less the costs, the broker's fee, of our investments.

This amendment makes clear that we do not require a statement of appropriation to make the payment of these fees allowable. We will, I understand, still be able to access information about the fees paid and the brokers used, as with other business conducted on behalf of the territory. Public trading enterprises and territory authorities are included in these changes.

**MR QUINLAN** (Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming) (8.57), in reply: Firstly, I want to talk about the speech of Mr Stefaniak. It was simply dreadful and Mr Stefaniak must have nearly choked on it. He is a lawyer and he does know that the law is an ass and he does know that, from time to time, it is necessary to build pedantry into the law. As Ms Tucker pointed out, the definition of investments has been changed as a flow-on from the saga of the Bruce, now Canberra, Stadium.

It is presented only on the basis of a recommendation by the Auditor-General which the government has picked up. If the Assembly does not want to pass it, I am happy, as we have tried. Maybe I can build a Bruce Stadium tomorrow by using section 38 and prostituting the definition of what I am investing in.

The other amendments are designed, not for pedantry, but for clarity to allow changes to the presentation of financial information to this place when administrative change has taken place should there be a reshuffle after the Treasurer has run amok, having just finished the budget and needed to be replaced. Members complain here and in the estimates process about the clarity of statements. This is designed to provide clarity. Again, I have tried. If you do not want clarity, that is fine by me.

**Ms Tucker:** I am not complaining.



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**MR QUINLAN:** I am talking to all the people over there. This bill is eminently sensible, Bill. I hope that you did not choke too much on that speech you were forced to read on behalf of Mr Smyth, but you could not have believed a word of it and be a lawyer.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

### **Bushfires—departmental submissions to McLeod inquiry Papers—publication**

Debate resumed.

**MS TUCKER** (9.01): For two main reasons, I am very concerned about this motion to authorise the publication of documents from the government in regard to the McLeod inquiry. As a member of this Assembly, I am not at all comfortable with being asked to authorise the publication of these documents without having had a chance to look at them. I am aware that, by authorising the publication, we are giving those documents absolute privilege. I take that as a serious responsibility and I want a chance to look at them.

The second point I want to make is that we have had debates in this place about whether submissions to the McLeod inquiry should be given privilege. Motions were put by the opposition which I supported eventually—there were two motions, from memory—asking that there be a board of inquiry so that witnesses would be protected. They were rejected by the government.

We have a situation where particular documents and submissions to that inquiry will be given absolute privilege without our having looked at them and the rest of the submissions from the broader community will not have absolute privilege. I am very uncomfortable with that in terms of the probity of the inquiry process.

For that reason, I am not prepared to support this motion. As I understand it, that raises difficulties. Unfortunately, these documents have been published in that they have been given to people for them to do what they will. I am really concerned that that has happened, but I just think that we have to be very clear in this place that this process is not acceptable, that you do not give a document absolute privilege so lightly. For that reason, I am not able to support this motion.

**MS DUNDAS** (9.03): Mr Speaker, I also will not be supporting the authorisation of the publication of these documents at this stage. My understanding is that, by being granted absolute privilege, these documents cannot be used in a court of law. It is of concern if we are going to treat the submissions from the government separately from the submissions that are coming through from the public to this inquiry. These submissions

are from the government to the McLeod inquiry in relation to the bushfire disaster of January 18.

We have already had a lot of debate in this chamber about how this inquiry should progress. The Chief Minister himself had tabled today legislation relating to this inquiry, indicating that we have not fully resolved those debates. To work outside of that process and have some of these documents allowed for publication and given absolute privilege and not others is, I think, unwise.

I also believe that the government is not outside the law and the ramifications of what happened on January 18 have not yet been fully explored. That is why we are having all these inquiries. Again, to sidestep those inquiry processes and in a piecemeal fashion authorise privilege for some of these documents before that inquiry has finished is also of concern. We do not know what McLeod is going to say and we do not know what the coroner is going to say. Perhaps we need that information before we say that the government is privileged in the actions that it took in relation to those bushfires.

I agree that we need more time to consider this matter. I agree that we need more information. I do hope that the Assembly realises that and will not agree to these documents being authorised for publication at this stage.

**MR SMYTH** (Leader of the Opposition) (9.05): Mr Speaker, the opposition will not be supporting the motion. We will not be supporting the motion on four points. Most of them have been covered by previous speakers. First and foremost, there is the issue of fairness. It would not be fair if some documents given to the inquiry were to attract absolute privilege while other documents given to the inquiry by ordinary Canberrans were not to attract privilege.

The second issue is precedent. I have checked through the Clerk one index of the minutes of proceedings of this place and there does not seem to be in that volume an example of an occurrence of this kind. The Clerk's memory is that possibly we have authorised some documents previously in this way. I think that it would be a very serious matter if we were to set a precedent whereby the government can waltz in, drop a document on the table, and then move for it to be authorised for publication without members of the Assembly being aware of what they are actually signing up for, and we would all be signing up for it because we are the ones who ultimately would be authorising it.

The third area is to do with process. Oddly enough, if the government is afraid of some sort of legal action from the press which already have copies of these documents or legal action resulting from the fact that the press have these documents and find some sort of conflict that they weave into a story, those documents will not have privilege anyway because they were released before they were put through this place.

My understanding is that privilege is not retrospective and that you cannot gain privilege by coming into this place after the fact, after you have made something public, after you have broadcast it, and the Chief Minister this morning has broadcast these documents to a select group—indeed, under embargo to, I understand, 4 o'clock this afternoon, but he has made them public and he must wear that.

We do not often do so in this place, but the last point is simply that we told you so. We told you that this was going to happen. We warned you twice. We had debates in which we said that this would lead to problems. Today, we have had confirmation from the government that they have done this in the wrong way. We said to set it up under the Inquiries Act. Part 3, division 3.1, section 14A of the Inquiries Act, relating to the tabling of reports, says:

- (1) The Chief Minister may lay a copy of a report or part of a report submitted by a board before the Assembly.
- (2) The Chief Minister may make a report or part of a report public whether or not the Legislative Assembly is sitting and whether or not the report or part has been laid before this Assembly.

It goes on to say that the report or part attracts the same privileges and immunities as if the report or part had been laid before the Assembly. That is the correct way to do it. We tried twice, not once, to tell you that you would cause problems. The fact is that today the Chief Minister has had a bill tabled to help clean up this mess that he has created. The reference on the notice paper to Mr Stanhope seeking leave to present the Bushfire Inquiry (Protection of Statements) Amendment Bill 2003 is confirmation that you have got it wrong. In your arrogance, you refused to listen to common sense. In your arrogance, you chose to go ahead and set up something which is fundamentally flawed and which puts members of the community, members of your own bureaucracy and probably members of the government at risk.

You refused to listen. You are now reaping the benefit of that arrogance that made you choose your path when you should have listened to other people and chosen the path that offered protection to all people before the McLeod inquiry equally and fairly. The opposition will oppose the motion.

**MR QUINLAN** (Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming) (9.08): Mr Speaker, let me just make one observation for Ms Dundas. These are not the government's reports; they are the reports of government agencies. Mr Stanhope was at pains in today's media to advise the public that these reports were prepared without the government being involved, without any hand of control over the agencies. These are the reports of the agencies. I am assuming at this stage that they were prepared with the understanding that they would go through this process and attract privilege.

The point about this matter, Ms Tucker, is that even if we read them and know what is in them, we should not be changing them because they are the reports of the agencies. We stayed away from that. The point that we are reading them at the same time as they are being made public shows that the government has made every attempt to allow agencies to report without the interference of government and of individual ministers, to the point where I think that Mr Stanhope was saying on the radio this morning that he had not read these documents. We intended through the process to read them at the same time.

**Mr Pratt:** That is irrelevant, Ted.

**MR QUINLAN:** You do not know what is relevant in this place half the time, Mr Pratt. What I suspect here, Mr Speaker, unfortunately ain't about fairness, ain't about precedent, ain't about process; it is a lot about "I told you so" and it is a lot about malice on the part of the opposition, which is saying, "We told you so. We wanted you to do it that way. Now we have found a way to cause—

**Mr Pratt:** You're an arrogant goat, Quinlan. You're an arrogant goat, Quinlan.

**MR SPEAKER:** Order! Mr Quinlan has the floor.

**MR QUINLAN:** Mr Speaker, I think I was called an arrogant goat.

**MR SPEAKER:** You know that that is unparliamentary. Withdraw it, please.

**Mr Pratt:** Mr Speaker, it is absolutely right that I called him an arrogant goat and I withdraw that comment unreservedly.

**MR SPEAKER:** Thank you.

**MR QUINLAN:** Is it absolutely wrong or absolutely right?

**Mr Pratt:** Carry on, Mr Quinlan. Justify your paltry case.

**MR QUINLAN:** Thank you, Mr Pratt. Mr Smyth stood in this place and, as the major focus of his speech, said, "We told you to do it in a different way. Now we can cause trouble. Now we can expose those people to possible trouble and we'll do it for that sake." That is what I am hearing from you. I understand what Ms Tucker said. She wants to read them, and I accept that. But for you, Mr Smyth, there was nothing in your speech but malice.

**MR SMYTH** (Leader of the Opposition) (9.12): I seek leave to speak again, Mr Speaker.

Leave granted.

**MR SMYTH:** I thank members for the concession. Mr Quinlan has not made a case as to why these documents should attract privilege. If there is a reason for them to have privilege above other documents that will be going before the McLeod inquiry, let us hear it. If there is a reason for them to have privilege, I am sure that members would consider granting that request. Instead of that, we have had documents, not given to members of the Assembly, the representatives of the community, but given to the press first under embargo.

**Mr Cornwell:** I beg your pardon? The press, the media!

**MR SMYTH:** Given to the press first under embargo so that they can digest them before members can. Then we have had the government come in here and say, "We want this to happen because we're the government." That is being arrogant. You just do not come in

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here and say, "We want this." You come in here and make a case by saying, "They deserve privilege for these reasons."

No case has been made for the attachment of privilege. We get the standard personal attack from Mr Quinlan, who says, "You are doing this out of malice." No, I am doing it out of fairness and equity, which are probably principles that, from what you are saying, you do not understand.

**Mr Quinlan:** I know where you're coming from, little man.

**MR SMYTH:** Where were you on the lot? I know where I was; I was on the fire line putting out fires. I have an interest in this matter; I was there. What we do not have here is a case to extend privilege to these documents. It is not malice at all, Mr Speaker.

**MS TUCKER (9.14):** I seek leave to speak again.

Leave granted.

**MS TUCKER:** I do not know what the government is doing here and I am interested in looking again at the Bushfire Inquiry (Protection of Statements) Act which we passed. In relation to the protection of statements to the inquiry, the act says:

It is a defence to an action for defamation in relation to the making of a statement to the inquiry, or the giving of a document or information to the inquiry, if the defendant establishes that the defendant made the statement to the inquiry, or gave the document or information to the inquiry.

I am wondering why these documents are not covered anyway.

**Mr Quinlan:** Maybe.

**MS TUCKER:** The government says, "Maybe." I just think that this is really unsatisfactory. I just want to say again that I am not prepared to be authorising these documents for publication. It seems that they may be covered anyway. It seems like the government really needs to go back and look at what it is doing here.

**MR STEFANIAK (9.15):** Ms Tucker may have a point there. I have just been briefed on this matter. There has been a lot of running around on it. A couple of valid points have been raised. Firstly, I would like to hear why the government wants to make this one a special case.

Mr Smyth has mentioned that there has not been an occurrence like this before. I cannot recall one. I recall the odd individual document having privilege, and I see the Clerk nodding, but I cannot recall anything like this one for a big wad of documents and not all the documents for the inquiry.

I could understand this situation better if government agency documents and documents from other witnesses who were not part of government agencies were all in one big bundle and the government came in and said, "Here are all the submissions," and established the need for them to be given privilege. Mr Smyth is nodding; we would

certainly do that. But these documents are not the entire sum of the documents before the inquiry—they are just one lot—and we would be setting a precedent. I would like to hear more from the government as to why they say that privilege should be extended, why we should allow that to occur.

Also, a valid point has been made about its being too late anyway if these documents were embargoed for release at 4.00 pm as it is now some five and a bit hours later and there is a strong argument that privilege cannot be given retrospectively, as that would make it all too easy. People in this place could put out a media release slagging off and then come in here and read out the media release in, say, the adjournment debate and expect privilege to be given retrospectively, which would not occur, so there may be some problems there.

I would like to hear a lot more from the government as to why we should depart from the normal practice for this place. If these documents go down this track, what is going to happen in relation to the other documents that, presumably, have been given to the inquiry? Also, there is the point Ms Tucker validly raised in relation to the act covering witness statements and documents at any rate.

**MRS CROSS** (9.17): I have to say, Mr Speaker, that I never expected to get up and speak on this matter. I cannot believe that a legally trained member of this place would do such a thing. I certainly did not expect the Chief Minister to release this information.

**Mr Wood:** Oh, get out!

**MRS CROSS:** I cannot. I do not believe that he has done it maliciously. Mr Quinlan says that we are supporting this motion because of what the government had been told and because of malice. That is not so, Mr Quinlan. I am very concerned that it appears that you are doing something similar to what a former member of this place tried to do to another member insofar as using the privilege argument and the sending out of information the night before to the media and then trying to get privilege in this place. I am concerned that the advice that was given to the government on this issue beggars belief.

**Mr Quinlan:** There was no malice in that, either, I'm sure.

**MRS CROSS:** There was malice in that one. Mr Speaker, the member on the government bench needs to know that this member's opinion and position on this matter has nothing to do with malice. It is not that; it has to do with process. I am very concerned that process in this instance has been abused.

Question resolved in the negative.

### **Gaming Machine (Cap) Amendment Bill 2003** **Proposed amendments—Speaker's ruling**

**MR SPEAKER:** Some amendments were circulated earlier today in relation to the Gaming Machine (Cap) Amendment Bill. I have had the Clerk examine them and I have considered the matter and I intend to make some rulings in relation to those amendments.

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I apologise for the matter coming up this late, but the amendments have been tabled and I think that it is important that we deal with the issue. Standing order 181 states:

An amendment may be moved to any part of the bill, provided it is within the title or relevant to the subject matter of the bill, and otherwise conforms with the standing orders.

*House of Representatives Practice*, to which we are linked through standing order 275, provides examples—I direct members to page 362 of the fourth edition—of amendments that have been ruled out of order because they were held to be not within the scope of the bill, not consistent with the context of the bill.

The long title of the bill is “A Bill for an Act to amend the Gaming Machine Act”. The bill has four clauses, with the first three being the standard clauses of the title, the principal act and the commencement clause. The explanatory statement to the bill indicates that the main provision of the bill, clause 4, amends subsection 23A (2) of the principal act by changing the expiry date of division 2A of the principal act.

It goes on to explain the provisions of division 2A of the principal act, stating that it relates to the restriction on the number of gaming machines permitted to be licensed in the territory. The presentation speech to the bill states that it is a very simple piece of legislation that extends the current restrictions on the number of gaming machines that can be licensed in the territory.

The question arises whether amendments proposed to be moved by Ms Dundas and Mr Stefaniak are within the title or relevant to the subject matter of the bill. The long title is fairly broad and one could make the assumption that, because the bill amends the principal act, any amendment that also amends the principal act would be in order.

However, the practice of the Assembly has been not to allow amendments that are outside the scope of the bill. Examples could be, for example, where the long title of a bill was “A Bill for an Act to amend the Motor Traffic Act 1937” and the bill dealt with speed limits outside schools. If our practice were followed, an amendment dealing with the weights and dimensions of articulated vehicles would be ruled out of order, even though it was within the long title of the bill.

The basis of such practice and rules is to ensure that “business, especially legislation, is conducted in an orderly, open and predictable manner devoid of surprise, haste or sleight of hand”. I refer members to *Odgers’ Australian Senate Practice*, 10th edition, page 19. Even if other members were alerted to the amendment, it could not be guaranteed and it would be hard to assume that community groups or other interested parties would be aware of such a proposal contained in an amendment.

That is particularly relevant in this Assembly because we have a unicameral Assembly and there is no house of review or place of review in relation to legislation passed here. The question then arises whether the amendments are relevant to the subject matter of the bill. The subject matter of the bill would appear to be the extension of the operation of division 2A of the principal act from 30 June 2003 to 30 June 2004 and the issue of what will be the number of gaming machines that the cap should be set at.

The government is proposing in its bill that it remain at the current level, that is, 5,200. At first blush, I think that one could form the view, and I have taken the view that it might be a narrow view, that the only thing that could be dealt with by way of amendment is matters which go to the timeframes in relation to the cap.

Ms Dundas is proposing three amendments. Her amendment No 2 is to omit “2005” and substitute “2004” and is, in my view, clearly in order. Her amendment No 3 proposes to amend section 23B of the principal act to omit “5,200” and substitute “5,068”, which relates to the number of gaming machines to be capped. This appears to be in order, and I rule accordingly.

Ms Dundas’ amendment No 1 proposes two new clauses which attempt to insert a new section 22A in the principal act. Section 22 of the principal act is headed “Variation of licences” and is contained in division 4.2, relating to the variation and transfer of licences. Her amendment appears to relate to the conditions for the transfer of licences. The subject is not mentioned in the bill as introduced by the Treasurer and therefore, in my opinion, is out of order, and I rule accordingly.

