



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

19 June 2003

## Thursday, 19 June 2003

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**Thursday, 19 June 2003**

The Assembly met at 10.30 am.

*(Quorum formed.)*

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

### **Death of Mr Matthew Reynolds Motion of condolence**

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

That the Assembly expresses its deep regret at the death of Matthew Reynolds, the newly re-elected National President of the Community and Public Sector Union (CPSU) and tenders its profound sympathy to his family, friends and colleagues in their bereavement.

Mr Speaker, I would like to express sincere condolences to the family of the late Matthew Reynolds, national president of the Community and Public Sector Union, the CPSU. As well as his position on the CPSU executive, Mr Reynolds headed the union's public sector and policy division. In a statement released soon after his passing, the CPSU referred to Matthew as a generous, decent and loveable man, and a great trade unionist. And that is how he will be remembered.

Matthew's generosity extended beyond his commitment to industrial relations matters to a genuine community spirit, demonstrated in the much-valued offer of assistance and fundraising efforts that he initiated and supported following the January bushfires in the ACT.

Yet his most significant contributions were seen through his leadership of the CPSU in negotiations with the ACT government over the last 12 months, culminating in the certification of agreements for ACT agencies and statutory authorities. The ACT government and the CPSU, as led by Matthew, have formed a close working relationship since the October 2001 election, and this has been proven by the outcomes of the recent enterprise bargaining round in the ACT public service.

The accomplishments made by the government and the union movement in the last 12 months through collaborative efforts to see employment conditions improve for ACT public service employees have seen significant achievements in regard to attaining pay parity and pay increases for ACT PS employees. These successes were achieved through direct negotiations with the CPSU and other involved unions in what could only be described as open communications between the parties, because this environment facilitates a good-faith bargaining and expeditious and agreed outcomes for staff.

Mr Reynolds' unexpected death has come as a great shock to the ACT government, to those public servants with whom he was associated and to the Canberra community. He

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will no doubt leave a void in the union movement in Australia and certainly not just here in the ACT.

It is with deepest sympathy that I, on behalf of the ACT government and of the ACT public service, express our sincerest condolences to Mr Reynolds' family and especially to his wife, Jenny, and to his children, Tayla and Joel.

**MS GALLAGHER** (Minister for Education, Youth and Family Services, Minister for Women and Minister for Industrial Relations): It is with great sadness that I rise to speak to this motion today. Matthew Reynolds was a widely respected man who was loved by many. I had the privilege of knowing Matthew and working with him for four years prior to getting elected to this Assembly.

All members will be aware that Matthew Reynolds died last month, aged 38, after suffering a brain aneurysm. His life support machine was turned off on 23 May after his family agreed, in accordance with Matthew's wishes, for his organs to be donated. This was the final gift from a man known for his generosity, particularly to those in need.

Matthew dedicated his working life to giving to others, especially those less fortunate than himself. At Matthew's funeral we were all treated to speeches from people that knew Matthew when he was young, from a teacher that taught him at school and from colleagues that worked with him in the CPSU. Whilst every speech was different, they all had common themes—stories of love and friendship for a boy and a man who is known for his love for his wife, Jenny, and children, Tayla and Joel; who was known for his leadership; who was known for his concern for others, his sense of humour, his commitment to social justice, his commitment to the labour movement and his love of sharing a joke, a story, gossip, a victory, a beer or a coffee with comrades.

The Matthew I knew was all of these things. Matthew was my team leader at the union; he and I shared many hours working together. As a leader, Matthew was fiercely loyal to those working with him. He gave support to work we were doing but, like a true leader, he gave us enough space to learn for ourselves.

I remember fondly the excitement on Matthew's face when I told him once that we had some members who wanted to go on strike about a particular matter. We were driving in a car to Sydney at the time, and Matthew spent much of that time on his mobile phone. By the time we got to Sydney, the national media were chasing a story, members were ready to walk and the bosses were frantic. Matthew looked completely satisfied, and we did manage to resolve the dispute.

Matthew came to the ACT in 1998 as the CPSU national president after two years as the Tasmanian branch secretary. In a journal article at the time of this move, Matthew talked of his journey with the union:

... after a short stint in the education Department, I found myself working for the Department of Veterans Affairs, pretty soon I became caught up in a local industrial dispute. Then before you could say Structural efficiency Principle I became the workplace delegate. Over the next few years I became more and more involved in the union activities, becoming president and then Secretary of the Tasmanian branch.

The week Matthew died, he also won the election for the CPSU national president for a second term, with almost 70 per cent of the vote. Matthew campaigned hard, not only for his re-election but for the election of a new national team, led by Adrian O'Connell and Margaret Gillespie. The election of the entire ticket was a credit to the work and commitment of those on the team, of which Matthew was a key player. His passing has created a vacancy that will be very hard to fill.

The loss of someone so young, so suddenly, of someone others depend on and love, of someone who had much more to contribute, is always more painful. We can't comprehend what went wrong, and it's frightening to acknowledge the fragility of life. Once the shock and disbelief grow more distant, the reality of the loss will continue to be felt by hundreds and hundreds of people around the country.

For Matthew's immediate family, his wife and his children, their loss and pain are more significant than ours, his friends. Yet his friends are committed to support Matthew's family through this difficult time and the years ahead, and the union has set up a trust fund for Tayla and Joel, for anyone who wants to contribute.

Following the news of Matthew's illness and subsequent death, hundreds and hundreds of tributes flooded the union's website. Words of sadness, of recognition and of support for Matthew's family came from a wide spectrum of people—from workmates and comrades, employers, senior public servants, politicians, delegates, friends and members—all writing of their shock and sorrow. Matthew worked tirelessly for his members and his union, and they repaid this work by placing their trust in Matthew's leadership role within the union.

To conclude, I'll finish with some of Matthew's words from 1998, when he arrived as the newly elected national president of the union. His vision for the union was:

What I hope to see is the CPSU becoming an even stronger and more professional advocate for the public sector.

Matthew's vision has been achieved, particularly here in the ACT public sector. And whilst achieving his vision relied on the hard work of many, Matthew's contribution was significant and will be remembered by many.

I extend my sincere condolences to Jenny, Tayla and Joel and their extended families.

I would also like to just mention a few words on behalf of Roslyn Dundas, who also worked with Matthew but who couldn't be here this morning. She has asked me to say these few words: It was a pleasure to work with Matthew. He did have a special skill of making people feel comfortable and welcome before he'd check whether they were a member of the union.

Matthew, as president of the CPSU, saw the union through momentous and much-needed change, and he was able to do this with the support of the members and staff. I know that the union movement is stronger for him being part of it, and a lot of that is because he was able to inspire others. That will be his legacy as the struggle continues for the rights of workers.

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**MR SMYTH** (Leader of the Opposition): Mr Speaker, I rise on behalf of the opposition to honour a man that was clearly loved by his colleagues, clearly devoted to his family and work and clearly someone who loved and participated in life to an extent that I think many others would envy. I, unfortunately, did not know Matthew Reynolds, but you only have to read the brief messages that were published on the CPSU website, including one by yourself, Mr Berry, to understand that those that did know him used adjectives that talk about a wonderful man, an enthusiastic man, and just go from there to much higher accolades of an individual that clearly people loved. The whole of the website is just covered with tributes.

On behalf of the opposition, I would like to extend to his wife, Jenny, and their children, Tayla and Joel, our condolences and our thoughts. From what I've been able to read about the man, he was somebody who was well loved by all that he came in contact with. There are a few words that came from Mal Larsen, the former CPSU national deputy president, who said:

Matthew was a gentle man who gave space to those around him. He had a cheeky smile that made you want to know what he was thinking about and he had a unique way with words. His care for his people and love of his family were palpable. If there is a heaven, he'll be organising it. Farewell comrade.

If that is how others saw him, then all we can say is that those of us that never met him are probably worse off for not having done so.

On behalf of the opposition, I would like to offer my condolences not just to his family but certainly to his friends as well, because, from all accounts, he sounds like he was a tremendous fellow. I think the world is a worse place for losing men like that so early in their life.

It is interesting that much is made in the articles that I have read of his commitment to being a donor of his organs. One paragraph in the *Canberra Times* says:

Matthew Reynolds was a committed organ donor and the gathering heard that in his own premature death he had provided the gift of life to several people.

I think that is a lesson for all of us and a reminder that organs are very special and that perhaps in his death there is some joy for other people. That is something we need to take care of.

To those that knew him and loved him, on behalf of the opposition, we do offer our sincere condolences.

**MR CORBELL** (Minister for Health and Minister for Planning): Mr Speaker, I first met Matthew Reynolds when he arrived in Canberra in 1998. I was introduced to him at, I think, a Labor Party meeting. I remember meeting him at that time and thinking, "This person looks like a most unlikely national president of the largest public sector union in the country." But I came to know Matthew more closely, although I would never claim to have known him particularly well, when I became Minister for Industrial Relations at the commencement of the Stanhope government.



Matthew was a passionate and committed advocate for his members. We worked closely, both in terms of our negotiations over the pay rise for ACT government employees and through my office and the staff of the Chief Minister's Department in negotiating the agreement.

Matthew was passionate in his convictions and not always, I think, fully in accord with his union colleagues. Nevertheless, he always pushed the envelope to get the best possible outcome for his members. At the end of the day, I think he achieved much, and the government achieved much in achieving real wage increases for the first time in seven years for ACT government employees.

The last time I saw Matthew Reynolds was when I had a meeting with him as Minister for Health, again on an industrial issue. I have to say it was not the most comfortable of meetings. Matthew was pushing very hard on the issue of recognising wage disparities for allied health professionals and actually brought a number of his members in from Community Care, Calvary Hospital and Canberra Hospital to talk about the concerns that they had about their wages and their conditions.

He let them do the talking for him. He introduced it, but he let them explain their issues to me directly. He was an effective advocate but also an advocate who recognised the value his members could bring to the debate about improving their pay and conditions.

I regret that our last meeting was one which led to me getting somewhat frustrated, but perhaps that demonstrated his capacity to push home the point and make sure that the government and I, as the minister, were listening to the issues of concern to the membership of the CPSU.

To his family—to his wife, Jenny; to his children, Tayla and Joel—I express my sincere condolences. I cannot begin to imagine the heart-wrenching agony that they are going through over this awful premature ending of Matthew's life, but I join with fellow members of the Assembly in expressing my condolences and my sympathies in Matthew's too-early passing.

**MS TUCKER:** I would also like to support this motion of condolence for Matthew Reynolds. Although I did not know him personally, I'm aware of his important contribution to the labour movement since 1983, passionately defending the interests of Commonwealth public servants, most recently as national president of the Community and Public Sector Union. I was saddened to hear of his early and unexpected death. It is clear that Matthew Reynolds was extremely well regarded, both as an activist and as a person, since coming to Canberra in 1998 following his election as CPSU national president.

He was also an enthusiastic member of the Canberra community, contributing to coaching boys and girls in Australian rules football.

The pay rises recently awarded to ACT public servants are in many ways a culmination of his efforts on behalf of the workers he served. I take this opportunity to acknowledge the value of his contribution to our community and to pay tribute to him as a great trade unionist, activist and citizen.

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I extend my sympathies to his wife, Jenny; his children, Tayla and Joel; and his extended family and his many friends.

**MS MacDONALD:** I rise to speak briefly. I didn't know Matthew Reynolds but wish to speak as a former trade unionist. I think it's interesting that our paths didn't cross— me working in the clerks union, and Matthew being involved in the CPSU.

I did, however, Mr Speaker, take the time to look at the many tributes to Matthew on the CPSU's website. They've been mentioned by many in this place today. I can say that I knew a few of the people who made comments on the website. Some of them are close friends of mine, but many others, of course, I didn't know. I took great pleasure in reading the comments of the many people who obviously have a great love for Matthew and shared many wonderful times with him.

I regret that I didn't actually know Matthew Reynolds, because he sounds like a person who had a great deal of spirit and always pursued what he believed and what I believe as well: the need to protect the rights of workers. I think there is really no greater thing to do than to go after and improve people's lives. That's what Matthew was doing.

Finally, I'd just say, Mr Speaker, that my heart goes out to his wife, Jenny; and to his children, Tayla and Joel. I hope that they can retain their memories of their husband and their father for many years to come. They obviously have a great deal of heartache before them, and I have no doubt that they will get through it with the help of all their family and friends, who are also Matthew's family and friends. I wish them the best in remembering their father.

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

## **Canberra Tourism and Events Corporation Amendment Bill 2003**

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

Title read by acting clerk.

**MR QUINLAN** (Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming) (10.52): I move:

That this bill be agreed to in principle.

The Canberra Tourism and Events Corporation Bill 2003 gives effect to the government's intended and announced direction for what has been, until now, the Canberra Tourism and Events Corporation and what I propose will in future be known as the Australian Capital Tourism Corporation or Australian Capital Tourism in general use.

The bill effectively makes two significant changes to the corporation act. These are to change the name of the corporation from CTEC to Australian Capital Tourism and to increase the size of the corporation's board from the existing seven to nine members.

Members will be aware that the government has been reviewing its involvement in ACT region tourism over the last several months. We will be announcing a number of outcomes to this process over the next months, and this is one of them. This is one of the most important.

Changing the name to Australian Capital Tourism Corporation is intended to reflect a new start for the corporation as a more regionally and industry focused body. The corporation will be focusing on its core business in developing Canberra and regional tourism product and marketing domestically and internationally.

The corporation will be seeking to attract more tourists, keeping them here longer and increasing the amount of money they spend in our city and region. The new name also reflects on one of our best selling points—Canberra as Australia’s national capital.

Finally, members will be aware the ACT is a major component of the Australian capital region, and the new name is intended to reflect this and our desire to grow and develop our links with the surrounding region to create an integrated Australian capital tourism product.

The second proposed change is to increase the number of board members. The increase in the size of the existing board provides for a larger number of industry stakeholders to be represented. This is a key industry concern identified in the review process. Finally, it would also assist the corporation to be better placed to pursue stronger partnerships with industry, as it needs to do if it is to continue to develop a very competitive national and international tourism market.

Mr Speaker, I’m confident these changes will signal a new direction in the life of the corporation and its relations with the tourism industry. The new name better reflects the corporation’s purpose and signifies our commitment to working with the industry both here in the ACT and in the Australian capital region. Increasing the size of the board allows us to increase the number and diversity of industry stakeholders represented in the corporation’s management.

Members may note that the word “events” is not included in the title. It is not the intention that Australian Capital Tourism will not focus its efforts on events as well as promoting the ACT. However, members will also be aware that the greatest criticism of the operation of CTEC is that it was entirely focused on events; in fact, entirely focused on a single event, an event that cost the territory a lot of money. That event did not return on the promises that it may have offered us when first undertaken. It certainly cost, in its consumption of CTEC resources, more than is officially recorded against it.

Mr Speaker, I commend the bill to the Assembly.

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

## **Workers Compensation Amendment Bill 2003**

**Ms Gallagher**, pursuant to notice, presented the bill and its explanatory statement.

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Title read by acting clerk.

**MS GALLAGHER** (Minister for Education, Youth and Family Services, Minister for Women and Minister for Industrial Relations) (10.57): I move:

That this bill be agreed to in principle.

Mr Speaker, many of us here today, together with a substantial group of our partners in the community, have demonstrated their commitment to the reform of the ACT workers compensation scheme over a long period of time. This bill makes minor but important amendments to the Workers Compensation Act 1951.

The amendments are supported by the ACT Occupational Health and Safety Council's workers compensation advisory committee, which includes representatives of employers, unions, approved workers compensation insurers and the medical, rehabilitation and legal professions. The committee has worked diligently over the first year of the new scheme to assist the government and the scheme participants to manage the substantial changes to the scheme that commenced on 1 July 2002. The bill that I table today is a result of the continuing interest and commitment shown by the members of the committee over the last year.

The government would like to enact the bill's two minor but critical amendments by 30 June 2003. The bill will extend the operation of the temporary provisions for acts of terrorism and make changes to the auditing requirements for wages declarations for the purposes of the workers compensation policies.

In June 2002 the act was amended to include temporary reinsurance provisions for acts of terrorism. The bill would extend the operation of the temporary reinsurance provisions in chapter 15 of the Workers Compensation Act 1951 that came into effect if territory workers are injured or killed in a terrorist attack. These provisions were passed following the withdrawal of private sector reinsurance coverage for acts of terrorism in early 2002 in the wake of the World Trade Centre attacks.

The provisions ensure that workers compensation insurers can meet their obligations to fully insure for all work-related risks by establishing a temporary emergency reinsurance fund that will come into operation only in the event of a terrorist attack. The provisions were given a temporary lifespan covering attacks up to 1 April 2004 in order to engage private sector reinsurers back into the market at the earliest opportunity. However, recent world political events mean that it is very unlikely that private sector companies will be offering realistic and affordable terrorism coverage for some time yet.

The attached bill will extend the application of the temporary provisions for acts of terrorism for a further two years, applying to terrorist events that occur before 1 April 2006, with the provisions themselves expiring on 1 October 2006. These provisions need to be passed during the current sittings as insurers are already writing workers compensation policies covering periods after 1 April 2004, when the current provisions cease application.

The other change that would be made by the bill is to expand the group of accountants who can certify wage and salary declarations made by employers to their insurers. Under provisions passed by the Assembly that came into operation on 1 July 2002, only a registered auditor can certify a wage and salary declaration. A registered auditor is an auditor that meets the requirements of the federal Corporations Act.

Due to changes in the auditing and accounting profession that have occurred over the last two years since the provisions were passed by the Assembly, there are now very few auditors practising in the territory that meet this definition and insufficient numbers to certify wage and salary declarations for all ACT businesses over the coming months. In effect, if the act is not amended to allow other accounting professionals to certify wage and salary declarations, many ACT businesses will be unable to comply with their obligations under the act and may be exposed, through no fault of their own, to penalties and sanctions. The attached bill would amend the act to allow accountants who are members of one of the three main accounting bodies to certify wage and salary declarations.

I seek members' support for this bill which will ensure that ACT workers continue to be fully protected in the event of a terrorist attack and ensure that ACT businesses do not inadvertently breach their workers compensation obligations due to a shortage of qualified auditors in the territory.

Mr Speaker, I ask the Assembly to note the Workers Compensation Bill 2003 and the explanatory notes to the bill.

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

## **Privileges— Select Committee Proposed appointment**

*Mr Smyth, in accordance with standing order 128, fixed the next day of sitting for the moving of this motion.*

## **Executive Business**

*Ordered that executive business be called on.*

## **Revenue Legislation Amendment Bill 2003 Discharge**

**MR QUINLAN** (Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming) (11.02): Pursuant to standing order 152, I move:

That order of the day No 1, executive business, be discharged from the notice paper.

Mr Speaker, I will shortly seek leave to present a replacement bill which is effectively a reduced version of the original bill. The original bill included a security duty, a duty that has given rise to some conjecture, let me say, and I have agreed with stakeholders within

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the ACT to suspend this duty for three months while we do examine what I think are some quite telling arguments about the way we may levy this duty.

The act of withdrawing the bill and replacing it purely allows us to be able to bring the duty back to the Assembly for its approval within the year. If it was removed from the original act by amendment it would otherwise lapse for that 12 months. I'm sorry, I apologise to the Assembly, but we do want to consult with people.

There have been, as I said, a couple of issues raised in relation to this that we didn't take into account, quite frankly, when the duty was included in the budget. I still think it's a reasonable duty to impose, but I do intend to consult with the industry on it. So I do ask that the Assembly indulge us to allow this matter to be discharged and replaced by the cut-down version.

**MR SMYTH** (Leader of the Opposition) (11.05): Mr Speaker, the opposition will be supporting the discharge of the original bill as it stands because we've raised many of the concerns that I'm now pleased the Treasurer has listened to and will be seeking to ameliorate. The dilemma of course is: why wasn't this consultation undertaken before the bill was proposed?

It is a significant burden. With its introduction, the ACT would have become one of the highest conveyancing duty bound jurisdictions in the country, and that's a concern that's been put to me by many, many different groups.

I also have doubts about the numbers that the Treasurer has put against it in the budget. I've been informed of some transactions that would raise that amount of revenue for the government in a single transaction. Some of the people have put it to me that the government may raise as much as 20 times what they had estimated. That's sloppy.

When we're passing taxes, we need to know the quantum of what it is the government will raise. I think we need to know why they are raising it; what they see the benefit of it is; whether it simply is just a revenue raising measure; indeed, the quantum of how much revenue they might raise; and, then, what impact raising that revenue would have on the individuals upon whom it is placed.

None of that work was done. When we probed some of this in the Estimates Committee, I found the answers that I received to be unsatisfactory. I believe others did as well, simply because in many cases the Treasurer couldn't answer or the officials said the work really hadn't been done or it was based on guesses or the data that they had to hand.

For instance, one of the questions we asked was: "How many such transactions were there? Have you talked to the banks?" The answer was: "Well, we didn't know how many transactions the banks did. We haven't talked to the banks because we took it off our own data."

That's not the way you calculate how much revenue you are likely to raise. It was a guess. It was a guesstimate instead of an estimate. If the work had been done and the Treasurer had been convincing, then perhaps he wouldn't be going through this process here today.

I acknowledge that he's come down here and he's made it quite clear as to what he intends to do. This is the appropriate way to do it or, as he points out, it would be some time before the government would be able to bring this option back into the Assembly. So the process in this case is the correct way to do it. It's a shame the process wasn't done properly before the bill was first introduced.

Question resolved in the affirmative.

## **Revenue Legislation Amendment Bill 2003 (No 2)**

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

Title read by acting clerk.

**MR QUINLAN** (Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming) (11.08): I move:

That this bill be agreed to in principle.

I would like, just for a moment, to address some of the comments Mr Smyth made earlier in terms of guesstimates and the work beforehand. What officers did explain to the Estimates Committee was that some of the numbers that were asked for and couldn't be given were not available, in fact, because of the privacy of the banking records and, therefore, estimates and guesses had to be made because the numbers requested are simply not a matter of public record.

In terms of prior consultation: I'll just say that I do recall a discussion on ABC radio a week or two ago, I think in relation to our withdrawal of the fire levy, and with one Chris Richardson of Access Economics, where he said, "Of course there is, in the process of budget compilation, always the problem of prior consultation."

In terms of what is to be incorporated into a budget and at what level, it is very difficult to maintain the necessary confidentiality of what's occurring and at the same time consult on all fronts. I have the greatest sympathy for my Treasury officials as they do try to find their way, on their best knowledge at times, as opposed to being able to go out—which they'd love to of course—and bounce their ideas off everybody.

The greatest way of auditing anything you want to do is to tell people what you're going to do to them and they'll give every reason why you shouldn't. Then you have in fact a complete picture from which to make your final decision. However, that's not possible in practical terms in the budget process. As long as we're prepared to be a little flexible in life and we don't just stick to our guns purely for big-headedness, then this sort of thing may occur from time to time. There's an old saying: "It's no good having a mind if you can't change it."

The process here is about genuine objections which have been raised. In particular, in relation to this duty, the fact that there is an intention by the state of Victoria to abolish this duty next year changes the picture completely. It was not something that certainly was known to me at the time. Of course, as most people in this place would know, the

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budget is a set of final decisions taken very close to budget day. It's just one of those many processes in government where you can't think out loud.

The new Revenue Legislation Amendment Bill (No 2) was developed to implement revenue initiatives announced in the budget. It's an omnibus bill and incorporates changes to the Duties Act in relation to the corporate reconstruction concessions and also amends the Gaming Machine Act in relation to marginal tax rates on gaming machines.

Presently, Mr Speaker, companies are exempt from paying duty on transactions which have arisen as a result of corporate reconstruction. This amendment to the Duties Act will replace the current corporate reconstruction exemption with a concession. Companies undertaking corporate reconstructions will now pay 5 per cent of the assessed duty. The government has ensured that the existing eligibility criteria and types of eligibility of transactions remain unchanged. This initiative is estimated to increase revenue by about \$1.1 million in the next financial year.

The other initiative in the bill, Mr Speaker, relates to gaming machine tax. The tax rates for gaming machines have not been amended since 1999. Commencing from July 2003, the top marginal gaming machine tax rate will increase by 2 per cent, from 25 to 27 per cent, thereby limiting the effect of this initiative on those clubs with the most capacity to pay; that is, those with gross gaming machine revenue in excess of \$600,000 per annum. It is estimated that this initiative will increase revenue by \$3 million in the next financial year.

These two revenue measures announced are estimated, of course, to increase revenue by \$4.1 million, Mr Speaker. I commend the Revenue Legislation Amendment Bill (No 2) to the Assembly.

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

## **Order of the day—postponement**

*Ordered that order of the day No. 2, executive business, relating to the Bushfire Inquiry (Protection of Statements) Amendment Bill 2003, be postponed until a later hour this day.*

## **Rates and Land Tax 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) (11.15): We now turn our attention to the government's Rates and Land Tax Amendment Bill 2003. Many of the comments I passed with regard to the Revenue Legislation Amendment Bill 2003—about the nature of consultation and putting bills together—apply also to the Rates and Land Tax Amendment Bill.

Members will recall that we commenced the debate on a report of the Public Accounts Committee on this bill on Tuesday of this week. This bill is part of the government's



package of financial initiatives for the year 2003-04, although I do not believe it is formally part of the 2003-04 budget process. It is therefore possible for us to debate this bill separately from the budget and consider the merits of the bill in detail.

Mr Speaker, there has been considerable discussion of the proposed new rating system that is the subject of this bill. This discussion has ranged from general issues of possible rating systems, the relationship between revenue derived from rates and the provision of funding of government services, to the foundation on which the present government has based its proposed new system.

From the perspective of the Liberal opposition, we have not been convinced about the need for, or the basis of, the government's proposal. We see considerable inequity and a lack of fairness resulting from the proposed new system. We are disappointed at the lack of analysis undertaken by the government in proposing a change to the property rating system. We are disturbed that a full assessment of the proposed policy did not appear to have been undertaken, when this would be a significant change in policy, affecting a major source of revenue for the ACT and imposing a major cost burden to many ACT ratepayers.

I observe at the outset that the proposal from the Treasurer and the government has all the hallmarks of being cobbled together very quickly, with little thought for such important notions as equity of impact on revenue-raising policies and the fairness of creating substantial differentials in rates between adjoining and similar residential properties. These are issues of considerable concern to me, the Liberal Party, the rate-paying community of the ACT, the commercial community of the ACT and to many people in general across the territory.

Why is this change being proposed? As far as we can discern, the Treasurer has been convinced, by a small number of people, that they are, or have been, disadvantaged by the current rating system.

This bill has been designed to look after the long-term residents in parts of Canberra who have sought to ameliorate the impact of higher rates. Whilst I acknowledge that that is a problem, we do not believe this bill is the appropriate answer. In reality, this bill is not an equitable approach. That is evident in both the representations made to the committee and public comment in response to this bill.

The Treasurer has still not provided any real substance to his proposals to support this major change in policy, and he has not provided any substantive argument against the present rating system in the ACT. He has at least attempted to provide the community with more information than he provided initially.

We recall the one-page graph the Treasurer lauded as the model for his new system. He said in this place on 12 March this year, "The only modelling we have done is one graph." That is one graph, comprising one page. What a ridiculous nonsense that notion is—to support a change of this magnitude, which is one of the major sources of revenue for the ACT, using a single graph with two lines on it! That is a pathetic attempt. It is a very sloppy approach by this Treasurer to bluff his way through the process of policy change—or was it simply disdain, as he sought to get his way, with a minimum of public scrutiny?

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Initially, we in the opposition undertook a detailed analysis of the proposed system, to highlight the inequalities and lack of fairness that would result. I suspect the economic team in my office did more work than was done by the Treasurer. We took several suburbs—one in each of the significant town centre areas of the ACT—and looked at a medium house in a medium street, to determine what the impact would be on two houses side by side. We came up with some disturbing trends which clearly illustrate the inequities of this bill.

We have now seen the Treasurer's attempt to provide a more detailed analysis to support his position. To complement his one-page graph, we got a two-and-a-half page chart. So we have three-and-a-half pages of total economic modelling and analysis to support a major change to the rating system of the ACT.

This time the chart comprised a number of columns of figures. In my view, the *Canberra Times* did a pretty good job of manoeuvring, to make this more understandable by the general public. Unfortunately, what this more detailed analysis demonstrated was how to manipulate, with the use of percentage changes. Much of this more recent analysis is based around the percentage of changes in rates bills that will be imposed on ACT residents.

A change of rates of, say, 20 per cent, which the Treasurer estimates will take place in Macgregor, if the new system is not passed, sounds large—and 20 per cent is a large number. I'm told that that amounts to \$3 a week, totalling \$150 a year. For some, that is a significant amount of money, but the portrayal and spin-doctoring that was going on seemed to describe it as more than it really was. I submit that that is a far more reasonable and honest approach to the consideration of the impact of rating policies—and the outcome is not as awful as the Treasurer would have us believe.

The critical issue the Treasurer has in his sights is the higher rates bills faced by people whose underlying property values have increased significantly. It is not possible for either this government or this Treasurer to be a King Canute and prevent change from occurring. People will continue to move within our city; they will move in and out of the city and seek to redevelop parts of the city where they live. This very process will lead to disparate changes in property values in some areas of the city. Only the most draconian legislation would avoid these outcomes. That approach would be totally unacceptable in our jurisdiction.

The solution, Mr Treasurer, is not to try and hold back these changes, as you are proposing in your bill, by penalising people who move within the city, through imposing exorbitant rates bills upon them—or, indeed, on the people who happen to purchase a house after 1 July of this year.

If a problem exists, the approach should have been to implement a sound and robust rating policy, such as the one we have currently, and to then—more importantly—address the needs identified as the downside of such a system. We need an effective safety net, based around policies such as deferments and exemptions, for residents for whom rates bills are a problem—particularly for people who might have become asset rich and yet have limited cash flows, such as pensioners and self-funded retirees, who live in the inner parts of the city.

Treasurer, irrespective of what rating policy you propose, there will be disparities in the impact of policies. You should be responding to these disparities separately from seeking to change the fundamental rating policy.

Mr Speaker, it would be remiss of me to not make some comment about the role of revenue raised from rates in funding the provision of services by the ACT government. Rates revenue is one of the most important and growing sources of revenue for the territory. It has been a stable source of revenue and is estimated to generate nearly \$120 million in the year 2003-04, or around 5 per cent of the total ACT revenue.

The rating policy has been applied as fairly and equitably as possible over a number of years. Indeed, the policy was introduced unanimously, after amendment, by the Assembly, with many claiming it was as fair and equitable as could be achieved. It is a known taxing system and I believe the community understands that the revenue is used in providing a range of important services. The change to the system being proposed by the Treasurer takes this territory into uncharted waters.

We have no experience with applying a differential system of rates to adjoining properties. What will happen to aggregate revenue derived from residential and rural rates? What about the quantum of house and unit sales across Canberra? What will be the impact of any system of exemptions and deferrals that will inevitably have to be considered?

I find it extraordinary that, under the proposed system, two identical adjoining units could end up paying dramatically different rates for virtually identical services. That is not a good taxing policy. It is instructive to note some of the comments made in briefings prepared in the bureaucracy for the incoming government in October 2001 in relation to the proposed rating policy.

Treasury noted that further discussions, briefing and detailed modelling would have to be undertaken. I ask: how much of that work was done? None—or, at best, very little. The incoming government briefing said:

Differentiating between ratepayers based on occupation dates... Require a different approach to calculating rating factors...