Mr Stefaniak has circulated two amendments. Amendment No 1 amends subsections 18 (2) and (3) of the principal act, which is not referred to in the amending bill. The amendment sets conditions for the issuing of licences to premises that contain residential accommodation for lodgers. This subject is not mentioned in the bill as introduced by the Treasurer and is therefore, in my opinion, out of order, and I rule accordingly.

Amendment No 2 amends subsection 23B (2) of the principal act and deals with the restriction on gaming machines. It sets a cap of 5,200 gaming machines, of which 5,008 are to be in clubs. The amendment raises a fundamental shift in the ratio and allocation of gaming machines in the territory. This, in my opinion, is out of order, and I rule accordingly.

**Mr Stefaniak:** I take a point of order on that, Mr Speaker. Firstly, I will raise a logistical point. I note that the matter is not going to go on to finality today but, on a point of order, I would certainly take issue with you in relation to your ruling regarding my second point, Mr Speaker. I understand that I can move dissent and I will if I need to. I am mindful of the time of the Assembly, but I would like to give notice at this stage that I would certainly be—

**MR SPEAKER:** Mr Stefaniak, that is not a point of order. If you want to give notice, you can do so. If you have a point of order, fine. These things are always in the hands of the Assembly. If the Assembly wishes to have a different regime in relation to dealing with pieces of legislation, it is open to it to decide to do so.

An appropriate course might be for a member to raise the matter for consideration by the Administration and Procedure Committee with a view to changing the standing orders. It is also open to members, as it is open to you, to dissent from my ruling, whereupon one would have to take a different view about how we approach these sorts of things. The view that I have taken this evening—late this evening; I apologise for that—is consistent with parliamentary practice here and elsewhere.



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**Mr Stefaniak:** Mr Speaker, at this stage, I give notice that I will be seeking to dissent from your ruling in relation to my amendment No 2.

**MR SPEAKER:** Mr Stefaniak, I would prefer that you do so now and get the matter out of the way.

**Mr Stefaniak:** Mr Speaker, that may well be so. Before I do that, I raise your ruling in relation to my amendment No 1. Mr Speaker, I see your point there, but on that point—

**MR SPEAKER:** Mr Stefaniak, move the dissent motion first.

**Mr Stefaniak:** I will move the dissent and come back later to the other one, Mr Speaker.

**MR SPEAKER:** You will need the leave of the Assembly to do so.

### **Dissent from ruling**

**MR STEFANIAK (9.28):** I seek leave to move dissent from your ruling on my amendment No 2, Mr Speaker.

Leave granted.

**MR STEFANIAK:** I move:

That the Speaker's ruling on Mr Stefaniak's amendment No 2 be dissented from.

Mr Speaker, I listened carefully to what you were saying in relation to this amendment. You will note, sir, that I am not moving dissent from your ruling on my amendment No 1. I think that I should touch on that first.

That amendment seeks to change some parts of section 18 of the principal act, which relates to the conditions for the issuing of licences for gaming machines. That is quite different, but it probably is important in terms of the context of what I am seeking to do in amendment No 2, which seeks to change the categories of machines granted for the various classes of licensees under this act, which the Treasurer is amending in a simple way; that is, to change the position for general licenses and on-licences to enable class B and class C machines to be issued, especially class C machines.

That is important. That is about a different part and a different sub-part of this act. That is what I am seeking to do there. You will note, Mr Speaker, that that section concerns the issuing of licences and the different types of licences that could be issued in relation to gaming machines. That is where I draw your attention and the Assembly's attention to my second amendment, which deals—again, within the act—with the types of licences.

Clubs have access to gaming machines; they have a certain licence. Licensed premises also have access to gaming machines. Currently, some 60 of the gaming machines out there—this is relevant to both Ms Dundas' amendment No 3, which you have allowed, and my amendment No 2, which you have not—are Class B machines and are

incorporated in this cap of 5,200 which the Treasurer would seek to extend for a further 12 months.

They are out there and they are included in the sum total of all gaming machines, namely, 5,068, as stated correctly by Ms Dundas in her amendment No 3 which you have allowed. My amendment merely reflects the fact that there are 5,008 in clubs, that there are another 60 in existence which happen to be in licensed premises, and that the remaining 132 machines which have yet to be allocated I would be reserving for that type of licence in this act. That is, effectively, doing virtually the same as Ms Dundas' amendment is doing in practical terms.

Mr Speaker, as you quite rightly say, Mr Quinlan deals with two things. He deals with extending the sunset clause. He also states in his explanatory memorandum that the maximum number is the current cap of 5,200. Those are the relevant parts. In my submission to the Assembly, the relevant part for any amendments is division 4.2A, which relates to restrictions on gaming machines. That is what we are dealing with here. That is what the amendments of Ms Dundas' that you have allowed deal with and that is what my amendment No 2 deals with.

Section 23A, which relates to application, states:

- (1) This division has effect notwithstanding any other provision of this part.
- (2) This division expires on 30 June 2003.

The act goes on to say that section 23B applies to an application for a licence or a request to vary a licence and deals with a number of issues in relation to licences and states that the commissioner shall not issue a licence that would result in the number of gaming machines on licensed premises exceeding 5,200. The types of licences and the types of licensed premises are defined elsewhere in the act. I refer to my amendment No 1, which deals with another section, because there are various types of licensed premises. That is referred to in this very narrow division 4.2A with which we are actually dealing.

Mr Speaker, this is not a situation, far from it, of your example of an amendment to the speed limit in school zones—something very narrow in an act as big as the Motor Traffic Act—being sought to be used by someone to bring in something in relation to the weights of articulated vehicles, which is completely different. I think that is an excellent example of an amendment that should not be allowed when a narrow act is being debated, as we are dealing with here. That is why I have not sought to dissent from your ruling in relation to my attempt to have class C machines issued to pub and taverns. I think you are right technically in your ruling there if one takes a strict look at it. But, with respect, you are quite wrong, in my opinion, in relation to your ruling on amendment No 2.

It is very restrictive. It specifically deals with the number of machines in a cap. All it does is acknowledge that there are 5,008 already in clubs and that the remainder, 60 of which are in existence, should be reserved for licensed premises as defined in the act, which is also referred to within the very narrow section that we are dealing with. The practical effect of that would be very little different from what you are allowing Ms Dundas to do.

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On that basis, I dissent from your ruling. I seek the support of the Assembly for me to be able to debate my amendment No 2 when the time comes.

**MR QUINLAN** (Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming) (9.34): Mr Speaker, the bill that I put forward is the most simple of bills. It only changes, effectively, one number—the year that denotes the expiration of the poker machine cap. Standing order 181 says:

An amendment may be moved to any part of the bill, provided it is within the title or relevant subject matter of the bill, and otherwise conforms with the standing orders.

The only subject matter of this bill is the expiration date of the cap. That is the only subject matter there is. So, Mr Speaker, I would have to compliment you on your ruling.

Question put:

That **Mr Stefaniak's** motion be agreed to.

The Assembly divided—

Ayes 5

Noes 10

Mrs Burke  
Mr Cornwell  
Mr Pratt  
Mr Smyth  
Mr Stefaniak

Mr Berry	Mr Hargreaves
Mr Corbell	Ms MacDonald
Mrs Cross	Mr Quinlan
Ms Dundas	Ms Tucker
Ms Gallagher	Mr Wood

Question so resolved in the negative.

## Retirement of Clerk

**MR SPEAKER:** I wish to inform the Assembly that today will be the last day in the chamber of the Clerk of the Legislative Assembly, Mark McRae, who has resigned, with effect from Friday, 6 June 2003. Mark was appointed Clerk of the Legislative Assembly on 9 November 1989. Prior to his appointment, he had an extensive parliamentary career with the Department of the House of Representatives, working for some 15 years in the federal parliament. During that time, he filled a number of positions in the procedural and committee areas of the House of Representatives.

Among the highlights of his time there were his work assisting with the production of the first edition of *House of Representatives Practice* and being secretary of the Procedure Committee. Both of those positions allowed him to become very well versed in parliamentary procedure, a skill which he was able to employ fully upon his appointment as Clerk of the Legislative Assembly in 1989.

During his period with the Assembly, Mark has worked for four speakers, five chief ministers, nine leaders of the opposition and, in total, 47 members of the Legislative Assembly. He has sat in the chamber for 596 sitting days, dealt with 10 no-confidence

motions—one in me—and read out the terms of 388 petitions. After hearing about those statistics, one could have a bit of sympathy for his decision to move on!

I should point out that clerks have a habit of staying on for a long time. If you go back through antiquity, you will find that the first people in the Westminster parliamentary system were politicians, of course, and clerks, with speakers coming later. It might have had to do with the violent end that some speakers came to during those years that the clerks accepted, as a tactical position that might be lifesaving, that it would be better to have a speaker than for them to carry out that role and inform other people about the decisions of the parliament.

During all of his time here, Mark has shown a steadfast commitment to the institution of the Legislative Assembly. He has given apolitical, independent and sage advice to members of all political persuasions, often within tight deadlines and usually under extreme pressure, and he has done so in his normal calm, relaxed manner. He is to be congratulated on that.

I know that I, along with all other members of the Assembly, have benefited from his assistance and advice over the years. I do not think that it is gilding the lily to state that Mark has made a significant, if not the most significant, contribution to the process of self-government in the territory.

I have looked through a dictionary to find an appropriate word to describe Mark's appearance in the Assembly and I think that "stoic" fits the bill. It is described in the dictionary as "of or pertaining to the school of philosophy founded by Zeno of Citium, who taught that men should be free from passion, unmoved by joy or grief, and submit without complaint to unavoidable necessity".

I will miss having Mark around this place because he has been of great assistance to me in government, in opposition, and in the position that I now proudly hold. I hope that he will enjoy his new life at Murrumbateman driving his retirement package of a four-wheel drive and that he will spend some time restoring his 1952 Riley.

I must say that he seems to be a little youthful to be retiring, but if he is going to get that Riley going he will need a few years to get it up and running. If the electrics of those damn fine British machines are any measure, he will have to spend a fair bit of time keeping the electrics in that machine going. I trust that he will enjoy his work on the vehicle.

On my own behalf and on behalf of my senior adviser, Sue Robinson, who has been here since 1989 as well and has worked with Mark over those years, and Daniel Bravo, who works in my office now, I would like to thank him for all of his assistance and to wish him and his wife, Beth, all the best. I trust that he will have a long and fruitful retirement.

**MR QUINLAN** (Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming): Mr Speaker, I ask for leave to move a motion concerning the retirement of the Clerk.

Leave granted.

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**MR QUINLAN:** I move:

That this Assembly places on record its appreciation of the long and meritorious service to the Legislative Assembly by the Clerk of the Assembly, Mr Mark McRae, upon his resignation from the position and extends to him and his wife, Beth, every wish for health and happiness in the future.

My introduction to this place was in 1998. I have to say that right from day one—in fact, it was almost day one minus one because it took so long to count the votes that year that some of us were taking a punt on getting through the rounds—the process that we went through as new members was just so smooth and the assistance was just so friendly. After you have been around a little while and look at this place from the outside, it is not all that imposing, but the way it ran from day one just from the service perspective really made us comfortable. Of course, Mark was at the head of that.

Since then, whenever I have needed assistance or guidance, it has been provided just so professionally. Mark has a way of giving you all the professional legal advice you require and then the odd tip every now and then, which I am sure we have all had and we have all appreciated.

Mark has managed this place in an exemplary manner virtually from day one—November 1989, the first year of self-government. I wonder, Mark, just how many raving egos have passed through your office and, I am sure, received the courteous, thoughtful assistance that you have provided to everybody else. It is a mark—excuse the pun—of your professionalism that you are able to deal with and assist everybody in this place and be so universally respected and so universally liked.

I had wondered what sort of bloke would do that for that long and then, in the middle of a drought, buy a rural property and, as you mentioned, Mr Speaker, play with an old Riley—there had to be something wrong with this bloke—and then I remembered that he is a Collingwood supporter, which says a lot.

Mark and I have spoken of football. I did spend a little time at that august club, Mark. I remember standing between Ray Gabelich and Graeme Fellowes the day I signed up and thinking, “I ain’t big enough for this game.” Mark will know those names. They were two of the hugest men to play that game. Just by sheer coincidence on my side, a little celebration, they were the two guys that turned up. Keith Burns was the secretary of the club and he was even shorter than I. I had a very funny photograph of that that I have since lost somewhere, otherwise I would have brought it in and skited.

There is no doubt that, from the time he leaves this place, Mark will be sorely missed. The place will go on as I am sure that he has trained his successors very well. When he has taken the occasional break the place has still ticked over perfectly, as we know, because he has done more than just his own job in dealing with us: he has built a staff that can carry on the work.

I have to say while I have the opportunity that, in terms of being a member, this is a great little parliament to be in, because everybody is so close and so friendly. I am sure that that is, in large part, a function of the influence of Mark McRae.

Mark McRae, you will be sorely missed around this place, but we do hope that you will enjoy to the full your retirement. I thank you on my behalf and on behalf of the ALP, whether in opposition or in government.

**MR SMYTH** (Leader of the Opposition): Mr Speaker, I was about to dissent from your use of the word “stoic”, but then I realised that, as a Collingwood fan, that is perhaps the most apt word to use to describe our Clerk, given the long time between drinks for Collingwood.

It is interesting to look at the CV of Mark Joseph McRae. He is a man who, when much younger, had a bit of the old travel lust. He was born in Young and educated in Bowral—would that be at Chevalier College, Mark?—before coming to the ANU, where he studied to become a teacher. Realising his passion in life was teaching and creating young minds, he spent two years as a teacher before he came back from Tasmania in 1974 and began work with the Department of the House of Representatives. He has been in Canberra for some 29 years.

I think that the wanderlust stopped when he found his niche, which was serving his country, his city and his friends through the parliamentary process. If you look at the positions that he has held, you will see that he is a man who has done it all. He started at the bottom with a standing committee and moved to a joint committee, before going to the procedures office, becoming the votes officer, the bills officer, the notice paper officer, the manager of the procedure office, the manager of the bills and papers office and, finally, the secretary of the Standing Committee on Procedure before coming to us.

I think it was to our luck that Mark came to join us in the Assembly, because new institutions setting their path and setting their mark depend very much on those who make them. Mr Speaker, you listed the number of speakers and members who have been and gone. The Clerk has outlasted about 50 of us. I think that that is a measure of the man.

His legacy will be the way in which he has set this Assembly to function. I think that the people of the ACT should be incredibly grateful that they were blessed with the presence here of Mark McRae for such a long time and the steadfast way in which he did his work.

Mr Speaker, I was struggling for a word before you came up with “stoic” and I tried to think of the attributes that people would instantly recognise in Mark McRae if I ran off a list of adjectives. One thing that immediately springs to mind about Mark is his depth of knowledge. He knows where everything is. He knows which page of *House of Representatives Practice* to go to. He not only knows the book, but also helped write it. Another is the manner in which he delivers it, gently telling you when you are wrong or that the other view really is the prevailing view, but giving you advice anyway on how you might go about tilting at the windmill of the day. The effort he has put in and the easy way he has put it in have made the job so much easier for all of us.

The standards that he has set have been unimpeachable and ones that those that come after us will benefit from for a long time, because they really do make sure that we as

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politicians—people, who often get a little bit excited and hot under the collar and sometimes do not follow the running sheets—actually do make law as good as we can.

It is in the dignity that Mark holds himself and the self-effacing way that he has that he will go through this entire debate watching the clock and cursing all of us, but never showing it. You should not curse us, Mark, because we respect you. I do not think that it is a word that Australians use enough—we say “mate” instead—but I think that there is a great deal of love and respect here for you, Mark, for the way you handle yourself and the way that you carry yourself with poise.

Mark Joseph McRae has been stoic, ethical, confidential and private, but my lasting memory of him in this place will be of the day that he became cool. It was a nice, bright, sunny day when Mark McRae came in here with dark glasses on and sat there supreme behind a visage that no-one could read. Not only was he inscrutable, but also we could not see the colour of his eyes any more.

It took us a couple of days to work out why the hell the Clerk was wearing dark glasses. We all knew that he was cool; it was a given that the man was cool. If he wanted to wear dark glasses into the chamber and be cool, that was his right. But what he had not told people for years was that on certain days when the rays of the wretched sun hit the fountain the light would reflect in here and nearly blind him. So, not only was he cool, but also he was practical.

That brings me back to passion. Clearly, although Mark never shows it, he is passionate about many things. He is passionate about his country, because he helps defend his country and helps to make his country better, and he helps to make his territory better by participating in the practice of making law. He is passionate about his football. For the life of me, I cannot understand his support for Collingwood, having barracked for St Kilda since 1966. But I will agree with him on the Brumbies. I guess that is due to good Chevalier College training.

Mark, on behalf of the Liberal Party and the opposition, I would like to wish you well. I want to know what happened to the small enterprise in Wombat. I have driven past Wombat many times and it is a wonderful place. If you do not know where Wombat is, ask Mark. The Wombat pub is a place of great conviviality—that might be the nicest way of saying it.

I am sure that the citizens of Murrumbateman will enjoy your presence there with Beth, Alex and Andrew. In years to come, freed from the burdens and the responsibility of being part of the system that helps make law, perhaps you will enter into a position on the Murrumbateman ratepayers association, the Murrumbateman community association or whatever it is called out there and they will have you determining whether the bypass should go east or west at Murrumbateman.