That is not what the Treasurer has told us. The incoming brief also stated that extensive computer program changes would be required, conservatively estimated at \$0.2m. The Treasurer has said the new system would not be complex or costly.

There are many questions of equity that will be raised by the property rating system proposed by the Treasurer. Based on the analysis we have undertaken and the information provided by the Treasurer to date, what we can say is that, in 10 years time—long after this Treasurer has left office—where property sales have taken place, there will typically be a disparity of over 100 per cent between neighbours in the rates they pay.

Inequity will be rife, and unfairness will be the watchword. The outcome will be that a party or government whose rhetoric would have you believe it is interested in equity will

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have become the party of division and unfairness. It will pitch neighbour against neighbour.

This government and this Treasurer must undertake a careful review of proposals to change the ACT rating system, if for no other reason than to ensure there are no unintended consequences. Any reasonable Treasurer would prepare very thoroughly for such a major change in policy and certainly would undertake more analysis than the preparation of a one-page graph as his defence. On the evidence to date, this Treasurer has not demonstrated that he is capable of developing and implementing major changes in public policy.

I remain concerned that a major change in policy is being proposed by the Treasurer and that there continues to be little evidence of thorough analysis being undertaken of the impact and consequences of the policy change. My concern is with the approach which assumes a policy would be accepted by the community with no discussion—or at best an inadequate discussion—of the proposed policy. Is this a sign of arrogance, Mr Speaker? Is this a sign of this government saying that they know what is right for ratepayers, irrespective of the views of the community?

We, as the opposition, reject that approach—and indeed the community in the submissions they gave at the public hearings rejected that approach. We devised the current rating policy when in government and undertook extensive consultations involving your own party, along with many other groups.

Arrogance is a sign of laziness and laziness in government is simply not acceptable. If you are tired of being in government for this territory, let me know, Mr Treasurer, and a Smyth Liberal government will show you how it should be done.

Mr Speaker, this bill is not a sign of good government. It appears to involve complex administration. It seeks to replace a policy which has not been shown to be deficient. It does not give good outcomes, and it does not represent good public policy-making. We will oppose the bill.

**MS TUCKER** (11.29): The Greens will not be supporting the Rates and Land Tax Amendment Bill either. The Public Accounts Committee, of which I am a member, looked into this bill. I spoke in some detail about this when the report was tabled. Therefore, I will not speak on it at length today but will just make some basic points.

The Greens are not prepared to support this because, firstly, we do not think it has been properly thought through. There is a balance required between equity and efficiency in developing any tax or rates system. There was, pretty well, consensus on the fact that this bill does not adequately address either equity or efficiency very well. When I say “consensus”, I acknowledge that there were a couple of submitters who did not share that view—and obviously the government does not share that view. From the evidence the committee heard from the business community, the social justice community, the Council on the Ageing and so on, it was made clear that there are significant concerns about this.

We have recommended in the report that there be further work done on reviewing the current rates system. I think it is important that this work is based, as much as possible,

on the capacity of people to pay. That was the intention of Mr Quinlan's bill—to take into account difficulties being experienced by people as their suburbs become more highly rated. That is a good intention.

In evidence given to the committee, there were a number of suggestions given as to how this could be dealt with, including looking at improved values as a way of dealing with rating. The matter of the lack of concern for the environment in this proposal was raised. I would want to see any further work include that aspect of rates.

Concerns were also raised about the impact on supply of rental accommodation as a result of this bill. That matter would have to be taken into account in any work done on developing another rates system. I recall ACTCOSS stating, as a comment on the process, that the government had stated it had considered a number of rating models but only one was proposed for community comment. I think it is important that, when further work is done on this, there are different options put to the community for consultation.

**MR QUINLAN** (Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming) (11.32): Members will be aware that I intended to move a number of amendments to this bill. However, it seems to me that the numbers are not there; so there is no point in wasting the Assembly's time, as we did yesterday with insurance bills.

Mr Speaker, the proposed system embodied in this bill was a commitment of the Labor government at the 2001 election. I think most people within this place were aware of it. Most importantly, a year ago, I introduced into this place a bill to cap rates across the board at CPI, as a precursor to the introduction of this system. That bill was passed by this Assembly.

It follows that, if there are objections and there were to be a Public Accounts Committee inquiry into the system, it should have taken place a year ago. If anybody in this place has been derelict in their duty, it is the chairman of the Public Accounts Committee—Mr Smyth. Good, bad, or indifferent in relation to the system, the hearings that took place very recently, at the 11th hour, should have taken place a year ago.

Mr Smyth talks about the exhaustive research and analysis done in his office, which I say is cobblers. The analysis done by those in pursuit of destroying the system was to paint the worst case scenario.

Nobody in this place recognised that, each year, rating bills come into this place for approval. Therefore, whether the worst case scenario is applied to premises which change ownership is in the hands of the Assembly. Nevertheless, the rating factor would still apply.

This is not a complex matter. Mr Smyth talks about analysis. This is not a matter which lends itself to reams of paper—it is simply a concept. I made the mistake of overestimating the mental capacity of the Leader of the Opposition—because this is a very simple concept.

**Mr Smyth:** You always resort to personal taunts when you are caught out. Go the man—do not go the issue. Defend your issues! No, you cannot.

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**MR SPEAKER:** Order, Mr Smyth!

**MR QUINLAN:** Excuse me, Mr Smyth. I will respond to one of your interjections. You talked of me using the terms “arrogance”, “sloppy”, et cetera. I think I might be entitled to strike back a little.

I accept that, in the inquiry, some people who I would have hoped would have supported the system did not—for example, the Weston Creek Community Council. I think their objection was that they did not want a rating system based on CPI. Unfortunately, the alternative—the previous system—was based on CPI. Although I was bemused at that stage, I was unable to really debate the concept with the Weston Creek Community Council.

In relation to some of the welfare agencies, I appreciate their concerns. Their concerns quickly turned into a lengthy discussion about concessions and other matters which are certainly relevant, but not directly relevant to the change in the system. The Weston Creek Community Council and the Council of the Ageing were two whose support I had hoped for, who did not give their support at the committee.

Some of the industry people came in. I refer again to the so-called ratepayers association. The gentleman who appeared for the ratepayers association is also the president of the property owners association. I think the association is really an association of landlords. However, landlords would have stood to gain from this system as well, unless those landlords were speculators. The proposed system would disadvantage people involved in residential property speculation, so I can appreciate their interest in torpedoing the system.

As I said, I do not intend to go on too long in the debate, because I can read the numbers and I do not believe in wasting too much of the Assembly’s time. I was hoping I would see Mr Greg Cornwell down here—the champion of self-funded retirees. I thought he would be on my side on this one, because it is that legion of people who find themselves in a genuine squeeze with the rates under the rating system to which we must now return. We do not have a choice.

I would say, generally, that people whose rates increase in the upcoming year by more than CPI can be happy in the knowledge that they are contributing to a decrease in rates for the poor people of Yarralumla and Red Hill. As a Weston Creek resident, I am genuinely concerned for the people of Weston Creek, where we’ve seen land values skyrocketing as a result of recent post-bushfire sales.

There was a recent case touted in Sydney, with people saying that you cannot use a sale of unimproved land as an indicator of value. I do not think that is going to stand up when there have been so many blocks sold at premium prices. The Sydney case was based on a single block, so you can understand the possibility of the decision taken. In Weston Creek, the indications are that there will be a substantial increase in unimproved values.

I do not intend to waste time by introducing all of the amendments. I have spoken to people in this place and I know we do not have the numbers. I give notice now that I will

be seeking leave to introduce a bill to reinstate the previous system which is now absolutely essential. I want to make a couple of points on that now.

**MR SPEAKER:** Mr Quinlan, I think it would be better for you to do that when you introduce the bill.

**MR QUINLAN:** It is relevant to the demise of this bill, because I am talking about what will happen as a consequence—and about rating systems. Aside from the Property Owners Association, who are probably not thinking past the next sale, nobody, in the hearing on this bill, suggested that we would be moving away from a property value-based system. You want me to say this in the next debate, don't you?

**MR SPEAKER:** It must be relevant.

**MR QUINLAN:** This system removes from many people a protection from escalating land rates—it would have. If I could tip exactly where land values are going to go, I would probably be in a different business. However, I think it is fair to assume that there are other areas in Canberra beyond, say, the redeveloped areas of Yarralumla et cetera, that will become desirable in the future.

As the city grows and matures, as people wish to enjoy the amenity of being closer to the centre of things and closer to the various entertainments and facilities they might use and attend, it is highly likely that other areas will become desirable. Areas such as Hughes and Curtin will become the subject of redevelopment and land values will escalate. I think Curtin is taking off now.

There are people in those areas who will, some time in the future, if this system is not adopted, face land rates bills that will have a very deleterious impact upon their lifestyle. Mr Cornwell's legion of self-funded retirees will be among them. These are the ones which I think even Mr Smyth mentioned as being asset rich and income poor. They are only asset rich if they realise the asset upon which they sit or in which they reside. That would imply that they would move out of an area in which they have possibly resided for some considerable time, where they have built up support networks and social networks.

I will close by saying that the embryo of the proposal I put forward started with a lady I knew, who has now passed on, who lived in Deakin for many years, who was forced out of her home because she could no longer afford the rates. She made a personal plea: "Can't you do something about it?"

I do not believe that the concept of varied rates in the same street, based on longevity of residence, would cause any great disruption. I have heard the examples given, such as that there could be a first home owner living next to someone who is very wealthy and yet paying a lot more in rates. If you have that situation, you can bet your boots that that first home owner has bought himself an expensive home in a very desirable area—but we don't want to take that into account.

The exhaustive analysis done by Mr Smyth's office was based on the worst case scenario. It was, in fact, the result of the pursuit of a rationalisation. I can read numbers—I'm not that silly—so I give notice that I will be moving a necessary replacement bill shortly.

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Question put:

That this bill be agreed to in principle.

The Assembly voted—

Ayes 7

Noes 8

Mr Berry	Mr Quinlan	Mrs Burke	Mr Smyth
Mr Corbell	Mr Wood	Mr Cornwell	Mr Stefaniak
Ms Gallagher		Mrs Cross	Ms Tucker
Mr Hargreaves		Ms Dundas	
Ms MacDonald		Mr Pratt	

Question so resolved in the negative.

## **Rates and Land Tax Amendment Bill 2003 (No 2)**

**Mr Quinlan**, by leave, presented the bill and its explanatory statement.

Title read by acting clerk.

**MR QUINLAN** (Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming) (11.53): I move:

That the bill be agreed to in principle.

With the defeat of the Rates and Land Tax Amendment Bill, it is necessary to amend the Rates and Land Tax Act prior to the commencement of the new financial year, otherwise rates will be levied based on historical and consequently irrelevant rating factors. This will have the unintended consequence of causing large increases in rates to all households in the ACT because average, unimproved land values have risen dramatically since 2001, when the last rating factor was calculated.

The bill is necessary to ensure that the territory is able to raise rates for the next financial year and the overall rates take will not exceed a gross CPI increase. In essence, the bill implements the rating system that was implemented previously, using the formula of a fixed charge plus an updated rating factor to be applied of the AUV of a property.

As with the previous system, the rating factors have been calculated to ensure that the overall rates revenue will not exceed CPI. Separate rating factors have been calculated for residential and commercial properties. The rural rating factor is set at half the residential rating factor and rural properties will not be subject to the fixed charge.

The fixed charge has been increased from \$300 to \$320, in line with the previous fixed charge increases of \$20. No, it is not—it is keeping track with CPI. That was in the speech! We do not intend to increase it by \$20 per annum, but we think the fixed charge ought to roughly keep pace with CPI, to maintain consistency in the rating process.



There are two variants from the previous system. In line with the government's election commitment, the CPI increase applied to the overall revenue rates increase will be based on actual CPI, rather than that forecast, which has been the case in the past and has sometimes had the effect of over-charging. There will no longer be a forced split between commercial and residential revenue of 15 per cent/85 per cent. That always seemed to me to be arbitrary nonsense anyway. This means that each sector's revenue contribution increases by CPI only.

Mr Speaker, during the hearings and discussions and the newspaper analyses of the proposed system, I think it was universally agreed that, whatever system we come up with, it needs to be value based. Last year we effectively had a suspension of that value base. We were heading towards a system that would have CPI increases for residents while they did not move, but would always allow the rates to return to a value-based foundation.

We need to return to that promptly. If we just continued and said, "Oh well, this year we'll put them up by CPI again", we would be setting in stone the relativities which exist today. As areas change in value, the relativities between areas are going to change.

When, or if, my system rises again—like a phoenix—or another system comes forward, you can be certain that that system will have a large element of value base in it. It would be extremely irresponsible to suspend, indefinitely, a process which incorporates value into the base of rates. If we're not careful, when a new system comes in, the adjustment between the flat CPI system and a value-based system will be dramatic in some areas.

I cop the fact that my system is not acceptable to the majority in this Assembly, but I emphasise that it would be vandalism to not return to a value based system until we have a firm alternate system in mind.

In respect of the discussions of the committee and the writing of the report, one reason the system we put forward was not supported was that there were no alternatives suggested. That means that, at this point in time, we are left without a viable alternative to the previous system. As I said, it would be irresponsible in the extreme to not return to the value-based system until we can collectively find a better way. I commend the bill to the house.

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

### **Nurses Amendment Bill 2003**

Debate resumed from 8 May 2003, on motion by **Mr Corbell**:

That this bill be agreed to in principle.

**MR SMYTH** (Leader of the Opposition) (12.00): The opposition will be supporting both the bill and the amendments. Contrary to a position put yesterday that we are always negative and never support anything, here is a clear alternative example—the following day.

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Mr Speaker, the bill amends the Nurses Act 1988 to include the term “nurse practitioner”, as well as making a number of other technical changes. I suspect all of us will welcome the term “nurse practitioner” appearing in this bill.

The current Nurses Act provides for the registration and enrolment of nurses, the supervision of nursing education and standards, and related purposes. As it stands, the act does not refer to nurse practitioners. Hence it is necessary to amend the act so it recognises and protects the role and title of “nurse practitioner”, as well as accrediting any postgraduate nurse practitioner courses.

The opposition is pleased to see that the government is making progress on this project. The project was started by the former Health Minister, Michael Moore, and the nurse practitioner project was successful. If I had a complaint, it would be about the timing of this process. It seems like an eternity since the trial was started, the evaluation completed, and the legislation arrived here in the house. The report went to the then Health Minister on 27 September 2002. It has taken nearly nine months to get to this fairly basic stage.

That being said, as we are at this fairly basic stage, it will take some time yet before we will have nurse practitioners working in the ACT. I would encourage the minister to move ahead with the implementation of the accreditation of nurse practitioners in the ACT. The opposition will be supporting the bill.

**MRS CROSS** (12.02): I rise to support this important bill. There is constant debate in the community about the role of the general practitioner—especially about the shortage of doctors in rural and remote areas.

In Canberra, when we speak of rural and remote, we think of Mr Smyth’s electorate of Tuggeranong or Mr Speaker’s electorate of the northlands of Ginninderra. In addition to those rural and remote areas, the role of the nurse practitioner is limited only by imagination, education and legislation.

In his tabling speech, the minister drew attention to national and international trends in the role of the nurse practitioner. We expect that, over the next few decades, the role will be found in health centres, GP practices, hospitals and many areas of our health system.

I am surprised that the minister did not give credit where it was due. I know he appreciates it when I recognise what the government has achieved, as I have in many of my speeches. The most recent example of that was earlier this week with regard to the Select Committee on Estimates report, where I covered a range of positive achievements. Therefore, Minister—through you, Mr Speaker—I am surprised that you did not give credit to the previous government, which ran the successful nurse practitioner trial in the first place. I would have thought failure to acknowledge that contribution was a tad unstatesmanlike—politically distasteful, really.

The University of Canberra’s School of Nursing is in an excellent position to provide appropriate education for those who wish to become nurse practitioners in our community. This legislation facilitates the provision of that education. I am sure it will

be provided at the highest standard by the university, so that qualified nurse practitioners will base their practice on evidence.

Mr Speaker, the single most important issue about this legislation is that it has the potential to improve health outcomes for our community. That is why it ought to be supported by all members and why I am happy to lend my support to it.

**MS DUNDAS (12.04):** The ACT Democrats will be supporting this bill and we welcome the initiative from the government. Members will hopefully recall a motion I successfully moved last year, calling on the ACT government to accelerate the accreditation of nurse practitioners, to help address Canberra's growing GP shortage and to tackle the problem of nurses leaving the profession, due to limited career paths and lack of recognition of their skills. This bill does exactly that.

I have received many letters from Canberrans highlighting the general practitioner shortage in Canberra, especially in Belconnen and Tuggeranong—and this problem is increased outside of normal business hours.

With health concerns, there is often a level of buck-passing between the state and territory governments and the federal government. However, we owe it to our community to move from the buck-passing and do all we can to address the real needs for accessible health care.

Members of the health profession often bemoan the fact that doctors' time is consumed by tasks that university-trained nurses are well skilled to perform. Nurses are insulted that they are not being recognised as able to perform these roles. In our hospitals, nurses already make recommendations about changes to drug dosages, but a doctor's sign-off is required before changes can be made.

Nurses often take pathology samples, but a fiction is maintained that these samples are taken under the supervision of a doctor, even when the doctor may be less knowledgeable about best practice sampling procedures. To remove unnecessary supervision from highly qualified nurses would free-up doctors' time in all parts of our health system.

We also have the problem of a shortage of trained nurses, because they are leaving the health system to work in other areas. The National Review of Nursing Education, released in September of last year, found that nurses are leaving the profession in droves because they feel that their knowledge and skills are not respected, their career paths are limited and they are not paid a wage in line with their skills.

Increasing the numbers of nurses being trained is not going to fix the nurse shortage, unless retention is also improved dramatically. Nurse practitioner programs have the potential to provide a more rewarding career path for nurses, and to provide the recognition nurses are looking for. The New South Wales government has gone ahead with a system to accredit highly qualified and experienced nurses as nurse practitioners, who have referral and prescribing rights in their areas of speciality, and to do away with some of the fictions that exist in our medical system.

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Victoria has moved in the same direction, by establishing accreditation of nurse practitioners to take pathology samples. This initiative will bring us into line, and I'm sure it will be supported. It will also help to establish the University of Canberra as a training facility of nurse practitioners for our neighbours in New South Wales and Victoria. This will allow nurses, both locally and interstate, to participate in a high level, high quality course.

This is an exciting initiative and I welcome it being brought on today. I believe it will deliver real benefits to the community in the short, medium and long term. It deserves support, as it will encourage our doctors and nurses.

**MR CORBELL** (Minister for Health and Minister for Planning) (12.07): I thank members for their support for this important piece of legislation. In doing so, I stress that this is the first stage in providing for nurse practitioners to operate in the ACT. This allows for the accreditation of nurse practitioners through the Nurses Board, and, in particular, it allows the University of Canberra, through its School of Nursing, to start to offer the relevant qualification to accredit those people through a tertiary institution.

The second stage of the government's legislation will deal with substantive amendments to a range of acts which relate to the practice of nurse practitioners—the administering of medicine, the treatment phase and the necessary legislative protection nurse practitioners will need for that. I thank members for their support for this important reform.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail stage**

Bill, by leave, taken as a whole.

**MR CORBELL** (Minister for Health and Minister for Planning) (12.09): I seek leave to move Amendments No 1 and 2 circulated in my name together [*see schedule 1 at page 2161*].

Leave granted.

**MR CORBELL**: I move amendments No 1 and No 2. These amendments deal with a range of issues that were raised by the Scrutiny of Bills Committee, in relation to subclause 14(5) of the bill, which gave no guidance as to the circumstances in which the Nurses Board of the ACT may attach conditions. The Nurses Board has these powers in order to protect the public.

When the Nurses Act was originally written in 1988, the wording of this did not have to be specific. The government agrees with the committee's concern and agrees that the wording is not specific. This amendment seeks to provide the Nurses Board with the authority to attach conditions to a nurse's registration in order to protect the public.

In cases where a person's registration is being ceased, the proposed Nurses Amendment Bill 2003 directs the Nurses Board to provide written notice to registered nurses, but not

enrolled nurses. The proposed amendment to clause 11A will ensure a consistency in this process for both registered and enrolled nurses. I move amendments Nos 1 and 2 circulated in my name.

Amendments agreed to.

Bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to.

**Sitting suspended from 12.11 to 2.30 pm.**

## **Questions without notice**

### **Statute of limitations**

**MR SMYTH:** Mr Speaker, through you, my question is to the Chief Minister. Yesterday, Chief Minister, in question time you berated us with the following:

I believe the question that should be asked around Australia of me and my colleagues, and of all governments, is, "Don't you think you were just a touch hasty? Don't you think you have trammelled the rights a bit too much? Do you think it is really necessary to reduce the statute of limitations from 24 years to six years? Was it really appropriate that you do that?"

Chief Minister, in light of your announcement at lunchtime today that you will be reducing the statute of limitations from 24 years to 6 years, what has happened on your Road to Damascus that has brought about this change?

**MR STANHOPE:** I haven't been to Damascus, Mr Speaker.

**MR SPEAKER:** Supplementary question, Mr Smyth?

**MR SMYTH:** Chief Minister, yesterday you seemed to be against the concept of reducing the statute of limitations from 24 years to six years. What brought about this change of heart?

**MR STANHOPE:** It is not a change of heart at all. I asked the question because I was concerned that we had such a life-like opposition—there is no effective opposition in the ACT; there is a complete lack of quality or calibre on the opposition benches—that, in the two years we've been dealing with the issue of medical indemnity crisis and public liability insurance, I don't think I've had a single question from the opposition on the very real issue. There has been a complete lack of interest in the issue.

**Mr Smyth:** On a point of order, Mr Speaker: under standing order 118 (b), the minister is not entitled to debate the subject. I didn't ask about the calibre of the opposition or what we had done; I asked him why he had changed his mind from his position yesterday to his position today.

**MR SPEAKER:** Come to the subject matter of the question.

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**MR STANHOPE:** I haven't changed my position or the government's position at all; we've been working towards a position. We announced that position today. Indeed, the decision was finally made today in relation to the statute of limitations that would apply to children. It's not a new position or a changed position; it's the position we've been working towards.

**Mr Smyth:** That's not what you said yesterday.

**MR STANHOPE:** It is precisely the position I said yesterday. The question is precisely that, Mr Smyth. You simply don't understand it. What I was saying was that the question that I would have expected the opposition to ask—could they have found the energy, the interest or the commitment to the issue to ask any questions at all—amongst the range of questions I would have asked had I been in opposition, was: “Well, what are you going to do? Why? Is it appropriate? Are there other options? What is the best way to proceed? Is that particular provision actually appropriate as against the rights of residents?”

**Mr Smyth:** On a point of order, Mr Speaker: under standing orders, he cannot presuppose what the opposition may or may not do; he has to actually answer the question. The question was: why did he say yesterday, “Do you really think it is necessary to reduce the statute of limitations from 24 years to six years?” Today he did that thing. Would he please explain why he now thinks it is so necessary to do so.

**MR SPEAKER:** The Chief Minister is explaining that to you.

**Mr Smyth:** No, Mr Speaker, he was talking about what he expected of an opposition; he was not answering the question.

**MR SPEAKER:** The Chief Minister was responding to the question and he will continue to stick to the subject matter, I'm sure.

**MR STANHOPE:** Mr Speaker, I do think we need to clarify the mistaken impression that the Leader of the Opposition is actually putting. Yesterday I posed a rhetorical question about what I would expect were questions: “Is it appropriate to reduce the statute of limitations from 24 years to six years?” That was the question I asked. That was what I said. I did not say yesterday that it's either appropriate or inappropriate. What I said was: “The question I would have expected an opposition, with any commitment to its role, to ask was a question along the line: is it appropriate?”

**Mr Smyth:** On a point of order, Mr Speaker: the question is not about what he expects oppositions to ask. The question is about what he said yesterday. Do you think it is really necessary to reduce the statute of limitations from 24 years to six years? Apparently, yesterday it was rhetorical; today it is actual. Why does he think it is necessary to reduce the statute of limitations?

**MR SPEAKER:** I think he's explaining that to you, Mr Smyth, if you would just give him a go.

**Mr Smyth:** No, he certainly is not, Mr Speaker.

**MR SPEAKER:** Just give him a go.

**Mr Smyth:** No, he certainly is not.

**MR SPEAKER:** We get back to this question that you might want to dictate exactly how people explain things to you, but that is an impossibility. The Chief Minister is dealing with the subject matter of the question, and I am going to allow him to continue.

**MR STANHOPE:** Today the government has circulated a draft bill which reflects all of the provisions that are included in its second round of significant reforms to tort law in the ACT. It is a very significant package of legislation and a very significant package of reform—very far reaching, with significant impacts on the operation of the laws of tort in the ACT.

One of the reforms, Mr Speaker, will involve a reduction in the statute of limitations pertaining to adults from six to three years and will also contain a reduction in the statute of limitations applying to children from what might be said to be 24 years, although, in fact, not necessarily. The current statute of limitations goes to the possibility of 24 years, insofar as it kicks in at the age of 18, the age of majority, and then does allow a six-year period running from then.

The ACT government has proposed—and we look forward to Assembly support in relation to these proposals—that we reduce that, essentially, to a six-year period, but with a whole range of riders. It is not just a simple reduction to six years—cut off, black and white. There are a significant number of riders to that.

It also does, for instance, provide that the period will run from the date of notification of the incident that led to the action or the attempted actionable consequence. Over and above that, there will be a number of other provisions that apply in relation to the giving of notice; the implications of not giving notice to the other side; the capacity for a respondent to insist that action be commenced once it is notified; and, similarly, an opportunity for special circumstances to be taken into account in the event that action wasn't commenced within that six-year period.

It attempts to pick up unintended, unforeseen or unforeseeable circumstances such as the possibility, or prospect even, of circumstances where a child does not have a parent and perhaps is in the care or control of a guardian and, for whatever reason, the guardian did not pursue legal action or did not give notice. That, of course, goes to the heart of the historical reason why we have a statutory limitation period at the moment of 18 years plus 6. It assumes that any person should not, in pursuing a legal right, have to rely on a decision taken by another.

So, at the age of 18, on reaching adulthood, we all notionally accept responsibility for our actions and, in those circumstances, should have the capacity to pursue legal action if we so think. Of course, that is the historical basis on which we have the 18 plus six-year limitation period. And there is some good sense in that. The proposals that we are now making do allow for a situation in which a young person—without a guardian and perhaps without parents who have the care and control or custody of that child and don't

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pursue an action—should have a capacity in that particular circumstance to pursue the action.

We do foresee some other possibilities—for instance, where the injury was sustained or the incident was the result of a sexual assault and the child, for whatever reason, does not report the fact of that sexual assault to their parent or guardian. Maybe it is the parent or guardian who was the perpetrator. We have taken into account circumstances such as that.

In a situation where a child is sexually assaulted and doesn't notify to anybody the sexual assault, under the rules that are applied in some other states—a black-and-white blanket, six years—that child will never be able to sue for that serious injury that they have suffered, because other states just said, “Rush! Panic! Horror! Quick fix it! A six-year limitation period for children!” What about the 10-year-old girl repeatedly sexually assaulted by a stepfather, father or uncle—never to be able in those states to seek compensation because those states rushed in and said, “Quick, we've got to fix this. Impose a six-year statute of limitations. Keep everybody happy. Don't think about the rights that we're trampling; don't worry about the detail.”

This is what I have been trying to say. We are legislating away some very significant rights, and I've tried really hard to get the balance right.

### **Visiting medical officers—collective bargaining**

**MRS CROSS:** My question is to Minister Corbell in his capacity as Minister for Health. Mr Corbell, in response to my question yesterday you said you would double-check about outstanding questions on the matter of VMOs and collective bargaining. By now you should have identified them. We await your answers being tabled in the Assembly. Specifically, however, Minister, in response to a question I asked yesterday on the matter of negotiation with VMOs and collective bargaining, you said, and I quote:

The rates of pay vary for VMOs performing the same volume of services, the same services and in the same hospital. The only reason...is that one VMO bargained better than another VMO. That is not good use of the taxpayers' money.

Mr Corbell, have you had any advice to suggest your approach will reduce taxpayers' expenditure or have you had any advice to suggest that your approach might in fact increase taxpayers' expenditure? Additionally, you said there are issues surrounding the Trade Practices Act. What are those issues?

**MR CORBELL:** First and foremost, I did follow up the question from Mrs Cross yesterday. I can indicate that the questions on notice that she referred to were a series of questions on notice received by my office after the completion of the Estimates Committee hearings—and indeed the period of inquiry for the Estimates Committee—earlier this month. Those answers have subsequently been supplied to the committee office and Mrs Cross can find a copy of my answers to those questions in the answers supplied the committee office.



In relation to the new issues Mrs Cross raises this afternoon, the point I was making in relation to the cost is that it is not appropriate for the government to pay different rates to receive the same service. Why do we pay differential rates for the same service?

In relation to the ACCC, the advice I have received is that previous administrations have had the view that the views of the ACCC and the Trade Practices Act would prohibit collective bargaining by VMOs in the ACT. When I inquired, the department advised me that there is no documentation in the department to that effect.

**MRS CROSS:** It would be nice to get an answer to my first question but I do have a supplementary. What is the advice you have that your approach would reduce taxpayers' expenditure or have you received advice to the contrary that it will increase it, and will you table in the Assembly any advice that you have received on this matter before question time next Tuesday?

**MR CORBELL:** I think I just answered that question.

**Mrs Cross:** No, you did not.

**MR CORBELL:** Mrs Cross may not like the answer but I think I have answered the question. The answer to the question, just to repeat it, is that it is not appropriate for the government to pay two VMOs different rates of pay to deliver the same service. That is the consequence of the individual bargaining approach adopted by the previous government. The cost of paying for VMOs' services will probably go up because it has been two, three, if not four years since their contracts were last negotiated. Therefore, given the overall increase in the price of services generally, I would expect the price of VMOs' services would go up regardless of the bargaining method.

The point I was making yesterday, which Mrs Cross does not seem to accept, is that it is not appropriate to pay different rates of pay for the same service, delivered in the same way, at the same volume, in the same hospital.

**MR SPEAKER:** Thank you, Mr Corbell. Members, because the issue of outstanding responses to questions has been raised, I will add at this point that I have just approved of a process in which, because the Estimates Committee has been dissolved, those outstanding responses which have been sent to the secretariat will be handed to me and I will table them in the Assembly.

### **FAI House—lease**

**MR HARGREAVES:** Mr Speaker, my question, through you, is to the Chief Minister. Has the Chief Minister had an opportunity to peruse Auditor-General's report No 5 of 2003— to do with the release of FAI House— tabled in this place earlier this week? Did the Chief Minister experience a sense of *deja vu* in reading the Auditor's comments?

**MR STANHOPE:** Thank you, Mr Speaker. Thank you, Mr Hargreaves. Yes, I certainly did. What about a blast from the past on the Liberal Party's commitment to progress? It conjured up the Bruce Stadium; it conjured up Hall/Kinlyside and it conjured up the

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Fujitsu deal. It's a ripper. What did the Auditor-General's report—tabled by you, Mr Speaker, earlier this week—reveal?

It reveals a 1996 deal negotiated by the then Chief Minister—the late and long-lamented Chief Minister, Mrs Carnell. A deal was negotiated exclusively by Mrs Carnell, it seems, and the then Under Treasurer, Mr Mick Lilley. There is only one document in existence in relation to the deal for the lease of FAI House, so we are not entirely sure who was involved. That one document is from FAI to the then Under Treasurer.

It is intriguing. We have a major building here in the ACT which houses much of the ACT public service, the leasing of which, or the rental of which, was arrived at not even through the exchange of documents. Documents were never exchanged—there was just one piece of paper. There is one piece of paper in existence and that is from FAI to the then Under Treasurer basically saying, “Yes, no worries. We're happy to cop a 10-year lease from you on FAI House at an agreed rent of \$340 a square metre, et cetera. Please get your property manager to contact ours and we will sign off on it.” That is 10 years at \$340 a square metre—no worries. “Get your bloke to speak to our bloke, and we'll sign on the dotted line.”

Then what do we find in relation to the negotiations? What do we find when we reflect back and look at this particular deal—this 10-year deal at \$340 a square metre? We find there is one piece of paper in existence—one document on the file from FAI to Mr Mick Lilley. “Please get your bloke to contact our bloke. We're happy for you to pay us \$340 a square metre.”

There is another interesting clause in the contract, when it was finally signed off. It is called a ratchet clause. It says that, “No matter what happens, we would like a review every two years, but the rent is never to drop below \$340 a square metre.”

**MR SPEAKER:** Order!

**MR STANHOPE:** The amount of \$340 a square metre, on any analysis of the market of the day, is at least \$50 a square metre above market rate.

**MR SPEAKER:** Order, Chief Minister!

**MR STANHOPE:** That translates into \$260,000 a year above market rate. If you multiply \$260,000 a year by 10, that is \$2.6 million.

**MR SPEAKER:** Order! Chief Minister, the question is, in fact, out of order because it refers to proceedings in committee not reported to the Assembly. The Auditor-General's report is automatically referred to the Public Accounts Committee.

**Mr Smyth:** Thank you for the entertainment!

**MR STANHOPE:** There is more entertainment to come, when we get to the comparisons between the rent and—I urge all members to look at it—the sponsorship of the rally which followed two weeks later.

**MR SPEAKER:** Order! Resume your seat.

## Medical practitioners—Chief Minister's statements

**MR CORNWELL:** My question is to the Chief Minister. I was interested in the comment he made earlier that we were not asking the right questions. Perhaps you might like to answer this one. I refer to the editorial in today's *Canberra Times*, which states:

Jon Stanhope's angry outburst against ACT doctors who he clearly believes to be attempting to stand over the ACT Government was over the top.

Why have you made a series of over-the-top angry outbursts against doctors rather than working constructively to address their legitimate concerns in a timely manner? Is this the sort of question you would like us to be asking? That is what I am asking.

**MR STANHOPE:** I do not believe I made a series of angry outbursts. I think that is over the top. I made one slightly irritated statement. I made one statement that expressed some irritation, for which I apologised very publicly this morning. I do from time to time express some irritation and some anger at things that raise my ire. I've often regretted, in those quiet moments we have, the fact that I lose my temper.

I seek to undertake my duties in this place as a public official and a politician in a way that is consistent with standards I hold dear. I sometimes fail in the standards I set myself. I am prepared to openly admit now that I often fail in the standards I set myself in relation to behaviour I would like to exhibit. In those quiet moments we all have within the silence of our minds, I acknowledge the mistakes I make. I apologise for them and I regret the desert that I inadvertently caused others. I have no issue about standing here and saying that.

Yes, I am fallible. Yes, I do mistakes. Yes, I do have the capacity to acknowledge my failings and weaknesses. Yes, from time to time I am happy to apologise for them—as I have done to any medical practitioner in the ACT who is hurt or offended by my suggestion that they are reasonably well off and reasonably privileged in a relative sense. I know I have upset some of them; I do not know why. It seems to me there is a degree of preciousness about their response. To the extent that I upset them, I am sorry.

**MR CORNWELL:** I have a supplementary question. Do you not agree that some deft diplomacy is required in dealing with this medical question? I have not seen the draft you mentioned earlier, but did you consult with the medical profession—in relation to the deft diplomacy I am speaking of—rather than make over-the-top comments?

**MR STANHOPE:** Yes, I have to confess that I was irritated. Some of the irritation arose from the fact that the ACT government has consulted closely and constantly with the AMA. You hit the nail on the head, Mr Cornwell. Some of my frustration and irritation arose from the fact that we consulted closely and repeatedly. Everything was on the table. There were no surprises in there except the one issue we had not made a final decision on, which was the issue of the limitation period. We explained that that was the only issue on which we had not come to a concluded position.

In answer to your question, Mr Cornwell, we have consulted at all times with the AMA, the insurance industry, the legal profession and the other professions. We continue to do

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so; we are consulting today on some of the finer detail. This has been an open and consultative process, hence some of my surprise at some of what I regard as misinformation about the government's position on and attitude to this issue. It was being broadcast—as I indicated yesterday, it is quite distressing—and relayed to my office by clients of obstetricians, who were quite understandably distressed by the threats that their obstetricians were making and that they did not stand ready to assist them in delivery.

### **Radiation oncologists**

**MRS BURKE:** My question is to the Minister for Health, Mr Corbell. I refer to the report in the *Canberra Times* that the new chief executive officer of Health, Dr Sherbon, had said that it was unacceptable that cancer patients had to seek treatment interstate because there was a shortage of radiation oncologists in the ACT. Minister, do you stand by the comments of your chief executive officer? What specific action are you taking to address this situation?

**MR CORBELL:** Yes, I do, because Dr Sherbon was simply indicating that we do face a challenge and a shortage of the necessary specialist staff to provide radiation therapy for people in the ACT suffering cancer. This is not a new issue, Mr Speaker; it has been around for some time. The reason that it has been around is that there is a national and, indeed, international shortage of specialists, of radiation oncologists and radiation therapists, which means that it has been difficult for the ACT to retain the necessary level of radiation oncologists and radiation therapists.

Currently, there are 13.9 full-time equivalent radiation therapists employed in the ACT's public hospital system against an existing establishment of 20, so you can see that there is a shortage of the necessary staff. The ACT has four positions available for radiation oncologists, but only two are currently filled. However, a locum has been arranged from the end of June to October this year and a third radiation oncologist should return from leave without pay in November, which will provide some additional capacity to supply services to people needing that form of treatment.

National and international action is continuing to recruit additional radiation oncologists. At present a consultation with a radiation oncologist may not take place for up to four weeks. I should stress that waiting times for the commencement of radiation therapy are still being handled on the basis of priority. Patients considered as clinically urgent, category one, are still receiving treatment immediately. Those classified as semi-urgent have a median waiting time of 17½ days and those classified as standard, or category three, have a maximum waiting time of 72 days. The median waiting time for all categories is only 26 days and 80 people are currently waiting for that treatment.

This is an ongoing issue for the government. The government has addressed this issue in terms of recruitment and the rates of pay available to both radiation oncologists and radiation specialists, but the ACT, like many other jurisdictions, continues to struggle with the shortage in the work force and the implication that has for the treatment of people in the ACT suffering cancer.

**MRS BURKE:** I thank the minister for his answer and note his activities to try to improve the situation. Given the Chief Minister's acknowledgment of his over-the-top

rhetoric about doctors, does that not make your job and that of Dr Sherbon to attract specialists to practise in the ACT more difficult?

**MR CORBELL:** No.

### **Gungahlin Drive extension**

**MRS DUNNE:** My question is to the Minister for Planning and relates to the Gungahlin Drive extension. Minister, it was put to you on ABC Radio on Friday, 3 June that it should have been apparent to the Labor Party before the 2001 election, when it said that it wanted the western alignment, that the National Capital Authority was opposed to that route. The ABC presenter said to you:

Surely that information would have been available to you.

You replied:

Not at all.

You went on to say:

It was only after the election that they—

the NCA—

became a lot more political on that issue...but it was not very clear to the Labor party before the election that the NCA did have a predetermined view in relation to either alignment...

I think your get-out-of-jail card is very clear. Minister, do you stand by what you said on ABC Radio on 3 June?

**Mr Wood:** Mr Speaker, the matters regarding Gungahlin Drive have now been passed to me, so I think that it is appropriate that I should answer that.

**Mrs Dunne:** Mr Speaker, it was a specific question to the Minister for Planning about comments that he made on radio and I asked him whether he stood by those comments. I think that Mr Corbell has to answer the question.

**MR CORBELL:** My apologies, Mr Speaker; that is quite correct. I can only reiterate my recollection at that time, which is that prior to the election the NCA did not indicate a firm position, to the best of my knowledge, in relation to favouring one route over another. Indeed, my recollection is that the NCA simply indicated that either route would be consistent with the provisions of the National Capital Plan in relation to both of those areas being under further investigation for a possible road.

**MRS DUNNE:** I have a supplementary question. Do you still stick by that, even in the light of the National Capital Authority's expressed preference for a western alignment published in its draft amendment No 41 on 28 July 2001?

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**MR CORBELL:** It is a bit of a straw man, Mr Speaker. The National Capital Authority were implementing an amendment to the National Capital Plan based on a request from the territory government—that is why they did it—but it was quite clear that the National Capital Plan provided for an eastern or a western route for further investigation.

**Mr Smyth:** This removed the western route.

**MR CORBELL:** Of course they removed it, because you asked them to remove it and we had the most reasonable expectation that if we asked them to go with the other route which was identified as a potential route on both the Territory Plan and the National Capital Plan they would do us the same courtesy. They did not.

### **ACT Housing—tenancy**

**MS DUNDAS:** My question is to the minister for housing. Minister, when an ACT Housing tenancy is terminated because one party to a joint tenancy leaves, does ACT Housing ensure that the remaining tenants can either remain in their home or be immediately transferred to a smaller property if there are no other grounds for terminating their tenancy?

**MR WOOD:** There is a range of issues involved and I know the case in which Ms Dundas has been a good advocate. I signed off on a letter last night, by the way, and on another one this morning, to other agencies and to the tenants themselves, so my knowledge is based on a quick briefing from that letter and another conversation. In this case, there is an issue about the lease, which is now no longer applicable because there had been a change and one of the people mentioned in the lease has left, so that has to be rectified.

A way was chosen to rectify that. That was also compounded by a rent issue. ACT Housing has chosen a way to proceed which I think will end in a good result. The two remaining tenants of the three on the lease are assured of accommodation. The process will not see them being evicted: the process will see them secure in accommodation and, we hope, at the end of this stage, in what we and everybody might regard as more appropriate accommodation.

**MS DUNDAS:** Minister, I do not think you answered the general question that I was asking and that was about ACT Housing ensuring that the remaining tenants can either remain in their home or be immediately transferred to a smaller property if there are no other grounds for terminating their tenancy. While I do welcome the information you have provided on this specific case, I am asking more broadly what the policy is if one party to a joint tenancy leaves.

**MR WOOD:** The broad policy is that we need a new lease. The circumstance arises not uncommonly where families break up, or where, of two or three people—usually of that order—one leaves the house, a pretty common arrangement, and where we need a new lease. As I say, that is the broad issue. In this circumstance, another factor was also involved.

## Fireworks

**MR STEFANIAK:** Mr Speaker, my question, through you, is to the Minister for Industrial Relations, Ms Gallagher. Minister, I will read from some of the letters published in the *Canberra Times* last week about the Queen's Birthday weekend. Tim Hardy of Florey thought that it was "the noisiest and longest lasting" in three decades. Alisa Hurrell of Kambah compared it with a world war. Anne Furnass, the president of the RSPCA, wrote on 13 June 2002:

It is time the ACT caught up with the states and banned fireworks.

Ms Furnass added that 230 Canberrans who contacted the RSPCA were "angry that our government is still refusing to deal with the situation in a constructive way". Minister, why have you failed to act in a constructive way to protect the community from, in Mr Furnass' words, "the louts who enjoy frightening people and their animals"?

**MS GALLAGHER:** I am the first to admit that this long weekend—all of us in this room will acknowledge—there were certainly some loud fireworks going off in the ACT and that certainly there were fireworks going off outside the times required under the permits that were issued, between the hours of 5 pm and 10 pm. I think there were issues this long weekend that we need to look at.

The government did outline its response to the Standing Committee on Legal Affairs inquiry into the Dangerous Goods Act under the previous minister. We outlined the changes that we were going to instigate through legislative reform of that act.

As members would be aware from previous questions answered in this house, those amendments to the act weren't ready in time to be debated and implemented for this June long weekend. What the government sought to do was implement the changes through the licences that are issued to the retailers and the permits that are issued to the people who want to purchase the fireworks.

The issue of where they could be used and the times they could be used was done through permits. The issue of what fireworks could be sold was done through WorkCover's classification of shopgood fireworks, to be done through the licence requirements.

A couple of weeks before the long weekend there was some legal action in the Supreme Court where one of the retailers was successful in getting an outcome which ensured that the retailers were able to sell fireworks that they were able to sell the previous year. We weren't able to restrict the loud, banging fireworks this year. But it is something that will be in place for next year, once the amendments to the Dangerous Goods Act are implemented.

**MR STEFANIAK:** I thank the minister for that answer. Minister, you mentioned some action you had taken for some breaches the previous year, and I thank you for that. What enforcement action has WorkCover taken against retailers or users of fireworks who broke the law over this long weekend?

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**MS GALLAGHER:** I am waiting for a comprehensive report from WorkCover. I am advised that it takes about two weeks to put together all the information required. I understand there are some investigations going on this year over the alleged unlawful activities that occurred this year. The exact number of them I will get back to you on. I thought I did have it, but I can't see it here.

There certainly are some investigations going on for alleged breaches of the Dangerous Goods Act this year, and there are still seven prosecutions involving last year currently before the court. I will get back to you with those exact numbers.

### **Bushfires—McLeod inquiry**

**MR PRATT:** Mr Speaker, my question, through you, is to the Chief Minister, Mr Stanhope. Chief Minister, I note that the reporting date for the McLeod inquiry has been extended to 31 July 2003. I assume the reporting date has been extended to allow for public hearings, in line with your commitment on 2CN on 4 February 2003 that, "It'll be open, it'll be public, it'll be conducted freely and frankly and fearlessly."

Will the extension of the reporting date for the inquiry allow for public hearings, in line with your commitment, or is this yet another broken promise?

**MR STANHOPE:** The extension in the reporting time of the inquiry being undertaken by Mr McLeod was at the request of Mr McLeod, Mr Speaker. Mr McLeod informed me that, having regard for the weight of submissions and the issues raised—and also having regard for discussions and interviews he was conducting with those who had sought such discussions or interviews—he had been led to the view that he could not do the task the justice he would wish to within the original timeframe. He asked for an extension of four weeks, which I was more than pleased to grant.

**MR PRATT:** Mr Speaker, I have a supplementary question. Chief Minister, will the McLeod inquiry hold any public meetings?

**MR STANHOPE:** That is a matter for Mr McLeod, Mr Speaker. I am more than happy to write to Mr McLeod and ask him whether he does propose to have public meetings. I know that, in his communications with all those who have been in contact with him, he has indicated that he is more than happy to meet with anybody who has information they wish to provide to him orally which they hadn't taken the opportunity to provide to him in a written form.

As to Mr McLeod's modus operandi, or his intentions, they are matters I would have to take up with him.

### **Refugees**

**MS TUCKER:** My question is to Mr Wood. A number of reports over the years, most recently last month, have shown how appallingly difficult life is for refugees who are allowed to live in Australia only on temporary protection visas. Housing is one of the areas the Commonwealth has harshly restricted availability of, and the ACT's public rental housing agreement restricts eligibility to people with no restrictions on their



residence in Australia. This means they are eligible neither for public housing rebates nor, I understand, for the new bond loans.

I am sure that the minister is aware—we have discussed it—of the serious situation refugee families can find themselves in. I know of one family that has to live with four children on \$150 a week, once they have paid rent. Well over 80 per cent of their income is going into rent. Minister, is there a good reason why the public rental housing assistance program cannot be changed to allow assistance to people living here on this cruel category of visa?

**MR WOOD:** I am not sure I can say there is a good reason. There is a reason. I will confirm this, but it is my understanding that the agreements we sign with the Commonwealth require this. I will check that point just to make sure about it. I recognise that there is a problem there. The issue is also very much one for the Commonwealth, who should accept a role in this regard.

There have been a number of cases where we have arranged a head lease with a community organisation, and we have provided a house in that way as a way around the issue. There is certainly a problem for housing in Canberra in that quite a number of refugees of this status come to the territory and it is just another pressure on public housing.

**MS TUCKER:** Can you tell the Assembly whether you are prepared to look at further ways you can assist people in this situation, who are having such difficulty in accessing housing that is affordable—either further CORHAP schemes or other forms of housing assistance?

**MR WOOD:** It is a matter that arises from time to time, and on each occasion we work through the issue as best we can. There have been occasions when we have said, “Sorry, we can’t help.” We are now in the stages of renegotiating a new Commonwealth-state housing agreement. To the extent that that may be part of the factor, we will have a look at it, and I will report to you on other measures that may have been considered.

## **Burglary**

**MS MacDONALD:** My question is to the minister for police, Mr Wood. Minister, in Australian society property offences, such as burglary, cause much distress and heartbreak, as well as financial hardship. Can you tell me what is being done in the ACT to lessen these risks for residents?

**MR WOOD:** I think that there has not been quite enough publicity given to statements by the police in recent days about the success of Operation Halite. On their figures, fairly reasonably estimated, \$3.1 million in burglary losses have been saved as Operation Halite has made inroads into property and drug supply offences. That program began in October 2002 under Mr Quinlan.

Since that time, investigators have succeeded in helping to reduce burglaries from 142—far too high—to 97 each week, a 32 per cent drop and necessarily a big saving to the community and insurers. The average cost of a residential burglary is \$2,000 a

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household. That works out at a saving of something like \$100,000 a week. I think that there are a few ex-police ministers in this place, too.

The team is targeting car stealing and has succeeded in reducing motor vehicle thefts by 7 per cent—from 47 a week to 44. If the police maintain or improve on that work through to October of this year, they will have delivered a potential saving of at least \$1 million to the community, or about \$6,000 to the potential victim.

By using intelligence-led policing, the police have significantly disrupted the stolen property market and drug trade in the ACT. That style of policing concentrates on targeting offenders, especially active criminals, and investigating linked crimes and incidents. The criminal becomes the focal point of the investigation, not the crime.

Intelligence-led policing strives for greater efficiency and helps keep public confidence in the police at high levels. For example, since Operation Halite began, police have taken 153 people before the court for 602 offences. In May alone, the team took 32 people to court, charged with 137 offences. They were mainly property related—burglary and theft.

Intelligence gathered through Operation Halite confirmed what the police already knew, which was that a small number of recidivist offenders are responsible for a large number of the burglaries committed in Canberra. Operation Halite is a long-term initiative and I look forward to the community continuing to receive its benefits.

**MS MacDONALD:** I have a supplementary question. If members of the public notice suspicious activity, what should they do?

**MR WOOD:** That is a good question. I will emphasise that in my answer as we receive comments about that at various times. The police certainly need the help of Canberrans in ensuring that they adequately protect their homes and lessen opportunities for would-be thieves. For genuine emergencies requiring urgent assistance, 000 is always the number. When reporting suspicious activity which could lead to police action, people should call Crime Stoppers on 1800 333 000.

For general policing calls seeking police attendance or police advice, people should call 131 444 and they will be referred to the appropriate area or station within the police network. Calls directly to police stations should only be made when the caller has been instructed to phone a specific officer. A modern communication system now feeds all police calls through a centralised network under which the Crime Stoppers number and the general 131 444 number are coordinated. This centralised and efficient system allows for the immediate deployment of officers to situations needing attendance. I had a look in the phone book to check on the number. It is in the phone book under “Police”. If you forget that it is 131 444, reference to “Police” in the telephone book will give it to you.

## **Auditor-General’s report No 7**

**Mr Speaker** presented the following paper:

Auditor-General Act – Auditor-General’s Report – No 7 of 2003 – *Compliance Performance Audit – Recruitment Processes*, dated 18 June 2003.

**MR WOOD** (Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Arts and Heritage and Minister for Police and Emergency Services) (3.21): I ask for leave to move a motion to authorise publication of Auditor-General’s report No 7.

Leave granted.

**MR WOOD:** I move:

That the Assembly authorises the publication of the Auditor-General’s report No 7 of 2003.

Question resolved in the affirmative.

### **Estimates 2003-2004—Select Committee Responses to questions on notice**

**Mr Speaker** presented the following papers:

Estimates 2003-2004 – Select Committee – Responses to questions on notice Nos 369 to 392 –

**MR WOOD** (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for Arts and Heritage and Minister for Police and Emergency Services) (3.22): I ask leave to move a motion to authorise publication of responses to questions on notice.

Leave granted.

**MR WOOD:** I move:

That the Assembly authorises the publication of the responses to questions on notice Nos 369 to 392.

Question resolved in the affirmative.

### **Supplementary answer to question without notice**

**MS GALLAGHER:** Yesterday in question time, Mrs Dunne asked the Chief Minister a question in relation to ILO Convention 182. As that matter comes under the responsibility of the Minister for Industrial Relations, I will respond to that question.

Minister Abbott wrote to state and territory ministers in May 2001 requesting that they formally agree to ratification. The former Chief Minister, Gary Humphries, wrote to the federal government in 2001 indicating that ACT law was consistent with Convention 182, but he did not indicate support, or otherwise, for ratification.

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In November 2002 at the Workplace Relations Ministers Council, the then Minister for Industrial Relations, Simon Corbell, supported ratification of Convention 182. On 5 March 2003, the ACT government wrote to Minister Abbott confirming our support for the ratification of Convention 182 and our commitment to complying with the full obligations of the convention.

The government provided the federal government legal advice that confirms that ACT law and practice comply with Convention 182 and that there are no impediments to the ratification of the convention. The federal government is considering that advice and should be responding to the territory in the next month. There is no indication that any legislative changes need to be made in the ACT.

Also, earlier in question time today, Mr Stefaniak asked me about the number of investigations by WorkCover that are under way in relation to this week's long weekend. I can confirm for Mr Stefaniak the number: there were six alleged illegal sales from the fireworks season this year.

### **Law Reform Commission Report on bail—government response**

**MR STANHOPE** (Chief Minister, Attorney-General, Minister for Community Affairs and Minister for Environment) (3.24): For the information of members, I present the following paper:

Australian Capital Territory Law Reform Commission Report on Bail –  
Government response, dated June 2003 –

I seek leave to make a statement on the paper.

Leave granted.

**MR STANHOPE:** Mr Speaker, there is no doubt that bail can be a controversial and difficult issue for our courts, our police, this Assembly and the community. The question of bail requires a weighing up of important, but competing, interests and risks. Freedom from incarceration is a right that should not lightly be diminished in the absence of the finding of guilt by a court. The protection of the fundamental human right to freedom is of vital interest, not just to accused persons and their families but also to society as a whole.

Our society has another interest: ensuring that justice is done. This cannot occur if an accused person absconds before trial or interferes with a witness, for instance. Similarly, our society has an interest in ensuring that dangerous offenders are not given the opportunity to re-offend while awaiting trial. The challenge facing us is to ensure that our bail laws can and will produce bail decisions that give appropriate weight to each of these competing interests.

To this end, the previous government referred the issue of bail law to the ACT Law Reform Commission in December 1997. The terms of reference for the review required the commission to:

- review the provisions of the Bail Act to determine whether they are best suited to the public interest and particularly the interests of victims of crime;
- identify how successfully the provisions of the Bail Act are operating;
- identify appropriate criteria, if not already identified, for the grant of bail and the discretion for various offences, as appropriate, exercised by police or members of the judiciary and under what circumstances;
- determine whether amendments to the Bail Act should be recommended and identify and make recommendations on any associated issue that the commission considers relevant; and
- in undertaking the reference to consult with members of the community, have regard to their views.

The commission released its report on 13 July 2001. I would like to take the opportunity to thank the commission for its work. In preparing its response to the commission's report, the government sought the views of members of the public and key stakeholders, including the DPP, the AFP, the Legal Aid Office, the Women's Legal Centre, the Victims of Crime Co-ordinator, the Law Society, the Bar Association, the Domestic Violence Crisis Service, the Domestic Violence Prevention Council and ACT Corrective Services. I thank all agencies and individuals who provided submissions for their contributions to the reform process.

The government has given careful consideration to the reforms recommended by the commission. The majority of the commission's 25 recommendations are supported by the government and will be addressed through amendments to the Bail Act and associated legislation. It is expected that the amendments will be introduced later this year. Most of the recommendations deal with minor or technical issues concerning the operation of the bill. The six remaining recommendations entail more significant policy changes. While the government is prepared to support three of the recommendations, either wholly or in part, it does not support recommendations 8, 9 or 12.

Recommendation 8 advocated a reversal of the presumption in favour of bail for specific serious offences so that there would be a presumption against bail for those offences. The government does not believe that a presumption against bail is justified except in relation to murder, attempted murder and accessory to murder. We consider that the severity of the consequences for an offender found guilty of such offences creates a greater risk of absconding or interfering with a witness than would arise for less serious offences.

When the ACT introduces its own drug trafficking offences, the government will also consider providing a presumption against the grant of bail for those offences, as the link between organised crime and most drug trafficking in Australia considerably increases the risk of the accused person absconding, interfering with witnesses or re-offending before the trial.

For other serious offences listed by the commission, the government will not reverse the presumption in favour of bail. Instead, it is proposed that there be no presumption either way. In the absence of any presumption it will be up to the prosecution and the defence to persuade the court that bail should or should not be granted to the accused. Bail decision makers will consider all the available evidence, tendered by both the

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prosecution and the defence, before determining whether or not the grant of bail would be appropriate, having regard to the statutory criteria for granting bail.

In relation to recommendation 9, which concerns bail for persons who re-offend while on bail for another offence, the government notes that amendments to give effect to the commission's recommendations have already been enacted. The government proposes to review the operation of the amended provision, at section 9A of the Bail Act, after two years.

We will use the results of the review to decide whether the amended provisions are appropriate or whether further changes are desirable. In the short term, we propose to make a minor, technical amendment to clarify the relationship between section 9A and section 22 of the Bail Act to resolve a circularity, identified by the Federal Court in *Achanfuo-Yeobah v R*.

The government does not support recommendation 12, in which the commission proposes to repeal and replace section 8A of the Bail Act. That section concerns the grant of bail to persons charged with domestic violence offences. The commission's recommendation was strongly opposed by the DPP, the Women's Legal Centre, the Australian Federal Police, the Victims of Crime Co-ordinator, the Domestic Violence Crisis Service and the Domestic Violence Prevention Council. The government agrees with these agencies that section 8A serves the valuable purpose of promoting the safety of victims of domestic violence by ensuring that due regard is given to concerns about their future safety.

The government response addresses four additional bail issues, which emerged after the release of the commission's report. These issues concern undertakings to appear for persons granted bail after arrest for a breach of the peace, bail conditions involving supervision by Corrective Services or youth justice services, reconsideration of bail decisions when new evidence comes to light and the grant of bail to persons arrested for breaching periodic detention orders. I consider it appropriate for these issues to be addressed as part of the package of legislative reforms flowing from the commission's report.

In formulating its response to the commission's report, the government was guided by the principle, which underlies the Bail Act, that an accused person should only be deprived of his or her liberty before trial where the evidence available to the decision maker justifies that deprivation, having regard to the risk of the accused person failing to appear at trial, re-offending while on bail, harassing a victim, interfering with evidence or intimidating witnesses. The proposed amendments will assist bail decision makers to focus clearly on this risk assessment process, so that they do not lose sight of the underlying principles of the Bail Act when exercising their functions under this act. I move:

That the Assembly takes note of the paper.

## **Papers**

**Mr Quinlan** presented the following papers:

2002-03 Capital Works Program – Progress report – March quarter.

Public Accounts – Standing Committee - Report No. 5 – *Inquiry into the Rates and Land Tax Amendment Bill 2003 (presented 17 June 2003)* – Government response, dated June 2003.

Canberra Tourism and Events Corporation Act –  
Pursuant to subsection 23 (8) – Canberra Tourism and Events Corporation Business Plan 2002-2005.  
Pursuant to subsection 28 (3) – Quarterly report for 1 July 2002 to 30 September 2002 (Replacement copy).

**Mr Wood** presented the following paper:

Housing Assistance Act, pursuant to section 12 – Disallowable instrument DI2003-121 being the Public Rental Housing Assistance Program Amendment 2003 (No 1), together with an explanatory statement.

### **Paper—out of order petition**

**Mr Wood**, pursuant to standing order 83A, presented the following paper:

Petition which does not conform with the standing orders – Children’s adoption rights – Mrs Burke (95 citizens).

### **Order of the day—postponement**

*Ordered that order of the day No 2, executive business, relating to the Bushfire Inquiry (Protection of Statements) Amendment Bill 2003, be postponed to a later hour.*

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

Debate resumed from 8 May 2003, on motion by **Mr Corbell**:

That the bill be agreed to in principle.

**MRS DUNNE** (3.35): The Liberal opposition will be supporting this legislation. It is a natural consequence of the passing of the Planning and Land Act 2002. Although the opposition opposed the passage of that legislation, it would be unwise, churlish and altogether silly to oppose this because it has a whole lot of consequential ramifications, the principal being the repeal of the Kingston Foreshore Development Authority Act and the Gungahlin Development Authority Act, as they become part of the Land Development Agency on 1 July 2003. We have no problems with the bill and offer our support to the government.

**MR CORBELL** (Minister for Health and Minister for Planning) (3.36), in reply: I thank the opposition for its support. As Mrs Dunne has outlined, this bill effectively puts in place the necessary structural changes to permit the Land Development Agency to undertake the functions of both the Kingston Foreshore Development Authority and the Gungahlin Development Authority.

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Whilst this is the effective repeal of those two pieces of legislation, amongst some other minor amendments to the Planning and Land Act, it is worth placing on the record my thanks to both the Kingston Foreshore Development Authority board and the board of the Gungahlin Development Authority for their efforts in establishing those two very important development projects for the territory.

I was today at a lunch of the board of the Gungahlin Development Authority, following their last meeting today, and it was with great pleasure that I had that meeting. The Gungahlin Development Authority started with a budget based on a loan from the territory of \$800,000, and at its closure the authority will be returning a dividend of over \$33 million to the territory. Both boards proved to be successful in terms of their financial return to the territory.

Just as importantly, the Gungahlin Town Centre is now on a strong footing for future growth and development, with the announcement of the sale and development of three sections adjacent to the existing Gungahlin marketplace. Over the next 18 months, we will see the Gungahlin Town Centre transformed into a lively and vibrant centre, with an employment base of between 500 and 1,000 people. It will be an exciting time for Gungahlin. It is due to the Gungahlin Development Authority putting that in place that the Land Development Agency will now be well placed to continue that work.

Equally, the efforts of the Kingston Foreshore Development Authority board in progressing that very complex brownfield project—the first significant brownfield project in the territory—has had an outstanding result. In financial terms for the territory, the project has been slower to come to maturity, but in terms of the urban design and in terms of the overall design outcome at Kingston, we are well placed to see it come to concrete reality.

Over the next 18 months we will see the establishment and creation of the boat harbour at the Kingston Foreshore, which will bring heart and life to the very centre of that redevelopment site. One of the most interesting things I have done as minister responsible for Kingston is to acquire a piece of land at the Kingston Foreshore under the Lands Acquisition Act. When I was asked why we were acquiring the piece of land, I was advised that we were acquiring the piece of land so that we can turn it into a piece of water as part of the boat harbour. That was indeed an interesting highlight for the Kingston Foreshore Development Authority.