Mark, we are sorry to lose you. I am sure that Murrumbateman will be delighted to have your presence out there. My father worked on Rileys. If you need a hand, he is not somebody who forgets much and all of his training was done on pre-1950s English automobiles. He is a bit of a hoarder and, if you need a hand, he probably has the manual for it under the bed.

Mark, on behalf of all of us, congratulations on your retirement. I do not think that it will be retirement, as such. I cannot imagine that you will be retiring to the farm. I am sure that you will be retiring to much more enjoyment than some of us have given you here over the years.

**MR WOOD** (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for the Arts and Heritage and Minister for Police and Emergency Services): This news was delivered to me just a day ago and all day today I have been trying to think of a suitable way that this Assembly could note the many years that Mark has spent here. I am sure that you will support me if I say that the best thing we can do is to sit through to about three or four in the morning! After 596 sitting days, I think that that would be a suitable end to the time in the chamber. Bear in mind that I have had six months more than that, as has Mr Berry, and Mr Stefaniak has had a bit less than that.

I wonder whether, if the real history of the ACT Legislative Assembly or of self-government in the ACT is written, emphasis will be given, as it should be, to the role that Mark McRae has played in setting the pattern in this place. It has been enormous, and it might be a good deal more than Mark would ever think it was.

It has been said, and it will be said many times tonight, that Mark has provided a fatherly figure here, but there has been guidance. During the day there is a constant stream of members going to talk to Mark or ask a question. More commonly perhaps, during the year members pick up a phone and ask him for a comment on some way of doing something and get an answer.

I should have realised that Mark had a big hand in writing that green book, because he picks it up and knows instantly which page to turn to. Blow the index; he knows which page to turn to and then points out some part of it. His advice to all members has been absolutely objective, impartial, direct and, might I say since it is probably of a legalistic nature, always clear, and that is a remarkable achievement. Advice has always been provided and it has been of great guidance to this Assembly.

Mark has a number of things to do there. The proceedings have to be meticulously recorded and he has to keep an ear to what is going on here so that he can prompt the Speaker, if need be—no offence, Mr Speaker; I have sat in that chair, so I know all about that. The thing that intrigues me is that he can do all those things and talk to you, open books and give you answers and write out a form of words for you at the one time. I think that that is pretty remarkable.

Mr McRae, you have earned the respect of all members. As one of the few old originals, I can really attest to that. I have not done a count, but the figure of 47 would be for every member who has been through this place. One member resigned fairly early. I don't know whether Mr Whalan was here when you came, but 47 members is a lot to accommodate and each of those 47 members would say, "Thank you, Mark, for what you've done."

In the nature of speeches upon retirement, I was looking for something to throw back at Mark, some odd little event that had occurred, something that he had slipped up on or



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something like that. Thank you, Tom, you did not help me one bit! Your loyalty is respected, except, I suppose, that there is nothing there. "Stoic" is the word you used, Mr Speaker. Mr Smyth used other words. I would use the word "impassive".

Overall, this place has been pretty sensible, but there have been times of nonsense and foolishness and on all those occasions Mr McRae has kept a fairly impassive face. Sometimes you can see a slight frown if there is a bit too much noise in the chamber. Did you know that that was slightly obvious? Just sometimes you could glean that there was a bit of disapproval about that. Like a child at the back of the classroom, depending on my mood on the day, I would quietly retreat into silence or otherwise.

The thanks for all here have been well said. I give you my personal thanks for what you have done over that long period.

**MR STEFANIAK:** Mr Speaker, although I have done about 2½ years less than you and Mr Wood, I suppose I am one of the old stagers here. When we started back in May 1989, I thought that the then Clerk and Deputy Clerk were pretty good and really helpful. I think the old Clerk has since retired. I must admit that in November 1989 I had a bit of trepidation about what the new bloke and his deputy, Tom, would be like, because I had just got used to the then Clerk. I could not have been happier.

I would reiterate what everyone else has said. Since November 1989, I have come to know Mark very well. I was Deputy Speaker in the First Assembly and I greatly appreciated the assistance that he and his deputy gave me as a new member and in that role. I found him then, and have continued to find him, unflappable. Lots of adjectives have been used to describe Mark. I jotted down a few, some of which have been mentioned already, but he is unflappable.

Bill Wood mentioned that Mark occasionally shows a bit of an expression on his face, but not very often, because he is a complete professional. I have seen a lot of Mark in this place and socially and I do not think that I have ever seen him angry. I might have heard him raise his voice ever so slightly once, and that was not in a professional capacity, but I do not think that I have ever seen him get flustered or angry.

He is one of the most affable people you could deal with and a thoroughly decent and nice bloke as well. I have always found him to be very solid and very polite. He gives polite but very fearless advice and you know that if you are going down the wrong track he will pull you back with his frank and fearless but always very polite advice. I found him to be incredibly knowledgeable, a complete professional and someone whose advice has been faultless.

In the First Assembly, I came to know all of those qualities, which grew in the years I knew him. In the time I was out of the Assembly, I continued my contacts with Mark and his family and I regard him not only as someone I happen to work with who is a complete and thorough professional that has done so much for this place, but also as a really good mate.

It has been difficult for me to think of something Mark has done that I can throw back at him, apart from being a Collingwood supporter, which is always an excellent way of throwing something back at someone, although I must say they have won a lot more

premierships than my team, St Kilda. I do recall that Mark, apart from being the Clerk of the Assembly and assisting everyone in a professional capacity, has always got behind other activities.

A couple of members have mentioned that he played rugby, ex-Chevalier. In the 1970s, as a much younger bloke, he also played for the then Tuggeranong Rugby Club, and he played in one of the better positions. He wasn't a fancy, prancing, prima donna back; he was a prop. When we had our first match against the media, we had trouble scratching together a team. Thank God, we had Brad Girvan, an ex-Wallaby. We played at the then Rugby Park at Ainslie. Mark has a photo of that in his office and it is well worth seeing, because the grass had not been mowed for awhile and was about 2½ feet high.

Rosemary Follett, the then Chief Minister, kicked off and we played this amazing game with Mark as prop and quite a number of Assembly members. Mark, I remember, put in an amazingly solid performance. He was a bit puffed at the end of the game, though, and was complaining about the game going too long, the length of the grass and the fact that it was played in November and the weather was very hot.

Some other luminaries played in that game. I remember that the controversial Craig Duby, one of the colourful members of the First Assembly, had a run and went quite well, as did Michael Moore, whom I had not have picked as much of a player. He played on the wing and did a damn fine job. I think Gary Humphries played and distinguished himself by having no idea what he was doing in giving the ball to the opposition, much to the chagrin of myself, Mark and other people who played in the game. It was fun.

Mark has always been a great contributor. You have set the tone for the place, Mark. This place is unique because it is a small parliament. We are not very far apart in the chamber. We were a hell of a lot closer in the old chamber where we all started. But even small parliaments can go off the rails a bit and be much more antagonistic places than this parliament. Whilst people might not think that the Clerk has a huge amount to do with that, the position is crucially important if handled properly, and it has been. Mark has done that all the way through.

Sometimes when I talk to bureaucrats or people who are in a political job but do not have a political position I wonder how they vote. I have known this bloke for many years and I would not have a clue how he votes and I could not care less, but I think that that just shows again what a thorough and complete professional he is.

Mark, I thank you for your diligence, your friendliness, the way you deal with the problems of members and make each of them feel at that point in time that their problem is the most important thing in the world and you are there to do your very best to help solve it, and the way you have assisted all new members in this place and, indeed, the older ones who keep coming back to you with problems.

In the very many times I have gone to you with a problem, I have always come away a lot more relieved and a lot more edified as a result of the way that you have helped me. Over the years I have come to you with quite a few problems in relation to this place, some more difficult than others, and I have always appreciated the wonderful advice you have given me.

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I am sure that other members feel the same way. I know that you have given everyone brilliant advice. I greatly appreciate what you have done for this Assembly and, through that, what you have done for Canberra. You have enriched the lives of all of us and you have brought great credit to this place as Clerk from its virtual inception.

To you, to Beth, to Alex and to Andrew, all the very best for your time out of this place. Don't go away, mate; I am going to come out and see you at Murrumbateman and have a few drinks with you. I am sure that we will all catch up with you from time to time and I know that you will keep involved with this place. From the bottom of my heart, I thank you for all you have done for this Assembly and personally thank you for all the great assistance you have given me and the friendship you have shown to me and my family.

**MR HARGREAVES:** Mr Speaker, I think it is a rather pathetic exercise to go away to Murrumbateman just so that he does not need to show how he votes in the ACT, quite frankly!

Mr Speaker, I rise in this place to add my best wishes to the Clerk in his endeavours to find a quiet, peaceful existence far from this madding crowd. I do not know whether members are aware of the origin of the position of clerk. It actually stems from the English parliament having to have at least one person in the building that could read and write. I do not know whether the situation is all that much different today!

I extend my appreciation to him for his wisdom, his discretion, his dignity and the professional services he has given to this place and to me personally over many years. I have witnessed his management of this place and the smooth running of all support functions which have been provided, often in trying circumstances. Today has been a pretty good example, I reckon. We have had every thing possible go wrong today, other than a no-confidence motion, and the only person who was not in a flap, I suspect, was our beloved Clerk.

Mark McRae's patience with new members should be the hallmark of the time that he has been here. It is worth noting that this Assembly welcomes about 30 per cent of its membership as new members in each Assembly. Mark McRae and his staff have been there to educate about a third of the Assembly each time an election is concluded. I used to refer to it as baby-members' school.

**Ms Gallagher:** And re-educate another third.

**MR HARGREAVES:** There is an ongoing education program and, I suppose, there is a re-education program for recalcitrant people, unless, of course, they are elevated to the speakership, in which case you do not get to do it any more.

Mark McRae has performed the role of Clerk of this Assembly in the form of a gentle guiding hand offering advice from experience going back over many years before this Assembly was even born and he has conducted himself with style and class, things to be emulated by those that follow him.

When I first came here I was a touch afraid of the Clerk. I remember the regimental sergeant majors in my army days and I saw the similarity. But the courtesy and gentle

patience shown to me soon had me acting in accordance with standing orders with some confidence. I have to say that it took a while, Mr Clerk, but I finally worked them out.

Mark McRae leaves this place with our best wishes and with our affection. In my time here I have developed a love and often a fascination for parliamentary practice, much of which is attributable to the lessons I have received from Mark McRae, often without his direct influence. We share this devotion to parliamentary practice.

I have to say that I have detected only the slightest wrinkle of the eyebrows when the place has descended on occasion to similar antics found in primary schools. I have come to notice expressions of displeasure in an otherwise poker-faced countenance. In fact, I was having a go at the Clerk or the Deputy Clerk, I cannot remember which, over our common allegiance to God's own football team, and I noticed a smile from the Deputy Clerk and a very little wrinkle in the eyebrows of the Clerk. Perhaps it is this experience that Mark McRae has had in managing the likes of us that gives him the expertise to excel in animal husbandry in Murrumbateman. Perhaps it is going to be a breeze.

Finally, I extend to Mark the very best for the future, the very best of luck to Beth, who will enjoy his company more frequently now, and hope that the future holds these delights for him: a quiet life, fine company, good wine, and a Collingwood premiership.

To digress a little, the Leader of the Opposition referred to Mark McRae's "Joe Cool" attitude. I do not know how many other people remember it, but I remember the days when the Clerk sported a full beard. I have to say that it was a black and white beard, a subtle and understated signal of his Collingwood devotion. "Subtle" and "understated" are also words which can apply to Mark McRae.

Today closes another chapter in an illustrious career. May the next chapter be as fulfilling as those that went before. I join all members here in saying, "Thank you, friend of the parliament, and all the very best for the future."

**MR CORBELL** (Minister for Health and Minister for Planning): Mr Speaker, it is a measure of Mark McRae's success as Clerk that until this evening he has managed to have very few words said about him in *Hansard*. Indeed, it is a measure of some failure tonight that we are having a prolonged debate about his role in this chamber, because I am sure that he and other members of his profession would appreciate that it is best that they are not talked about. Indeed, the smooth running of this place relies upon them quietly and subtly ensuring behind the scenes that everything operates smoothly and there does not need to be any commentary on the capacity of those who administer the Assembly on our behalf.

I am not going to prolong the embarrassment tonight, except to say that one of the first people I met when I came to this place was Mr McRae. Shortly after I met Mr Duncan. Tom will have to brush up on the capacity not to smile and laugh during Assembly debates. You are a little more obvious, Tom. You will need to work harder on that.

Mark, I have appreciated those lessons you have taught me on the standing orders and on why things happen and, believe it not, there is a reason why everything is in there; just ask Mark McRae. I appreciate that his capacity and his dedication to the role of Clerk

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have strengthened this institution. I have appreciated his frank and fearless advice and I have appreciated always his commitment to ensuring that this place operates in the way that people in the territory would expect it to operate.

Mark, thank you. You will be sorely missed.

**MR CORNWELL:** Mr Speaker, I have known Mark McRae as Clerk of this Assembly since 1992 and, as members would be aware, for 6½ half years from 1995 I was in your chair. Mr Speaker, you and I probably share a deeper secret than other members of this Assembly in knowing the tremendous contribution that Mark McRae has made to the running of this Assembly.

It took me a little while to realise that, as Speaker, I did not have to make decisions myself; all I had to do was to ring Mark McRae. No matter what difficulties, what impossible situations I found myself in, Mark would always find a way out. Let me just record for *Hansard HMAS Canberra*. I shall say no more.

The advice was always wise and sensible. It was, in fact, quite surprising that I found that I could rely, without question, upon the Clerk for all sorts of problems. Mr Speaker, I am sure that you have experienced the same situation.

The position is no small challenge. One faces all sorts of difficulties in the role of Speaker and it is not only pleasing but also remarkable to have the support of somebody like Mark McRae as Clerk and have the confidence of knowing that there is a way out of a dilemma, which was my experience in my 6½ years as Speaker.

I was interested to hear that other members felt that they could come and talk to the Clerk on all sorts of matters and their confidence would be respected. That has certainly been my experience. Like Mr Wood, I am amazed at the knowledge of this man in terms of *House of Representatives Practice* and *Odgers' Australian Senate Practice*.

I got into all sorts of difficulties up there in the chair, Mr Speaker, and every time something was found—if it was not in our standing orders, it would be in the federal parliament's standing orders—to enable me to extricate myself, but other members may say weasel out, thanks to the help of the Clerk. That is no small achievement when you consider the standing orders and the difficulties that we can get into in this parliament.

I remember with affection the presiding officers' conferences that we have shared together and the interesting times that we had there as well as the Commonwealth Parliamentary Association conferences in London, Edinburgh, Jersey and Canberra. I would like to share with members that Mark is a keen student of the history of this district, particularly the oddities that come up from time to time. I have had the pleasure and enjoyment of him sharing some of those with me. I am sure that he will pursue them in retirement.

It has come as a bit of a shock that he has announced his retirement. I was interested to see that it will be occurring on 6 June, which, as we all know, is D-day. No doubt, in Mark's terms it will be departure day, but maybe it will also be a new beginning.

I wish you well. I wish Beth well. If I were to define him, as everybody else is doing, I would say that I regard Mark McRae as a consummate parliamentary officer and a friend. Thank you for all your help.

**MS MacDONALD:** Whilst I have not been here since 1989—in fact, as Mr Hargreaves referred to us, I am one of the members from the most recent 30 per cent turnover—I would like to add my comments of appreciation about Mark McRae.

Mr Quinlan talked about the transition to this place being smooth for him. I, too, found that with Mark's guiding hand. In fact, the day that Phil Green declared me and everybody else in this place elected, I had actually come to the Assembly to have coffee with my colleagues in the place in celebration of both my election and, of course, the election of the Labor government.

As I happened to be in the place, I thought I would stop by and say hello to Mark and Tom, and did that. Much to my great surprise, they were prepared for me. They said, "Ms MacDonald, we will be putting you and Ms Gallagher in this office. It may be just a temporary thing. We may have to move you around a bit later, but we have this office all prepared, so we will show you up there, give you the keys." We talked about how the Assembly would have to be called together fairly soon as we did not have a governor or an administrator and the tintacks of running a place like this, et cetera.

We went through the practicalities of how much I would get paid and how I would be paid for working seven days a week, not five days a week like the rest of the community, and how I would also get a car. Quick as a flash, I said, "I don't want the orange one." Mark did not bat an eyelid. He said, "That's fine, Ms MacDonald, we will see to that." Sorry, Jacqui, but orange is not my colour. That was an example of the very cool demeanour of the Clerk.

Mr Speaker, you used the word "stoic" to describe Mark. I would add that he is a saint, except that neither he nor I actually believes in saints. I know that from a discussion that we had on religion in November of last year when we were with the Australasian Study of Parliament Group. We had dinner after one of those hard days talking about privilege and Mark, my brother-in-law, Dave Skinner and I had a fairly interesting conversation about all those things that you are not supposed to talk about over dinner, including religion. From that I gathered that Mark does not believe in saints; in fact, he is not really sure what is up there.

Mr Speaker, I would add that "stoic" is an apt description of Mark. My election to this place was not my first meeting with Mark McRae. I first met Mark in my role as the union organiser for the Australian Services Union. Anybody who has had to work in industrial relations in the last 10 years or so will tell you that one of the joys of being involved in industrial relations is in going into enterprise bargaining negotiations, which seem to never end!

Mark was sitting in on the negotiations for the enterprise agreement for the Chief Minister's Department in about 1996 or 1997. Occasionally, Tom would turn up as well. They probably sat on the other side of the table thinking that they really did not care what happened in the Chief Minister's Department because it had nothing to do with this

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place but, of course, they did not put it in such a fashion; it was put much more politely than that. You do need a certain amount of stoicism to be able to sit through any enterprise bargaining negotiation, whether it be a heated discussion or, as is usually the case, boring, tedious and long.

I would like to finish by wishing Mark, Beth and their family all the best for the future. I do not feel a need for him to divulge which way he votes. I hope that his retirement from the position as Clerk will mean that he will actually call me by my first name, instead of referring to me as Ms MacDonald. Good luck, Mark.

**MRS BURKE:** Mark, to have remained for so long in this role you were obviously designed for accomplishment, engineered for success, and endowed with the seeds of greatness, as Zig Zeigler would say. Much has been said about your modern innings. I am not a cricket girl, but I am a rugby union girl, because it is the only game played in heaven. I think Mr Hargreaves would agree with that.

You have been a very calming influence on this place, not the least of which was shown tonight. The look on your face was one I had never seen—maybe there has been a lot of pressure on you today—but even then you were calm under the pressure. Remember, too, that the will of God will never lead you where the grace of God can't keep you.

I wish you and your family every happiness and every success in the next chapter of your life. Actually, Murrumbateman holds a very special place in my life. It is where my family and I started our life when we first came to this fantastic country and we lived out there for a while.

I just want to thank you for your professionalism, thank you for your encouragement of me as a new member twice, thank you for your integrity and, most of all, thank you for the great example that you have set us all in this place, Mark. You have set a high standard for everyone and I appreciate that and I esteem the job that you have done. Thank you, Mark. I, too, thank you most sincerely for your great contribution to this place and to my parliamentary career to date.

**MS DUNDAS:** Perhaps it is a reflection of my upbringing, but I did not really believe that I had been elected to serve in this place until I received a phone call from the Clerk asking me to come in and work over the details. I do cherish the letter signed by Mark—it sits in the drawer closest to my desk—letting me know exactly when my service in this Assembly would begin.

When I first entered the Assembly in 1993 as the member for Kaleen High School, as part of the Schools Legislative Assembly debates, we were all pretty excited to see the politicians running round at Nara House, but we quickly learnt that it was the clerks who knew what was going on and how to make things happen and we stopped listening to the politicians and started trying to figure out what the clerks were doing. It was an important lesson that I learnt then as part of the schools' parliamentary debates and it is one that I still follow.

Mark has been incredibly helpful in my time as a new member. Lots of words have been used tonight to describe Mark. Yes, he has always provided helpful advice and helpful answers to our questions. I think that one of the best ways he has done that is by

throwing helpful suggestions and questions back at us by saying, “Ms Dundas, you might want to look at it this way,” or “Ms Dundas, have you read this page of Odgers?” or “Perhaps, Ms Dundas, you don’t really want to do that because it is incredibly bad.” I have paraphrased a bit, but those kinds of things came along.

I have had conversations with the Clerk that have not been about him directing or leading in any way, but just gently suggesting that maybe I ought to consider things differently. Even when I thought I was being rather clever by saying, “Well, it is not in the standing orders, so I don’t see a problem with my doing these things,” he would say, “Yes, Ms Dundas, you are right, it is not part of the standing orders, but let me refer you to Westminster practice and what happened in the House of Lords back when, and here is the procedure that has gone on for many years before.” That is an important thing. We are part of a history that goes back many years, much preceding this Assembly, and Mark has been the link to that through the knowledge that he has brought with him to this place.

One of the reasons that we all have such great respect for you, Mark, is the respect that you show to this place and to the procedures that surround it. I know that I am speaking directly at you and not through the chair and that I should redirect my comments. The respect that you have shown to all of us, no matter what wacky thing we were trying to do and no matter how we were trying to circumvent the standing orders, and the respect that you have shown to parliamentary procedures have instilled within us great pride to do the same.

I do hope that you will enjoy your time at Murrumbateman. We will never forget the role that you have played here and we will always admire the photos of past assemblies. One thing about those photos that has never changed is, speaking through the chair, the presence of the clerks, who have always been there, with or without beards, to keep members calm and moving forward in their service in the Legislative Assembly.

Thank you, Mark. I do hope you will enjoy your retirement. I hope that it will be less stressful than the times that you have had here.

**MR PRATT:** Mr Speaker, I understand now why you and Mr Cornwell look so cool up there on that bench. It is clearly a reflection of the way that you have cared for this place, Mark. Being a reasonably new chum, I can only listen to the anecdotes that I have heard tonight, particularly from Mr Wood, Mr Hargreaves and Mr Cornwell and the quite refreshing analysis from Ros. In the short time that I have known you, Mark, I can only be sure in my own mind that all those anecdotes are absolutely true and I have enjoyed immensely listening to those stories.

You have given me very clear and professional advice when I have come to you with a couple of sticky-wicket issues, doing so in much the same way as others have described tonight about how you have been able to guide people through the issues in an extremely objective way. That has been my experience, too. You have left your impression clearly all over this place, Mark. The way that the Assembly is so professionally administered is a reflection of your leadership. You have an excellent team here and that reflects favourably on you.



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I was very impressed to hear that you had played prop somewhere. My only question is: how come you have got all your teeth left? If you still have all your teeth left, you cannot have being doing your job onerously, but you got through that.

**Ms Gallagher:** They might be dentures.

**MR PRATT:** I do not think that they are dentures, but I will not go up there and inspect them. Mark, I would like to wish you and Beth all the best in Murrumbateman and a happy retirement.

**MS TUCKER:** Many words have been spoken about Mark McRae and I endorse them all. One thing that has not been said about how Mark McRae has worked is the enjoyment that he seems to have when he is working. I have often been surprised at that. It is a lovely thing to see and I have appreciated it. I would like to acknowledge that because it is nice to see someone being able to enjoy their work, even though it can be so difficult at times.

I wish to say a couple of words about the position of clerk. I realise that the potential for chaos in a place like this is enormous because we are all passionate people and we have our own ideas about how to further the agendas that we were elected to pursue in this place. That means that sometimes people will play around with the structures of the Westminster system.

Over the years that I have been here, I have seen that happen a couple of times. In fact, when the Greens were first here we had ideas that we thought were sensible and once or twice we were quite prepared to override the many years of tradition in the Westminster system, but we did not do that after seeking advice from Mark McRae and others. The fact that they do conduct themselves in such an honourable manner means that you cannot help respecting their view. I think that is incredibly important for the institution of every parliament. Over the years I have been here, I have become much more conservative in terms of my willingness to play around with how we work as a parliament.

**Mr Stefaniak:** Conservative! That's a first.

**MS TUCKER:** I am conservative in terms of the structures of the parliament. I am quite afraid of change because I think the situation is scary enough as it is. The potential for chaos is too great already, so the Clerk has a very important role to play there. As a regional representative of the Commonwealth Parliamentary Association, I was invited to a Presiding Officers and Clerks Conference and I found it to be fascinating because the issues debated there by the presiding officers and clerks were not ones that we are normally privileged to hear debated by so many people with expertise in the area. I found that very stimulating and I learned a lot from that. It further increased the respect I have for the role of clerks and the importance of them to parliaments.

On a more personal note, Mark, you have been fantastic support and a reassuring presence, as everyone else has said, and have taught me a lot over the years. I appreciate that very much. I wish you and Beth the best.

**MS GALLAGHER** (Minister for Education, Youth and Family Services, Minister for Women and Minister for Industrial Relations): I rise to speak to this motion just briefly. I have had the privilege of working with Mark only for the past 18 months. I would like to acknowledge the support he has given to me as a new member of this place and all the work that he put in to make sure that when we did stand to our feet we looked like we knew what we were doing. Increasingly, I am learning more about what we are doing, but I did not when I started and I appreciate your guidance then, Mark.

I would also like to acknowledge the role the you have played in the maturing of self-government in the ACT. Other speakers have alluded to that. The role that you have played has been perhaps the most significant of all the players in self-government in the ACT since 1989. I thank you for your guidance and measured support and for never panicking, even when there was perhaps only 30 seconds to go before somebody had to say something they did not know that they had to say. I wish you and your wife well in your retirement and thanks again for all your help to me over the past 18 months.

**MRS CROSS:** If Mr McRae had not been serving this community in the exemplary way in which he has served it, I think that he would have made an ideal diplomat for any country, any mission, in the most difficult of circumstances and the most easy of circumstances. The character that I have seen in this gentleman in this place is, I believe, what has made this place a successful local parliament.

When I first started I was sitting in another place and quite often I would look across the chamber at all the new members and we would smile at each other and try to encourage each other. I would look over at Ms MacDonald, Ms Gallagher and Ms Dundas and say, "Are you okay? Good luck with your speech." But we all knew that at the end of the day we would have to go to Mr McRae to seek his advice.

It was nice having more women in this place because we could rely on each other. Even though we were a little bit nervous and apprehensive, we were all there to support each other. But at the end of the day we all relied on Mr McRae and the other clerks. He has displayed exemplary professionalism to me. He has displayed great dignity in the way he carried out his role and has made me feel, even when I have not known something very well, that I knew it, but perhaps there was another way of doing it, as Ms Dundas highlighted earlier.

I think that one of your great gifts is your diplomacy and another of your great gifts is your protectiveness of this place in wanting to see things work well, preserving the integrity of this parliament, preserving the integrity of the parliamentary system which we follow and ensuring that we all carry out our duties in the most professional way and as professionally as possible by not compromising the standards of this parliament. I think that the fact that this place works in a seamless, professional way is testament to your impeccable approach.

I think that you are the king of nuance. I think that you are able to convey many messages from a distance with the flick of an eyebrow, the movement of the glasses, the turn of the head. We can interpret many things from you just by looking at you, because we know what we should and should not do, and you do so in such a nice way that we do

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not feel like complete fools and think, “Okay, we can preserve our ego here because he hasn’t made us feel too bad.”. You are discreet, which is absolutely necessary in your role.

I am delighted to know that the literacy level of this Assembly is good enough that everything does not all fall on your shoulders, but your literacy level is at such an impeccable level anyway that if we do fail you will come to our rescue. I can see that you would be a very good poker player because you manage to mask the great frustrations you must endure from time to time from some of the boring things you hear in this place. I think that you would make an excellent member of the United Nations. I am sure that Kofi Annan would be delighted to chat to you about that role before he retires.

On a personal note, I would like to thank you for the support you have given me and my office during some very good times and some very difficult times. You have been a great rock for me and I appreciate that. I think that Canberra is a better place for having a consummate professional like you helping run this new parliament. Thank you very much and I wish you and your family well.

**MR QUINLAN** (Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming), in reply: Mr Speaker, just to close off: quite clearly, Mark, there is very high regard for you in this room. It is not blokey to say that there is a lot of love in this room, but there is a lot of love in this room. I commend the motion to the house.

Question resolved in the affirmative.

**MR SPEAKER:** Members, in the best traditions of clerks at the table, I have been asked to pass on to you Mark’s thanks for your very kind comments.

## **Adjournment**

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

That the Assembly do now adjourn.

## **Oaks Estate—transport**

**MR CORBELL** (Minister for Health and Minister for Planning) (10.48): I wish to take advantage of the adjournment debate to table an answer to a question Ms Tucker asked in question time yesterday. I present the following paper:

Oaks Estate—Public transport access—Answer to question without notice asked of Mr Corbell by Ms Tucker and taken on notice on 7 May 2003.

## **Mr Richard Perno**

**MRS CROSS** (10.48): Mr Speaker, I take this opportunity to wish Richard Perno a fond farewell. Today is Richard’s last day in this Assembly. He spent the last six months supporting me in my new role as an Independent and he has been on the lookout for an

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incredible radio opportunity, which he has found in Albury. He is going to be working for 2AY. I wish Richard well and I thank him for his support and the support he gave to my office.

Question resolved in the affirmative.

**Assembly adjourned at 10.49 pm until Tuesday, 17 June 2003, at 10.30 am.**

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## **Schedule of amendments**

### **Schedule 1**

#### **Government Procurement Amendment Bill 2003**

Amendment circulated by Ms Dundas

**1**

**Clause 4**

**Proposed Section 3(2)**

**Page 3, line 12—**

*omit*

## Answers to questions

### Consultants—use (Question No 418)

**Mr Smyth** asked the Minister for Sport, Racing and Gaming, upon notice:

In relation to consultants used to date this 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 Quinlan:** The answer to the member's question is as follows:

- (1) No consultants used in the area of Sport, Racing or Gaming.
  - (2) N/A
- 

### Jurors and witnesses—payment (Question No 476)

**Ms Dundas** asked the Attorney-General, upon notice, on 13 March 2003:

- (1) What was the total cost of providing allowances for witnesses and jury members attending the:
  - (a) Supreme Court in 2001-2002;
  - (b) Magistrates Court in 2001-2002.
- (2) How many witnesses or jury members claimed allowance for their attendance at:
  - (a) Supreme Court in 2001-2002;
  - (b) Magistrates Court in 2001-2002.
- (3) Is any demographic data kept on jury members.
- (4) Do you have statistics on the gender of people attending jury duty in 2001-2002.
- (5) Do you have statistics on the ages of persons performing jury duty, if so, could you provide the information kept.

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

- (1)
  - (a) \$76,545.00 was paid to jurors in Supreme Court criminal cases;
  - (b)
    - (i) \$13,530.00 was paid to witnesses in Magistrates Court Coronial Inquests;
    - (ii) \$84,715.99 was paid to witnesses in Magistrates Court prosecutions by the Australian Federal Police ("AFP") and regulatory agencies
    - (iii) \$55,461.93 was paid to witnesses in Supreme Court prosecutions by the Director of Public Prosecutions ("DPP").

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- (2) (a) 728 jurors were paid in Supreme Court criminal cases; and
  - (b) (i) 13 witnesses were paid in Magistrates Court Coronial Inquests;
  - (ii) 98 witnesses were paid in Magistrates Court prosecutions by the AFP and regulatory agencies;
  - (iii) 53 witnesses claimed and were reimbursed expenses in Supreme Court prosecutions by the DPP.
- (3) No.
- (4) No.
- (5) No.
- 

**Belconnen Health Centre  
(Question No 516)**

**Mrs Burke** asked the Minister for Health, upon notice:

In relation to Belconnen Health Centre, further to Question No. 394:

- (1) Why was this project not completed in December 2002 as stated in Budget Paper 3, p206;
- (2) What was the exact date of the official handover;
- (3) What new functions will be able to be performed at the Centre following the upgrade;
- (4) How important was this upgrade for people accessing health services in the Belconnen area.

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

- (1) The project was substantially complete in December with the exception of the upgrading of the lift due to difficulty in obtaining component parts from Italy.
  - (2) The handover and certification from the Project Manager occurred on Friday 7 March 2003. The official opening was held on Wednesday 16 April 2003.
  - (3) The refurbishment has provided extra clinic and consulting space for the Integrated Health Care Program which has allowed extra Podiatry, Footcare Social work and Nutrition sessions at the Centre. Also as part of the refurbishment, the Child and Youth Dental Clinic was provided with new clinics and equipment, with the capacity to provide dental services doubled with the inclusion of three additional surgeries.
  - (4) The upgrade of the health centre has addressed internal functionality and design problems that had an impact on the provision of services in the past. It has also provided the capacity for more clinical services in an improved physical environment for both customers and staff.
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**Centenary of Federation Monument  
(Question No 531)**

**Mr Stefaniak** asked the Minister for Arts and Heritage, upon notice:

In relation to the Centenary of Federation Monument

- (1) Can the Minister advise where works are up to with this project;
- (2) As at 31 December 2002 no monies had been spent on this project, have any funds been expended on this project between 31 December 2002 and 31 March 2003, if so, how much and can a breakdown of costs and works details be provided;
- (3) Is this project still on track for completion by the end of June 2003 as scheduled?

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

- (1) The Centenary of Federation Monument was to be incorporated into the redevelopment of the southern end of Northbourne Ave below City Hill. In September 2001, Planning and Land Management conducted an urban-design competition to consider the development and opportunities to improve the central precinct in Civic. The issues that were considered included access to the City and the traffic on Northbourne Ave. This competition highlighted the complexity of the planning issues in relation to the redevelopment of this area and that without a comprehensive strategy for the City it was considered premature to proceed with any redevelopment. Commissioning of the monument was therefore deferred.
  - (2) There has been no expenditure on the project.
  - (3) Given the answer to (1), there is now significant doubt about the future of this project.
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**Honour Walk  
(Question No 532)**

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

In relation to the Honour Walk:

- (1) The December Quarterly Capital Works Progress Report shows \$24,000 outstanding authorisation for the Honour Walk. Has this project been completed;
- (2) If so, where will the \$24,000 be reallocated, if not, would the government consider putting these funds towards continuing the Honour Walk, this time in recognition of the ACT Brumbies and the Canberra Capitals;
- (3) Has there been any discussion about funding for an extension of the Honour Walk for other successful sporting teams.