I place on record my thanks to the board of Kingston Foreshore Development Authority and, indeed, the chief executive officers and staff of both authorities. The government's commitment to those projects remains undiminished, despite the fact that we will no longer have a Gungahlin or Kingston Foreshore development authority. The new Land Development Agency will undertake those functions with as much gusto as those previous institutions.

Most importantly, the staff, who have both the expertise and the corporate knowledge and memory of those projects, will be staying on to continue to deliver those very important projects. I thank the opposition for their support of this bill.



**MS DUNDAS:** Mr Speaker, the day is moving faster than I anticipated, and I seek leave to speak on the in-principle debate.

Leave granted.

**MS DUNDAS:** I would like to put on the record that the Democrats will be supporting the Planning and Land Legislation Amendment Bill 2003, as presented by the Minister for Planning. This bill primarily repeals the Kingston Foreshore Development Authority and the Gungahlin Development Authority and corrects a number of minor issues in relation to the Planning and Land Act passed in the Assembly last year.

The merger of the Kingston Foreshore Development Authority and the GDA into the new land agency was foreshadowed at the time the planning and land bill was being discussed by this Assembly. The ACT Democrats support this amalgamation into a single body. This is part of the ACT government's move to comprehensively control the development of land in the ACT, and we support that. It makes sense to have all of the bodies that are involved in ACT land development working together under one agency.

The ACT Democrats support the introduction of public land development. A public land developer has the ability to take greater account of the social and environmental benefits of development. This amalgamation will assist in integrating the roles of existing development authorities into the new land agency. However, care must be taken not to disrupt the current functioning of these authorities, with a continuation of the on-ground staff being particularly important.

The Kingston Foreshore Development Authority is focused on a specific development project. While there has been some disagreement about the design of some elements of the Kingston Foreshore, disruption to staff and the authority would not be in anyone's interest. The land agency must be careful in its management of this merger. With regard to the amendments that I understand the government is making today, we have had a briefing on those and have not been made aware of any objections to the minor alterations that they make.

**MS TUCKER:** I seek leave to make more general comments on the in-principle stage of this bill.

Leave granted.

**MS TUCKER:** The Greens will be supporting this bill, in keeping with our earlier support for the government's promised reforms to planning and land development. This is primarily a machinery bill that repeals the Kingston Foreshore Development Authority Act and the Gungahlin Development Authority Act to create a single Land Development Agency. It follows from the Planning and Land Act 2002 and the Planning and Land (Consequential Amendments) Act 2002, which the Greens also supported.

We supported the return of land development activities to government so that it could be adequately controlled and so that the government kept the return from the development of the ACT's major asset. We opposed the earlier Liberal government's abandonment of

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government land development and its handing over of both the function, and the profits to be made, to the private sector.

We are pleased to see that the Liberals are supporting this one. Their earlier persistent objection to this policy stemmed from their ideological position that government enterprise cannot be good and from their concern for the interests of developers who formerly were able to reap profits. The major returns will be seen in future budgets, but auction results to date provide an indication of the soundness of the move, with strong demand and high prices.

But there are tensions between the government's interest in maximising its return on the development of land and its policy commitments to housing affordability, sustainability and, in particular, the preservation of endangered communities of high quality lowland grassy woodland. The government's decision to put forward Bonner, Forde, and East O'Malley for development before the lowland woodland strategy has been finalised gives us an unfortunate indication of the government's idea of appropriately balancing these considerations.

With regard to affordability, I note that Minister Wood has asserted, in his response to the affordable housing task force report, that the land release program, by providing land for 2,400 homes, is of itself "meeting demand, providing stability and affordability, and meeting housing affordability objectives".

While adding to the land supply must certainly make some contribution to satisfying the intense demand that has been driving up prices, in what other ways does it provide affordability and meet housing affordability objectives as asserted, given that auctioning is the method used to capture the highest prices that the market can offer and thus militates against affordability?

In response to the specific recommendation that the Land Release Program should identify sites for allocation to affordable housing providers at a subsidised price, the government only agrees in principle and says that it will consider this in the context of both the Land Release Program and the development of the Land Development Agency.

We look forward to seeing how the government translates its agreement in principle into action. I understand from Minister Corbell's response to our motion on East O'Malley back in March that the government has continually revised the land use program to respond to new circumstances and new pieces of information coming to light. So I am comforted by the knowledge that we need not wait until the next budget.

With the imminent establishment of the Land Development Agency, I very much look forward to a creative and positive response to the government's housing affordability and environmental objectives. No doubt, this will involve bold price subsidies for affordable housing providers and the revocation of proposed development sites at Forde, Bonner and O'Malley that would entail the destruction of endangered yellow box/red gum woodland. This would certainly be in keeping with the Land Development Agency's legislated requirement to perform its functions "in compliance with the principles of ecologically sustainable development", which is defined to be achievable through implementing, among other principles, "the conservation of biological diversity and ecological integrity" and "the intergenerational equity principle".

Given that this bill relates to the transitional measures incorporating the GDA and KFDA into the new Land Development Agency, I would like to raise a question about whether there are significant differences between the aims and functions of the new Land Development Agency and the ones specified for the Kingston Foreshore Development Authority and the Gungahlin Development Authority. I hope the minister will clarify this for me.

Both the KFDA and the GDA are required to exercise their functions consistent with the social and economic needs of the territory; in accordance with prudent commercial principles; in consultation with residents of the ACT; in a socially responsible way, having regard to the community; and in compliance with the principles of ecologically sustainable development, which is defined as I mentioned earlier.

I was pleased to see that Minister Corbell's budget press release regarding land development reforms said that the new Land Development Agency would exercise its functions on the same principles. But it was not clear to me how this was to be specified in legislation, given that the Planning and Land Act does not have a statement of how the agency will perform its functions that is equivalent to statements of the GDA and KFDA. Rather, it says that the agency will exercise its functions in accordance with the objectives of the Territory Plan and in accordance with the latest business plan accepted by the minister.

But the draft regulations the minister tabled do not specify these principles for the requirements for the contents of the business plan, and the objectives of the Territory Plan are different, and I understand that if DV 200 passes in the Assembly another set of objectives will apply.

I am not sure where it is expressed that the agency will exercise its functions in a way consistent with the social and economic needs of the territory, or in a socially responsible way, unless the minister plans to direct the agency to include this in the requirements for the agency's business plan, either by regulation or by request in writing.

I did note that the object of the Planning and Land Act says that the overall land and planning system should contribute:

... to the orderly and sustainable development of the ACT—

- (a) consistently with the social, environmental and economic aspirations of the people of the ACT; and
- (b) in accordance with sound financial principles.

But this is quite general and applies to the whole planning and land system rather than to the agency in particular—and contributing consistent with the social, environmental and economic aspirations of the people of the ACT is very different from exercising its functions consistent with the social and economic needs of the territory.

I would like to be assured that there is no watering down of the government's commitment to these principles in the Land Development Agency's aims and directions. Perhaps the minister can point to how he has provided for the agency to exercise its

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functions according to these principles. But if he has not, then I flag that we would aim to do this by amending Planning and Land Regulations 2003 by specifying these things in the requirements for the content of the agency's business plan.

The minister tabled a draft of these regulations when he presented this bill. He also spoke to these regulations and how they specify which matters the Planning and Land Authority refers to the Planning and Land Council and the process for preparing and approving the Land Development Agency's business plan. I will speak briefly to them now and then in more detail in the event of our moving a motion of disallowance in order to amend them.

The draft regulations provide for a fairly broad range of circumstances in which matters will be referred to the council, and that is good, but in our consultations we have heard different arguments about whether this is the best arrangement. For example, it has been suggested that, rather than simply specifying what the minister and authority can or must refer to the council, we should, in addition, allow this expert body to determine for itself what it should provide advice on—that is, initiate advice on its own motion where it perceives a need.

According to this argument, leaving the initiative solely with the minister and the authority has them presuming to know the council's mind on where advice on planning issues is called for. In other words, if it is worth seeking the council's advice, it is worth allowing them to have a view on what they provide advice on. A contrary argument that came through our consultations said that the model for the council was not one whereby it should be seen to promulgate policy or attempt to steer planning policy from the outside, so to speak.

An argument in between was that, in practical terms, there are probably ways that the council could slip in advice it thought important that might not be strictly what was asked for in its narrowest terms, and it would be difficult and perhaps politically unwise for a minister to stop that. It would be interesting to hear this minister's perspective on this. In any case, I understand that to change this aspect and provide for the council to initiate its own advice would require an amendment to the Planning and Land Act rather than just these regulations. On balance, I think it is something we would hold off on, preferring to see how the new planning system as proposed works in practice. However, we are still considering the issue.

Another matter in these regulations that we are wary of is the provision in regulation 4(2)(a), relating to defined land. This seems to allow for an exception to the circumstances in which the council's advice must be asked, in that it would exempt draft plan variations that relate only to defined land.

The defined land concept is already problematical in that it allows for the Territory Plan to be varied without any public scrutiny and thereby lends itself to potential abuse, as occurred with Harcourt Hill. That was an example of the previous government's destruction of remnant native woodland, despite having had the benefit of knowledge of its value and an opportunity to revisit the original boundaries.

Some years on, and with a Labor government that espouses a commitment to sustainability and the preservation of woodlands, it seems that not so much has

changed—as I have already said—given what has happened to Forde, Bonner and O’Malley. The government is keen to make plans around sustainability and preservation and wrings its hands about the tough decisions it has to make. But has the behaviour changed appreciably?

Returning to defined land, I once introduced a private member’s bill to remove this provision from the land act but did not receive support from the other parties. Seeking, through these regulations, to exempt defined land variations from the scrutiny of the council would only add to the lack of transparency and potential for abuse. We are not willing to support that, and we would be interested to hear the government’s arguments for such an exemption, given its commitment to transparency in decision making. We will move to amend clause 4 of the regulations by deleting this defined land exception and this should allow for some scrutiny at least by the council—and by the public through the council’s minutes being made public.

We will also seek to amend clause 5, which relates to the contents of land agency business plans. We will propose adding two new subclauses for the information that is prescribed. The first would require a statement of the ecological and social impact of proposed land sales for developments, and the second would require a statement explaining how the land agency plans to contribute to affordable housing through its programs. This is certainly in keeping with the minister’s stated aims for the agency, as set out in his budget press release of 6 May, and with the government’s stated commitment to affordable housing, sustainability and triple bottom line reporting.

There is a great opportunity for public benefit to be achieved through government development of land, and we do support this from the government and give them credit for it. We would not like to see this great opportunity missed, though, through too great a focus on purely commercial considerations.

In conclusion, we support these final legislative provisions for the new planning and land development framework, and we look forward to refining the regulations. We will take a keen interest in monitoring how the system works and the benefits it delivers to the community. If we see convincing evidence of a need for further change to the system, we will certainly work to bring about changes to improve it.

Question resolved in the affirmative.

### **Detail stage**

Clause 1.

**MR CORBELL** (Minister for Health and Minister for Planning) (3.55): I move amendment No 1 circulated in my name [*see schedule 2 at page 2161*]. Rather than speak to this amendment and each of the others, I will make a brief statement that addresses them all. These amendments to the bill address a number of more minor matters that have been identified as requiring attention following the introduction of the bill.

They may be summarised as follows. Section 56 of the Planning and Land Act is amended to extend the power of the Land Development Agency to delegate its functions.

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The act currently provides for the agency to delegate only to its chief executive officer. The amendment will allow the agency to delegate also to its own staff.

The definition of “authority” in the Territory Plan is amended to refer to the new Planning and Land Authority rather than the Australian Capital Territory Planning Authority. Rather than going through the considerably slower planning variation process, it was decided to propose the change, together with the other amendments in this bill, since it is a purely technical amendment.

Section 25 of the Australian Capital Territory (Planning and Land Management) Act 1988, one of the Commonwealth’s self-government acts, requires the territory Planning Authority to consult with the National Capital Authority about variations to the Territory Plan. The territory authority must then report to the executive on that consultation.

The land act was amended in December 2002 to require the authority to report to the minister and not the executive, as required by the planning and land management act. Therefore this bill inserts new section 24(1A) into the land act to require the new Planning and Land Authority to report to the executive, rather than to the minister, in its consultation with the National Capital Authority.

Finally, section 21 of the Land Titles (Unit Titles) Act 1970 makes reference to the administrative unit responsible for the administration of the Unit Titles Act 2001. From 1 July 2003, that will be the Planning and Land Authority. Section 21 of the act is amended by this bill to reflect that position. Again, these amendments are purely technical, or corrective, in nature and introduce no new policy issues.

**MRS DUNNE (3.58):** The Liberal opposition will be opposing amendment No 1, circulated in the minister’s name. I am sorry, but I have to oppose this simply because I have not had time to get across it. Yesterday afternoon the minister was kind enough to circulate four amendments to the Planning and Land Legislation Amendment Bill, which were, generally speaking, inconsequential and about which the opposition has no problem. We will be supporting it.

After the minister rose today and closed the debate, these revised amendments were circulated. It is only because we gave leave to Ms Dundas and Ms Tucker to speak after the debate had formally been closed that what was being proposed came to light. And what has been proposed, in section 56, is a significant increase in the power of delegation in the land authority.

During the inquiry of the Planning and Environment Committee into planning and land legislation last year, the committee had some concerns about the delegations within the land agency, and we discussed them at some length. In the end, we did not make any particular recommendations about it because we thought that for the most part our concerns had been addressed.

But now at this very late stage, after the formal closing of the debate, an amendment lands on our table that substantially increases the power of delegation within the land agency. Delegation is always a problem and always a difficult thing, and it is always a bit of a hard road to hoe to find the fine line there.

At this stage, I am concerned about the open-endedness of these amendments. On the basis of this and without the time to clearly consider it, either we can adjourn it until next week and have this considered or the Liberal Party will oppose it. If the amendment fails, I will welcome the minister bringing another amendment to the planning and land bill to fix it up—but with more notice because the process is really inappropriate.

We had this discussed yesterday. It looks like some boffin in PALM said, “Let’s do something else new.” Quite frankly, at this stage of the game, this is not the way to do it. On those grounds, the Liberal opposition will be opposing this amendment.

**MR CORBELL** (Minister for Health and Minister for Planning) (4.01): I need to clarify with Mrs Dunne that the clause the Liberal opposition is opposing today is the same as was circulated earlier this week. The difference, as I understand it, simply relates to a matter of form, as required by Parliamentary Counsel.

Regardless of the circumstances, let me address this substantive issue. When the Land Development Agency is issuing leases to people who buy blocks of land from it, should only the chief executive officer be allowed to issue those leases, or should a staff member of the authority authorised by the chief executive officer be allowed to issue them? That is what it is about.

We can have a more unworkable situation where the chief executive officer of the Land Development Authority must personally issue, under his or her hand, every single lease for every single block of land sold to somebody by the Land Development Agency. Or we can have one of their staff issue the lease. That is what it is about. It is not sinister; it is not some dramatic expansion of power; it is simply about making the operations of the authority work.

Either way, it is not going to be the end of the world. But, in the spirit of getting a co-operative and workable outcome, it is not unreasonable to say that the power of the chief executive officer of the Land Development Agency to issue a lease should also be able to be delegated to relevant staff within the Land Development Agency. That is what it is about.

**MRS CROSS** (4.03): I move:

That the debate be adjourned.

The Assembly voted—

Ayes 9

Noes 8

Mrs Burke  
Mr Cornwell  
Mrs Cross  
Ms Dundas  
Mrs Dunne

Mr Pratt  
Mr Smyth  
Mr Stefaniak  
Ms Tucker

Mr Berry  
Mr Corbell  
Ms Gallagher  
Mr Hargreaves  
Ms MacDonald

Mr Quinlan  
Mr Stanhope  
Mr Wood

Question so resolved in the affirmative.

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**MR SPEAKER:** The question now is that the debate be made an order of the day for the next sitting.

**MR CORBELL** (Minister for Health and Minister for Planning) (4.07): I move the following amendment:

Omit “the next sitting”, substitute “a later hour”.

Colleagues, this is not rocket science; it is very straightforward. This is not about some grab for power. It is simply a proposal to allow the staff of the Land Development Agency to issue leases to people who buy land. If you do not issue a lease to someone who buys a block of land, they do not have the block of land. That is all it is.

I propose that we delay the debate until a later hour this day so that we can discuss the matter further and resolve any confusion that may exist. It is not a difficult proposition, and to suggest otherwise is simply misleading. The reason I wish to have this delayed to only a later hour this day is that it is important that this legislation is passed as soon as possible to allow the new authority to commence its operations on 1 July and to have the necessary administrative arrangements in place.

Whilst I understand that members are concerned about this amendment, I believe that it does not require deferral until next week and that it can be simply addressed in discussions outside the chamber during the rest of today’s sitting.

**MS DUNDAS** (4.09): For the record, while I am supporting this adjournment, it is not because we are aware of problems with the substantive issue but because it appears that some members in this place were not given notice of this amendment whilst other members were. That has created confusion, and that confusion needs to be sorted out. Those members who received an earlier version of these amendments need time to form their position on this.

We are talking about two working days—four days in total—that this will be delayed by. It will not be a major impost on the authority—which has actually not yet taken hold, because it is not 1 July. That is the reason we are doing this. There was an error in the amendments that were circulated to some members and, now that they have the revised amendments, they need time to work it out.

Amendment negatived.

Debate adjourned to the next sitting.

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

Debate resumed from 17 June 2003, on motion by **Mr Stanhope**:

That this bill be agreed to in principle.



**MR STEFANIAK** (4.11): Earlier this year the Assembly passed legislation on this matter, which I introduced. We had a little bit of argy-bargy and came up with a very good bill, with the amendments agreed to by the government and myself, to protect people who made submissions to the McLeod inquiry. It protected them from any risk of defamation that might exist. Also, the Assembly provided protection to the report of the inquiry and to fair summaries and extracts from the report.

It was expected, then, that the report would be completed in time for tabling during this sitting period. I must admit I thought that was probably a bit optimistic; but good luck, you never know. The act did not, however, make provision for tabling the report outside sitting periods. It made provision that if that occurred there would be protections after the report was tabled—and that was fine—but it did not make actual provision for tabling the report between sitting periods.

I think it's desirable—and the opposition feels it is desirable—that if this report is ready at the end of July we should see it then, when the Assembly is not in session. As the bill was, the report would not be able to be made public until the Assembly reconvened and the report had been tabled. Whilst that was probably only about 18 days or so, we can see the need for this report to be put before the public as soon as possible—and we don't have a problem with that—even though it would only be a number of weeks.

The government has introduced this bill, the Bushfire Inquiry (Protection of Statements) Amendment Bill 2003, enabling the report to be released publicly even though the Assembly isn't sitting at the time, to enable, as they say, fair discussion of that report at the earliest possible time. We think that indeed is desirable.

There have, however, been a few little problems with this. It seems the simple intention of giving protection to witnesses, people who make statements, and hopefully even people who have physically, verbally, talked to Mr McLeod—and I still hope that he might have some public hearings—is not simple. Their rights need to be actually protected. There has been a real problem, though, just in terms of doing that very simply. I'll come to that shortly.

I thank you, Mr Speaker, the acting clerk and everyone else involved in the legal advice that came around, which generated some further problems after it hit the deck on Monday. It is interesting that what was proposed by the government—I couldn't see what they were getting at—did have some probably unintended consequences.

Paragraph 35 of the legal advice that Clayton Utz sent to Mr Tom Duncan, the acting clerk, indicates that the bill, as it is here in principle, does actually cause some problems in relation to the question of privilege and the fact that the document would be privileged in the Assembly. At page 10 of the advice, Clayton Utz actually suggest:

... we consider that the Assembly would think carefully before granting such a powerful protection—

that is, privilege—

since it has no real power to punish any misuse of the protection.

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It goes on to say that the issue of privilege is very much a fundamental issue for the Assembly. That is a very important point.

Accordingly, the government has sought to delete a number of subsections from the bill, namely 3A, subsections (c) to (e), to overcome this problem. I think that would probably achieve their wish.

There may well be, however, some further problems with that. I think it's important we actually do what is best in terms of finalising this piece of important legislation.

Clayton Utz decided there were other options available for the protection of the document. I think it's probably important to just see what they state in a couple of paragraphs in their particular advice, because this is important and has obviously generated what's occurred today.

In paragraphs 37 through to 40, they actually state:

There are several other options for protection of the report of the inquiry.

That is something we all want to see. They continue:

On the one hand, there are alternative statutory protections. That is, there are other ways that the protection provided by the Bushfire Inquiry Act or the amendments proposed by the Bushfire Inquiry Amendment Bill might be formulated. While we have not made exhaustive searches on this point, we draw your attention to the approaches of the following 2 NSW Acts:

- *Special Commissions Of Inquiry Act 1983* (see, especially, sections 7, 8, 9, 10 and 17); and
- *Rail Safety Act 2002* (see, especially, sections 66, 67, 75, 76 and 78).

They attach copies of those provisions. They go on to say:

In the interests of time, we do not offer any detailed analysis of the provisions in question. If you require such further analysis, please let us know. We draw your attention, however, to subsection 9(5) of the *Special Commissions of Inquiry Act 1983* which, on its face, excludes the operation of parliamentary privilege in relation to determining the admissibility of certain evidence. The attraction of this sort of provision is that it demonstrates that the legislature has turned its mind to the potential operation of privilege and also indicates, expressly, that privilege is not to apply.

They then go on to say—and I think this is most pertinent:

The attraction of the *Rail Safety Act 2002* example is that protection is provided without any reference to the legislature. The protection afforded by section 78 of that Act operates on the publication of the report by the Director-General, not on its presentation to a minister or the legislature. In so doing, there is no suggestion that parliamentary privilege is attached.

I think that is a very important paragraph, paragraph 39 of their particular advice. They go on to say finally:

Another option for protection of the report would have been for it to have been established pursuant to specific legislation that spelled out all the functions and powers of the Inquiry, together with detail of issues such as the protection of witnesses. Yet another option would have been for the inquiry to have been established under section 5 of the *Inquiries Act 1991*. As the time for exercising either of these options has passed, however, we offer no further comment.

That may well be so, but again I think this exercise we're engaged in now brings home the importance of what we were saying back in February or March: really it would have been far preferable if this inquiry, the McLeod inquiry, actually had been set up under the Inquiries Act, because these little problems we're having in trying to sort through these issues simply would not have occurred had it been done under that act. That obviously would have been a far more preferable way to go.

It wasn't, and so now we are just doing these things to ensure that people are protected, the correct protections are offered and things like privilege are actually taken into account.

The relevant New South Wales section—and the advice contains a number of these references—is section 78 of the Rail Safety Act 2002. It would seem to me that the amendments which Ms Tucker proposes are very much in line with that particular section. I'm very thankful for the discussions I've had with all members, with Mr Gosling, with Ms Tucker and with Roland from her office. I'm grateful for not only the Clayton Utz advice but the advice provided by the Government Solicitor and the discussions with and the assistance from the acting clerk as well.

It would seem that the government has acknowledged concerns about parliamentary privilege versus legal privilege; it's introduced its amendments. There are still some potential issues there. On balance—certainly taking the advice I've had—Ms Tucker's amendments are preferable. Obviously we'll be supporting the bill in principle, but I think her amendments are probably tidier.

They do provide protection from civil action directly to McLeod, the Chief Minister or anyone else acting under their directions in preparing or making public the report. No person is liable, it would seem, if they publish the report or a fair summary of it. It applies only in that respect; it is not dependent on the Assembly, the Speaker or anyone else taking or not taking any actions; and it seems to be a pretty faithful reproduction of the New South Wales provision. They would seem reasonable amendments to make.

So we will be supporting the bill in principle and, on the basis of the advice I've had, plus looking at it, we'd be happy to support Ms Tucker's amendments in relation to that particular issue in the bill.

**MS DUNDAS (4.21):** Mr Speaker, the ACT Democrats will be opposing this bill. After the introduction of Mr Stefaniak's bill in March, I offered the support of the Democrats as that bill provided the protection of privilege to all evidence given to the inquiry and

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provided peace of mind for firefighters and others with evidence that could help the ACT avoid another disaster of the like of the January bushfires.

As I said at the time, any investigation into events surrounding the bushfires should provide full protection for witnesses giving sensitive evidence. However, the number of debates and the government's commitment to brand this inquiry as their own has caused confusion and, now, three debates in this Assembly.

With this confusion it is quite possible that many witnesses have erred on the side of caution when presenting their evidence. Mr Stanhope's McLeod inquiry came under fire from the United Firefighters Union and from some individual firefighters, and now the Assembly is debating a bill that may or may not make the situation any better.

Whilst I understand the Chief Minister's desire to release the report out of session, with the permission of the Assembly, the Assembly was never consulted about this inquiry; they were cut out of it by this government that had a bunker mentality following the bushfires of January.

The government remained obstinate, while the Assembly requested that it move the McLeod inquiry under the Inquiries Act. In the absence of the adoption of the Inquiries Act framework, Mr Stefaniak's bill appeared to be the next best thing. However, the government, as I've said, wanted to put its stamp on the inquiry, and this in effect softened the protection of witnesses.

This bill that we have before us today is an attempt to add extra protection to allow the report to be tabled out of session, but the ACT Democrats' position on this is clear. We have on the notice paper an amendment to the Inquiries Act that prohibits the tabling out of session of inquiries as only tabling as a parliamentary proceeding can guarantee absolute privilege. I believe that this bill does not make the McLeod inquiry a board of inquiry, a committee inquiry or a parliamentary proceeding but rather an ad hoc attempt to fix up what can only be described as a shambles.

I understand that there are some amendments floating around at the moment from Ms Tucker, and I will speak to them when we get them in the in-detail stage.

**MS TUCKER (4.23):** I will be moving amendments to this bill in order to ensure that the McLeod report is protected from actions of defamation, that publishing the report will be protected and that parliamentary privilege is neither granted nor implied. As far as I understand it, no-one has a problem with my amendments and all parties agree that they do what they're intended to do.

It probably does help to track a little of the history of the bill itself. The government introduced it to ensure that the McLeod report can be published as soon as it is completed, without a need to wait until the Assembly is sitting, and that the report and the team who produce it are protected from defamation action.

I did ask the clerk for advice when it was introduced, however, because I was concerned about the approach being taken and that once again the line between the legislature and the executive was being blurred. The clerk's advice reaffirmed my concerns about

possibly using parliamentary privilege to provide protection for a report commissioned by the executive.

Problems have arisen in seeking to ensure “without unforeseen consequences”. The clerk’s advice also raised the possibility that such protection would interfere with other legal processes further down the track. That advice suggested a course of action to put the question of limited legal privilege for Mr McLeod, the Chief Minister and the report beyond doubt.

Clearly government has conceded that these concerns should be addressed, and it has proposed its own amendments to do that. Unfortunately, seeking to remove any of those amendments still leaves some doubt on the publication of the report and any protection McLeod may or may not have prior to the Chief Minister handing the report to the Speaker.

I don’t think the issue is one of intent; it is simply one of certainty. As I understand it, my amendments offer that certainty, while the government’s bill arguably may not. The amendments provide protection from civil action directly to Mr McLeod, the Chief Minister or any person acting under their direction in preparing or making public the report; nor is any person liable if they publish a report or a fair summary of it. It is as simple as that. It applies only to this report. It is not dependent on the Assembly or the Speaker of the Assembly taking or not taking any action.

**MR PRATT (4.25):** Mr Speaker, we called for an inquiry under the Inquiries Act quite soon after the January 2003 bushfire disaster, and that was rejected. I can recall on 20 January calling for a full independent inquiry. It seemed to me that that was axiomatic; that when a community goes through a disaster of this magnitude it should be quite automatic that it looks unto itself to see what did go wrong and what lessons can be learnt.

It’s a pity that the government’s ad hoc and untidy approach to establishing an inquiry did occur; that’s regretted. It’s also regrettable that during estimates we didn’t get, again, an opportunity to look at the issues, and it’s regrettable that Mr Wood stonewalled the Estimates Committee from inquiring into those matters. It would have been another opportunity to start learning the lessons as quickly as we possibly can. We’ve had this lack of urgency again being shown there in trying to get to the bottom of what has happened so that we can learn from and apply those lessons as soon as we possibly can.

It’s now June and we’re not that far away from the next bushfire season. Time is of the essence. I’m glad to see that Ms Tucker has agreed to have a look at this, and she seems to have come about and realised too that an inquiry under the Inquiries Act would have been a better way to have coped with the challenges which the ACT community has been facing.

A full and frank inquiry, Mr Speaker, was always needed to ensure that we pull out all those lessons, learn from them and then apply them. Such an inquiry would have allowed Mr McLeod, who’s a fine inquirer, to range widely and more deeply to investigate all of the circumstances leading up to and surrounding the events of 18 January and perhaps even going back a good four or five years to have a look at all the systemic weaknesses

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which have developed going back a helluva long time, all of which have contributed to the January 2003 disaster.

Certainly such an inquiry under the Inquiries Act would have provided full protection and privilege to all individuals and all corporate groups who needed to come forward and make those submissions, and that would have allowed Mr McLeod to have a lot more information to draw upon to make the very necessary recommendations.

Again, Mr Speaker, I do point out that we have got only a few months before the next bushfire season; there's little time now to start applying the lessons that can be learnt to allow the Emergency Services Bureau and our other agencies to put in place the sort of emergency management planning required and needed to minimise risk. We can never legislate bushfire risk out of existence, but we must do everything possible to minimise the risk.

I am glad that the government has now come forward at least with this proposal. We support the bill in principle. I certainly support Ms Tucker's amendments. I think Ms Tucker's amendments will provide further teeth to make it a more viable bill. So let's see where we go from here. Again I encourage the government to see whether we can move quickly to put in place the new mechanisms required to make this ACT community a safer place next time around.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail stage**

Clauses 1 to 3, by leave, taken together and agreed to.

Proposed new clause 3A.

**MS TUCKER** (4.30): I move the revised amendment circulated in my name [*see schedule 3 at page 2162*].

Basically the intention of this amendment I'm moving is to remove subsection 4 (2) of the principal act because it refers to procedures in the Assembly as a trigger for protection. My primary amendment provides protection without recourse to this strategy. If we don't delete 4 (2) it could conceivably get a bit murky, with the same thing being done in two different ways.

Proposed new clause agreed to.

Clause 4.

**MS TUCKER** (4.31): I move amendment No 1 circulated in my name [*see schedule 3 at page 2162*].

I have already spoken to this. Basically it provides protection through legal privilege, without the complications of Assembly privilege, and gives protection from civil action directly to Mr McLeod, the Chief Minister or any persons acting under their direction in preparing or making public the report.

**MS DUNDAS** (4.32): Mr Speaker, the ACT Democrats will be supporting this amendment, as it removes the report from the Assembly and the Speaker and places it back in the hands of the people who are responsible for the inquiry, namely, the Chief Minister and Mr McLeod. As I said at the in-principle stage, this inquiry in this way has never been the idea of this Assembly; so I think it's right that that is made clear in the legislation.

This amendment provides protection for defamation action taken against protagonists. I have a concern with this amendment, as it does not prescribe that the Chief Minister must give the report to other members on any specific day; so it is possible that the Chief Minister may release the report by media conference and not hand copies to anybody else.

I have contacted Parliamentary Counsel in an attempt to make two amendments to address this concern. However, the drafter was uncontactable and we've run out of time. I have had further discussions with the Chief Minister on this point, and I believe he will now put on the record that he will allow members of the Assembly to have the report as soon as it is available.