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

- (1) No.
  - (2) Canberra Urban Parks and Places (CUPP), with input from the Policy Group in the Chief Minister's Department, is currently reviewing the approach and responsibilities outlined in the memorials policy. The consideration of further plaques will occur once the revised policy is adopted.
  - (3) As per above.
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**Canberra Hospital—peri-operative unit  
(Question No 550)**

**Mr Smyth** asked the Minister for Health, upon notice:

In relation to the peri-operative unit at Canberra Hospital:

- (1) Can the Minister advise if the Perioperative Unit is functional;
- (2) If not, when will it be functional;
- (3) When functional, how many beds will be available;
- (4) How many of these beds will cater for elective surgery patients;
- (5) How many will cater for patients other than elective surgery patients;
- (6) What will be the estimated annual running cost of the unit at full capacity.

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

In relation to the questions I assume the Peri-operative Unit refers to the Extended Day Surgery Unit (23 hour Unit). The term Peri-operative Unit describes the Theatre complex. The Extended Day Surgery Unit is an extension of the existing Day Surgery Unit in the Theatre complex. The Day Surgery Unit has been operational for some time.

- (1) The Unit is not yet functional.
  - (2) The Extended Day Surgery Unit will be functional from June 5, 2003. The Units operating hours will be 0700 Monday to 1500 Saturday.
  - (3) 10 Extended Day Surgery beds will be available along with the current 10? Day Surgery beds.
  - (4) Bed usage will be flexible. Approximately 6 beds will be utilised for elective procedures.
  - (5) Bed usage will be flexible. Approximately 4 beds will be utilised for non-elective procedures.
  - (6) The cost of running the Unit at full capacity is \$832,021.
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**National Convention Centre  
(Question No 553)**

**Mr Smyth** asked the Minister for Economic Development, Business and Tourism, upon notice, on 1 April 2003:

- 1) Can the Minister advise where copies of the consultants report looking into the future of the National Convention Centre can be obtained;
- 2) Why has this document not been released publicly;
- 3) Has any funding been expended this financial year or last regarding the future of the National Convention Centre, if so, please provide a detailed list of costs and works/research undertaken;
- 4) Has the government received any submissions or correspondence from the tourism industry in relation to the future of the National Convention Centre, if so, can copies be provided;
- 5) When will the government make a decision about the future of the National Convention Centre.

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

- 1) No.
- 2) The report provides advice to government, which is currently being considered.
- 3) Yes. Detailed list of costs and research undertaken follows.

Financial Year	Expenditure	Consultants	Project
01/02	\$37,000	Gutteridge Haskins & Davey (GHD)	Review of the proposal to upgrade the National Convention Centre and cost benefit investigation of alternative options
02/03	\$2532.58	GHD	Further analysis of findings in initial report
02/03	\$20,000 (estimated)	Access Economics	Further economic analysis of options suggested in the GHD report.

- 4) Yes, correspondence has been received but copies are not available.
- 5) Government is currently considering options after which a decision will be announced.

**Bushfires—insurance claims  
(Question No 556)**

**Mr Cornwell** asked the Chief Minister, upon notice, on 2 April 2003:

- (1) Has any monitoring been conducted by the Bushfire Recovery Taskforce or Centre as to the response rate of insurance companies to claims by bushfire victims;

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- (2) If so (a) how many claims have been settled and (b) how many are in course of settlement;
- (3) If no monitoring is being conducted, why not.

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

- (1) On the 17 February 2003, the Bushfire Recovery Taskforce appointed an insurance advisor to assist bushfire affected residents resolve claims disputes with their home and contents insurance companies. As at 9 April 2003, the insurance advisor had received 32 issues.
  - (2) Of the 32 issues received, 24 have been resolved to the satisfaction of residents. The remaining 8 issues involve ongoing negotiations between residents and their insurers.
  - (3) The Government has not been monitoring the numbers of successful claims outcomes, preferring to invest resources in resolving disputes between bushfire affected residents and their insurers. Insurers are reluctant to provide information on claim settlements due to its commercial sensitivity.
- 

#### **Health—staff recruitment (Question No 570)**

**Mr Smyth** asked the Minister for Health, upon notice:

In relation to the Productivity Commission Report on government services:

- (1) In The Canberra Times of 11 February the Minister said that there was 'room for improvement in staffing levels' in the ACT health system. How many people does the Minister consider the health system need to recruit and in what areas;
- (2) Can the Minister estimate how much funding would need to be allocated to such a recruitment campaign;
- (3) Is the issue of additional staff recruitment one that will be considered in the budget context.

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

- (1) The statement about room for improvement was a reference to the fact that there are vacancies in almost every profession in the ACT Health system, and ACT Health is conducting recruitment programs on a regular basis to fill these vacancies. However, in the context of national and international health professional shortages, it is virtually impossible to guarantee that all staff vacancies will be filled in the ACT. It is also worth noting that the data published in the Productivity Commission report referred to the 2000-01 financial year, which was during the previous Government's term of office.
- (2) As discussed above, recruitment is a standard, ongoing activity for the ACT health system. I do not believe that additional resourcing is required, and believe that improved rates of pay will make substantial improvements to recruitment and retention of health professionals in the ACT.

- (3) It is not appropriate for me to provide details of Budget considerations at this time.
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**Spatial Plan  
(Question No 584)**

**Mrs Dunne** asked the Minister for Planning the following questions, upon notice:

In relation to the Spatial Plan.

- (1) How much money was allocated to develop a Spatial Plan in the additional appropriations for the 2001-02 budget and the 2002-03 budget;
- (2) How much money has been expended to date on developing the Spatial Plan?
- (3) How much money has been expended on consultancies to date in developing the Spatial Plan?
- (4) Do you have an estimate of how much it will cost to develop the Spatial Plan in total, and, if so, what is it?
- (5) When will you be releasing the Spatial Plan?
- (6) When did you originally plan to release the Spatial Plan and has the development of the plan fallen behind schedule?

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

- (1) No specific funding was provided through the 01-02 additional appropriations, although funding provided for "planning initiatives" in the second appropriation enabled commencement of the project

In the 02-03 financial year \$350K was funded for the project through additional appropriations.

- (2) Expenditure on the Spatial Plan in 01/ 02 – \$182,539  
Expenditure on the Spatial Plan and associated strategic planning initiatives 02/ 03 – \$472 326 (to 31 March 2003)\*

\* The cost incorporates surveys, consultations and associated work contributing to the wider Canberra Plan process as well as the adjusted program of strategic planning work post the January bushfires.

- (3) Spatial Plan 01/ 02 – \$99,04  
Spatial Plan 02/ 03 - \$87 267 (to March 2003)
- (4) The estimated cost of the spatial planning and associated strategic planning work is \$1,150,000.
- (5) The scheduled date for the Spatial Plan is December 2003.

- (6) The original plan was to release the Spatial Plan in late 2003 (refer to The Canberra Spatial Plan – planning Canberra's future released in April 2002). As a result of the bushfire disaster in January 2003 and additional studies relating to the recovery, the time frame for the Spatial Plan has been adjusted so that it is now planned to be concluded in December 2003.

This has involved additional unexpected tasks and consultations, yet many partners in the Spatial Plan project have acknowledged the long-term value in the broad collaborative process which has been undertaken

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**ACT Hospice  
(Question No 590)**

**Mr Smyth** asked the Minister for Health, upon notice:

In relation to the ACT Hospice:

- (1) Have any beds been closed at the ACT Hospice this financial year, if so:
  - (a) why;
  - (b) when; and
  - (c) how many beds were closed;
- (2) How many beds were closed at the ACT Hospice over the Christmas/New Year period;
- (3) Are there any plans to close beds at the ACT Hospice at any other time this financial year.

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

Beds in the ACT Hospice are closed only in exceptional circumstances. Despite closures, any request for the urgent provision of palliative care was able to be satisfied.

- (1) During the current financial year:
    - (a) Beds have been closed on two occasions. The first closure was during the Christmas/New Year period. This occurred at the time of traditional reduction in demand and a number of ACT Hospice patients electing to return to their families. An additional closure was required to allow internal construction work to be undertaken.
    - (b) The periods of closure were 9 December 2002 – 2 February 2003 and 7 April – 4 May 2003 respectively.
    - (c) Four beds were closed during the Christmas/New Year period. The creation of the additional accommodation required the closure of three beds for the construction period.
  - (2) There are no further plans to close ACT Hospice beds within this financial year.
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**NSW Fire Brigade—transfers  
(Question No 622)**

**Ms Dundas** asked the Minister for Industrial Relations, upon notice, on 6 May 2003:

In relation to fire fighters who transferred from the NSW Fire Brigade:

1. What was the age at which these fire fighters could retire with full benefits under the applicable NSW award;
2. What was the age at which these fire fighters could retire with full benefits under the Commonwealth Superannuation Scheme;
3. Where one of these fire fighters suffered a compensable injury or illness requiring a long term absence from work, what system was employed to ensure that compensation payments kept pace with entitlements under the NSW Fire Brigade award as classifications and rates of pay changed over time; and
4. Has the Government accepted the advice of Meryl Stanton of Comcare dated 20 August 1996, which states that the “contention that NSW Fire Service employees who transferred to the ACT Fire Brigade continued to be entitled to the conditions of employment that existed in NSW at the time of transfer, is correct. These conditions of employment were recorded in the relevant industrial award at that time”.

**Ms Gallagher:** The answer to the member’s question is as follows:

1. Employees of the NSW Board of Fire Commissioners in 1976 could elect to retire on full superannuation benefits provided by their superannuation scheme, at age 60 years;
2. Employees of the NSW Board of Fire Commissioners who elected to join the ACT Fire Brigade in 1976 transferred to Commonwealth employment and were subject to terms and conditions of employment that prevailed at that time for Commonwealth employees. Under Commonwealth superannuation arrangements at that time, full benefits provided by those arrangements emerged at age 65 years;
3. Former employees of the NSW Fire Service who transferred to the ACT Fire Brigade were covered by the relevant Commonwealth workers compensation arrangements prevailing at the time; and
4. To establish whether the Meryl Stanton advice was ever received and considered by the ACT Government administration, it will be necessary for the Department of Justice and Community Safety to access archived files. A further response to this question will be provided when the analysis of those files has been completed.

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**China  
(Question No 623)**

**Mr Cornwell** asked the Chief Minister, upon notice, on 6 May 2003:

Following the signing of the Memorandum of Understanding between Beijing and Canberra announced 17 April 2002:

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- (1) What activities has the Government undertaken to promote business relations.
- (2) Has the high level steering committee been established to implement activities arising from Cooperative Business Council and if so, who are its members.
- (3) What “mutual business opportunities” have been identified by the Council in (2) above since the signing of the above MOU.
- (4) Since the signing of the above MOU, how many official joint the ACT Government/business visits to China have been undertaken and how many official visits from China has the ACT hosted.

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

- (1) The Government has undertaken the following activities to promote business relations.
  - The continuation of reciprocal official delegations aimed at enhancing business opportunities arising from the Sister City Relationship.
  - In September 2002 BusinessACT reached agreement with five organisations, (Australian National University, the University of Canberra, ACTEW Corporation, the Hindmarsh Group and the CIT) on the Beijing Steering Committee to jointly fund a pilot project known as ‘*Business Outcomes from China*’. The initiative involves monthly visits to Beijing and Hangzhou by a contracted officer.
  - Under the ‘*Building Business in Beijing*’ project funded by the Federal Government, won by the Canberra Business Council (CBC), BusinessACT and the Canberra Business Council have worked closely to maximise business opportunities in China for the ACT and the region. This cooperation has resulted in BusinessACT speaking at regional seminars and having a representative on the project’s steering committee. A database has been developed of ACT & regional companies interested in business opportunities in China. The CBC adapted BusinessACT’s *Beijing Business Opportunities Register* into an electronic prospectus of the ACT and region’s capability.
  - Yes, the Beijing Steering Committee (BSC). Members of the Committee are:
    1. Denis Page (Chair)
    2. Paul Perkins (ACTEW)
    3. John Hindmarsh (Hindmarsh Group)
    4. Peter Phillips (Endeavour Consulting)
    5. Hua Wang (Multicultural Council)
    6. Professor Ian Chubb (ANU)
    7. Professor Roger Dean (UC)
    8. Gail Gardner (CIT)
    9. Chris Peters (ACCI)
    10. Dr Colin Adrian; and
    11. Peter Gordon, CMD
- (3) The BSC has identified a range of Olympic related opportunities including:

- hospitality training,
- education and English language training,
- environmental management,
- organisational advice,
- sports team management, coaching and sports science,
- services for the disabled, and
- preparation of briefs and tender documents for major projects.

(4) Three officials led an official environmental delegation to participate in Environmental Symposia held in Beijing and Hangzhou in Nov 2002.  
We have hosted 12 delegations from China.

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### **ACTTAB—relocation (Question No 624)**

**Mr Cornwell** asked the Treasurer, upon notice:

In relation to the relocation of the ACTTAB Dickson headquarters to Gungahlin:

- (1) What is the current construction status of the new building.
- (2) When is it proposed the new building will be completed.
- (3) Are plans yet in hand for disposal of the Dickson premises and if so, what are they.

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

- (1) ACTTAB advises that the construction of the new building has not commenced. ACTTAB has identified a preferred site in the Gungahlin Town Centre for its head office and formally advised the Government of this on 28 February 2003. A number of processes need to occur before ACTTAB can purchase its chosen site. For example, direct sales of land to Territory Owned Corporations (TOCs) are governed by Disallowable Instrument 115 of 1999 which requires that land be sold to a TOC at the current market value. Cabinet approval is required for a direct sale.
  - (2) Following procurement of the site, preparation of tender documentation and the calling of tenders for construction of the building will be commenced. ACTTAB advises that the process of engaging a construction company to build the new head office will take at least three months and the construction of the new building may take up to eighteen months. Therefore, it may take two years for the building to be completed.
  - (3) ACTTAB will remain on its current site until the new building is complete. Since this is likely to take some time, ACTTAB has no firm plans for the disposal of the Dickson premises.
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**Abbeyfield Disability ACT  
(Question No 631)**

**Mr Cornwell** asked the Minister for Disability, Housing and Community Services, upon notice:

Further to your letter of 5 September 2002 to me that you had requested your department to examine the feasibility of a proposal by Abbeyfield Society disAbility ACT for a co-operative housing arrangement for young people with disabilities:

- (1) Could you please advise action to date on the proposal.
- (2) If there has been no action, why not.

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

- (1) As part of the 2002/3 Community Housing Funding process, a proposal for a cooperative housing arrangement for people with disabilities was submitted by Community Housing Canberra in conjunction with Abbeyfield Disability ACT. The proposal was considered and approved for funding and an amount of \$1.1 million will be provided for a 10 room dwelling for people with a disability.
- (2) See above.

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**ACTEW—electricity charges  
(Question No 632)**

**Mr Cornwell** asked the Treasurer, upon notice:

In relation to the article 'Power to the People' (Weekend Australian, Business News, 26 April 2003):

- (1) Why have ACT residential electricity prices shown a rise of +22.7 per cent over 1996-2003 compared with +3.5 (Queensland), +8.8 (South Australia), +2.0 (Northern Territory) and falls in all other States.
- (2) Because ACT electricity charges in the same period have fallen for small business (-17.5) and large business (-9.7), are ACT residents subsidising these sectors and if so, how long will this continue and will residential rates continue to rise.

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

- (1) The table in the Weekend Australian, compiled from information provided by Electricity Supply Association of Australia (ESAA), does not represent the consumption of an average ACT electricity consumer of 7,500 kWh per annum.

ESAA reports *Electricity Tariffs in Australia July 1996* (Table 1.1) and *Electricity Tariffs in Australia 2002/2003* (Table 1.1.1) state that prices for residential consumers based upon a consumption of 7,500 kWh in the ACT have grown only 3.3% in real terms

between 1996 and 2003. This is less than for Queensland (4.5%), South Australia (8.5%) and the Northern Territory (6.7%).

- (2) ACT residents are not subsidising the small business and large business sectors.

Full retail competition is to be introduced from 1 July this year. This is expected to see electricity prices in all sectors of the ACT respond to changes in wholesale market prices as these changes are passed on through a competitive retail market.

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### **Bushfires—TransACT restorations (Question No 634)**

**Mr Cornwell** asked the Treasurer, upon notice:

In relation to a report in the Canberra Times on 20 March 2003 (page 10) that “Mr Lauder said more than 6000 customers – more than 25 per cent of the business – lost their TransACT services in the (January 18) fires”:

- (1) Given that all telephony customers had their telephone services restored by 31 January 2003 (answer to Question on notice no. 600) how many customers as at 1 May 2003 still had to have services restored.
- (2) If 6000 customers equals more than 25 per cent of TransACT business in the ACT, is more than 24000, or 100 percent, in line with TransACT targets for ACT customer sign-ups.
- (3) How many customers (a) of the 24000 and (b) in excess of the 24000, still are to be connected to their required service.
- (4) What are the major reasons for the failure to connect potential customers in (3) above.