If that happens I will therefore support this amendment, but I will unfortunately have to oppose the bill as a whole.

**MR STANHOPE** (Chief Minister, Attorney-General, Minister for Community Affairs and Minister for the Environment) (4.33): Ms Dundas did speak to me seeking an assurance that the government would make the McLeod report available when received by the government. Of course that's what this legislative exercise is all about; it's all about ensuring that, when the report is completed and made available to the government, the government has the capacity to make it available to the people of Canberra without delay. That was the purpose of this particular legislative pursuit.

Before I go on, I'm more than happy to give that undertaking, Mr Speaker, and I do so now publicly and on the record that yes, the government will make the report available when we do receive it.

I won't say much more about this particular matter, other than to say that there are, of course, half a dozen approaches we could have taken to achieve the result that it seems we're all seeking to achieve. The government proposed a particular model; I think it's fine. I still don't resile from the model the government proposed; it didn't meet with favour amongst other members; other members had issues or concerns. I have to tell you quite frankly I still need some convincing about the validity or the reality of the concerns.

Be that as it may, I acknowledge that the concerns lie in the breasts of some of us, and

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I'm happy at any result that allows the government to deliver the report to the people of Canberra immediately it's received. If this is the model that makes people happy, so be it.

I don't want to delay people. What this whole debate in relation to the McLeod report and its publication reveals to me is the uncertainties in the minds of many around parliamentary privilege—what it means, when it exists, how it's exercised, when it should be utilised, and indeed what its purpose is.

I do regret that I was absent after question time on the day the original bill was debated. I would have very much liked to have contributed to that debate to clear up some of the misunderstandings that I believe were expressed in the debate on that day. Perhaps we would have avoided this ongoing issue which has occupied so much thinking and time over the last six weeks or so—much of it I think fruitless and quite unproductive—going to issues around parliamentary privilege and when it is exercised.

There are some fundamental questions in relation to this, which I too pose. I'll conclude my comments on this because I'm a bit keen to go home. I just make this point in the context of this angst and anxiety we're feeling about the McLeod report; whether or not it should attract parliamentary privilege; if not, why not; and simply in relation to the submissions that were tabled: yesterday the Speaker tabled an Auditor-General's report. Today the Speaker tabled an Auditor-General's report. The minute he tabled them, it was moved that the reports be published. The Assembly agreed without thought or demur.

On Tuesday we published Auditor-General's reports No 5 and No 6; today we published Auditor-General's report No 7. What did we do by agreeing to publish them? We granted them parliamentary privilege.

And what did Auditor-General's report No 5 contain? It contained an inquiry into FAI House, which I can't discuss or debate, but it suggests some fairly dodgy business in relation to the computing of the rent, et cetera. But we won't debate that because we can't.

Report No 6 was into some shenanigans at the University of Canberra Union, with a recommendation from the auditor that the matters at the University of Canberra Union be referred to the Australian Federal Police.

Some of the concerns I've seen expressed are: "Heck, if you grant a document parliamentary privilege, that's it; you can't then pursue these matters in other forums. Matters can't be pursued through courts." Yesterday, we gave parliamentary privilege to a report of the Auditor-General which recommended just that. Is anybody now going to stand up and say, "Heck, what have we done? Have we now truncated an Australian Federal Police inquiry into the University of Canberra Union? Have we now prevented the possibility of prosecutions emanating from that police inquiry? Shock, horror, what have we done?" Well, let me tell you and reassure you: we've done no such thing. We've given parliamentary privilege to some Auditor-General's reports which actually suggested there needed to be police investigations and all this, and we haven't done any harm or any damage.



There's a purpose, and I could argue for its utilisation in relation to the submissions. It's been done a thousand times in this place. We did it on Tuesday; we did it today; we do it constantly. Yet all of a sudden we've got one issue here which has achieved this Colossus status. I think, to some extent, it's through the fact that we perhaps as a parliament haven't quite come to grips with it.

But of course privilege is attached to Auditor-Generals reports actually through its legislation in any event; it's a legislative process. Just as the models that Clayton Utz referred us to in relation to New South Wales state railways, it's a statutory model.

The point I raise is that perhaps we, as a legislature, need to investigate models. Ms Tucker has put up a model today, a legislative model in relation to how to ensure we do protect certain documents and what is the best and most appropriate way of protecting those certain documents.

I think it was an issue that was raised first in relation the Gallop report, and we found there that the circumstances weren't such as we would have wanted or wished. There was confusion and concern in relation to my capacity to release that at the time. It became very confused, complex and complicated.

Perhaps at this time I anticipated, "Well, we've had a problem with Gallop; I don't think it'll recur or occur again." The Gallop problem has occurred again in relation to the McLeod report. What it's done is raise the suggestion that I think we need, as a legislature, to develop some way of dealing with this concern around when it is appropriate for parliamentary privilege to be available and utilised and when we should be relying on statutory forms of protection, such as the model that Ms Tucker has now proposed or developed in relation to this particular issue.

I raise the issue as a result of, I think, this level of confusion, concern, worry and doubt about when it applies and when it doesn't, when it can be utilised, what the effects or implications of it are and when something is a proceeding of parliament and when it's not. To the point that I don't have the same concern as others do in relation to this particular matter, my opinion and the opinion of my department—and it's my firm and sound opinion; and I believe it was Clayton Utz's firm and sound opinion too, as expressed in paragraph 21 of the Clayton Utz opinion—is that these proceedings, this document, this issue, the McLeod report, in no way can be, and ever would be, a proceeding of this parliament.

It was an executive act organised by me, ordered by me, undertaken on my behalf, reporting to me; it is not a proceeding of parliament. As such, parliamentary privilege won't attach. I think it's beyond doubt. Others have a concern about it and aren't as confident as I am; hence my willingness to accept Ms Tucker's model.

**MS TUCKER (4.42):** I want to respond to Mr Stanhope's comments there. It is an interesting question and one that is being dealt with by parliaments right around the Commonwealth, in fact. These issues of parliamentary privilege and immunities that we were given—a very special immunity and privilege—are sensitive issues, and we do need to be very careful when we see in any way a slide to allow other documents to move and to back onto that privilege.

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Mr Stanhope has just compared the tabling of Auditor-General's reports to the McLeod report, but I do see that as quite different. The Auditor-General's reports are to the Assembly, not to the Chief Minister; the Auditor-General's performance is actually controlled by the Auditor-General Act of 1996. Section 19 of that act says:

**Reporting sensitive information**

- (1) The auditor-general shall not include particular information in a report for the Legislative Assembly if—
  - (a) the auditor-general is of the opinion that its disclosure in the report would be contrary to the public interest because it could—
    - (i) have a serious adverse impact on the commercial interests of any person or body;
    - (ii) reveal trade secrets of any person or body;

And so on. There's a whole section there. So I do feel that it is a different circumstance.

But having said that, I don't disagree with Mr Stanhope that it's an interesting thing for us to discuss. I appreciate his openness on the subject.

Amendment agreed to.

Clause 4, as amended, agreed to.

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

Bill, as amended, agreed to.

**Adjournment**

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

That the Assembly do now adjourn.

**The Assembly adjourned at 4.44 pm until Tuesday, 24 June 2003, at 10.30 am.**

## Schedules of amendments

### Schedule 1

#### Nurses Amendment Bill 2003

Amendments circulated by the Minister for Health

#### 1

##### Clause 9

**Proposed new section 14 (5) Page 5, line 28—**

*omit proposed new section 14 (5), substitute*

- (5) The board may impose any condition on the registration of a person under this section that the board considers necessary or reasonable to protect the public.

*Note* Words in the singular number include the plural (see Legislation Act, s 145).

#### 2

**Proposed new clause 11A**

**Page 6, line 16—**

*insert*

#### 11A Cessation of enrolment

**Section 57 (a)**

*insert*

written

*before*

notice

---

### Schedule 2

#### Planning and Land Legislation Amendment Bill 2003

Amendments moved by the Minister for Planning

**Proposed new clause 3A**

**Page 3, line 4—**

*insert*

#### 3A Delegation by land agency

**Section 56**

*after*

chief executive officer

*insert*

or a land agency staff member.

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19 June 2003

### **Schedule 3**

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

Amendments moved by Ms Tucker

#### **Proposed new clause 3A**

**Page 2, line 10—**

*insert*

#### **3A**

*omit*

subsection 4 (2) of the Principal Act

#### **Clause 4**

#### **Proposed new section 4 (3A)**

**Page 2, line 14—**

*omit proposed new section 4 (3A), substitute*

- (3A) The Territory, the Chief Minister, Mr McLeod, or a person acting under the direction of the Chief Minister or Mr McLeod, is not civilly liable for anything done honestly in relation to the preparation or making public of the report.
- (3B) A person is not civilly liable for publishing honestly—
- (a) the report, or a fair copy of the report, as made public; or
  - (b) a fair summary of, or a fair extract from, the report as made public.
- (3C) This section does not deprive a person of any defence the person might have relied on apart from this section.

## Answers to questions

### Cultural Facilities Corporation (Question No 555)

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

In relation to the Cultural Facilities Corporation:

- (1) Funds were allocated in 2002-03 Budget for works at (a) Stage 88 and (b) the Playhouse. As at 31 December 2002 no monies had been spent on both of these projects and they were both scheduled for completion in December 2002. Why had work not started or been completed on these projects at 31 December 2002;
- (2) Have any works progressed between 31 December 2002 and 31 March 2003, if so, please provide expenditure and works details, if not, why not;
- (3) What are the new completion dates for projects (1) (a) and (b) above.

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

- (1) (a) While it was originally intended to complete this project by December 2002, it was then decided to postpone the work until winter 2003, to avoid impacting on planned activity on the stage during the spring, summer and autumn periods. More recently, negotiations have commenced between the National Capital Authority (NCA) and the Cultural Facilities Corporation (CFC) for the NCA to take over management responsibility for Stage 88, including the capital works project and its funding. These negotiations are expected to be completed in the near future and it is anticipated that the NCA would then undertake the project within the winter 2003 timeframe.
- (1) (b) This project encompasses providing a tether and lanyard system to the roof of the Canberra Theatre Centre, not just to the Playhouse. The delay relates to the limited available expertise for this specialised work, and to difficulties in engaging a contractor locally with the expertise to undertake the work.
- (2) (a) No, for the reasons given under 1 (a). It is not now intended that the work would be completed by the CFC. Once this is confirmed, the Department of Urban Services will seek Treasury approval to utilise these funds for other priority projects.
- (2) (b) No, for the reasons given under 1(b). The CFC has engaged Procurement Solutions to find a contractor with the required expertise.
- (3) (a) Refer to 1 (a).
- (3) (b) 30 June 2003.

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### Canberra Hospital—renal dialysis unit (Question No 587)

**Mr Smyth** asked the Minister for Health, upon notice:

In relation to the Canberra Hospital's renal dialysis unit:

- (1) What is the estimated increase in demand for the renal unit's services this financial year;
- (2) How much did the renal unit's budget increase by in 2002-03;
- (3) What is the current waiting list and waiting times in each category for the renal unit's services;
- (4) What percentage of patients are overdue in each category;
- (5) What do ACT health guidelines show as the maximum percentage of patients being overdue in each category;
- (6) What percentage of the renal unit's patients come from NSW;
- (7) How does the ACT Government charge the NSW Government for providing renal unit services to NSW residents and does it cover the cost of providing the service;

**Mr Corbell:** The answer to the member's question is:

In relation to the Canberra Hospital's renal dialysis unit:

- (1) The increase in demand for the renal unit's services this financial year is indicated by the following activity measures for the period to end of March:

Haemodialysis episodes	13% increase
Peritoneal dialysis episodes	10% increase

- (2) The renal unit's total expenses budget was increased by 20% in 2002-03;
  - (3) There is no waiting list for renal dialysis services. Patients are able to access dialysis services as soon as they are in need of these services. Dialysis services are provided to people once their kidneys can no longer function properly. Any delay in the provision of such services would result in a significant deterioration in a person's health status and even death.
  - (4) See answer to question 3.
  - (5) See answer to question 3.
  - (6) The percentage of the renal unit's patients who reside in NSW are as follows:

Haemodialysis patients:	36%
Peritoneal dialysis patients:	61%
  - (7) For hospital-based haemodialysis the ACT charges NSW the cost weight price for that procedure, as stipulated in the arbitrated cross border agreement. For home-based maintenance renal dialysis (heamodialysis and peritoneal dialysis), NSW pays all costs directly. ACT Health is confident that these arrangements achieve full cost recovery for those services.
-

**Canberra Medical School  
(Question No 592)**

**Mr Smyth** asked the Minister for Health, upon notice:

In relation to the Canberra Medical School:

- (1) Can the Minister advise where planning is up to for the Canberra Medical School;
- (2) What was delivered for the \$13,000 spent as at 31 December 2002 from the \$70,000 allocated this financial year in new capital works;
- (3) Did any additional expenditure from capital works take place between 31 December 2002 and 31 March 2003, if so, please provide details;
- (4) Has any of the \$500,000 allocated in new initiatives for the Canberra Medical School been expended, if so, please provide cost and works

**Mr Corbell:** The answer to the member's question is:

- (1) The first students for the new Medical School program will commence in 2004. The second stage of a feasibility study to develop specifications for capital works will be completed in August 2003 to inform Capital works which will commence in the 2004-05 financial year in time for the main student placements at hospitals from 2006. This timing was agreed in November 2002 between representatives of the Department and the Vice Chancellor of the ANU.
- (2) This money was spent on planning for the capital works required for the Medical School. The first stage of a feasibility study was conducted in October 2002.
- (3) No additional expenditure occurred.
- (4) Yes, this money was provided for additional teaching and clinical staff at The Canberra Hospital to prepare for the commencement of the Medical School in 2004.

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**ACTION—off-peak fares  
(Question No 625)**

**Mr Cornwell** asked the Minister for Planning, upon notice:

In relation to off peak pensioner fares.

Discount fares are only available during non-peak periods. If a pensioner catches the bus during peak hour they cannot use their concession card. This is blatant discrimination and ACT Labor will not allow this to continue.”

- (1) What steps has the Government taken to fulfil this election commitment.
- (2) If the commitment has not been fulfilled, why not.

**Mr Corbell:** The answer to the member's questions is as follows:

- (1) The extension of the off-peak ticket to peak periods is not addressed in the 2003-04 budget.
  - (2) The Government will respond to the election commitment within this term of office.
- 

**Gungahlin Town Centre  
(Question No 626)**

**Mr Cornwell** asked the Minister for Planning, upon notice:

In relation to what were the specific reasons for the Gungahlin Development Authority rejecting the Town Square proposal for the Gungahlin Town Centre.

**Mr Corbell:** The answer to the member's questions is as follows:

The Gungahlin Development Authority was established to implement the Variation to the Territory Plan for the Gungahlin Town Centre and Central Area.

The Variation sets out the principles and policies for the development of the Town Centre and central Area and was agreed by the Assembly developed after an extensive period of community consultation. The Town Centre principles include that it:

- be distinct, sustainable, flexible and friendly and respond to issues of human scale and development;
- be established along a "main street" which is to be the focus of retail and civic facilities; and
- be based on the concept of an "urban village".

The Town Square proposal from the then Gungahlin Equality Party is contrary to the planning policies in that it undermines the principles of a street based centre. As such the Authority, as an implementation body, could not support the proposal from the Equality Party. In addition, independent market research commissioned by the Authority indicated that the majority of residents in Gungahlin support the development of the Town Centre as proposed.

The Gungahlin Town Centre commenced construction in 1997 and there has been substantial investment from both the Government and the private sector in implementing the development as planned. Recent tender processes which will see a total investment in the Town Centre of approximately \$90m has seen the private sector respond positively to the Town Centre concept, in that we have unique development proposals that will create an exciting retail hub centred on a main street.

It is also important to note that the Town Centre concept provides for a substantial Town Square and Town Common. These areas will be important public spaces for community gatherings and events, and create good amenity for Gungahlin residents. The Town Common is to be developed over the next 18 months and the community will have opportunities to be involved in the design of the space.

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**Mark “Chopper” Read  
(Question No 627)**

**Ms Dundas** asked the Minister for the Arts and Heritage, upon notice:

In relation to Mark “Chopper” Read’s performance which began 14 April 2003 at the Canberra Theatre, where the audience paid \$44.90 plus booking fee to listen to the spoken work of Mark Read:

- (1) Did your office seek legal advice from the Attorney-General’s Department as to whether this performance comes under the ‘artistic profits’ referred to in the *Confiscation of Criminal Assets Act 2003*:
  - (a) If so, did that advice indicate what assets, if any, should have been restrained of Mark Read’s.
  - (b) Are you able to table that advice, if not, why not.
- (2) Did your office seek legal advice from the Attorney-General’s Department as to whether this performance meets the requirements of the *Proceeds of Crime Act 1991*.
  - (a) If so, did that advice state what assets, if any should have been restrained of Mark Read’s.
- (3) Whole of Government email no 899 was issued on Monday 14 April that contained the text “Canberra Theatre Centre is part of the Cultural Facilities Corporation and received ACT Government funding to provide the people of the Canberra region with high quality performing arts productions. Performing at Canberra Theatre Centre - “*Mark Brandon ‘Chopper’ Read - Spoken Word*”. Does this performance meet the criteria of a “high quality performing arts production”.
- (4) To your knowledge, did the ACT government provide complimentary tickets to any members of the ACT Public Service, including Members of the Legislative Assembly.

**Mr Wood:** The answer to the member’s questions is as follows:

(1)& (2)

The Canberra Theatre Centre did not seek legal advice prior to the performance of “*Chopper*” Read – *Spoken Word* at the Centre as, from its knowledge of the nature of the production and performances of it elsewhere in Australia, it did not anticipate that the production would contravene legal requirements. This has since been confirmed in advice from the ACT Government Solicitor, which addresses the conformity of the production to the *Confiscation of Criminal Assets Act 2003* and to the *Proceeds of Crime Act 1991*.

- (3) Whilst any assessment of what constitutes a “high quality performing arts production” is necessarily subjective, it is considered that this production falls appropriately within the varied program of performing arts activities presented at the Canberra Theatre Centre. This program seeks to cater to a wide range of audience tastes through a combination of productions presented by the Centre itself, and productions presented by commercial hirers, such as Showcall Pty. Ltd, which hired the Canberra Theatre to present “*Chopper*” Read – *Spoken Word*. Income received from commercial hirers also assists the Centre in providing a full range of performing arts activities at its venues.

- (4) Yes. As is standard industry practice, house tickets (i.e. complimentary tickets) were provided to ten members of the Canberra Theatre Centre as part of the Centre's commitment to providing a high standard of servicing to commercial hirers such as Showcall Pty. Ltd. Those who received house tickets included the Centre's Operations Manager, who was responsible for ensuring the production was delivered to the hirer's satisfaction, and the Centre's Marketing Manager and Publicist, who were engaged to provide commercial marketing services to the hirer and attended to the media on the night of the performance. No Members of the ACT Legislative Assembly were invited by the Centre to receive complimentary tickets for the performance of "*Chopper*" *Read – Spoken Word*, nor did Members receive any such tickets from the Centre.
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### **Housing—water rates (Question No 628)**

**Mr Cornwell** asked the Minister for Disability, Housing and Community Services:

Concerning ACT Housing tenants:

- (1) Do tenants pay water rates and if not, who does pay.
- (2) If not, what procedures apply to control the use of water by ACT Housing tenants.
- (3) If the cost of water rises, how are such rises taken into account for ACT Housing tenants' rents.
- (4) What was the total cost of water rates for ACT Housing tenants in 2001-02 and what was this amount as an average cost per ACT Housing's property.

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

- (1) ACT Housing pays the water rates and usage for all tenants and does not recover the water costs from tenants.
  - (2) No specific procedures are in place to restrict water usage by tenants. ACT Housing encourages tenants to care and maintain the lawn and landscaping of their public housing property in a similar fashion to private landlords.
  - (3) The re-assessment of market rents each year takes into account the payment by ACT Housing of the water rates and usage. However, there is no specific increase in market rents for any increase in water rates and/or consumption.
  - (4) The total cost of water rates and consumption to ACT Housing in 2001-02 was \$7.099m, which equated to about \$622 per dwelling per annum on average.
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### **Aged day care centres (Question No 629)**

**Mr Cornwell** asked the Minister for Health, upon notice:

In relation to the amalgamation of the (a) Narrabundah and Tuggeranong and (b) Dickson and Belconnen, Aged Day Care Centres:

- (1) How many staff positions at (a) and (b) above are redundant as a result of these amalgamations.
- (2) What financial saving does this represent.
- (3) Have redundant staff been redeployed and if so, where.
- (4) Was consideration given to the link between elderly clients and particular staff and if so, what was the result.

**Mr Corbell** the answer to the member's question is:

- (1) The duty of care owed to all clients attending day care and the move to a more therapeutic form of care required a revision of the duty statements and selection criteria for staff. Existing staff were required to undertake a merit selection process in order to ensure the centres were able to deliver safe and effective client services. After the merit selection interview process was conducted there were three staff members who were unsuccessful in gaining employment from the Tuggeranong / Narrabundah amalgamation and one from the Belconnen / Dickson amalgamation.
- (2) There have been no financial savings made this budget year, as affected staff are being supported on salary maintenance, or redeployment and training programs, to ensure that every opportunity is given to them to find employment.
- (3) The arrangements specified in the relevant Enterprise Bargaining Agreements for the excess staff are being followed. Staff have been offered, and have taken work in other areas. Training in specific skills, which will enhance the employment prospects of those staff, is being provided.
- (4) Consideration was given to client and staff relationships during this process. Every attempt has been made to ensure that clients have familiar staff attending them and new staff will be introduced and assimilated slowly.

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**Development—Civic car park  
(Question No 630)**

**Mr Cornwell** asked the Minister for Planning, upon notice:

In relation to the redevelopment of the existing open car park on Section 84 City

- (1) Is it a fact that development of Section 56/84 Civic i.e. the open space car park site, has been delayed 3 years and if so why?
- (2) Does this delay equate with the contract specifications prior to auction and if not, why is the contract not cancelled and another auction set down.

**Mr Corbell:** The answer to the member's questions is as follows:

- (1) The development of this site has not been delayed 3 years.

The process for the development of Block 1 Section 84 (the car park) and Block 2 Section 84 (the Griffin and Youth Centres) commenced in July 1998.

To date, the process has involved an Expressions of Interest and Request for Tender, Deed of Agreement, Preliminary Assessment, Master plan, road closures and a variation to the Territory Plan.

A Holding Lease and Deed of Agreement was issued to Queensland Investment Corporation (QIC) for Block 1 in October 2001. The lease for Block 2 was delayed pending finalisation of the variation to the Territory Plan. As this has been gazetted, a lease will be issued for that part of the site shortly.

QIC has submitted a draft Implementation Plan for the infrastructure works. Agency comments have been referred to the developer for consideration. Once this is resolved, a Development Application will be submitted for formal approval and work on the infrastructure should commence shortly thereafter.

A central element of the release of this land was the early replacement of the community facilities. The Department of Disabilities, Housing and Community Services and the Department of Education, Youth and Family Services have both conducted extensive and ongoing consultation with community facility users, tenants and building managers, on community needs and design issues for the new Griffin and Youth Centres. Both centres are currently at Preliminary Design stage.

- (2) The site was sold by tender. The Territory did indicate in the tender documentation that as a general guideline, it was expected that work on all stages to commence within 5 years of the lease being granted.

The term of the Holding Lease, 60 months, is consistent with the tender documentation. The lease states that the works required by the development deed should be completed within the term of the lease.

It is possible to take action under the Holding Lease and the Land (Planning and Environment) Act 1991 in the event that it is considered that the provisions in the Holding Lease are not being met.

Such action is not appropriate at this time, however, the situation will be monitored.

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### **Bushfires—recovery assistance (Question No 633)**

**Mr Cornwell** asked the Chief Minister, upon notice:

Concerning the January 18 bushfires:

- (1) What steps have been taken by government to assist residents with severely damaged homes, including smoke damaged, in effected suburbs.

- (2) What is the estimated number of these properties.
- (3) Does the government's \$10 000 / \$5 000 benefit apply to such properties.

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

- (1) The ACT Recovery Centre has over 1400 residents registered as being fire affected after the January Bushfires. This includes residents whose houses were partially or severally damaged by the fires. Depending on the residents particular circumstances Recovery Officers can offer outreach visits and personal support; referrals for counseling; information about rebuilding or repairing damaged properties from PALM; access to a variety of material assistance; and advocacy with other ACT Government and non-Government agencies as needed.

Other assistance provided includes:

- **Community Update** newsletter is published weekly. It provides information on matters such as insurance, donations, volunteering, public health and safety, the clean up, Canberra Bushfire Recovery Appeal, small business advice, taxation, rural matters, financial assistance, environmental issues, housing, lost pets, traffic arrangements and useful contacts. Information is also provided weekly in the Canberra Times and the Chronicle.
  - **Health and Safety Helpline** was introduced by the Government to address issues of concern to people still living in the bushfire affected areas. These included issues such as missing fences and sewer smells.
  - **Free plant issue scheme** has been extended to people whose gardens were fire affected, including those whose homes were destroyed, enabling them to replant trees and scrubs at a reduced cost.
  - **Public information sessions** have been held on a range of issues including business and rural leaseholders forum, living in a bushfire affected neighbourhood including the requirements of builders and taxation advice.
- (2) Whilst some preliminary information was gathered on damaged (but not destroyed) homes it was very difficult to be fully definitive, not least because some householders moved very quickly to clean up their properties, whereas other people had great difficulty in commencing the process. Therefore, it is not possible to provide an accurate estimate of the number of severely damaged homes, including those that were smoke damaged.
  - (3) In relation to the \$5000/\$10,000 grants, the Government has made these grants available to those people whose houses were destroyed, and further smaller groups of properties that were assessed as being uninhabitable because:
    - of the substantial level of smoke damage; and/or
    - they were assessed as being unsafe; and/or
    - the insurance company assessed them as being a total loss.

To date the Secretariat considers that there are a total of 24 homes that fall into these categories. There are a number of applicants who have requested a review of the decision about this matter, principally because they consider the Landlord has not made their home habitable quickly enough. The outcome of these cases is yet to be determined.

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**Aged care nursing positions  
(Question No 640)**

**Mr Cornwell** asked the Minister for Health, upon notice:

In relation to aged care nursing positions:

- (1) How many unfilled nursing positions are there in the aged care sector in the ACT.
- (2) Of these, how many positions have been vacant for (a) more than one month but less than two, (b) more than two months but less than three, (c) more than three months.
- (3) What is the comparison between salaries in the aged care sector and at the Canberra Hospital for every classification of nursing position.
- (4) How many unfilled nursing positions are there at every aged care facility in the ACT after 1 month (but less than two) and three months.

**Mr Corbell:** The answer to the member's question is:

- (1) As you are aware, the Commonwealth Government has primary responsibility for the management of the residential aged care sector. In the ACT there is only one facility, the Burrangiri Crisis Respite Centre for the Aged, which is funded by the ACT Government, and managed by the Salvation Army. Currently there are five full time Registered Nurse positions at Burrangiri, all of which are filled. The ACT Government does not have information available on how many positions are unfilled in Commonwealth funded facilities, and gathering this information would require a survey of all aged care facilities in the ACT. As a result I will not be able to provide a response to questions (2) and (4). You should direct your question to the Federal Minister on these issues.
- (3) Salaries within the aged care sector vary between provider agencies. As a result I am unable to provide you with a comparison between the aged care sector and The Canberra Hospital.

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**Taxi and hire car licences  
(Question No 641)**

**Mr Cornwell** asked the Minister for Urban Services, upon notice:

In relation to taxi and hire car licences.

- (1) How many taxi licences did the Government offer for auction in 2002.
- (2) How many were sold.
- (3) What was the average price achieved for the licences.
- (4) What was the reserve price.
- (5) How many taxi licences will the Government offer for auction in 2003.

- (6) How many does the Government expect to sell.
- (7) What is the average price expected for the licences.
- (8) What is the reserve price for 2003.
- (9) How many hire car licences did the Government offer for auction in 2002.
- (10) How many were sold.
- (11) What was the average price achieved for the hire car licences.
- (12) What was the reserve price.
- (13) How many hire car licences will the Government offer for auction in 2003.
- (14) How many does the Government expect to sell.
- (15) What is the average price expected for the hire car licences.
- (16) What is the reserve price for 2003.
- (17) On average, what proportion of the fare charged is required to service the cost of purchasing (i) a taxi licence and (ii) a hire car licence.
- (18) Has a report been made to the National Competition Council on the extent to which its reform guidelines applying to the taxi and hire car industry have been met? If so, when was it made? If not, when will it be made.

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

- (1) None.
- (2) Not applicable.
- (3) Not applicable.
- (4) Not applicable.
- (5) Initially 10 taxi licences will be offered in 2003, with a maximum of 20 licences being offered in accordance with the formula to be provided in regulation.
- (6) The market to determine how many licences are sold.
- (7) The market will determine the average price of the licences.
- (8) The reserve price is commercial in confidence and will not be publicly available.
- (9) None.
- (10) Not applicable.
- (11) Not applicable.

- (12) Not applicable.
  - (13) Initially two hire car licences will be offered in 2003, with a maximum of four hire car licences being offered in accordance with the formula to be provided in regulation.
  - (14) The market will determine how many licences are sold.
  - (15) The market will determine the average price of the licences.
  - (16) The reserve price is commercial in confidence and will not be publicly available.
  - (17) (i) The Independent Competition & Regulatory Commission June 2002 report on the taxi and hire car industry indicates that the community is incurring an extra cost of around \$2.70 on an average taxi fare as a result of the value attached to the taxi plate.  
(ii) The March 2000 Freehills Regulatory Group report 'National Competition Policy Review of ACT Taxi and Hire Car Legislation' estimated the return on licence per hiring at \$4.33.
  - (18) The Government provided its Report to the National Competition Council on the Implementation of National Competition Policy and Related Reforms for the period to March 2003 on 17 April 2003. The Report provided details of the Government's reform proposals for the taxi and hire car industries.
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### **Schools—bank balances (Question No 642)**

**Mr Pratt** asked the Minister for Education, Youth and Family Services on 6 May 2003, upon notice:

In relation to school based management:

- (1) What is the total balance of the ACT Government school-based management account.
- (2) Can the Minister provide a list of the bank balances of each school as at 30 April 2003.
- (3) What is the percentage increase of the school-based management balance each year since school-based management was introduced in 1996.

**Ms Gallagher:** The answer to the member's question is:

- (1) The total balance of schools' bank accounts at the end of April 2003 is \$24.2m. This is mainly due to the payment of the second quarterly SBM funds of \$6.5m in April and does not take into account unpresented cheques. The payment of funds in April reflects expenditure for the period April to June 2003. The level of cash will be depleted towards the end of the school year.
- (2) Attachment 1 provides the list of individual school balance as at 30 April 2003.
- (3) The percentage increase of total schools' bank accounts for each year since the introduction of SBM in 1996 are as follows:



Each Calendar Year	Cash Balance at December (\$'m)	Percentage Increase
1996	5.592	
1997	10.404	86%
1998	14.672	41%
1999	16.259	11%
2000	15.916	-2%
2001	19.591	23%
2002	17.575	-10%

The 2002 balances include \$2.3m for funds held "in trust" for parents for excursions etc and does not take into account unpresented cheques (approximately \$1m).

*Attachment 1*

<b>SECONDARY COLLEGES</b>	<b>\$</b>
Copland	525,703.35
Dickson	917,208.33
Erindale	471,470.33
Hawker	645,233.53
Lake Ginninderra	762,179.43
Lake Tuggeranong	582,585.76
Narrabundah	1,338,157.11
Canberra College	880,140.64
<b>TOTAL COLLEGES</b>	<b>6,122,678.48</b>

<b>HIGH SCHOOLS</b>	<b>\$</b>
Alfred Deakin	377,219.48
Belconnen	389,981.23
Calwell	249,050.76
Campbell	579,585.67
Canberra	364,741.25
Caroline Chisholm	428,676.13
Ginninderra District	144,245.40
Kaleen	249,945.84
Kambah	176,549.62
Lanyon	282,607.90
Lynham	432,940.81
Melba	183,593.45
Melrose	551,119.61
Wanniassa	301,474.78
<b>TOTAL HIGH SCHOOLS</b>	<b>4,711,731.93</b>

<b>COMBINED SCHOOLS</b>	<b>\$</b>
Co-operative School	88,555.78
Gold Creek School	412,852.16
Telopea Park	742,231.47
Stromlo	277,296.81
<b>TOTAL COMBINED SCHOOLS</b>	<b>1,520,936.22</b>

<b>EDUCATION CENTRES</b>	<b>\$</b>
Birrigai*	334,197.71
Dairy Flat	0.00
SIEC BRADDON	0.00
School Band Program*	200,470.05
<b>TOTAL EDUCATION CENTRES</b>	<b>534,667.76</b>

<b>SPECIAL SCHOOLS</b>	<b>\$</b>
Cranleigh Special	138,996.08
Koomarri Special	233,964.67
Malkara Special	103,063.80
Woden Special	324,914.06
<b>TOTAL SPECIAL SCHOOL</b>	<b>800,938.61</b>

<b>PRIMARY SCHOOLS</b>	<b>\$</b>
Ainslie	236,410.67
Aranda	151,096.66
Arawang	129,110.07
Bonython	256,504.41
Calwell	146,444.57
Campbell	152,052.13
Chapman	224,016.89
Charles Conder	222,143.46
Charnwood	107,845.55
Chisholm	126,784.31
Cook	126,216.72
Curtin	69,386.54
Duffy	126,411.38
Evatt	152,101.41
Fadden	219,640.26
Farrer	155,528.10
Florey	182,325.14
Flynn	170,791.01
Forrest	174,873.80
Fraser	123,829.12
Garran	159,292.37
Gilmore	145,131.97
Giralang	183,176.36
Gordon	140,074.16
Gowrie	63,213.75
Hall	130,267.65
Hawker	117,159.34
Higgins	115,072.38
Holt	182,462.67
Hughes	126,721.17
Isabella Plains	38,942.19
Jervis Bay	120,043.11
Kaleen	299,960.31
Latham	184,302.52
Lyneham	141,756.34

Lyons	157,146.99
Macgregor	178,671.99
Macquarie	106,719.03
Majura	86,027.28
Maribyrnong	128,781.83
Mawson	265,775.66
Melrose	99,940.05
Miles Franklin	100,443.13
Monash	168,311.95
Mount Neighbour	137,865.75
Mount Rogers	181,946.24
Narrabundah	147,362.21
North Ainslie	293,302.61
Ngunnawal	246,521.99
Palmerston	158,641.82
Red Hill	165,390.41
Richardson	82,493.82
Rivett	107,670.30
Southern Cross	133,717.94
Taylor	170,803.84
Tharwa	55,796.52
Theodore	281,740.74
Torrens	285,189.56
Turner	235,206.79
Urambi	150,398.16
Village Creek	191,507.27
Wanniassa Hills	186,928.71
Weetangera	181,972.04
Weston	211,154.02
Yarralumla	206,605.01
<b>TOTAL PRIMARY SCHOOLS</b>	<b>10,505,122.15</b>
<b>GRAND TOTAL</b>	<b>24,196,075.15</b>

Note.

*Schools Received SBM Payment of \$6,455,801 in April 03*

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### **Canberra Emergency Accommodation Service (Question No 644)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice:

- (1) Can the Minister advise how many residents have phoned the Canberra Emergency Accommodation Service (CEAS) since its launch on 26 February (please provide figures on a monthly basis).
- (2) What are the most common issues raised by callers to the Emergency Accommodation Service line.

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- (3) Can the Government keep track of how many callers to the line are assisted if they require accommodation, if so, how many clients have requested emergency accommodation and been placed, how many callers have not been able to be placed.
- (4) Has there been any occasions when the phone has not been manned for 24 hours in any one day, if so, please provide details.
- (5) From where did the \$205,000 come from to fund this service on an annual basis.

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

- (1) February 30 calls, March 217 calls, April 303 calls, May 295 calls;
- (2) The most common issue is the breakdown of relationships with family, friends or housemates with whom the caller has been living. This often involves some form of domestic violence. The second most commonly presented issue is eviction, usually on the grounds of the caller being in arrears with rent;
- (3) No. However, I can provide the following information:

The CEAS provides quarterly reports to the Department. The figures as at 31 March 2003 show that:

- Of the 220 people needing emergency accommodation, there were 69 who were able to be referred to crisis accommodation services which were appropriate for their circumstances and had available places that day;
- As well as referrals to the crisis SAAP services and the CEAS Fund Coordinator, callers were given a range of referrals to longer term accommodation services and ACT Housing to seek assessment and information, or be placed on waiting lists;
- Referrals to other support organisations such as Domestic Violence Crisis Service, ADACAS, Relationships Australia, Directions, Welfare Rights and Legal Centre, Family Services, Mental Health Resource, Court Assistance and Referral Service, Migrant Resource Centre were given as appropriate for the caller;
- Many callers were also given information on accommodation in the private sector, eg. hotels, motels, backpackers hostels, caravan parks etc that might be affordable for them for a short stay while pursuing other options;

(4) No.

(5) Funds were provided under the Commonwealth State Housing Agreement.

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### **Housing—rental arrears and evictions (Question No 646)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice:

In relation to ACT Housing rental arrears and evictions:

- (1) How many families were evicted for non payment of rent for the period 1 January 2003 to 30 April 2003.

- (2) What was the total amount due by these families.
- (3) In how many of these cases did ACT Housing attempt to intervene or offer assistance.
- (4) If any intervention or offers of assistance occurred what type of assistance was offered.

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

- (1) 16;
  - (2) \$31,963.84;
  - (3) All of them;
  - (4) Phone calls and visits from the Housing Manager with reminders to pay and offers to set up an agreement for payment in instalments; referral to CARE Financial Services; some of the tenants were offered assistance from the Prevention from Eviction Program, and/or a Housing Manager Specialist. When legal proceedings commence tenants are referred to the Welfare Rights and Legal Centre.
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#### **Drugs—needle and syringe program (Question No 648)**

**Mrs Burke** asked the Minister for Health, upon notice:

In relation to the Needle and Syringe Program:

- (1) Is there any reliable data on what proportion of needles in the ACT are used more than once? If so, what proportion of needles are used more than once.
- (2) What percentage of needles are properly disposed of after use.
- (3) How many syringes did the Sharps Unit have to clean up during 2002 that were not properly disposed of.
- (4) What geographic areas had particular problems with needles being improperly disposed of.

**Mr Corbell:** The answer to the member's question is:

- 1) The Illicit Drug Reporting System provides us with information on the proportion of Injecting Drug User's using other people's needles and syringes. In 2001-2002 the proportion of Injecting Drug User's, using other people's needles and syringes decreased slightly from 15 per cent to 12 per cent, and the proportion of Injecting Drug User's lending their used needles and syringes to other Injecting Drug User's remained stable at 16 per cent.
- 2) In 2001-2002 448,647 needles were distributed through the Needle and Syringe Program. It is important to note that whilst we can count how many syringes have been dispensed from the Needle and Syringe Program we cannot determine how many of those syringes

are returned. This is because syringes that are recovered are not only syringes that have been dispensed from a Needle and Syringe Program but may include any injecting equipment from the broader community. Syringes that have been disposed of correctly are weighed and through this figure the number of returns are made. Therefore the approximate figure for recovery of syringes that are disposed of appropriately for the period 2001-2002, based upon weight is 785,580.

- 3) During 2001-2002 the City rangers and other contractors collected 5,558 inappropriately disposed of syringes.
  - 4) The following information details geographic areas in the ACT that have the highest rates of inappropriately disposed of syringes for the period of 2001-2002:
    - City – 500-811
    - Belconnen – 300-500
    - Braddon – 100-300
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### **Breast screening (Question No 649)**

**Mrs Burke** asked the Minister for Health, upon notice:

In relation to the breast screening program:

- (1) How many breasts screens were conducted during 2002 and what percentage of women in the recommended screening age group does this represent.
- (2) What percentage of indigenous women in the recommended screening age group are represented.
- (3) Has a target been established for how many women or a percentage of women the unit would like to test each year, if so, what are the target details, if not, why not.
- (4) What specific efforts is the unit taking to improve the percentage of indigenous women undertaking breast cancer screening?
- (5) Are there any efforts under way to improve the percentage of women from non-English speaking backgrounds that undertake breast screening.

**Mr Corbell:** The answer to the member's question is:

- (1) 11799 ACT women were screened during the 2002 calendar year including 9661 women aged 50-69 years. The two year (from 1 January 2001 to 31 December 2002) screening participation rate for women in the target group was 59.56%. The national target for this age group is 70%.
- (2) BreastScreen ACT screened 44 indigenous women aged 50-69 years in the two year period 1 January 2000 to 31 December 2001 and this represents a 50% participation rate.
- (3) BreastScreen ACT is endeavoring to meet the national two yearly participation rates of 70% of women aged 50-69 years. This requires the unit to screen about 10,444 women in this age group in 2003-04 and to increase screening by about 500 women per year for

the next 8 to 10 years. These targets however are dependent on resources and in particular availability of radiologists.

- (4) BreastScreen ACT has a commitment to screening indigenous women and has recently been involved with Winnunga Nimmitija's Wellness Day Expo (March 2003). Staff have participated in cultural awareness training and conducted training sessions for Winnunga health workers on both breast and cervical screening.

The Program has brochures aimed at indigenous women informing them of the importance of breast cancer screening.

In addition, there have been discussions with the Manager of Winnunga Nimmityja to have the relocatable mammography screening machine placed in the health center once the organization has been relocated to more suitable premises. The current building would not be suitable.

- (5) The two yearly participation rates for non-English speaking women aged 50-69 years is 61.23%. BreastScreen staff participate from time to time in workshops for this population group and has available brochures that promote screening in all of the major languages.

There are non-English speaking representatives on the Community Reference Group that advises both the Breast and Cervical Screening Programs about consumer issues, and the Unit will soon be undertaking sessions for non-English speaking women being run through the Carers Association ACT.

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**ACTION—bus drivers  
(Question No 650)**

**Mr Smyth** asked the Minister for Planning, upon notice:

In relation to ACTION bus drivers:

- (1) How many bus drivers are currently employed by ACTION.
- (2) How many of these drivers were employed as a result of the School Student Transport Scheme (SSTS) introduced in the 2001-02 Budget.
- (3) How many of the additional bus drivers employed as a result of SSTS are still working for ACTION and how many are no longer with ACTION.
- (4) What happened to those drivers who were employed as a result of SSTS who are no longer working for ACTION, ie: were they given pay outs.
- (5) If any staff were given pay outs what was the total of such pay outs.
- (6) How much did it cost to retain these staff in (a) the 2001-02 financial year and (b) as at April 30 this financial year.

**Mr Corbell:** The answer to the member's questions is as follows:

- (1) As at 24 April 2003 ACTION employed 526 bus drivers.

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- (2) Twenty-Seven bus drivers were employed in the 2001 – 2002 financial year for the School Student Transport Scheme (SSTS).
- (3) Twenty bus drivers employed for the SSTS still work for ACTION. Seven are no longer working for ACTION.
- (4) The seven drivers no longer working for ACTION left by resignation.
- (5) No drivers were given pay outs. Driver numbers were managed through natural attrition and a temporary suspension of the 2002 driver recruitment program.

The total cost to ACTION to employ these drivers in the 2001 – 2002 financial year was \$736,100, which was covered by the SSTS budget. For the 2002 – 2003 financial year the salaries for the twenty remaining SSTS drivers are part of the general salaries budget for ACTION drivers.

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### **School student transport scheme (Question No 651)**

**Mr Smyth** asked the Minister for Planning, upon notice:

In relation to bus travel and the claim made in 2001 where it was estimated by Labor that in 2001-02 \$780,000 and \$1.62m subsequent years would be returned to the Territory's coffers by replacing the School Student Transport Scheme with the flat fare structure, has this been the case and can you provide figures showing what funds have been returned to the ACT by replacing the SSTS with the new flat fare structure.

**Mr Corbell:** The answer to the member's questions is as follows:

	<b>2001-02</b>	<b>2002-03</b>	<b>2003-04</b>	<b>2004-05</b>
<b>Government Funding:</b>	<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>
School Student Transport Scheme - <b>Outlay</b>	5.430	4.100	4.290	4.480
Early Termination SSTS – Funds Returned	(1.407)	(4.100)	(4.290)	(4.480)
Flat Fare Structure - <b>Outlay</b>	-	2.200	2.200	2.200
<b>Net Savings to Government with Returned Funds</b>	<b>(1.407)</b>	<b>(1.900)</b>	<b>(2.090)</b>	<b>(2.280)</b>

As illustrated by the shaded area in the table above the net savings that were returned to the ACT Government as a result of replacing the SSTS with the new flat fare exceeded the expected returns of \$0.78m in 2001-02 and \$1.62m in subsequent years.



**Land—rural leases  
(Question No 654)**

**Mr Smyth** asked the Minister for Planning, upon notice:

In relation to rural leases.

- (1) Can the Minister advise how many fire affected rural lessees are not eligible for 99 years leases and what are the reasons for non-eligibility?
- (2) Over what length of time are those only eligible for short-term leases being offered?
- (3) Why is there an outstanding number of rural lessees that have not taken up the 99 year lease offer?
- (4) Can the Government provide any details about the reasons why some rural lessees have not taken up the 99 year lease offer to date?

**Mr Corbell:** The answer to the member's questions is as follows:

- (1) Of the 66 fire affected rural leases, three leases are not eligible for 99 years leases. These three are eligible, however, for 20 year leases. Following the January bushfires the Government announced that studies into non-urban fire affected areas were to be conducted. The three leases are within an area of Stromlo that has been identified for possible future development and is included in the studies. These three leases were previously eligible for 99 year leases, however, the Disallowable Instrument that specifies maximum rural lease terms has been amended to reflect this change in tenure. The Disallowable Instrument has been signed recently.
- (2) In March 2003 the Government announced that rural lessees who had not yet taken up the Government's offer of a further rural lease would be given a further three months to accept the earlier offer. The amendments to the Disallowable Instrument also allow for those who are eligible and have not applied for the further leases, short or long term lease, a further three months to take advantage of the concessional payout rate. Once the three months has lapsed further leases may still be applied for, but, the amount payable will be based on market value. None of the three fire affected lessees have made application for a further rural lease.
- (3) Of the 66 fire affected leases only seven lessees have not applied for a further lease. Included in these seven are the three aforementioned lessees. These lessees refer to themselves as the Sustainable Rural Lands Group (SLRLG).

There is only one other lessee, not in a fire affected area, but eligible for a 99 year lease who has, for unknown reasons, not made application for a further lease.

Of the 66 fire affected leases, 27 lease offers have been made of which 17 have been finalised. Finalisation of a number of other 99 year lease applications are dependent on the resolution of issues such as the direct grant of additional land and requirements for a potential future dam in the Tennent/Booth districts for finalisation.

- (4) In the view of the seven rural lessees who have not taken up the 99 year lease option the terms of the new leases are not favourable to them. The issues are complex and are not easily summarised. These lessees are included in a group of 38 whose rural leases were

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originally granted in 1956 subject to terms where they own all improvements on the land including timber treatment. The remaining lessees in this group have applied for the 99 year option..

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**Woden bus interchange  
(Question No 657)**

**Mr Smyth** asked the Minister for Urban Services, upon notice:

In relation to the relocation of Woden bus interchange:

Can the Minister advise if this project has been completed, if not, why not and when will it be completed, if so, what will occur with the outstanding authorisation of \$47,000 for this project.

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

Plans for the Woden Bus Interchange are not yet finalised. The Draft Woden Town Centre Master Plan includes 6 possible options for future bus operations in Woden and these options are being publicly debated as part of the draft master plan consultation. This process is expected to continue through to August 2003.

Once support for a particular proposal has been established with major stakeholders the outstanding authorisation of \$47,000 will be invested in more detailed development of the preferred solution.

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**Superannuation  
(Question No 658)**

**Mr Smyth** asked the Treasurer, upon notice:

In relation to superannuation:

- (1) What are the reasons for including rises and falls in the value of the Territory's superannuation liability in an unrealised reserve and amortising them.
- (2) What effect does this treatment of the superannuation liability have on the annual budget result.
- (3) What are the accounting standards on which this policy is based.
- (4) Is it expected that accounting standards relating to the treatment of superannuation will be changed over the next (say) five years. If so, in what way.
- (5) What would be the effect on the GGS operating result of amortising the reserve over (say) a three year rolling average instead of 12 months.

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

- (1) The accrued superannuation liability represents a significant obligation of the ACT to make payments to the Commonwealth in respect of superannuation arising from ACT Government employment.

Prior to 1999, the full impact of the actuarial reviews was reported in the Statement of Financial Performance. This resulted in significant fluctuations in the operating result each time an actuarial review was undertaken. As a result, the ACT adopted a hybrid approach in 1999 where the full movement in the liability was taken to the Statement of Financial Position and amortised over a period based on the expected average working lives of employees participating in the superannuation process (12 years).

Advice on this accounting treatment was sought from Ernst & Young, who concluded that “this treatment of the liability is not inconsistent with the Australian Accounting Standards”.

- (2) This has resulted in the major fluctuations from annual actuarial reviews being removed from the operating result of the ACT Superannuation Unit and the Whole of Government financial statements.

This treatment is a “smoothing technique” in accounting for the annual actuarial gains and losses in the superannuation liabilities of the ACT Government. The fluctuations in the actuarially assessed liabilities in the past have been substantial, with unrealised gains of approximately \$100m in 1998, \$210m in 1999, offset with unrealised losses in 2000, 2001 and 2002 of \$40m, \$40m and \$18m.

The 2001-02 financial result of the Superannuation Unit was qualified by the Auditor-General, after reviewing the past acceptance of this treatment (the Superannuation Unit receiving unqualified audit opinions for the 1999-2000 and 2000-2001 financial reports). In their opinion, the reserve cannot be considered as a liability of the Territory and is therefore, not compliant with Australian Accounting Standards. This has arisen due to the current reserve position being an unrealised gain – the amortisation of this reserve therefore offsets annual superannuation expenses. The current reserve therefore over-states liabilities and under-states superannuation expenses.

By removing this accounting treatment and thus clearing the reserve, the Budget would reap a one-off gain (unrealised gain reserve). Though, over the following years superannuation expenses would increase substantially as the amortisation is off-setting these expenses at-present. Also, the Budget would again be subject to the substantial fluctuations in the liabilities from the annual actuarial reviews.

- (3) There is currently a lack of an Australian Accounting Standard which addresses accounting for employer superannuation liabilities. Without an Australian accounting standard it can be expected that a range of views will exist regarding the appropriate treatment.

International Accounting Standard IAS 19 Employee Benefits allows a “corridor approach” for recognising superannuation liabilities. Under this approach a tolerance limit is set and only movements outside of the corridor are recorded. The effect of using the corridor approach is a “smoothing” of movements in liabilities – a similar result to the treatment adopted by the ACT.

But accounting policies relating to superannuation should comply with the requirements of the Australian Accounting Standards and Concepts before an International Accounting Standard can be used.

- (4) The Financial Reporting Council has decided that Australian Accounting Standards will be harmonised with International Accounting Standards (IAS) for reporting periods occurring after 1 January 2005. The IASs include a standard (IAS 19 'Employee Benefits') which specifically addresses the accounting requirements of employers for superannuation. IAS 19 presently enables use of a smoothing technique (the 'corridor' approach) to account for movements in superannuation liabilities.

As part of the harmonisation process with IASs, the Australian Accounting Standards Board (AASB) has advised its intention that in the first quarter of 2004, comment will be invited within Australia regarding application of IAS 19, including use of the 'corridor' approach. The ultimate aim of the AASB is to issue an Australian Accounting Standard which complies with IAS requirements, however the likely date for issuance of this standard has not been advised by the AASB.

- (5) Amortising of the reserve over a 3 year period (rather than over a 12 year period) will obviously have a larger financial impact upon the Budget, both with gains and losses.

At the end of the 2002-03 financial year, the reserve stands at an unrealised gain of \$112m. By changing amortisation to over 3 years, approximately \$37m would be brought to account over each of the next three years, thus reducing superannuation expenses by \$37m in each year. By continuing the current amortisation over 12 years, \$17m is being brought to account each year.

The superannuation liability is estimated to grow quite substantially over the Budget forward period and because of the shorter amortising period, fluctuations in the liability will have a more substantial impact upon the Budget bottom line.

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### **Children—deaths (Question No 659)**

**Mr Cornwell** asked the Minister for Education, Youth and Family Services on 6 May 2003, upon notice:

Further to your reply to Question 402 in relation to child deaths and mandatory reporting:

- (1) Considering I did not ask for names of the two ACT children who have died, why is it not possible to advise me what action was taken by Family Services to address these individual problems using the:

- a) evidence based Risk Assessment Framework: and
- b) General Principles of the Children and Young People Act 1999

- (2) If, as your reply to (4) of my question that failure to mandatory report is:

- a) a police function to prosecute;
- b) a internal disciplinary matter at a place of employment;
- c) a Coroner's role to make findings in the event of a child's death;

then what role does the Chief Executive of Family Services exercise in any of the above proceedings.

- (3) How do you equate your replies at (5) that “The Coroner’s report from the recent inquest will identify any systems issues that require attention in regards to compelling mandatory reporting” and “A punitive approach to mandated reporters is inconsistent with the development of partnerships with the professional community”.
- (4) Also at (5) does the reference to the Coroner’s report “ from the recent inquest will identify any systems issues that require attention in regard to compelling mandatory reporting” indicate that:
  - a) there are deficiencies in the present mandatory reporting arrangements;
  - b) the Coroner’s report already is available; and
  - c) if the Coroner’s report is not available, what is the basis for answer quoted at (a) above.
- (5) In relation to the community reporting “has resulted in more timely interventions in a number of matters” could you advise the number of such matters.
- (6) In respect of the remarks at (5) that “No legal action has been taken against mandated persons in the ACT so far” and “A punitive approach to mandated reporters is inconsistent with the development of partnerships with the professional community” why should a repeal of mandatory reporting take into account the debate and enquiry topics listed in your reply at (6), namely:
  - a) the desired outcomes of mandatory reporting;
  - b) how these outcomes are best achieved;
  - c) how mandatory reporting assist these outcomes;
  - d) what other mechanisms assist these outcomes, and
  - e) what the overall benefits of mandatory reporting are.

**Ms Gallagher:** The answer to the member’s question is:

- (1) Information was not provided on action taken in respect of the two children who died because the circumstances identify the individual children. The provisions relating to confidentiality contained in the Children and Young People Act 1999 do not permit Family Services to divulge information relating to individual children.

The department’s current Child Protection Policy and Procedures Manual and key policy documents can be made available to you if you would like access to more detailed information about departmental processes. These are currently being reviewed in line with the revised Risk Assessment Framework.

- (2) If it were to come to the attention of the Chief Executive that a mandatory reporter had formed a reasonable suspicion that abuse had occurred and a report was not made, the matter would be investigated further to determine a course of action. This may involve discussions with the police and the mandated person and agency. Where the matter was subject to a coronial inquest or other court process, these legal processes would determine the appropriate course of action.
- (3) I reiterate, mandatory reporting is aimed at identifying and reporting hidden abuse and is one method in a broader range of strategies to help ensure children and young people are protected. The systems issues referred to relate to improving communication channels across agencies to ensure that all relevant information is shared in a timely manner.

The department in conjunction with other government agencies and the community is in the process of developing "Overarching Interagency Guidelines for Child Protection Intervention" a further mechanism to foster the development of commitment to ensuring the care and protection needs of children and young people are met. This will include the ongoing education of mandated reporters and their responsibilities in accordance with the Children and Young People Act 1999.

- (4) Family Services provided a comprehensive report to the Coronial Inquiry about the continuous improvement processes being implemented. These improvements are not a comment on any deficiencies of mandatory reporting, they are improvements in the provision of services to protect children and young people from abuse and neglect.

Whilst the Coroners' findings are not yet available, the nature of the Coronial Inquiry was to determine the manner and cause of death and to consider the systemic issues arising from these inquiries. The Coroner will make a finding regarding the manner and cause of death and may make recommendations regarding systemic issues of concern, including any issues arising regarding mandatory reporting.

There are approximately 14,000 mandated persons in the ACT. This population changes as various professionals move in and out of the ACT, or of roles associated with services to children and young people. It has been identified that a shared training and information strategy across agencies needs to be developed to continue to ensure that mandated reporters are more readily able to access updated training in their workplaces.

The Mandatory Reporting booklet is currently being revised. This is being done in conjunction with the development and introduction of the Centralised Intake Service and the revised Risk Assessment Framework. The Centralised Intake Service will provide a single point of contact for reporters, both mandated and voluntary. This will ensure consistency in the receipt, recording and interventions undertaken by Family Services.

A number of protocols with key agencies are also currently being revised to ensure that the mechanisms for reporting between the agencies are in accordance with the legislative provisions and reflect current roles and responsibilities.

- (5) This reference to more timely interventions relates to the process of education that has resulted in mandated persons being in a more informed position to reasonably suspect that a child or young person is being harmed. This process of education encourages these persons to contact and discuss their concerns with Family Services earlier and the information comes as a result of feedback from participants of mandatory reporting training in the ACT.
- (6) The Children and Young People Act 1999 has been operational since 10 May 2000. A review of the legislation has been undertaken and further processes will be undertaken in the near future. Topics, including the desired outcomes of mandatory reporting, are presented to demonstrate that should there be any suggested changes to legislative provisions, there needs to be full and considered debate on the relevant issues.

The ultimate purpose of mandatory reporting is to increase the level of reporting to protect children from abuse and neglect. A strong body of opinion across a number of states supports the mandatory reporting process.

The Layton Report, Review of Child Protection, South Australia, March 2003 supports the need for ongoing training of mandated reporters as does the Association of Children's Welfare Agencies. They contend mandatory reporting is a vital development to have any

chance of identifying children at risk, and having done that, being able to get services to them.

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**Bushfires—Aboriginal cultural sites  
(Question No 662)**

**Mr Smyth** asked the Minister for Community Services, upon notice:

In relation to Aboriginal cultural sites and bushfires:

- (1) Has the Minister received a copy of a letter from Ngunnawal elder Don bell raising concerns about the potential loss of Aboriginal cultural sites;
- (2) Has your Department started work on compiling a list of significant Aboriginal sites that may have been destroyed or damaged by the bushfires, if so, can any details about sites and damage be provided, if not, why not;
- (3) Has the Minister consulted with all relevant groups of Ngunnawal people about this issues; and
- (4) Can the Minister advise when work will begin restoring any sites destroyed or damaged by the January 18 firestorm.

**Mr Stanhope:** The answers to the member's question are as follows:

**Question (1)**

I have not received a copy of a letter from Mr Bell regarding concerns over potential loss of Aboriginal Cultural sites.

**Question (2)**

Yes, Aboriginal art sites in Namadgi National Park have been inspected. One art site (Rendezvous Creek) has been damaged by fire with extensive granite exfoliation, possible smoke damage to artwork and loss of site viewing platform. Expert consultants are documenting the damage and will make conservation recommendations. Other art sites are undamaged.

Aboriginal rock shelter sites in Tidbinbilla have been inspected. Hanging Rock and Birrigai rock shelters have both suffered exfoliation damage and infrastructure at both sites has been destroyed.

Aboriginal rock shelter sites on land managed by ACT Forests have been inspected. These sites are undamaged.

Stone artifact sites are considered at low risk of damage by fire but are vulnerable to damage by fire suppression activities involving the use of heavy machinery. Containment lines cut during the fires were routed to avoid known artifact sites. Surveys of these containment lines for previously unknown artifact sites commenced on 4 March.

To date, all urban fringe containment lines (northwest Belconnen and Tuggeranong) have been surveyed, as have containment lines in northern and eastern Namadgi and

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Gudgenby Valley. Surveys of containment lines in Tidbinbilla and southern Namadgi are nearing completion.

The only known wooden artifact site has been inspected. The site undamaged.

Assessment of possible damage to known Aboriginal stone arrangements in Namadgi is scheduled to commence on 18 May.

Assessment of possible damage to known Aboriginal scarred trees will take place in late May early June, subject to safe access being possible.

**Question (3)**

Consultation with all relevant groups has been conducted through Environment ACT Heritage Unit. Consultation has been conducted with the following:

- Buru Ngunawal Aboriginal Corporation (for areas other than Namadgi);
- Ngunnawal Aboriginal Corporation;
- Ngunnawal Local Aboriginal Land Council;
- Ngunnawal members of the Interim Namadgi Advisory Board; and
- Environment ACT's Parks and Conservation Service Ngunnawal Rangers.

Environment ACT does not consult with Buru Ngunnawal Aboriginal Corporation on matters relating to Aboriginal sites in Namadgi [except as required under the Land (Planning and Environment) ACT] following the corporation's decision [through Don Bell] not to be part of the Joint Management arrangements put in place for Namadgi.

**Question (4)**

Restoration work will begin when the Ngunawal community has considered the recommendations of the expert consultants and a scope of restoration work agreed with the community.

Environment ACT expects that work will begin in October 2003 but a firm date cannot be given at this stage. Before work can start, the community needs to consider properly the recommendations of the expert consultants and make decisions about preferred materials to be used in restoration work.

There is also a need for the infrastructure component of any restoration work to fit with the priorities of the overall program of asset replacement in areas managed by Environment ACT. All of the damaged sites are stable and not vulnerable to further damage.

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**Tree removals and replacements  
(Question No 664)**

**Mr Smyth** asked the Minister for Urban Services, upon notice:

In relation to replacement of street trees:

- (1) Who conducted the independent review of street trees that led to the announcement that 309 street trees would be removed;



- (2) How much did this review cost;
- (3) How much will it cost to cut down the trees identified for removal and from where in the Budget will this cost be met;
- (4) What process did you use to determine the species of trees that will replace the removed trees;
- (5) What species of trees will replace the removed trees in each location;
- (6) When will the replacement program be completed;
- (7) What is the total cost of replacement trees;
- (8) Has the ACT Government developed an ongoing program of tree removals and replacements.

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

- (1) Canberra Urban Parks and Places (CUPP) Urban Tree Management Team prepared a specification for the assessment of the trees at 11 identified sites and a consultancy was let to Canopy the Tree Experts.  
  