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

TransACT is a private company and its relationship with the Government is through ACTEW Corporation’s minority shareholding with several other private sector investors in the project. As such, the Government is not responsible for, and cannot control TransACT’s day-to-day operations. Additionally, I am not in a position to comment on statements attributed to TransACT employees reported in the press. However, I asked ACTEW to seek answers from TransACT to your questions.

- (1) Following the Canberra bushfires in January 2003, TransACT’s initial priority was to ensure that telephony services to all its customers were restored as soon as possible. As previously stated in my answer to Question on Notice No. 600, TransACT has advised that it had restored telephony services to its customers by 31 January 2003

The restoration of TransACT’s broadband (television and data) services was a more complex undertaking as it was more reliant on the restoration of physical infrastructure. Although, in many instances TransACT has restored broadband services to customers through the installation of temporary restoration works, permanent restoration will depend on when other damaged infrastructure is replaced.

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TransACT has advised that, as at 1 May 2003, it was still working to restore services to 22 broadband customers and that, as at 6 May 2003, services to all but 2 of these customers were active.

- (2) TransACT has advised that while its actual customer targets and take up rates are commercial-in-confidence, and therefore not for public release, customer take up of TransACT's services has exceeded industry averages.
- (3) Noting the answer to Question (2) above, and the commercial-in-confidence nature of that question, TransACT has advised that all residents within the ACT can acquire TransACT's preselect telephony services. Residents within cabled areas can connect to the TransACT network and acquire TransACT broadband services.

At any period of time, there are a number of customers pending connection. Customers are connected as quickly as possible, however the time to connect is dependent upon factors such as those listed below in the answer to Question (4).

- (4) Noting the answer to Question (2) above, and the commercial-in-confidence nature of that question, TransACT has advised that the time period to connect customers varies and is dependent on a number of factors including:
  - whether the installation is standard or non-standard;
  - the services required by a particular customer;
  - porting requirements;
  - mandatory cooling off periods; and
  - network availability.

TransACT endeavours to connect all customers in a timely fashion.

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### **Totalcare—operating result (Question No 635)**

**Mr Cornwell** asked the Treasurer, upon notice:

In relation to Totalcare:

- (1) What was Totalcare's operating result for 2000-01, 2001-02 and the expected outcome for 2002-03.
- (2) What does the Government regard as an acceptable operating result for Totalcare.
- (3) What steps is the Government taking to ensure an acceptable return from its investment in Totalcare.
- (4) What test will the Government apply to evaluate the effectiveness of its steps to achieve an acceptable level of return from Totalcare.

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

1. Agencies actual outcomes are publicly available in their respective Annual reports and the estimated outcome for 2002-03 is published (by agency) in the ACT 2003-04 Budget.

2. Section 7(a) of the *Territory Owned Corporations Act 1990* specifies the principal objectives of a Territory owned corporation as:

“(a) to operate at least as efficiently as any comparable business; and

(b) to maximise the sustainable return to the Territory on its investment in the corporation in accordance with the performance targets contained in the latest statement of corporate intent of the corporation.”

3. The Government has been devoting considerable effort to determine the best future strategic direction for Totalcare. In early April 2003 a Working Group was convened to investigate viable options for the future of Totalcare. This group comprised representatives from relevant ACT Government Departments, Unions and Totalcare management. The Government has now received the Working Group report and is considering the findings and conclusions in it.

4. The relevant test is outlined in 2 above.

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### **Majura Road (Question No 636)**

**Mr Cornwell** asked the Minister for Urban Services, upon notice:

In relation to Majura Road:

- (1) \$3.5m is listed in the Budget Papers to upgrade Majura Road. What works will take place on Majura Road as part of this project.
- (2) The December Quarterly Capital Works report shows that this project is to be completed by 30 June 2003. Will this project be completed on time.
- (3) In 2001 Labor committed to upgrading Majura Road to a four lane highway contributing \$250,000 with the rest to be funded by the Commonwealth, are these plans still on the agenda.

**Mr Wood:** The answer to the member’s questions is as follows:

- (1) The project will provide safety improvements on the existing Majura Road. Works include some shoulder widening, minor intersection improvements, and improved access to properties.
  - (2) The project is expected to be completed in July 2003.
  - (3) \$250,000 of funding is being used to develop a concept design to establish the preferred alignment for a future four lane Majura Parkway. The Territory will endeavour to seek funds for construction from the Commonwealth.
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**Civic Library strategy  
(Question No 637)**

**Mr Cornwell** asked the Minister for Urban Services, upon notice:

Further answer to Question on notice No 573, in relation to the Civic Library Strategy:

- (1) Why was the \$65 000 expended as at 31 December spent on the Erindale Library when this project specifically states – under New Works – ‘Civic Library Strategy’.
- (2) Why will the remainder of the funds - \$435,000 – be spent on works in Belconnen, Griffith, Tuggeranong and Woden if this funding was for the ‘Civic Library Strategy’.
- (3) What was the original purpose of the ‘Civic Library Strategy’.
- (4) Why will Civic only receive \$48,000 of the \$500,000 allocated.
- (5) Did the Government mislead the community when it said \$500,000 would be spent on the ‘Civic Library Strategy’ when the funds are actually being spread across libraries in a number of areas, if the Minister does not think this is the case, please explain why this item was listed as ‘Civic Library Strategy’ instead of something like ACT Library Strategy.

**Mr Wood:** The answer to the member’s questions is as follows:

- (1) It is believed Mr Cornwell, when referring to the Civic Library Strategy, is relying on the Department of Urban Services, Capital Works Program, December Quarterly Report. This report had inadvertently named the Libraries Improvement Program as the Civic Library Strategy. The Budget Papers - refer page 190 of revised BP4 - clearly state the \$500,000 approved funding is for the Libraries Improvement Program. This program provides funding to address items identified in Condition Audits and include OH&S, fire, air conditioning and disabled access in various libraries, including Erindale.
  - (2) The Libraries Improvement Program is intended for various libraries.
  - (3) There was no “Civic Library Strategy” proposed in 2002-2003 however, separate work is being undertaken as part of the Link/Library project which appears as part of the Cultural Facilities Corporation Budget allocation.
  - (4) Funding to the various libraries has been allocated on a priority basis. Civic Library is located in rented accommodation and was fairly recently refurbished. The amount of \$48,000 is sufficient to meet the current needs of Civic Library.
  - (5) The Government has not misled the community, the Budget Papers clearly state the approved funding was for the Libraries Improvement Program.
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**Roads—on-road cycling works  
(Question No 638)**

**Mr Cornwell** asked the Minister for Urban Services, upon notice:

In relation to Downer to Woden Cycle Path:

- (1) The Government has plans to construct a cycle path stretching from Downer to Woden. There is funding in the 2002-03 Budget for on road cycling from Woden-Dickson, is this the same project.
- (2) If so, why haven't funds been allocated to complete the path from Dickson to Downer. If not, when will funds be allocated for the Downer to Woden Cycle Path.

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

- (1) Yes, the Woden-Dickson on road cycling project extends from Woden to Antill Street, the southern boundary of Downer.
  - (2) Any extension of the on road cycle lane further north would be considered for inclusions in future capital works programs.
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**Aged care liaison officers  
(Question No 639)**

**Mr Cornwell** asked the Minister for Health, upon notice:

In relation to Aged Care Liaison Officers:

- (1) Does the Territory have any Aged Care Liaison Officers.
- (2) Has Labor increased the number of Aged Care Liaison Officers in the ACT since coming to Government.
- (3) Were there any funds in the 2002-03 Budget for Aged Care Liaison Officers, if so, where in the budget can the allocation be found, if not, why not.

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

- (1) The Territory has an Aged Care Liaison Officer (ACLO) placed in the Aged Care Assessment Team in Community Care. There are currently no ACLO's placed in the public hospitals, however there are other positions which undertake duties similar to that of an ACLO. For example there are Discharge Planners in both public hospitals who assist in ensuring that discharged patients receive follow up care in the community. There is a Discharge Planner specifically attached to the Acute Care of the Elderly Unit at The Canberra Hospital. This position has the responsibility of putting discharge plans in place for older people exiting from the Unit. This would include linking the patient in with community and aged care services, depending on their level of need. ACT Health has recently appointed a Residential Aged Care Liaison Nurse as part of a two year

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project to improve the system wide management of transferring older people from hospital and the community to residential aged care facilities.

In addition to this the Commonwealth Government has recently funded the Partners in Culturally Appropriate Care (PICAC) initiative to improve the partnerships between aged care providers and culturally and linguistically diverse (CALD) communities. The initiative aims to ensure that the special needs of older people from diverse cultural and linguistic backgrounds are identified and addressed. Under this initiative the ACT has one PICAC position funded.

Also, through the Home and Community Care (HACC) program a Multi-Cultural HACC Liaison Officer (MHLO) position is funded to improve the participation of culturally and linguistically diverse people in community based services. The initiative seeks to assist community based agencies and practitioners to be more culturally sensitive and to ensure that the special needs of CALD clients are identified and addressed. This position works in partnership with the PICAC position.

- (2) The position of the Residential Aged Care Liaison Nurse was appointed in early 2003.
- (3) The Residential Aged Care Liaison Nurse position was funded from the 2002-03 Post Hospitalisation Budget initiative.

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### **Bushfires—chronology of events (Question No 643)**

**Mr Pratt** asked the Chief Minister, upon notice, on 6 May 2003:

In relation to the events surrounding the January firestorm:

- (1) Was the issue of the evacuation of Duffy (and associated suburbs) addressed at the meeting, attended by the Chief Minister, at Emergency Service Headquarters on 18 January 2003.
- (2) If so, what time was that issue addressed, if not, why not.
- (3) What decision was made and by whom about the evacuation or non-evacuation of Duffy.
- (4) To your understanding, where were the fires (in relation to Duffy) at the time this decision was made.
- (5) Was a state of emergency under the Emergency Management Act declared.
- (6) If so, what time was that state of emergency declared.
- (7) Where were the fires, to your understanding, at the time the state of emergency was declared.

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

The questions you have raised are already being examined by Mr McLeod and the Emergency Services Bureau (ESB) has provided a submission to the Inquiry covering all aspects of ESB's involvement in the January 2003 bushfires.

I am sure that the exact detail of the questions you have raised will also be examined as part of the Coronial process.

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**Housing—replacement stock  
(Question No 645)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice:

In relation to public housing and further to your reply to Question on notice no. 410:

- (1) Is a document being prepared regarding capital works funding for replacement stock in ACT Housing, if so, when and where will it be available, if not, why not.
- (2) You have indicated that there will be new public housing stock established in Canberra before the election, what areas have been earmarked.
- (3) The Minister said it was 'not ACT Housing policy to reveal the site specific details of where it purchases'. Why is this so? Is this not public information, as public monies have been expended? Why will the Minister not release the information? If you still refuse to release this information can it be obtained through Freedom of Information, if not, why not.

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

- (1) Please see the ownership agreement of the Department of Disability, Housing and Community Services;
  - (2) ACT Housing is acquiring new stock in areas determined by its wish to provide a public housing presence in all areas of the city and by the needs of people on the applicant list;
  - (3) ACT Housing does not wish to stigmatise its stock or its tenants. As the information of properties acquired is available in the Titles Office (at a fee), it is unlikely that a request under the *FOI Act 1989* would succeed. ACT Housing can confirm that the properties it buys are subject to an assessment of notional rate of return, a building report and an independent valuation.
- 

**Housing—waiting lists  
(Question No 647)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice:

In relation to waiting lists for ACT Housing properties:

- (1) How many residents were on the public housing waiting list as at 1 May 2003.



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- (2) How many of these residents were from:
- (a) Belconnen;
  - (b) Gungahlin;
  - (c) Tuggeranong;
  - (d) Inner North; and
  - (e) Inner South.

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

- (1) 3520;
- (2) (a) 924; (b) 173; (c) 784; (d) 677; (e) 304. (Applicants' most recent contact addresses were used to obtain this data. The total from these areas does not equal 3520 because residents from outside the ACT and those areas within ACT not within the defined regions above, have been excluded.)
- 

### **Transport—light rail (Question No 652)**

**Mr Smyth** asked the Minister for Planning, upon notice:

In relation to light rail:

1. How much of the \$300,000, allocated in the 2002-03 Budget for the Sustainable Transport Strategy has specifically been spent on the component of light rail.
2. How much of the \$300,000 for sustainable transport has been expended in total as at 30 April 2003, and what will the remainder of funds be expended on.

**Mr Corbell:** The answer to the member's questions is as follows:

1. The \$300,000 allocated in the 2002-03 budget has been spread across several projects to deliver the ACT's Sustainable Transport Plan. These projects include:
  - a) The Public Transport Futures Feasibility Study (PTFFS);
  - b) Transport Cost Study;
  - c) Transport Elasticity Study; and
  - d) Sustainable Transport Plan Development.

Additional funding from PALM and DUS was also directed towards components of the Sustainable Transport Program.

The Public Transport Futures Feasibility Study, which is the major study undertaken as part of the overall program has included an investigation of light rail transit along with other options, as one of its main outputs. The total cost of this study is \$260,953. About 70% of the funds for the PTFFS has been spent to date and the balance is fully committed.

Whilst it is not possible to identify a specific amount spent on the light rail element the entire investigation will be of value irrespective of the modal outcome (whether short or long term).

2. As at 30 April 2003, approximately 90% (or \$270,000), of the \$300,000 had been spent and the remainder has been committed for the current year.
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**Woden Town Centre  
(Question No 653)**

**Mr Smyth** asked the Minister for Planning, upon notice:

In relation to the Draft Woden Town Centre Master Plan:

- (1) Why was the Plan released on 10 April 2003 rather than before Christmas 2002 as was promised to the relevant stakeholders.
- (2) When do you anticipate that the final Master Plan will be ready.
- (3) What factors caused the delay of the draft Master Plan for four months.
- (4) How much has it cost to prepare the draft Plan.
- (5) How much will the final Plan cost to prepare and will there be any increase in costs due to the delay in releasing the draft.

**Mr Corbell:** The answer to the member's questions is as follows:

- (1) The Draft Woden Town Centre Master Plan was completed prior to Christmas 2002 but was not released by the Government because of concerns that are often expressed by the community about commenting on public documents over Christmas and some further input provided to Government from Stakeholders about the framework for response of the Draft Plan. The program was revised to release the Draft Plan in early 2003. Release of the Draft was then rescheduled to 10 April 2003 taking account the immediate focus on bushfire recovery for many in the community and government.
  - (2) PALM is working through the Draft Plan with stakeholders over a series of weekly meetings. Important issues like the future of the bus interchange still need detailed resolution but the Government hopes to release a final plan by the end of the year.
  - (3) As previously described in (1) above the Government did not release the Draft Plan in December 2002 recognising the concerns that are often expressed by the community about commenting on public documents over Christmas.
  - (4) To date, the total cost of preparing the Draft Plan is \$146,000. This consists of:

• Production and distribution of Newsletter #1	\$6,500
• Production and distribution of Newsletter #2	\$7,500
• Traffic engineering, bus options and urban design consultancy	\$113,000
• Graphic design	\$10,000
• Report preparation and printing	\$9,000
Total cost excluding PALM salaries	\$146,000
  - (5) Preparation of the final Plan will involve printing and distribution costs of about \$10,000. The April launch of the Draft Plan did not involve any additional costs.
-

**PALM website  
(Question No 655)**

**Mr Smyth** asked the Minister for Planning, upon notice:

In relation to Private Building Certifiers.

- (1) How many professional building certifiers are currently licensed to practice in the ACT.
- (2) How many of these certifiers are currently unable to practise in the ACT because they are unable to obtain professional indemnity insurance.
- (3) How many clients did each of the certifiers currently unable to practice have.
- (4) How many of these clients have been or have had difficulties in obtaining a replacement building certifier because of the difficulty in obtaining professional indemnity insurance.
- (5) How many building certifiers, to your knowledge, have had difficulties in obtaining professional indemnity insurance.
- (6) How many people have contacted PALM between 1 July 2002 and the present date to raise concerns about having difficulty in having building certifiers certify their buildings due to concerns over professional indemnity insurance.

**Mr Corbell:** The answer to the member's questions is as follows:

- (1) 20
  - (2) 1
  - (3) 787 Building Approvals were affected.
  - (4) By March 2003 all clients had engaged another certifier to continue with their projects.
  - (5) Since 1 January 2003, one was refused insurance, 9 others did get insurance after a delay of 6 to 8 weeks but with substantial increase in premiums.
  - (6) PALM estimates that it has received 30 enquiries related to the certifier who could not obtain Professional Indemnity Insurance.
- 

**Motor vehicles—abandoned  
(Question No 656)**

**Mr Smyth** asked the Minister for Urban Services, upon notice:

In relation to an incomplete response to Question on Notice 567 concerning the removal of abandoned and dumped vehicles in land managed by ACT Forests

- (1) Have the remaining 34 vehicles been removed from the area, if not, why not?

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

(1) The quoted number of 34 vehicles is inconsistent with the records of both ACT Forests and the Land Rover Club of the ACT.

As part of Clean-up Australia Day 2002 the Land Rover Club of the ACT dragged 19 wrecked cars to more accessible locations throughout the forests, 18 of which were removed during the month following. One isolated vehicle was left in the forest for removal in the next lot of multiple car collections, due to the high cost of removing single vehicles.