Members of the CUPP Tree Management Team then reviewed the consultant's recommendations and the final number of 309 tree removals was confirmed.
- (2) The consultancy cost was \$25,050 excluding GST.
- (3) It will cost approximately \$200,000 to remove the trees and to process the by-product. Funds were reallocated for this priority project from elsewhere within DUS.
- (4) Decisions regarding the selection of suitable replacement species for designated areas will be made in consultation with the National Capital Authority, while species selection for CUPP managed areas will be made by the CUPP Tree Management Team. The aim of the replacement program is to restore the original landscape design intent. The same or similar replacement species will wherever possible be used, unless there is a problem with the suitability or performance of the species of tree removed.
- (5) Please see the attached Table.
- (6) The replacement trees will be planted in Spring 2003 (early October).
- (7) \$75,000 has been allocated for the supply and planting of about 400 replacement trees and to provide a 16-week consolidation period after planting.
- (8) The Government has provided on going funding through the annual Capital Works Program for the past 12 years for the removal and replacement of aging street and parkland trees.

<i>Location</i>	<i>Designated Land Y/N</i>	<i>Number to be removed</i>	<i>Number to be pruned</i>	<i>Number to Replant</i>	<i>Proposed Species</i>
<b>Bowen Drive verge</b>	Y**	5	1	1 3	<i>Populus nigra 'Italica'</i> <i>Populus alba</i>
<b>Bowen Drive median</b>	Y**	15	1	8 5 3 6	<i>Populus nigra</i> <i>Populus canescens</i> <i>Eucalyptus maidenii</i> <i>Populus alba</i>
<b>Commonwealth Ave</b>	Y**	1	0		Nil replacement
<b>Corroboree Park</b>	N	31	4	15 1	<i>Eucalyptus blakelyi</i> <i>Casuarina cunninghamiana</i>
<b>Fairbairn Ave verge</b>	Y**	37	8		Nil replacement
<b>Federal Highway verge</b>	Y**	28	7	6 2 4	<i>Eucalyptus maidenii</i> <i>Eucalyptus haemastoma</i> <i>Eucalyptus microcarpa</i>
<b>Federal Highway median</b>	Y**	61	23	53 2	<i>Eucalyptus maidenii</i> <i>Eucalyptus blakelyi</i>
<b>Hobart Ave median</b>	Y**	13	3	14	<i>Eucalyptus maidenii</i>
<b>Kambah Adventure Playground</b>	N	10	1		Nil Replacement
<b>Limestone Ave verge</b>	Y**	7	0	9	<i>Eucalyptus maidenii</i>
<b>Limestone Ave median</b>	Y**	8	2	1 9 15 1 10	<i>Eucalyptus blakelyi</i> <i>Eucalyptus microcarpa</i> <i>Eucalyptus mannifera</i> <i>Eucalyptus melliodora</i> <i>Eucalyptus maidenii</i>
<b>Macarthur Ave verge</b>	N	3	0	3	<i>Eucalyptus cinerea</i>
<b>Macarthur Ave Median</b>	N	15	2	17	<i>Eucalyptus melliodora</i>
<b>Northbourne Ave verge</b>	Y**	28	5	33 8	<i>Eucalyptus mannifera</i> <i>Crataegus 'Smithiana'</i>
<b>Northbourne Ave median</b>	Y**	12	0	111	Species to be chosen in consultation with the National Capital Authority
<b>Telopea Park</b>	N	35	6	About 30	<i>Populus nigra "Italica"</i> <i>Fraxinus pennsylvannica</i> <i>Eucalyptus maidenii</i>
<b>TOTAL</b>		<b>309</b>		<b>370</b>	

\*\* The final choice of replacement trees for those areas where the Commonwealth has planning responsibility will be determined in discussion with the National Capital Authority

**Schools—counselling services  
(Question No 665)**

**Mr Pratt** asked the Minister for Education, Youth and Family Services on 7 May 2003, upon notice:

In relation to the Review of School Counsellors:

- (1) Were there any funds remaining out of the \$100,000 allocated in the 2002-03 Budget for this review. If so, how much and what will happen with the remaining funds, if not, was the project on budget or over budget. If the project was over budget where did the additional funds come from;
- (2) Who conducted the review;
- (3) What were the major findings of the review;
- (4) Will the Minister be providing Members of the Assembly with a copy of the report, if so, when will Members receive a copy of the report, if not why not and where may a copy be obtained;
- (5) Why did you select the multi-disciplinary model put forward in the report for further study;
- (6) Who will undertake this further study and how will it be funded;
- (7) When do you anticipate that this further study will be finished;
- (8) When do you anticipate that the reforms flowing from this review will be implemented;
- (9) Will you involve school counsellors and their representatives in the development of the new model;
- (10) How will you ensure that a new system remains focussed on the needs of students.

**Ms Gallagher:** The answer to the member's question is:

- (1) Approximately \$48,000 remains after payment of the consultant's fee and printing costs. The remaining funds will be spent on implementing some of the recommendations in the review, for example technology and portable assessment materials for senior counsellors.
- (2) Following a public tender process, a consortium of the Nucleus Group and Morgan Disney and Associates was awarded the contract to conduct the review.
- (3) The Review found that the current school counselling and welfare services are valued and important resources for students and raised the following issues:
  - growth in demand for services and the need for planning for future needs
  - recruitment and training of counsellors needs to be addressed
  - the system needs to have a capacity to respond to the increasingly diverse needs of students, which may require structural change and a multi-disciplinary approach
  - increased emphasis on leadership and planning for school counselling and welfare services is required

The consultants provided a best practice framework for the future delivery of counselling and welfare services and proposed four models that could be developed within the framework.

- (4) All MLAs have been provided with a copy of the report.
- (5) The Government has an open mind on the four options outlined in the report. However, the report found evidence of the need for a range of support roles to address the increasingly complex needs of students. A multi-disciplinary approach would combine counselling, educational psychology, social work and family support, including support for students with disabilities and for young people needing youth worker expertise.
- (6) A departmental working group is being established to examine the report provided by the consultants and to develop a plan for implementation of an enhanced service model. The working group will be responsible for implementing the Government's budget initiative that provides for a youth worker in each high school. The group will be supported by a reference group comprised of government and non-government representatives. Costs of developing the implementation plan will not be significant and will be met from within existing departmental resources.
- (7) It is anticipated that an implementation plan will be completed by the end of the 2003 school year.
- (8) Some reforms can commence immediately, for example improving counsellors' access to resources. Introduction of other reforms may depend on advice from the working and reference groups.
- (9) School counsellors will be represented in the implementation group, as will their professional group, the Australian Guidance and Counselling Association.
- (10) Student need is the prime focus of the school counselling service. The review suggests that the purpose of the counselling service should be clearly identified within the broader context of the shared responsibility for student welfare among the school community, the education sector and the broader community. A strategy recommended by the review is that a set of agreed student outcomes to be achieved by counselling and welfare services needs to be developed. The working group will consider how this recommendation can be implemented.

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**ACTION—bus replacement program  
(Question No 667)**

**Mr Smyth** asked the Minister for Planning, upon notice:

In relation to the ACTION bus replacement program:

- (1) How much of the \$400,000 allocated this financial year to the bus replacement program has been expended;
- (2) How much of the funding allocated had been expended as at 30 April 2003 specifically on the purchase of new buses;

- (3) How many new buses were purchased as at 30 April this financial year;
- (4) Are there plans to purchase any more buses before the end of the financial year;
- (5) How many buses are scheduled for purchase in (a) 2003-04, (b) 2004-05 and (c) 2005-06;
- (6) Where were any old buses, replaced with new ones, taken to and does the Government generate revenue from turning them in, if so, how much, if not, why not;
- (7) How much of the bus replacement funding had been expended on ACTION's radio system as at 30 April this financial year;
- (8) Why do the radio systems need replacing and how many more have to be replaced.

**Mr Corbell:** The answer to the member's questions is as follows:

- (1) This year's capital allocation is part of the overall funding of \$17.2m provided over several years for replacement buses for ACTION. The formal bus acquisition process is nearing completion and only the cost of the initial processes have been expended. Also see answer below.
  - (2) \$80k
  - (3) The new buses are yet to be formally purchased. The evaluation process for the replacement of buses has involved extensive studies to meet operational, legislative and environmental requirements. A select tender process was adopted for the replacement of the existing diesel buses with new CNG powered buses. Final contract negotiations are currently underway and a contract is expected to be signed in the near future.
  - (4) Orders are expected to be placed for 42 low floor, air-conditioned and CNG powered buses by the end of June 2003. Delivered will be on a progressive month-by-month basis, commencing in November 2003. The full financial year quantities to be delivered are as follows:

2005-2006	24
2005-2007	9
2005-2008	9
<b>TOTAL</b>	<b>42</b>
  - (5) An order will be placed for 42 buses with deliveries as stated above.
  - (6) Buses due for replacement will be disposed at the best available market price at time of disposal. The revenue expected from these sales have been factored into the bus replacement costings.
  - (7) No capital funds allocated for buses have been expended on the radio system. A separate allocation of funds for the radio system has been budgeted for capital expenditure of \$1.5m. The expenditure to 30 April 2003 on the radio system was \$133k.
  - (8) The existing radio system is technically at the end of its useful service life. The entire system will be replaced.
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**Mental health—funding  
(Question No 668)**

**Mr Smyth** asked the Minister for Health, upon notice:

In relation to mental health funding:

- (1) The Government promised to allocate an additional \$1m to mental health. Was that commitment fulfilled on the 2002-03 Budget, if not, why not and when will this commitment be filled;
- (2) Where in the Budget was this additional money, ie was it in an overall increase to health or through other programs that you can point to in the Budget Papers;
- (3) This funding was supposed to ‘improve discharge procedures, ensure support at that stage and examine post discharge accommodation’. Was this achieved, if so, please provide supporting documentation, if not, why not;
- (4) The Government was also going to provide additional resources for mental health particularly for proactive early intervention and multiple diagnosis patients, has this been achieved, if so, please provide supporting documentation, if not why not;
- (5) The Government also said that training and recruitment of additional staff was a pre-requisite to improved services, have you increased staff numbers in the mental health area, if so please provide supporting documentation, if not, why not.

**Mr Corbell:** The answer to the member’s question is:

- (1) The Government exceeded its Budget commitment of \$1m in 2002-2003. \$2.0million was allocated to mental health in the 2002-03 budget.
- (2) The allocation of the additional \$2.0 million referred to in question one is summarised as follows:
  - Child and Adolescent Mental Health Service Enhancement; \$466,000
  - CALCAM Adolescent Mental Health Day Program; \$500,000
  - Psycho-geriatric Care; \$300,000
  - Mental Illness Education ACT; \$85,000
  - Calvary Mental Health Growth inpatient throughput; \$326,000
  - Older Persons Mental Health Service Expansion; \$322,000
- (3) Discharge procedures are being examined as part of the implementation of the recommendations of the quality review of mental health services, which was tabled in the Legislative Assembly in December 2002, at the time of the tabling of the Patterson Report. In response to the need to continuously improve the quality of all services, a Discharge Planner at The Canberra Hospital inpatient unit was funded in the 2003-2004 budget (\$80,000).

Post Discharge accommodation received \$240,000 funding in the 2003-2004 Budget, under the Supported Accommodation initiative.

(4) Early intervention programs funded in the above list of initiatives in 2003-2003 are

- Child and Adolescent service enhancement
- Mental Illness Education Act program for school visits for mental health awareness training

A Dual diagnosis worker was funded in the Alcohol and Drug program, and works across mental health and alcohol and other drug sector. In addition, Mental Health ACT funded a dual diagnosis position internally in 2002-2003 using funding from the Crisis Assessment and Treatment Team. The position received its own funding of \$80,000 in the 2003-2004 Budget

(5) All of the 2002-2003 Budget initiatives funded direct clinical services, and therefore required the employment of staff to deliver the service. All initiatives include a component for on costs. It is not possible to state the number of staff employed by non-government organisations to provide their services, as they are not required to specify their staffing levels in their Output Reports under their contracts.

Additional staff were funded in Mental Health ACT as follows:

- Child and Adolescent Mental Health Service Enhancement - \$466,000
    - 4 clinical staff,
    - 1 intake staff,
    - 0.5 MindMatters,
    - 0.5 Children of Parents with a mental illnessTotal 6 full time equivalent staff
  - CALCAM Adolescent Mental Health Day Program - \$500,000
    - 5 clinical staff,
    - 0.5 teacher,
    - 0.4 adminTotal 5.9 full time equivalent staff
  - Psycho-geriatric Care - \$300,000
    - 2 staff, including a psycho geriatric medical specialist with part time clerical assistance
  - Older Persons Mental Health Service - \$330,000
    - 3 Full time equivalent non-medical clinical staff,Total to date 3 full time equivalent staff  
*Note - OPMHS is about to recruit a part time Community Medical Officer (GP) 0.4FTE.*
  - Mental Illness Education ACT - \$85,000 ACT Non government organisation
  - Calvary Mental Health Growth inpatient throughput - \$326,000.  
This is a combination of increased staffing and other costs associated with inpatient care. It is not possible to specify the number of additional staff employed.
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### **Community service orders (Question No 671)**

**Mr Stefaniak** asked the Attorney General, upon notice, on 7 May 2003:

In relation to Community Service Orders (CSO) and your reply to Question on Notice no. 504:

19 June 2003

- (1) In the response the Attorney General gave the budget figure for CSOs for 2001-02, what is the total figure for 2002-03;
- (2) Labor committed to providing an additional \$ 60,000 to CSOs in 2001, was an additional \$60,000 placed in the Budget for this purpose, if so, please provide supporting documentation and advise where in the Budget this funding is allocated, if not, why not.

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

- (1) The total budget allocated for CSOs for 2002-2003 is \$ 301,350. In the 2003-04 budget, \$326,565 has been allocated for CSO's. This represents an increase in funding of 8.4%.
- (2) The Government has a strong commitment to alternative sentencing options and to providing adequate funding for CSOs. Upon review it was found that the annual average number of offenders on CSOs fell from **198** in 2000-2001 to **162** in 2001-2002, which constitutes a decrease in offender numbers of 18.2%.

For 2002-2003, a number similar to that in 2001-2002 is expected. The lower than anticipated number of offenders on CSOs meant that the projected increase in funding was not required at the time.

The Government is reviewing the situation on an ongoing basis and committed to adjusting funding for CSOs, in line with actual requirements. For 2003-2004, funding has been increased by 8.4%, in line with an anticipated increase in the number of offenders on CSOs. It should be noted, however, that variations in the number of offenders on CSOs are difficult to predict with precision.

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### **Youth Legal Referral Service (Question No 674)**

**Mr Stefaniak** asked the Attorney General, upon notice, on 7 May 2003:

In relation to the Youth Legal Services and further to your reply to Question on notice no 488:

- (1) How many requests for assistance has the Youth Legal Referral Service received in its second month of operation;
- (2) In what percentage of requests has the service been able to (a) assist, (b) not assist, (c) cases are still in progress;
- (3) Are any of the issues discussed during this month different to those discussed in the first month (as indicated in the response to Question on notice no. 488) if so please provide details;
- (4) How long will this pilot project run for.

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

- (1) In its second month of operation, the Youth Legal Referral Service received 41 requests for assistance.



- (2) The service was able to assist in 100% of those cases.
  - (3) The issues dealt with by First Stop staff, which differ from those handled in the first month, relate to defamation, debt and fines and contract matters.
  - (4) The length of the project will depend upon the views of the participants, Clayton Utz, ANU Law School, Legal Aid (ACT) and the Youth Coalition.
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### **Insurance—sporting organisations (Question No 675)**

**Mr Stefaniak** asked the Treasurer, upon notice:

In relation to insurance for sporting organisations:

- (1) Highlights in Budget Paper No. 4 2002-03 for Treasury states: ‘implementing the government’s strategy to provide accessible and affordable insurance for community and sporting organizations and small business’. What has the Government done to provide accessible and affordable insurance for sporting organisations in the Territory, please provide detail and supporting documentation;
- (2) Is the Government aware of any local sporting organizations that may have to fold due to insurance problems, if so, how many groups, who are they and what are you doing to assist them;
- (3) What is the Government doing to solve cross border problems with insurance for sporting organizations ie sporting groups in Queanbeyan and Jerrabomberra that are affiliated with ACT sporting bodies.

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

- (1) The Government’s initiatives in this area are outlined in the materials and information contained in the Government’s risk advisory web site, [www.insuranceriskadvice.act.gov.au](http://www.insuranceriskadvice.act.gov.au) Non profit sporting groups are catered for in the Government’s comprehensive, full day risk seminars, conducted by my Department.

A number of activity specific risk management tools covering various types of sporting activity are presently available to that sector of the community via various avenues. Risk advice and risk training is generic in the sense that “risk is risk.”

The group insurance scheme provides insurance opportunities for non profit sporting bodies, a facility that was lost to a large sector of the community generally due to the crisis and some non profit sporting bodies have banded together to secure national public liability policies. The Government has taken steps to recognise national policies in the context of the use of ACT Government property.

14 seats have been booked at my Department’s risk seminars from the following groups who could be classified as non profit sporting groups:

1. ACT Monaro District Golf Association
2. American Car Club

3. Australian Masters Games
4. Boxing ACT Inc
5. Datsun Sports Car Owners Australia
6. Fitness ACT
7. LeasureLink
8. School Sport ACT
9. Women's Soccer Canberra

(2) The Government has had some approaches from non profit sporting bodies claiming they may fold, due to the insurance crisis but the Government has no specific evidence of this and no records dealing with it.

Only one, an amateur indoor soccer organisation has suspended its activities due to the cost of insurance as opposed to its availability. In this regard, the Government has no constitutional authority over insurance generally and the cost of insurance in particular. The Government will, along with other governments about to implement the second round of tort reform legislation, look for promised reductions in public liability premiums represented by the industry.

(3) In the first instance, the group insurance scheme applicable in the ACT is likewise available in NSW. I understand that Shires and City bordering the ACT have decided to apply similar principles to the ACT in setting public liability insurance levels for bodies using their property and open spaces.

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### **Schools—student assessment reports (Question No 676)**

**Mr Pratt** asked the Minister for Education, Youth and Family Services on 7 May 2003, upon notice:

In relation to school reporting:

- (1) What information will be provided to parents regarding their child's educational outcomes as part of the new format for school reporting;
- (2) What information will be provided to parents regarding their child's school as part of the new format for school reporting;
- (3) Are there any areas where parents will receive less information about their child's educational outcomes than was provided in 2002 reports, if so, what information will not be provided;
- (4) Are there any areas where parents will receive less information about their child's school than what was provided in 2002 reports, if so, what information will not be provided;
- (5) Will any new or additional information be provided to parents about (a) their child or (b) their child's school, as part of the 2003 reporting system;
- (6) How will the new reporting system differ from the system used in 2002;
- (7) Will results still be graphed in a box and whisker plot, if not, why not;

- (8) Has the Government consulted widely with parents about the new system it is introducing this year, if so, how many parents were consulted, if not, why not.

**Ms Gallagher:** The answer to the member's question is:

- (1) The ACT Assessment Program (ACTAP) reports will provide information regarding the literacy and numeracy progress of students in Years 3, 5, 7 and 9. The strands to be reported against are: reading, writing, spelling, number sense, measurement & data sense and spatial sense. Year 3 and 5 reports will also show results for viewing, listening and speaking strands. The following will be shown on reports:
- the level at which the student is performing
  - profile levels
  - the list of outcomes assessed for each strand
  - a band to indicate the middle 60% of ACT students
  - the ACT average for all strands
  - the National Benchmark for relevant strands.
- (2) The ACTAP student reports do not show school results.
- (3) Parents will not receive any less information than in 2002.
- (4) The ACTAP student reports do not show school results.
- (5) (a) The ACT average for each strand will be included for the first time. This will allow parents to compare their child's result to the ACT average.
- (b) No new information about their school will be given.
- (6) The system of reporting literacy and numeracy results through ACTAP will be similar to previous years. The wording to the introduction of the report will be changed to make it more user friendly. The ACT average will now be included for each strand.
- (7) Results will still be graphed in a box and whisker plot and included in the set of school reports.
- (8) In readiness for ACTAP 2003 the Government Schools Education Council (GSEC) consulted with parent and community group members represented on GSEC. They also drew on the results of a phone survey conducted by Roy Morgan Research and the Reporting Literacy and Numeracy Outcomes in Government Schools report. The first report from GSEC focused on the reporting of ACTAP results. A full consultation with stakeholders is planned as part of the full GSEC review of reporting to parents and the community.
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### **Child care industry (Question No 678)**

**Mrs Burke** asked the Minister for Education, Youth and Family Services on 7 May 2003, upon notice:

Further to your answer to Question on Notice no 401 and in relation to the report on the inquiry into Workforce Issues in the ACT Child Care Industry:

19 June 2003

- (1) What is the status of the consultation with licensed children's services and other relevant stakeholders in relation to the recommendations of the report;
- (2) What will this consultation process involve;
- (3) When do you expect the consultation period will be complete.

**Ms Gallagher:** The answer to the member's question is:

- (1) Consultations in relation to the recommendations of the report commenced in April 2003. The first stage of the consultation process was undertaken through meetings arranged with Children's Services Directors. The key findings and recommendations of the report were presented at the meetings.

A forum is being planned for 24 June 2003, to further discuss the recommendations and to identify options for progressing those that can be addressed at a local level.

Written responses have been invited and further correspondence advising of this will be forwarded to the sector seeking written submissions by 30 June 2003.

- (2) The consultation process will involve meetings with Children's Services Directors and key stakeholders, an invitation to provide written feedback on the recommendations and a forum to discuss the recommendations and possible ways forward.
- (3) It is anticipated that the consultations will be completed by July 2003.

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### **Housing—occupant audits (Question No 679)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice:

In relation to occupant audits:

- (1) Are audits or inspections undertaken on ACT Housing properties to ensure only tenants who have signed an agreement for that property are living in the premises;
- (2) If yes to (1) how often are such audits or inspections undertaken and what information is taken down by ACT Housing. If not, why not;
- (3) Under what circumstances, if any, might tenants of ACT Housing be permitted to sublet their premises? What regime, if any, is in place to monitor any such tenant practices, whether authorised or not;
- (4) Does the Minister or ACT Housing know of any cases where tenants have sublet their premises, if so, what were the ramifications for that tenant;
- (5) How are ACT Housing properties monitored to ascertain changes in the circumstances of public housing tenants and the affect of such changes upon a tenant's terms of occupancy.

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

- (1) Yes. However, the tenant/s may not be the only persons living in the property. All people living in the property are declared on the Residential Tenancy Agreement at the time of signing the Agreement. Friends and/or relatives may move in with the tenant/s after the Residential Tenancy Agreement has been signed. If the friends and/or relatives are earning an income, they should be declared on the tenant/s rental rebate form.
- (2) ACT Housing's current policy is to carry out Customer Service Visits (CSVs) annually. Information collected is household composition, confirmation that the tenant is in fact occupying the accommodation, condition of the property and maintenance to be carried out. Rental rebate and debt issues are discussed with the tenant where applicable. As well, other tenancy issues such as noise or neighbourhood conflict are discussed, if applicable.
- (3) ACT Housing's current policy is not to agree to tenant/s subletting their accommodation. Monitoring is done during CSVs as outlined in (2) above, namely that the composition of the household accords with either the Residential Tenancy Agreement or the tenant/s current rental rebate form.
- (4) Yes, ACT Housing is aware of some unapproved sublets. The ramifications for the tenant are that they risk losing their tenancy if they do not remedy the situation. The process is that ACT Housing serves the tenant with a Notice to Remedy requiring them to resume occupancy of the premises and remove any illegal occupants within 14 days. If the tenant does not remedy they are served with a Notice to Vacate and, if they do not vacate, an application is made to the Residential Tenancies Tribunal for a Warrant of Eviction.
- (5) Changes in a public housing tenants circumstances are monitored through advice from the tenant either by way of a letter or a Rental Rebate form, information gathered during CSVs or from investigation of information provided by a third party. Changes in a tenant's circumstances will not affect his/her tenancy because they have security of tenure unless there has been a breach of their Residential Tenancy Agreement. However, if the composition of the household has changed they may seek a transfer to accommodation that better suits their changed circumstances.

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### **Housing—maintenance (Question No 680)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice:

In relation to maintenance in ACT Housing properties:

- (1) How many maintenance requests (please distinguish, where applicable, between requests made in relation to repairs concerning tenant's private dwelling premises and those relating to non-private, public areas of the property) were before ACT Housing as at 30 April 2003;
- (2) What sort of maintenance requests were on this list, please provide at least the top ten requests;

19 June 2003

- (3) What is the longest length of time any one tenant on that list has been waiting for their request to be taken up;
- (4) What is the shortest length of time any one tenant on that list has been waiting for their request to be taken up;
- (5) What mechanism, if any, does ACT Housing have to determine how quickly a maintenance request should be (a) seen to and (b) fixed;
- (6) What is the average length of time for a tenant to have their maintenance request (a) seen to and (b) fixed.

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

- (1) ACT Housing tenants ring 62071500 for responsive repairs and they are handled through 24 hour call centres operated by the two Total Facility Managers (TFMs), Resolve FM and Transfield Services. Other works are determined by ACT Housing and the TFMs through condition assessment audits and customer service visits. Since 2001 each tenant has been given a copy of a Tenants' Guide to Repairs and Maintenance. Approximately 45-50,000 works orders are raised for responsive repairs annually. Around a further 15,000 orders are raised for other works. In 2002-03 over 80% of properties have had works raised.
- (2) Everything from blocked toilets and electrical faults to requests for upgrades of kitchens and bathrooms. The most common codes for responsive repairs are for electrical, painting, plumbing, carpentry, floor coverings, fencing, cleaning, gas fitting/services, locksmiths, ceramic tilers and glazers.
- (3) Responsive repairs have to be addressed within 4 hours for urgent works; a week for priority works; and a month for normal works. Other non-urgent works are programmed and carried out as part of larger packages;
- (4) Please see (3) above.
- (5) The contracts with Resolve FM and Transfield, the two TFMs, specify the response times for all responsive repairs.
- (6) This information is not readily available from ACT Housing's information system Homenet. However recent audits indicate that the majority of responsive works orders are completed consistent with the contractual timeframes.

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### **Hepatitis C HepLine (Question No 681)**

**Mrs Burke** asked the Minister for Health, upon notice:

In relation to the Hepatitis C Help-line:

- (1) How many phone calls did the Hepatitis C Help-line receive in its first month of operation;

- (2) What types of calls did this line receive, please list the top ten issues discussed;
- (3) What sort of advice is handed out by staff taking calls at the Help-line;
- (4) How many clients who called the line were referred to (a) hospital or (b) a doctor;
- (5) What were the operational costs of Help-line in its first month of operation;
- (6) As of 30 April, 2003, how many people have been diagnosed with Hepatitis C;
- (7) What new strategies, if any, does the Government propose to introduce in (a) the short-term, (b) the longer-term, to counter current trends in this area.

**Mr Corbell:** The answer to the member's question is:

- (1) HepLine received 43 calls in the first month of operation regarding Hepatitis C. This does not include the calls made to the office of the ACT Hepatitis C Council regarding Hepatitis C. Prior to the establishment of the HepLine and the launch of the awareness campaign the Council received 1 – 2 calls per week about Hepatitis C.
- (2) The top ten issues discussed on HepLine were:
  - transmission;
  - pregnancy and transmission from mother to baby;
  - sexual practices and transmission issues;
  - resources/information/services;
  - discrimination issues;
  - complaints about health workers or organisations dealing with Hepatitis C positive people;
  - disclosure issues surrounding Hepatitis C – regarding family, friends, work and health workers;
  - testing for Hepatitis C;
  - treatment side effects; and
  - fatigue and lifestyle concerns.
- (3) The volunteers manning HepLine issue advice on:
  - the distribution of information packs tailored to the callers needs;
  - resources from Australian Hepatitis Council;
  - fact-sheets regarding a variety of issues surrounding Hepatitis C;
  - referrals through the use of the “Contact Book” to other services such as the Canberra Alliance for Harm Minimisation & Advocacy (CAHMA), DirectionsACT and the Canberra Sexual Health Centre; and
  - the support is offered to people by trained volunteers, with additional support offered via the HepSupport group (a peer run group).
- (4) Through HepLine, 3 clients were referred to a Hospital and a total of 5 clients were referred to their own GP or medical practitioner.

HepLine primarily listens to and offers information and support as an addition to medical services. People have usually seen their GP and require further information or

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clarification. They are always referred to their GP or the Hospital for medical help, testing or treatment issues.

- (5) The ACT Hepatitis C Council advise that the direct operational costs of HepLine for the first month was \$867 (approximately 7% of the Council's operating costs for the month).

This figure includes rental of the premises, staff time, telephone line rental and calls, photocopying, postage and office sundries such as tea, coffee and stationery. HepLine is staffed by volunteers and insurance cover has been increased to cover the number of volunteers.

This figure does not include development costs, setup costs or indirect overheads.

- (6) At 30 April 2003, 3016 people had been diagnosed with Hepatitis C in the ACT. The following table shows the number of notifications each year.

Year	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Cases	56	99	243	314	335	276	318	298	302	231	230	232	82

- (7) The Government will continue with current initiatives in Hepatitis C and review the manner in which they are provided to ensure improved value and effectiveness.

The main elements of the ACT's approach to Hepatitis C include education, harm minimisation, care, support and treatment.

- ACT Health will continue to direct funds to the community sector for activities (such as the education and support provided by the ACT Hepatitis C Council).
- Needle and syringe programs will continue to provide injecting equipment and information about safe injecting.
- The Ministerial Advisory Council on Sexual Health, HIV/AIDS, Hepatitis C and Related Diseases has identified Hepatitis C as a current priority and will continue to consider issues relating to the virus.
- Follow-up processes with acute cases of Hepatitis C will continue. Advice is offered to individuals regarding care around blood and body fluids.
- ACT Health will also consider ways to ensure people with Hepatitis C are effectively cared for in the community setting, including support from community organisations and ensuring general practitioners are adequately trained in relation to Hepatitis C issues.

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## **Mental health—seniors (Question No 684)**

**Mr Cornwell** asked the Minister for Health, upon notice:

In relation to Psycho Geriatric Care:

- (1) \$300,000 was provided in the 2002-03 Budget for 'psycho geriatric capacity' with increasing out year funding. How much of this funding had been expended at 30 April 2003 and what was delivered for that expenditure;
- (2) In 2001 your Government's commitment for psycho geriatric care was to 'provide adequate housing and care for elderly people exhibiting challenging behaviour, often as a



result of dementia or related health problems'. Has this been achieved in any way, if so please provide supporting documentation, if not, why not and when will this commitment be met.

**Mr Corbell:** The answer to the member's question is:

- (1) In the 2002-2003 budget an additional \$622,000 was allocated for older persons mental health. This was made up of \$322,000 recurrent for expansion of the Older Persons Mental Health Service and \$300,000 recurrent for Psycho-geriatric Care, for dementias with challenging behaviours. All monies were allocated to the budget of the Older Persons Mental Health Service, which was part of the Mental Health Service Team at The Canberra Hospital. From 1 January 2003 it is part of Mental Health ACT.

Of the \$300,000 allocated for psycho geriatric care, \$200,000 was allocated to employ a psycho-geriatrician who would establish an Academic Department for Psychiatry of Old Age as part of the Older Persons Mental Health Service. The recruitment took some time, and we were very fortunate to recruit Dr Jeff Looi in the later half 2002. Dr Looi is the Director, Academic Department for Psychiatry of Old Age and Senior Staff Specialist at the Canberra Hospital. He holds Visiting Fellowships at the Neuropsychiatric Institute, Prince of Wales Hospital and the Centre for Mental Health Research, ANU. Prior to coming to Canberra in early December 2002 Dr Looi was working in Sydney at St George Hospital, Aged Mental Health Team.