During the 2003 Clean-up Australia Day, the Land Rover Club of the ACT dragged 11 wrecked cars to more accessible locations, however due to competing priorities arising from the January fires these vehicles were not immediately removed. ACT Forests is currently organising contractors to remove these vehicles and the remaining vehicle from 2002, as soon as possible.

The illegal dumping of vehicles in land managed by ACT Forests is an ongoing problem. The continual cycle of vehicle dumping and vehicle removal causes the number of wrecks in the forests to fluctuate. It is difficult to maintain a wreck-free forest for any extended period of time.

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**National Hockey Centre  
(Question No 660)**

**Mr Stefaniak** asked the Minister for Sport, Racing and Gaming, upon notice, on 1 April 2003:

In relation to upgrade at the National Hockey Centre in Lyneham and your reply to Question on Notice No.526:

1. In your response you stated that "the Commonwealth undertook to consider this matter and to respond as soon as practicable". Has the Minister received any further correspondence or information detailing if the Commonwealth will provide funds for capital works required for the Centre to host the Champions Trophy in 2005?
2. If so, please provide documentation, if not why not and when will the ACT Government chase up the Commonwealth for an answer?

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

1. On 17 February 2003, the Commonwealth was asked to consider funding capital works at the facility on a shared basis. Commonwealth officials undertook to do so within the Federal 2003/04 Budget context. No correspondence had been received from the Commonwealth at the time this question was put on the Notice Paper, however correspondence stating that funding would not be provided for capital works was received on 13 May 2003 – the morning of the Federal Budget.
2. The Commonwealth's correspondence on this matter has been copied to the Member.

*[Attached email has been lodged with the Chamber Support Office.]*

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**Bushfires—inquiry  
(Question No 661)**

**Mr Stefaniak** asked the Chief Minister, upon notice:

In relation to the January Bushfires:

- (1) Do you intend to make a statement or submission to the McLeod Inquiry, given that you were at Emergency Services Headquarters on 18 January 2003.
- (2) Do you intend to give evidence before the Coroner about the fires of 18 January 2003.

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

- (1) I am open to any request for information from Mr McLeod, but otherwise I do not intend to make a submission to the Inquiry.
  - (2) I understand that it would be very unusual for a head of Government to be involved in giving evidence in an inquiry of this kind, but should the Coroner wish me to appear I will make myself available.
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**PALM website  
(Question No 663)**

**Mr Smyth** asked the Minister for Planning, upon notice:

In relation to the PALM Website:

- (1) How often is the PALM website updated.
- (2) What was the last date the PAM website was updated.
- (3) Is the notification on the 'Maps of Canberra by Suburbs' page on the PALM website that states 'Last updated May 2001' accurate.
- (4) How old are the maps on this page.
- (5) Can the Minister assure Members and the community that this page will be updated as a matter of urgency.

**Mr Corbell:** The answer to the member's questions is as follows:

- (1) The PALM website is updated when new information is made available and this is on average a daily occurrence.
- (2) As Above, the website is updated on an almost daily basis.
- (3) Yes.

- (4) All maps are current to at least December 2000. Maps with significant change occurring between December 2000 and April 2001 are current to April 2001.
  - (5) Yes, action commenced in April 2003 to update all maps. It is anticipated the updated maps will be available via the website by 30 May 2003.
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**Motor vehicles—recovery  
(Question No 666)**

**Mr Pratt** asked the Minister for Police and Emergency Services, upon notice, on 7 May 2003:

In relation to the recovery of stolen vehicles:

- (1) When a vehicle has been reported stolen to police what is the correct process then followed by police in finding and recovering the vehicle.
- (2) If police don't make contact with the owner of a stolen vehicle after one phone call should police try to phone again or try an alternate number if an alternate number has been provided.
- (3) Why would there be the circumstance where a resident reported their vehicle stolen on 7 March 2003 and was recently contacted by a friend who works next door to a wreckers and told that their vehicle was in the wreckers yard on 28 April 2003, but the owner of the vehicle had not been contacted by police.
- (4) Given that:
  - Upon calling police to notify them that the stolen vehicle was at a wreckers the owner of the vehicle was told that an officer did try to contact her when the vehicle was found on 8 March 2003.
  - Documentation at the police station reveals that only one phone call was made to her home number.
  - On this day she was interstate for a wedding.
  - The owner of the vehicle left her home phone number, her mobile number, her partner's home number and partner's mobile number.
  - Why did police only make one phone call and only try one of the four numbers supplied, is this an acceptable response.
- (5) Given that:
  - After a month of not hearing from police about the vehicle she decided to get another car at some expense, but has also gone to the wreckers to get her original car back at a cost of \$155.00 (parts had been stolen from the vehicle).
  - This resident would not have been forced to get a new vehicle had police tried to call one of the mobile phone numbers or if police had phoned more than once.

Are there any avenues for the owner of the stolen vehicle to complain about this situation, and if so, where can an official complaint be lodged;

- (6) Are there any reports of similar incidents where police have not attempted more than once or have only tried one contact number to get in touch with a resident who has reported a stolen vehicle.

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

- (1) Police officers respond to reports of stolen vehicles in accordance with ACT Policing Guidelines for Best Practice including 1/99: ACT Policing Guidelines in relation to Police real time on line management information system and 10/93 – Property and Exhibit Handling Procedures. As standard practice, officers will obtain from the owner/reporter the details of the vehicle, contacts, and clarify towing arrangements should the vehicle be located. An alert will also be placed on the police information database to notify all officers of the missing vehicle. Once located, officers will notify the owner and make arrangements to have the car moved to an appropriate location. Given the significance of stolen motor vehicles, ACT Policing has drafted a specific guideline for stolen vehicles, which is due for adoption within the service shortly.
- (2) Yes.
- (3) Without knowing the circumstances of the case referred to in this question, it is not possible to comment in detail. However, on the material provided, it would tend to indicate that police were not involved in the recovery of the vehicle.
- (4) Without knowing the details of this particular case, it is not possible to comment on how many times officers rang the owner or which contact numbers were rung by officers involved in the case. It is, however, common practice for officers to ring all numbers provided by the owner/reporter of a stolen vehicle and to make reasonable efforts to contact the owner/reporter when the vehicle is found.
- (5) The owner has recourse to contact the Professional Standards Operational Monitoring Centre Hotline on 1800 020 614 or 6275 7577 and lodge a complaint about police conduct.
- (6) Data on similar incidents in the ACT is not readily available. ACT Policing's recording systems do not log the number of times officers attempt to call owners of stolen vehicles. It would be, therefore, unduly time consuming and resource intensive to retrieve such data.

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### **Bushfires—advertising costs (Question No 669)**

**Mr Smyth** asked the Chief Minister, upon notice:

In relation to 100 days after the bushfires:

- (1) How much did the half page advertisement on page 9 of the *Canberra Times* cost the ACT Government?

- (2) Were there any other costs incurred by the Government promoting its achievements following 100 days following the Canberra Bushfires, if so, please provide details including the item and cost?

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

The Action Plan of the Bushfire Recovery Taskforce, which was completed in February 2003, outlines in the goals and principles, the need to:

- “provide up to date, relevant and useful information to assist with the recovery process;” and
- “ensure constant communication regarding the activities of the Taskforce.”

The literature relating to world's best practice in disaster management stresses the need to communicate recovery milestones as an important indicator of progress. This helps the healing process for individuals and the community.

In keeping with these aims the Government outlined the achievements of the ACT community after 100 days of recovery NOT just the achievements of Government.

The introduction to the Report Card at 100 days included the following text, “...Since January 18 family, friends, neighbours and the community have helped each other move forward. These are some of Canberra's achievements so far ... By continuing to work together as a community we will succeed.”

- (1) The half page advertisement on page 9 of the *Canberra Times* on Monday 28 April 2003 cost \$2,897.
  - (2) A one-page advertisement in the *Chronicle* on Tuesday 29 April 2003 cost \$1,703
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### **Economic White Paper (Question No 670)**

**Mr Smyth** asked the Chief Minister, upon notice, on 7 May 2003:

- (1) What level of funding was allocated to the Economic Development White Paper in 2001-2002 and how much was spent in that financial year;
- (2) What level of funding was allocated to the Economic Development White Paper in 2002-2003 and how much was spent in that financial year;
- (3) What was the total amount of funding provided for the Economic Development White Paper and what was the total amount spent;
- (4) Why does Budget Paper Number 3, page 163, indicate that the funds for the White Paper in 2002-2003 are actually a roll over from 2001-2002, thereby indicating that only \$250,000 in total was provided.

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



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- (1) The Appropriation Bill 2001-2002 (No. 2) allocated \$250,000 in 2001-2002 for the Economic White Paper. None of this funding was expended in 2001-2002 and was subsequently rolled over into 2002-2003. (Refer page 35, 2002-2003 Budget Paper No.4)
- (2) A further \$250,000 was allocated in 2002-2003 for the Economic White Paper (refer page 35, 2002-2003 Budget Paper No.4). This funding was agreed through the 2<sup>nd</sup> Appropriation Act 2001-2002 (refer p.133 and 163). The YTD expenditure as at April 2003 is \$473,072.
- (3) The total amount of funding allocated to the Economic White Paper, as indicated above was \$500,000. The YTD expenditure as at April 2003 is \$473,072.
- (4) The total amount of funding allocated to the Economic White Paper is \$500,000. The Appropriation Bill 2001-2002 (No. 2) allocated \$250,000 in 2001-2002 for the Economic White Paper, but was subsequently rolled over into 2002-2003. A further \$250,000 was allocated in 2002-2003 for the Economic White Paper as agreed through the 2nd Appropriation Act 2001-2002

The \$250,000 published on page. 163, Budget Paper No. 3 refers to the additional funding allocated in 2002-2003 for the Economic White Paper. This is not a rolled over amount.

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### **Women—sport funding (Question No 672)**

**Mr Stefaniak** asked the Treasurer, upon notice:

In relation to women's sport funding:

- (1) How much funding has been directed to women's sport as at 30 April 2003 under the introduction of the *Gaming Machine (Women's Sports) Amendment Bill 2002*;
- (2) Have the Ministerial Guidelines been prepared to assist clubs to determine whether their donations are eligible community contributions, if so, can a copy please be provided in response to this question, if not, why not;
- (3) Has the introduction of this legislation negatively impacted on any other community groups who received community contributions from gaming machine revenue, if so, who are the groups and how much money have they missed out on.

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

- (1) Gaming machine licensees are required under section 60D of the *Gaming Machine Act 1987* (the Act) to report to the Gambling and Racing Commission on the level of their contributions for a particular financial year within 1 month of the end of that year. Thus in relation to the current financial year, licensees are required to report by 31 July 2003.

Licensees are not required to provide progress reports on the level of community contributions during a financial year. Therefore the Commission does not receive such information and I am unable to provide a progress amount or an estimate of licensees' contributions to women's sport as at 30 April 2003.

The Commission is required to report to me by 30 September each year on the level of community contributions made by gaming machine licensees. I am required to table this report and I have no doubt that it will contain a full break up of contributions to women's sport.

It should be noted that the provisions in the Act relating to contributions to women's sport are subject to an expiry date of 30 June 2003.

- (2) The Ministerial Guidelines issued under section 60B of the Act were amended on 28 June 2002 to include information concerning women's sport. As a disallowable instrument the Guidelines are available on the ACT Legislation Register. I have enclosed a copy of the Guidelines relating to women's sport for your information.
- (3) As outlined in my answer to question (1), the Commission has not received any information for this financial year on the progress of community contributions for any categories including that of women's sport. I am therefore unable to comment on the distribution of community contributions until the Commission provides its report to me in September 2003.

*[Guidelines available at: <http://www.legislation.act.gov.au/di/2002-119/default.asp>]*

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### **Consumer Law Centre (Question No 673)**

**Mr Stefaniak** asked the Attorney General, upon notice, on 7 May 2003:

In relation to the Consumer Law Centre and further to Question on notice No 487:

- (1) How many requests for (a) assistance and (b) advice, did the Consumer Law Centre receive in the period 21 March 2003 to 30 April 2003;
- (2) How many of the 15 active case files open as at 20 March have been finalised, if none, why have they not been finalised;
- (3) What is the 'Utility Hardship Intervention Project' designed to look at and achieve;
- (4) What is the cost of employing a part time project officer for 12 weeks to oversee this project.

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

- (1) Requests for assistance are split into two categories information/advice and casework. In the period 21 March 2003 to 30 April 2003 the Consumer Law Centre opened 17 new case files. In addition, the Consumer Law Centre received approximately 90 requests for advice or information.
- (2) Since the Consumer law centre opened five case files have been closed. The remainder are not yet finalised.

- (3) The 'Utility Hardship Intervention Project' is a pilot project that involves approximately 20 low-income households in the ACT. The project is currently underway using the name Water and Energy Savings Trial (WEST). The project will address electricity, gas and water consumption issues and the problem of accumulating utility debt by a co-ordinated intervention involving
- an energy and water audit of the participant households and the preparation of a report that describes the energy and water efficiency status of the households and identifies simple, low-cost ways to reduce consumption;
  - discussing the report with the participant and agreeing on remedial measures including refit work, debt alleviation and education about appliances;
  - undertaking low-cost refit work to improve energy and water efficiency of the dwellings;
  - assisting households to understand the cost implications of their water and energy consumption patterns and if possible to change some of those patterns; and
  - addressing the utility debt already accrued by the households by a combination of debt reduction, reduction in current and future consumption costs and affordable payment arrangements.

The desired outcomes of the Pilot Project are:

- to achieve a significant reduction in the utility hardship faced by all the participating households;
  - to reduce the medium-term and long term utility consumption costs for many of the households; and
  - an evaluation of the cost-effectiveness of the intervention and the possibility of large-scale replication of the program throughout the ACT.
- (4) The project outline provides an allowance of \$6,000 for the employment of a casual/part-time project officer to oversee this project.

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### **Civic merry-go-round (Question No 677)**

**Ms Dundas** asked the Minister for Environment, upon notice:

In regard to the Civic Merry Go Round:

- (1) What is the operating cost of the Merry Go Round to the ACT Government;
- (2) Is the operation entirely outsourced;
- (3) Who keeps the fares of the ride;
- (4) What percentage of the operating cost is met by the fares;
- (5) Is the Merry Go Round insured by the ACT Government;
- (6) What is the insured value of the Merry Go Round.

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

- (1) The Civic Merry Go Round is an ACT Government asset operated under a management contract by Jaymz Pty Ltd. Jaymz Pty Ltd is responsible for the day to day operating costs of the Merry Go Round. The ACT Government incurs a cost for managing the contract that varies depending on arising issues.
  - (2) The operation of the Civic Merry Go Round is entirely outsourced under the current contract arrangements. Jaymz Pty Ltd pays a contract fee, currently \$18,000 per annum.
  - (3) Jaymz Pty Ltd retains all fares.
  - (4) The percentage of operating costs covered by income from the Civic Merry Go Round is unknown. This information is confidential to Jaymz Pty Ltd.
  - (5) The Civic Merry Go Round is insured by the ACT Government. Jaymz Pty Ltd is required, as part of their contract, to maintain public liability, workers compensation and other normal business insurance policies.
  - (6) The Civic Merry Go Round is insured by the ACT Government for \$520,188 and is listed as an asset of Environment ACT.
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**Health First hotline  
(Question No 682)**

**Mrs Burke** asked the Minister for Health, upon notice:

In relation to the Health First Hotline:

- (1) How many telephone calls has Health First received each month since Labor took office;
- (2) Can the Minister advise details of the number of patients going through the Emergency Departments of:
  - (a) Calvary Public Hospital;
  - (b) Woden Public Hospital;on a monthly basis over the last 12 months;
- (3) Can it be calculated how many emergency ward presentations are avoided per month through calls to Health First;
- (4) When was the last time the Government embarked on an advertising campaign to promote Health First;
- (5) Is the Minister intending to embark on another advertising campaign promoting Health First.

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

- (1) Since Labor took office in November 2002 Health First has taken an average of almost four thousand calls per month.

<i>Month</i>	<i>Number of calls</i>
November-01	3,789
December-01	4,235
January-02	3,629
February-02	3,174
March-02	4,164
April-02	3,911
May-02	3,784
June-02	4,573
July-02	4,616
August-02	4,399
September-02	4,325
October-02	4,033
November-02	3,947
December-02	4,199
January-03	3,681
February-03	3,195
March-03	3,577
April-03	3,599
<i>Total Calls</i>	<i>70,830</i>
<i>Monthly Average</i>	<i>3,935</i>

**Source:** Health First

(2) Number of service events by hospital and month/year of arrival in ED

<i>Year and month of arrival at ED</i>	<i>The Canberra Hospital</i>	<i>Calvary Public Hospital</i>
April 2002	4,149	4,127
May 2002	4,227	3,640
June 2002	4,474	3,612
July 2002	4,267	3,829
August 2002	4,357	3,753
September 2002	4,198	3,812
October 2002	4,183	3,750
November 2002	4,280	3,928
December 2002	4,505	4,042
January 2003	4,329	3,647
February 2003	3,805	3,457
March 2003	4,365	4,023
Total	51,139	45,620

**Sources:** The Canberra Hospital, Calvary Public Hospital

(3) Health First asks callers what their intention was before calling and what their intention is following Health First's advice

On the basis of that information, between January 2002 and March 2003 inclusive, 8,227 callers had intended to present themselves at an emergency department before they had called Health First. Following Health First's advice, 2,953 callers intended to attend an emergency department. That would represent a reduction in the number of presentations at emergency departments of 5,274 over the period, or a little more than 350 per month

It is important to note that this does not mean that the total number of presentations at emergency departments has fallen by anything like that number. There are many

factors that affect the number of presentations at emergency departments, including the availability of after-hours GP services and the number of GPs bulk billing patients. It is not possible to determine precisely what effect the Health First service has had on emergency department presentations.

- (4) The Government negotiates a promotional budget with Health First each year, but promotional campaigns are conducted by Health First, not by the Government. The last promotion campaign conducted by Health First began in January 2003 and is continuing.
- (5) There are no specific plans at present to embark on a new campaign. Negotiations for funding promotions for the coming financial year are expected to commence soon.

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### **Playground Safety Program (Question No 683)**

**Mrs Burke** asked the Minister for Urban Services, upon notice:

In relation to the current status of Playground Safety Program:

- (1) In relation to the Playground Safety Program and further to your reply to Question on notice no. 577 where you provided a detailed package list of playgrounds still to be improved, will packages 2, 3, 4, 5 and 6 be completed by the end of the 2002-03 financial year, if not, why not and will the funds be rolled over into 2003-04.

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

- (1) Packages 2 and 3 will be completed 2002/03 financial year. Packages 4 and 5 will be completed early in 2003/04 financial year. Package 6 is programmed for completion mid to late 2003/04 financial year.

The construction program for these packages is spread over the two financial years 2002/03 and 2003/04 to co-ordinate with funding authorisation.

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### **Tourism—television commercial (Question No 688)**

**Mr Smyth** asked the Minister for Economic Development, Business and Tourism, upon notice, on 8 May 2003.

In relation to the promotion of the National Capital through a new tourism commercial and further to Question on Notice 554, was any consideration given to the running the advertisement further abroad in areas of Queensland, Victoria or elsewhere, if so can details of that consideration be provided in response to this question, if not, why.

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

As detailed in Question on notice no 554 a total of \$901,268 of a budget of approximately \$1.1 million was spent on purchasing airtime for the tourism television commercial in Sydney metro, Northern NSW, Southern NSW, SBS (national) and locally in Canberra. The funding sources were detailed in Question 554.

The Government initially considered airing the new tourism television commercial further afield in Brisbane and South East Queensland as well other interstate markets. Whilst television has the biggest impact of any media, it is also the most expensive. Reach and frequency are major factors in formulating strategic television campaigns. The available budget for the television commercial was also a restrictive factor in considering markets other than the main target market.

Accordingly, the two key factors considered in determining the 'reach' for the television commercial were:

- the most appropriate market that would provide the highest return for the Government's investment; and
- the available budget.

The television commercial was targeted at the 'self-drive' market in Sydney and regional NSW. Sydney and regional NSW have the greatest proportion of population that fall within the identified target psychographic markets for Canberra. (Roy Morgan Research Value Segments). Placement of advertisements outside the target markets would have diluted the effect of the advertisements in the target markets. The Government therefore considered that maximising efforts in our target markets would provide the best return for the investment.

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### **Taxation—stamp duty (Question No 690)**

**Mr Smyth** asked the Treasurer, upon notice:

In relation to auctions and further to your reply to part (4) of Question on notice no 603 in which you stated that 'The stamp duty payable will be determined in accordance with the provisions of the *Duties Act 1999* and the *Taxation Administration Act 1999*'. This fails to answer the original question in part (4) which asked 'How much stamp duty will be paid'. Can you now answer how much stamp duty will be paid on the land sold during auction on Thursday 27 March 2003.

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

(1) The stamp duty payable based on the purchase price paid at auction for each lot is provided in the following table.

Lot No.	Purchase Price	Stamp Duty
1	\$7,350,000	\$477,875
2	\$11,550,000	\$761,375
3	\$25,300,000	\$1,689,500
4	\$5,550,000	\$356,375
5	\$1,250,000	\$66,125
6	\$365,000	\$13,075

**Bushfires—inquiry  
(Question No 692)**

**Mr Pratt** asked the Chief Minister, upon notice, on 8 May 2003:

In relation to the January bushfires on 18 January 2003 and a meeting that the Chief Minister and Senior Officers attended at the Emergency Services Headquarters on that day:

- (1) Was Mr John Murray, the Chief Police Officer, appointed the Territory Controller under the state of emergency;
- (2) If so, at what time and on what day, if not, what position was Mr Murray appointed to, if any, under the state of emergency;
- (3) Was the Chief Fire Control Officer, Mr Peter Lucas-Smith, appointed to a position of authority in fighting the fires under the state of emergency;
- (4) If so, (a) to what position was he appointed, (b) why, (c) at what time and on what day and (d) where were the fires at the time of his appointment;
- (5) Was the Fire Commissioner appointed to a position of authority in fighting the fires under the Emergency Management Act. If so, to what position was he appointed, on what day and at what time, if not, why not;
- (6) Was any other person at that meeting appointed to a position of authority under the state of emergency, if so, (a) who was appointed to a position and what position were they appointed to, (b) at what time and on what day;
- (7) What decisions were taken by persons at the meeting with respect to (a) directing and (b) managing fire fighters (volunteers and or professionals);
- (8) Was there a person appointed to take minutes or scribe at the meeting;
- (9) Did you personally make any decisions about the control and management of fire fighters. If so, what decisions did you make and at what time;
- (10) Did any ACT public service personnel make decisions about the control and management of the fires and fire fighting personnel. If so, what were these decisions and at what time and on what day were they made;
- (11) How were decisions communicated to fire fighters in the field;
- (12) How many rural fire fighters, and their fire fighting appliances, were directed into the suburbs to fight the fire after it had entered the urban area;
- (13) How were volunteer fire fighters (please provide details for each volunteer fire crew), who attended the Canberra fires from surrounding regions (a) managed and (b) utilised during the bushfires; and
- (14) What role did the ACT Fire Commissioner play in the direction and management of ACT Fire Brigade personnel during the fire.



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

The questions you have raised are already being examined by Mr McLeod and the Emergency Services Bureau (ESB) has provided a submission to the Inquiry covering all aspects of ESB's involvement in the January 2003 bushfires.

I am sure that the exact detail of the questions you have raised will also be examined as part of the Coronial process.

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### **Law Reform Commission (Question No 693)**

**Mr Stefaniak** asked the Attorney-General, upon notice, on 8 May 2003:

In relation to funds for the Bill of Rights and the Law Reform Commission:

(1) Given that:

- In 2001 Labor promised to provide additional funds to the Law Reform Commission.
- This was detailed in a commitment for a Bill of Rights Committee and the Law Reform Commission.
- In the 2002-03 Budget Papers there appears to be only funding for the Bill of Rights.

Did the Government meet its commitment to provide additional funds to the Law Reform Commission. If so, where in the budget papers can the figures be found and what was the additional amount provided. If not, why not;

(2) In a response to the amount spent on consultancies by your Government there was an amount of \$54,000 for the deliberative poll for a Bill of Rights. From where in the Budget was this \$54,000 taken;

(3) How much of the \$120,000 allocated to the Bill of Rights had been expended as at 30 April 2003 and what has been delivered for that expenditure.

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

(1) Government funding for the Law Reform Commission for 2001-2002 and 2002-2003 was provided for in the Justice and Community Safety Departmental Budget, Legislation and Policy. An amount of \$50,000 per annum was allocated for the Law Reform Commission.

(2) An amount of \$54,000 was spent on a deliberative poll for the Bill of Rights Inquiry. Of the original budget of \$89,500 for the Bill of Rights, \$35,000 was identified for the deliberative poll consultancy. The remaining \$19,000 spent on the deliberative poll has been absorbed out of the Legal Policy budget.

- (3) An amount of \$120,300 was originally requested of Cabinet: \$30,800 for financial year 2001-2002 and \$89,500 for financial year 2003-2003. Cabinet decided on 2 April 2002 that the \$30,800 was to come from the Justice & Community Safety's budget allowing special budgeting for the Bill of Rights Inquiry of \$89,500 requested for 2002-2003. Of the \$89,500, \$84,769.81 has been expended as at 30 April 2003.

The ACT Bill of Rights Consultative Committee was established in April 2002. Since then it has:

- produced a Discussion Paper and called for submissions. Over 140 were received;
- established a website;
- conducted numerous community meetings to discuss the issues surrounding a Bill of Rights;
- produced a pamphlet that was distributed to every household in the ACT;
- followed up on the Deliberative Poll, which was paid for independently of this amount;
- engaged specialist lawyers to comment on a draft report and proposed Bill;
- prepared a report to Government.

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### **2003 Rally of Canberra (Question No 694)**

**Mr Stefaniak** asked the Minister for Economic Development, Business and Tourism, upon notice, on 8 May 2003.

1. How many people attended the 2003 Rally of Canberra and is this figure up or down on last year;
2. Has the Minister received any feedback, regarding the organisation of the Rally of Canberra, if so, what feedback has been received, if not, when do you expect to receive feedback;
3. Why were the times that stages occurred in the forest areas and service times at Acton Park not listed in the bulk of literature (in the *Canberra Times* – only times for Fairbairn Park were advertised – and brochures) for Rally of Canberra;
4. Who organises the actual timing of race stages and servicing (of vehicles) for the Rally of Canberra;
5. Has the Minister received any complaints about the length of time between stages and servicing (of the vehicles) – in some cases six hour gaps;
6. Why were there no service points in the forest areas this year as has been in the past;
7. I understand that the service point for the Rally of Canberra was at Acton Park this year instead of Exhibition Park due to the National Folk Festival. Why was there not time to pack down from the National Folk Festival; the weekend before the Rally of Canberra, and allow servicing to occur at Exhibition Park;

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8. What costs have been incurred by the Government in using Acton Park for the service point during this year's Rally of Canberra. How does this cost compare with the cost of using Exhibition Park as the service point.

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

1. How many people attended the 2003 Rally of Canberra and is this figure up or down on last year;

The official research figures have not been received yet and will not be finalised until June. Preliminary estimates indicate that attendance may be marginally down on last year. This could be attributed to the timing of the Rally (Easter and Anzac holiday weekends), the inclement weather, high attendance at the Raiders match and Possum Bourne's accident.

2. Has the Minister received any feedback, regarding the organisation of the Rally of Canberra, if so, what feedback has been received, if not, when do you expect to receive feedback.

Other than for the event report which details attendance, economic impact and other relevant event information, the only other formal feedback for the Rally is undertaken by the designated Federation Internationale de' Automobile (FIA) observer on the technical standards of the Rally. The report stated that the technical standards complied with FIA regulations. Anecdotal evidence and information from Rally participants suggest that the 2003 event was considered to be one of the best held in the world.

3. Why were the times that stages occurred in the forest areas and service times at Acton Park not listed in the bulk of literature (in the *Canberra Times* – only times for Fairbairn Park were advertised – and brochures) for Rally of Canberra;

The spectator brochure listed the viewing times and timings for each car on each day of the event. This information was supplied to the *The Canberra Times*. *The Canberra Times* has editorial license to publish information to suit the general public to enhance circulation of the newspaper. This year, the Super Special Stage was the focus of the media.

4. Who organises the actual timing of race stages and servicing (of vehicles) for the Rally of Canberra;

The Clerk of the Course.

5. Has the Minister received any complaints about the length of time between stages and servicing (of the vehicles) – in some cases six hour gaps;

No complaints have been received.

6. Why were there no service points in the forest areas this year as has been in the past;

There were service points located this year at the Kowen Forest on Sunday. Service points on Saturday remained at Acton Park given the close proximity to the spectator point at Green Hills.

7. I understand that the service point for the Rally of Canberra was at Acton Park this year instead of Exhibition Park due to the National Folk Festival. Why was there not time to pack down from the National Folk Festival; the weekend before the Rally of Canberra, and allow servicing to occur at Exhibition Park;

The organisers of the National Folk Festival and EPIC management were consulted regarding the availability of EPIC. However, Rally vehicles and teams arrived as early as Easter Monday. This precluded EPIC management from completing the 'pack down' to enable the use of the grounds for the Rally after the conclusion of the National Folk Festival

8. What costs have been incurred by the Government in using Acton Park for the service point during this year's Rally of Canberra. How does this cost compare with the cost of using Exhibition Park as the service point.

Exact figures are being finalised. The decision to use Acton Park was made because of the promotional value of staging the event in a prominent location, raising the awareness and profile of the event. Preliminary costings for EPIC were more than that for Acton Park and did not offer the promotional value or proximity to Rydges Lakeside, headquarters of the Rally.

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### **Housing—maintenance (Question No 699)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice:

In relation to public housing and further to your reply to part (2) of Question on notice no 523 in which you failed to provide the number of maintenance requests currently before ACT Housing, instead giving an average annual figure. Could you please answer the question of how many maintenance requests are currently before ACT Housing.

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

No. The data available indicates works raised but not requests which may have been rejected or included in future programmed works.

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### **Disabled persons—services (Question No 700)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice:

In relation to funding for disability services:

- (1) As part of the Government's commitment in 2001 it promised to spend \$500,000 on service providers to enable them to maintain high quality services and to support training, has this commitment been met. If so where in the Budget was this funded from. Please provide supporting documentation detailing how the commitment has been met. If the commitment has not been met, please explain why;

- (2) In 2001 the Government also committed to spend \$500,000 on Individual Support Package arrangements or similar means of assistance, has this commitment been met. If so, where in the Budget was this funded from. Please provide supporting documentation about how the commitment has been met. If the commitment has not been met, please explain why;
- (3) In 2001 the Government committed to spending \$40,000 over two years through a pilot program offering grants of up to \$2,000 to businesses to help identify and remedy blackspots where people with a disability experience difficulty in gaining access. Was funding allocated in the 2002-03 Budget to cater for this commitment, if so, please point to where the amount can be found in the Budget Papers;
- (4) What work, if any, has been completed on the commitment mentioned in (3) above, please provide supporting documentation. If no work has been completed on this commitment, why is that so and when will it be undertaken.

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

**(1) Quality Services**

Quality service delivery is a key priority area in the '*Steps to Reform*' strategy. A working group has been established to examine issues around quality service provision, consisting of people with disabilities, carers and families, service providers and government representatives.

\$431,000 per annum has been provided directly to Disability organisations from 2002-03 onwards to meet award related increases in costs. This allocation is part of the \$2.8 million in 2002/03 and has meant that there have been no reductions in service levels relating to award related wage increases. Additional funding has also been provided on a whole of Government basis in the 2003/04 budget for increased costs associated with recent SACS Award decisions. A portion of this funding will be provided to Disability service providers.

Further details can be found at page 161, 2002-03 Budget Paper No. 3, and page 168, 2003-04 Budget Paper No. 3.

This Government has also provided assistance to non-government agencies in reducing the cost of obtaining public liability insurance through the public liability group insurance scheme available through the ACT Treasury Public Liability Insurance Risk Advisory website.

These initiatives have addressed the Governments commitment in this area.

**(2) Funding for individuals with disabilities**

In addition to the \$4.99 million per annum already provided for individualised funding, the government committed an additional \$1 million per annum in the 2002/03 budget. In addition to this, additional funding for the support of individuals was allocated in the 2003/04 budget amounting to \$0.6 million in 2003/04 and rising to \$1.5 million per annum from 2006/07. The total funding committed to individuals in 2006/07 will exceed \$7.4 million per annum.

Further details can be found at page 145 of 2002-03 Budget Paper No. 3 and page 167 of 2003-04 Budget Paper No. 3.

These budget allocations have far exceeded our election commitments.

**(3 and 4) Funding for small business access grants**

The Access City Working Group was established in 2001 to work on the implementation of the 'Access City' proposal originally presented to government by ACROD, Disabled People's Initiative and Community Information and Referral Service. The issue of the business grants to increase accessibility of businesses was one part of this proposal.

The Working Group considered the proposal of business grants in detail, but experienced difficulty in the implementation of the project. The Working Group decided that a more efficient way to achieve the same goal was to establish a project that would work with businesses to make their premises accessible for people with disabilities. \$40,000 was allocated through the Department of Urban Services, Community Partnerships Program in 2002-03 for a project named 'Mapping the Accessible City'. The Access City Working Group has advised me that although there is merit in the grants proposal, they believe that the work involved in this project will better target the needs of people with a disability, and create a greater community impact. As this project will achieve similar outcomes, and is expected to be able to be duplicated in other regional areas, it has replaced the small business access grants proposal.

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**Housing—counselling for tenants  
(Question No 701)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice:

In relation to financial counselling for tenants:

- (1) In 2001 Labor committed to an increase of funding to CARE financial services of \$50,000 per year. The funding was to be directed to financial counselling for housing tenants. Was this money allocated in the 2002-03 Budget and if so where in the Budget, if not, why not;
- (2) Are there funds in the 2003-04 Budget for the purpose listed above.

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

- (1) The 2002-03 budget for ACT Housing included funding for financial counselling by CARE financial services. The budget for financial counselling is part of the \$49.903m Administrative Expenses shown on Page 253 of the 2002-03 Budget Paper No. 4. Payments to date for this service amount to \$78,852.
  - (2) The 2003-04 budget for ACT Housing includes an allowance for financial counselling of \$100,000.
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