Dr Looi is a psychiatrist with expertise and research interests in the psychiatry of ageing, including dementia and psychiatric illness in later life. His general psychiatric interests are in treatment of anxiety disorders and depression. He is a member of the Faculty of Psychiatry of Old Age within the Royal Australian and New Zealand College of Psychiatrists (RANZCP). Dr Looi has been awarded the NSW Institute of Psychiatry Research Training Fellowship (1998), inaugural Psychiatry of Old Age Prize (RANZCP, 1998), and the Lundbeck Institute Fellowship for Psychiatry of Old Age (RANZCP, 2000) and the Organon Junior Research Award (RANZCP, 2003) for his research and teaching in psychiatry of ageing.

Expenditure to 30 April 2003 on salary for Dr Looi and administrative support was \$62,600.

It was intended to allocate the remaining \$100,000 to provide "top up" funding to an existing aged care facility for access to beds for people with dementia with challenging behaviours for high needs psycho geriatric clients. This is the model used to "top up" funding for 10 beds at Sir Leslie Moreshead Home. Unfortunately, after negotiations with a number of nursing homes, we were not able to find a nursing home willing to take on this extremely difficult client group.

We have now allocated the \$100,000 to open two additional beds in the Acute Aged Care Unit at The Canberra Hospital, Ward 11 A, specifically for this group of clients with challenging behaviours. The beds will open on 1 June 2003. Projected expenditure for the month of June is \$14,219. There was no expenditure to 30 April on those beds.

Projected expenditure to 30 June on the full initiative is \$112,172.

- (2) Provision of adequate housing and care for elderly people exhibiting challenging behaviour, often as a result of dementia or related health problems.

Aged care is primarily the responsibility of the Commonwealth. However, Mental health services have an important part to play in the care of the aged persons with dementia, and the ACT Government has contributed by the provision of the \$300,000 recurrent funding for dementia sufferers with challenging behaviours, as described in the answer to question one above.

In addition the ACT works with the Commonwealth to get the best allocation of appropriate accommodation for the aged by its participation as a member of the ACT Aged Care Advisory Planning Committee (ACAPAC). This Committee determines Commonwealth funded nursing home bed allocations.

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### **Hospitals—spinal injury patients (Question No 685)**

**Mr Smyth** asked the Minister for Health, upon notice:

In relation to the waiting list for spinal injury patients:

- (1) What was the average surgery waiting time for patients suffering spinal injury at (a) The Canberra Hospital and (b) Calvary Hospital at 30 April 2003;
- (2) How many people were on this list;
- (3) What is the (a) greatest length of time and (b) shortest length of time any one person on the waiting list at the end of April waited for surgery relating to spinal injury;
- (4) How are patients with a spinal injury and who require surgery categorised for their treatment;
- (5) Spinal injury surgery often needs to be undertaken quite quickly before a patients condition worsens. Have any patients suffered further injury at (a) The Canberra Hospital or (b) Calvary hospitals due to waiting longer than they should have for surgery.

**Mr Corbell:** The answer to the member's question is:

- 1) Patients suffering from a spinal injury are admitted via the Emergency Department (ED) at The Canberra Hospital (TCH). There is no waiting time for patients suffering from a spinal injury as patients are triaged in ED as a Category 1 (treatment required immediately) or Category 2 (treatment required within 10 minutes). If surgery is required this will be performed as an emergency.
  - 2) There is no waiting list for spinal injury patients requiring emergency surgery.
  - 3) Refer to Question 2.
  - 4) For emergency patients refer to the answer in question 1. Elective patients are categorised by their surgeon into one of three categories. Category 1 – urgent, surgery recommended within 30 days; category 2 – semi-urgent, surgery recommended within 90 days; category 3 – non-urgent, surgery may be performed some time in the future.
  - 5) There is no data available to answer this question.
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**Health inspectors  
(Question No 686)**

**Mr Smyth** asked the Minister for Health, upon notice:

In relation to health inspectors:

- (1) How many health inspectors are currently employed in the ACT;
- (2) Is this number up or down on the figure for the previous financial year;
- (3) If the number is up, why were more inspectors appointed, if the figure is down, why were inspectors put off and will they ever be replaced;
- (4) What is the average salary of a health inspector in the ACT;
- (5) On average how many establishments would each inspector visit per month;
- (6) Is there a certain number of establishments inspectors are meant to visit each month, if so, what is it, if not, why not;
- (7) Has the Government received any complaints about the lack of health inspectors in the ACT.

**Mr Corbell:** The answer to the member's question is:

- (1) Public Health Officers are authorised officers for the purpose of the *Public Health Act 1997* or a provision of this Act. Public Health Officers, who are authorised to enforce the *Food Act 2001*, the *Smoke-free Areas (Enclosed Public Places) Act 1994* and the *Tobacco Act 1927*, were formerly known as Environmental Health Officers or health inspectors.

I understand that there are 19 Public Health Officers currently employed within the Environmental Health Section of the Health Protection Service (HPS), including the HPS General Manager.

The Environmental Health Operations consists of 11 field Public Health Officers (Professional Officer Level 1 and Professional Officer Level 2 positions) and two Managers (Senior Professional Officer Level C).

The Environmental Health Project Team consists of a Manager (Senior Professional Officer Level C) and four policy officers who are also authorised to enforce the above legislation (three Professional Officers Level 2 and one Professional Officer Level 1).

- (2) The number of funded Environmental Health Public Health Officer positions has not changed. The number of these positions filled at any given time varies according to staff turnover and ACT Health's ability to recruit within a competitive market.
- (3) There has been no increase in positions. At present there are three temporary or permanent vacancies. Over the last two financial years, there has been significant staff turnover in the Environmental Health Section of the HPS, which has created vacancies. There have been some difficulties in recruiting suitably qualified Public Health Officers due to the competitive labour market in this field.

- (4) Public Health Officers are classified as Professional Officers Level 1 and Professional Officers Level 2. The salary ranges for these two categories are the following:

PO1: \$31,500 - \$44,192

PO2: \$45,171 – \$50,482

- (5) A Public Health Officer performs a range of duties including inspections of premises. On average, a Public Health Officer conducts approximately 20 different routine inspections of premises per month. 1159 inspections were conducted during the 1st and 2nd quarters of 2002/2003. The number does not include inspections relating to the investigation of complaints.

Public Health Officers are multi-skilled health professionals whose duties include:

- routine inspections;
- investigation of food complaints;
- labelling of food assessments;
- suspected food borne illness (single cases and outbreaks) investigations;
- food safety promotion;
- investigation, prevention and control of ill-health purported to be caused by environmental exposure;
- provision of professional advice and health education on public health issues including waste management, sewage disposal, drinking water quality, swimming pools, cooling towers, bathing and recreational areas;
- health and safety in early childhood centres,;
- environmental impact and pollution control of water, air and land; and
- the health promotion work.

- (6) Current performance measures set the target allocated to the Environmental Health Section of 270 inspections per month.

Public Health Officers from the Environmental Health Operations routinely inspect food premises, swimming and spa pools, cooling towers, childcare centres, nursing homes, boarding houses, registered tobacco sellers and smoke-free exempted premises.

Public Health Officers prioritise inspections on a risk basis, which means that high-risk premises (e.g. bakeries) are inspected first and more frequently in accordance with the Priority Risk Classification System. The ACT has adopted this national scheme which is used to classify food businesses into risk categories based on the type of food that is handled or sold, activity of the business, method of processing and customer base.

- (7) I understand that the Government has received at least one complaint concerning the lack of Environmental Health Officers in the ACT. Accurate data on this matter is not available due to the loss of all records in the January bushfire which destroyed the Health Protection Service building in Holder.

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**Attention deficit disorder  
(Question No 687)**

**Mr Smyth** asked the Minister for Health, upon notice:

In relation to Attention Deficit Disorder:

- (1) How many medical specialists in the ACT are skilled with diagnosing Attention Deficit Disorder (ADD) and Attention Deficit Hyperactivity Disorder (ADHD);
- (2) How many medical specialists in the ACT are skilled with treating ADD and ADHD;
- (3) How many pediatricians in the ACT are skilled with treating ADD and ADHD;
- (4) What is the average waiting time for ADD or ADHD diagnosis;
- (5) What is the average waiting time for ADD or ADHD treatment;
- (6) What is the average waiting time for a family to have their child seen by a pediatrician who treats ADD or ADHD;
- (7) What support mechanisms are funded by the Government to assist ADD or ADHD sufferers;
- (8) What support mechanisms are funded by the Government to assist families that have a member who suffers from ADD or ADHD;
- (9) What is the Government doing to address concerns raised by the Canberra and Queanbeyan ADD Support Group regarding the shortage of pediatricians to cope with the number of families seeking treatment.

**Mr Corbell:** The answer to the member's question is:

- (1) Currently there are 12 paediatricians (4 of who practice from Sydney), 5 psychiatrists and 2 neurologists in the ACT who can make a diagnosis of Attention Deficit Disorder (ADD) and Attention Deficit Hyperactivity Disorder (ADHD).
- (2) As above.
- (3) There are 12 pediatricians (4 of who practice from Sydney) in the ACT who can see patients for the treatment of ADD and ADHD.
- (4) The average waiting time for ADD or ADHD diagnosis is 3-6 months.
- (5) There is no waiting time for ADD or ADHD treatment, as treatment can begin immediately after diagnosis.
- (6) The average waiting time to see a pediatrician for ADD or ADHD diagnosis is 3-6 months. There is no waiting time for ADD or ADHD treatment, as treatment can begin immediately after diagnosis.
- (7) There is support available to children diagnosed with ADD and ADHD in government schools by the school counselors. Counselors can conduct pre-diagnostic assessment of children, as well as provide information and support to teachers and students in relation to ADD and ADHD, once diagnosis has been confirmed.

Child Health Medical Officers, operating in regional health centres, can assist in pre-diagnostic assessment, liaison and post-diagnostic monitoring of children with ADD and ADHD.

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Calvary Hospital and the Child and Adolescent Mental Health Service jointly provide CALCAM, a daycare service for young people with cognitive, behavioral or emotional problems, including those diagnosed with ADD and ADHD.

FaBRiC (Family Based Respite Care) provides respite care and social support services to children with a disability and their families. A significant number of FaBRiC's clients have been diagnosed with ADD or ADHD.

(8) As above

(9) The ACT Government is in the process of recruiting more pediatricians to The Canberra Hospital (TCH) for 2003/2004. The availability of these extra positions is expected to reduce the current waiting times for diagnosis and treatment of ADD and ADHD sufferers, as well as improve client outcomes.

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**ACTION—bus services  
(Question No 689)**

**Mr Smyth** asked the Minister for Planning, upon notice:

In relation to route services and further to your reply to part (5) of Question on notice no 482 in which you failed to provide the number of patrons who used the new route 755 for Campbell Park and Russell employees in Gungahlin for each month this service has been operating. Can you please provide those figures.

**Mr Corbell:** The answer to the member's questions is as follows:

Service 755 commenced operating in November 2002 with monthly boardings as follows:

November	36
December	62
January	45
February	132
March	178
April	254

This service continues to improve in terms of patronage with the April outcome significantly better than March in view of the many public and school holidays that fell in April.

ACTION will continue to monitor this service as part of the regular review of service demands and optimisation of resources.

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**ACTION—bus services  
(Question No 691)**

**Mr Smyth** asked the Minister for Planning, upon notice:

In relation to ACTION and further to Question on Notice No. 565 asked by Mrs Dunne:

- (1) In part (6) of your reply you provided figures 'cost per in-service kilometre to operate a bus'. What is meant by the term 'in-service';
- (2) Why can't a total cost and cost per kilometre overall be provided.

**Mr Corbell:** The answer to the member's questions is as follows:

- (1) "In-service kilometres" (also known as route kilometres) refers to the kilometres travelled while collecting fare-paying passengers. It does not include kilometres travelled in positioning the bus (depot to start of service), returning the bus (end of service to depot or layover), charter services, workshop tests and any dead running that may occur between sites.
- (2) The original question was framed as follows:  
"What was the total cost and cost per kilometre to operate a bus?"

It was thought that this was appropriately answered with the response providing both "total cost to operate a bus" and "cost per in-service kilometre to operate a bus".

Question on Notice 691 now asks for "total cost" and "cost per kilometre" overall, which is provided below.

			<b>July-March</b>
	<b>2000-01</b>	<b>2001-02</b>	<b>2002-03</b>
Total Cost (\$'000)	66,615	67,277	51,652
Cost per Kilometre	\$3.04	\$3.00	\$3.06

**Cost per Kilometre** – the reduction in 2001-02 compared to 2000-01 reflects a one-off savings in employee costs (write-back of leave provisions of \$0.73m) as well as a general reduction in running costs (mainly consisting of fuel) of \$0.51m. There was also an increase in total kilometres of 571 thousand over the previous year.

The increase year to date 2002-03 compared to 2001-02 reflects the one-off adjustment to employee costs in the previous year (as indicated above) while running costs have increased by about \$0.5m (comparison of data for both financial years up to March). The increase in running costs is mainly due to an increase in the base price per litre for fuel of about six cents. There has also been other costs increases in 2002-03 such as insurance (\$0.2m) and the first time cost for bus registration (\$0.25m).

## **Housing—indigenous applicants (Question No 695)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice:

In relation to indigenous housing:

- (1) \$350,000 was allocated in the 2002-03 Budget for Indigenous Housing, how much of that money had been expended as at 30 April 2003 and what was delivered for that expenditure;

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- (2) Have any Indigenous Housing Liaison officers been appointed with this funding, if so, how much is dedicated to Housing Liaison services, if not, why not.

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

- (1) There had been no expenditure as at 30 April 2003, but it is anticipated that the funds will be committed by the end of the financial year. On 25 May, the Government announced the allocation of a total of \$80,775 to two community housing providers for capacity building projects and to contribute to the development of a viable and dynamic Indigenous community housing sector. A further \$369,000 over the next three years (\$123,000 per year) has also been allocated to one of the providers.

Given the small number of original applications, members of the ACT Indigenous community were recently invited to join a Steering Committee under the Aboriginal and Torres Strait Islander Trilateral Housing Agreement to advise on the next allocation of grants.

- (2) No. Winnunga Nimmityjah Aboriginal Health Services ACT (Inc) currently provides a Housing Liaison Service, which is separately funded by the Department of Disability, Housing and Community Services. An evaluation of the Liaison Service is being conducted by ACT Housing and Winnunga Nimmityjah. This will inform decisions on the future nature of the Service and the level of funding required to resource the Service.

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### **Caloola employment training (Question No 696)**

**Mrs Burke** asked the Minister for Education, Youth and Family Services on 8 May 2002, upon notice:

In relation to Caloola Skills Training and Job Placements:

- (1) What is the primary role of Caloola Skills Training and Job Placements;
- (2) Where a person is registered with Caloola and they are placed in employment, eg as an apprentice, does Caloola keep in touch with the employer to monitor the employees behaviour and work record or are ties cut completely once the person is in the workforce;
- (3) Is a person who progresses from Caloola to employment still entitled to any benefits through Caloola, if so, what sort of benefits are they entitled to.

**Ms Gallagher:** The answer to the member's question is:

- (1) The Commonwealth Department of Employment and Workplace Relations is the responsible agency for Caloola's job placement operations. Caloola Skills Training and Job Placements is also a Registered Training Organisation (RTO) in the ACT.
- (2) As for (1) above. However, if the question relates to Caloola's operations as a New Apprenticeship Centre as well, then the Commonwealth Department of Education, Science and Technology is the responsible agency for Caloola's operations as a New Apprenticeship Centre.



- (3) It is possible that both Commonwealth departments would be involved in the payment of potential benefits.
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**Education—pre-vocational programs  
(Question No 697)**

**Mrs Burke** asked the Minister for Education, Youth and Family Services on 8 May 2003, upon notice:

In relation to the SPICE scheme and your reply to part (5) of Question on Notice 524 in which you stated that there was an overlap between the SPICE program and existing pre-vocational programs, can you list the existing pre-vocational programs.

**Ms Gallagher:** The answer to Mrs Burke's question is:

The existing pre-vocational programs are:

1. **GRAPES** (Ginninderra's Relevant Apprenticeships for Pre-Employment through Skills and Education Program) at Ginninderra District High School. Year 9 and 10 students at risk of leaving school are engaged in developing employability and enterprise skills through pre-apprenticeship training. Funding provided by the ACT Building and Construction Industry Training Funding Board, ANTA and Skills 500.
  2. **BISEPS** (Building Industry Skills Enhancement Program) – similar to the GRAPES program but expanded to six southern high schools.
  3. **VET** in Schools programs – through VET an increasing number of students in high schools and colleges are taking the opportunity to receive a nationally recognised industry qualification and certificate.
  4. **SNAPS** – VET students can gain “on the job” skills in a chosen industry area offered at school or by an external partner.
  5. Year 9 **Exhibitions** - all students are required to undertake a community based learning project and present their findings and experiences.
  6. Quest Solutions through the **Job Pathways Program** (JPP) also places year 9-12 students in work placements.
  7. **High School Development Program** – in the 2002-2003 budget the government allocated \$2m for this initiative to assist government high schools to develop organisational structures and curricula to prepare students for lifelong learning.
  8. **Work Experience program** is offered by all high schools for students in years 9-12 and is supported by the departmental Work Experience Co-ordinator.
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**Drugs—needle and syringe program  
(Question No 698)**

**Mrs Burke** asked the Minister for Health, upon notice:

In relation to the Needle and Syringe Program:

- 1) What options exist within the district for a person seeking a needle after hours in:
  - Inner North Canberra;
  - Gungahlin;
  - Belconnen;
  - Inner South Canberra;
  - Woden;
  - Weston Creek; and
  - Tuggeranong.
- 2) How many outlets offer access to needles after business hours:
  - primary outlets;
  - chemists; and
  - health centres.
- 3) What is the closing time for each facility that participates in the needle and syringe program in each of the following categories;
  - primary outlets;
  - chemists; and
  - health centres.

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

**1. Inner North Canberra**

- Directions ACT is the primary outlet and is open from 8.30am to 6pm Monday to Friday and 9am to 5pm on Saturday.
- There are four chemists in the City, one at Ainslie and one at Campbell that operate from 8am to 6pm Monday to Friday, 9am to 6pm Saturday and 10am to 5pm Sunday.
- Lyneham pharmacy operates 8am to 6pm Monday to Friday and 9am to 7pm Saturday and Sunday.

**Gungahlin**

- There is one chemist in Gungahlin that is open from 9am to 7pm Monday to Friday and 9am to 1pm on Saturday.

**Belconnen**

- There are four chemists in Belconnen that operate from 9am to 7pm Monday to Friday, 9am to 2pm on Saturdays and 10am to 2pm on Sundays.

**Inner South Canberra**

- There are four chemists in South Canberra and three at Manuka open from 9am to 7pm Monday to Friday, and 9am to 1pm on Saturday.

**Woden**

- Mawson and Hughes Pharmacy open from 9am to 7pm Monday to Friday, 8.30am to 12midday on Saturday and 9am to 12midday on Sunday.

**Weston Creek**

- The Holder and Waramanga pharmacy open 9am to 7pm Monday to Friday and 9am to 5pm on Saturday.

### **Tuggeranong**

- There are three chemists in Tuggeranong that operate from 9am to 6pm Monday to Thursday, 9am to 9pm on Fridays, 9am to 5pm on Saturdays and 10am to 2pm on Sunday.

### **2. Primary Outlets**

- Directions is open from 8.30am to 6pm Monday to Friday and from 9am to 5pm on Saturday.

### **Chemists**

- 26 pharmacies across the ACT offer access to needles after business hours.

### **Health centres**

- There are no Health centres that offer access to needles after business hours in the ACT.

### **3. Primary outlets**

- Directions ACT operates from 8.30am to 6pm, Monday to Friday and 9am to 5pm on Saturdays.
- The Canberra Alliance for Harm Minimisation and Advocacy (CAHMA) operates 10am to 5pm, Monday to Friday.

### **Chemists**

- There are four chemists in the City, one at Ainslie and one at Campbell that operate from 8am to 6pm, Monday to Friday, 9am to 6pm Saturday and 10am to 5pm on Sunday.
- Lyneham pharmacy operates from 8am to 6pm Monday to Friday and 9am to 7pm on Saturday and Sunday.
- There is one chemist in Gunghalin that is open from 9am to 7pm Monday to Friday and 9am to 1pm on Saturday.
- There are four chemists in Belconnen that operate from 9am to 7pm Mon-Fri, 9am to 2pm on Saturdays and 10am to 2pm on Sundays.
- There are four chemists in South Canberra and three at Manuka open from 9am to 7pm Monday to Friday and 9am to 1pm on Saturday.
- Mawson and Hughes Pharmacy open from 9am to 7pm Monday to Friday, 8.30am to 12midday on Saturday and 9am to 12midday on Sunday.
- The Holder and Waramanga pharmacy open 9am to 7pm Monday to Friday and 9am to 5pm on Saturday.
- There are three chemists in Tuggeranong open 9am to 6pm Monday to Thursday, 9am to 9pm on Fridays, 9am to 5pm on Saturdays and 10am to 2pm on Sunday.

### **Health centres**

- Health centres in the ACT operate from 8.30am to 5pm, Monday to Friday.

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## **Taxation—concessions (Question No 702)**

**Ms Dundas** asked the Minister for Health, upon notice:

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In relation to entitlement of ACT Health staff to Public Benevolent Institution (PBI) tax concessions:

- (1) Has the review into the income taxation status of staff of ACT Health, initiated by Mr Stanhope, been completed;
- (2) Is ACT Health aware of any cases where ACT Health staff have received fringe benefits in instances where Fringe Benefits Tax should have been paid and was not paid;
- (3) If the answer to (2) is yes, is there an estimate of how much Fringe Benefits Tax may need to be backpaid as a result of the incorrect classification of some ACT Health staff as PBI employees.
- (4) If there is a Fringe Benefits Tax liability, what is the maximum amount that you estimate will have to be paid.

**Mr Corbell:** The answer to the member's question is:

- (1) The issue of seeking to widen access to concessions is still being considered by the Australian Taxation office.
- (2) No.
- (3) Not applicable.
- (4) Not applicable.

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### **Land—surplus properties (Question No 703)**

**Mr Cornwell** asked the Minister for Urban Services, upon notice:

In relation to the quarterly performance report (March 2003) at Output 5.2 (Property) lists three new surplus properties (Note 3):

- (1) Could you please advise what strategic management the ACT Government has introduced to “ensure sustainable use and best return to the community” in respect of surplus properties;
- (2) How many surplus properties are there among the 59 properties listed;
- (3) How many of these surplus properties are:
  - (a) under sale or rent;
  - (b) empty;
  - (c) under consideration for other use.

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

- (1) When an agency identifies a property as surplus to its requirements it transfers the asset to Property Branch, which then identifies potential future uses for the property.

The assessment identifies options for retention or disposal, including: retention for government or community purposes; demolition for reversion to open space; or sale.

The assessment aims to ensure sustainable use and best return for the community by considering a range of factors including permissible land uses, possible community use, building condition and the cost of each alternative.

(2) Of the 59 properties:

- (a) The former Health Promotions Building in Childers St. Civic, has been found to be surplus to government requirements. The building has since been demolished and options for the use of the site are being prepared;
- (b) Two properties, the former Narrabundah pre-school and the Independent Living Centre, have since been reallocated for use by government agencies; and
- (c) The remaining properties are surplus to government requirements and have either been retained for use by community organisations, such as the Greenway Boatshed, or are under evaluation.

(3) Of the properties:

- (a) 49 are rented, no properties are for sale;
  - (b) 2 are empty (1 pending demolition as noted above), and a further 8 properties are land only;
  - (c) 37 are under consideration for other uses and are tenanted by a range of community organisations on an interim basis.
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### **Hibberson Street (Question No 705)**

**Mr Cornwell** asked the Minister for Urban Services, upon notice:

In relation to the Gungahlin Town Centre:

- (1) Did the Government ever monitor the number of vehicles that used Hibberson Street passing in front of the Gungahlin Marketplace as a direct route to Flemington Road;
- (2) If so, what were the results, if not, why not;
- (3) Has the Government monitored the flow of traffic past the front of the Gungahlin Marketplace since the opening of Kate Crace Place and the extension of Anthony Rolfe Avenue which now diverts traffic away from the town centre;
- (4) If so, what were the results, if not, would the Government consider doing so.

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

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- (1) Yes, the Department has undertaken a traffic and pedestrian study for Gungahlin Town Centre. This study was completed in December 2002.
  - (2) The City bound traffic volume on Hibberson Street was an average of 4,200 vehicles per weekday.
  - (3) Yes, the Department has undertaken new surveys at the same location in May 2003.
  - (4) The City bound traffic volume on Hibberson Street has dropped to an average of 2,500 vehicles per weekday.
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### **Sport teams funding (Question No 706)**

**Mr Cornwell** asked the Minister for Sport, Racing and Gaming, upon notice, on 17 June 2003:

In the (a) 2002-03 and (b) 2003-04 Budgets, how much money was paid to ACT professional sporting teams by name.

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

In relation to your question, it is assumed that you are referring to National League Teams that represent the ACT when you state "ACT professional sporting teams". The question has been answered on this understanding.

The following table shows monies paid to National League teams in 2002-03 and the proposed budget for 2003-04. No financial contribution for 2003-04 has yet been confirmed, with scope that some teams may have their amount altered from previous levels or new teams included in the program should they meet the guidelines. Negotiations are continuing to finalise the commitment of the final \$40,000.

#### National League Team Program Funding Schedule

<b>Team</b>	<b>2002-03</b>	<b>2003-04</b>
ACT Brumbies (men's rugby union)	\$100,000	\$100,000
Canberra Raiders (men's rugby league)	\$100,000	\$100,000
Canberra Cannons (men's basketball)	\$100,000*	-
Canberra Capitals (women's basketball)	\$100,000	\$100,000
Canberra Lakers (men's hockey)	\$ 40,000	\$50,000
Canberra Strikers (women's hockey)	\$ 40,000	\$50,000
Canberra Eclipse (women's soccer)	\$ 40,000	\$50,000
Canberra Comets (men's cricket)	\$ 20,000	\$20,000
AFL/ACT Rams (men's AFL football)	\$ 20,000	\$20,000
Canberra Dolphins (men's waterpolo)	\$ 10,000	\$10,000
Canberra Dolphins (women's waterpolo)	-	\$10,000

Canberra Cockatoos (men's and women's orienteering)	-	\$20,000
<b>Total</b>	<b>\$570,000</b>	<b>\$530,000</b>

*\*In 2002/03, the Canberra Cannons were provided with a \$100,000 Treasurer's advance, in addition to the NLTF, to help the struggling team complete the season.*

### **Nursing home entry requirements (Question No 708)**

**Mr Cornwell** asked the Minister for Health, upon notice:

- (1) Is there a provider bond cap applied to nursing and retirement home entry requirements in the ACT;
- (2) If so, what is the cap and if not, why not.

**Mr Corbell:** The answer to the Member's question is:

- (1) As advised by the Commonwealth Department of Health and Ageing, there is no bond cap applied to residential aged care homes nationally. However the *Aged Care Act 1997* stipulates the maximum retention amount or accommodation charge that a service provider may retain from the balance of an accommodation bond, or charge a resident on a daily basis.

In addition, all service providers are required under the *Aged Care Act 1997* to provide care to a percentage of residents who are financially or socially disadvantaged. In the ACT, the proportion of care in any one service that must be provided to concessional residents is 19 percent. As at January 2003, the average rate of concessional residents in aged care homes in the ACT was 41 percent.

- (2) As noted in question (1), although there is no bond cap, the *Aged Care Act 1997* outlines the maximum retention amount or accommodation charge a service provider can retain from an accommodation bond, along with daily charges for residents.

### **Horse Park Drive (Question No 712)**

**Mr Cornwell** asked the Minister for Urban Services, upon notice:

In Budget Paper 4 2003-04 page 178 a total of \$10.0 million has been allocated for the completion of the project, however in the press release dated 31 March 2003 you stated the total construction costs as \$10.4 million:

- (1) Is the total construction costs \$10.0 million or \$10.4 million;

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- (2) If the total cost is in fact \$10.4 million, could you please explain where the additional \$0.4 million appears in the Budget Papers.

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

- (1) The total construction cost is \$10.4 million including GST.
  - (2) The budget paper shows that \$10.0 million (excluding GST) is available or \$11.0 million if you include GST. The remaining \$0.6 million (including GST) was allocated for project management, design and construction supervision.
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**Seniors—policy  
(Question No 716)**

**Mr Cornwell** asked the Chief Minister, upon notice, on 17 June 2003:

What has the Government done to implement ACT Labor Party policy of the 2001 election in respect of Older Canberrans in relation to:

- (1) Mature age employment strategy;
- (2) Incentives to encourage employers to employ older people;
- (3) Opportunities for training and skills development for older unemployed people;
- (4) Increasing the capacity of organisations to develop effective and innovative volunteer opportunities.

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

- (1) The Office for Ageing has commenced work on facilitating the implementation of these Government commitments. In particular:
  - the Positive Ageing Inter-Agency Committee has been established to assist with the development and implementation of the strategy and associated initiatives – the Committee includes representatives not only from all ACT Government agencies, but also from the Ministerial Advisory Council on Ageing and the Commonwealth Department of Family and Community Services; and
  - the ACT Office for Ageing has commenced comprehensive scoping work on available research and initiatives in other areas and jurisdictions and has commenced dialogue with Commonwealth and State Government officials responsible for employment strategies and programs through the national Positive Ageing Taskforce.

The ACT Ministerial Advisory Council on Ageing has also identified mature age employment as a key priority for the provision of advice. It has established a sub-group



that is looking at issues and initiatives in relation to discrimination in the workplace, education and training and barriers to older people remaining/re-entering the workplace. This work is being fed into the development of the Government's mature aged employment strategy currently being developed.

(2) This will form part of the mature age employment strategy referred to in (1).

(3) This will form part of the mature age employment strategy referred to in (1).

The ACT Office for Ageing is working with the ACT Department of Education Youth and Family Services to explore opportunities for training and skills development for older unemployed people.

Further, the Government is promoting long life learning through Adult Community Education programs. The ACT's commitment to this program is in the order of \$250,000 per annum.

(4) The Agenda for Volunteering for the ACT Community 2003-2007, a joint initiative of Volunteering ACT and the ACT Government was released in December 2002. This document contains strategies to facilitate capacity building within the volunteering sector and the development of effective and innovative volunteering opportunities. A working group comprised of representatives from the volunteering, government and private sectors will implement the Agenda.

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### **Cycling road rules (Question No 720)**

**Mr Cornwell** asked the Minister for Urban Services, upon notice:

Further to your reply during Estimates that "Under the Australian Road Rules cyclists are permitted to use traffic lanes in addition to marked bike lanes":

- (1) Is use of traffic lanes only permitted when there are no bike lanes;
- (2) If not, what is the purpose of creating special bike lanes if cyclists are under no obligation to use them;
- (3) Who is required to give way in the situation where the driver of a motor vehicle may wish to turn left across a designated cycle lane upon which a cyclist may be moving straight ahead and across the path of the turning vehicle.

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

- (1) No. Cyclists are permitted to use traffic lanes at any time unless there is a sign stating otherwise.
  - (2) Special bike lanes are created to encourage cycling and provide a safer route of passage for cyclists.
  - (3) The motorist is required to give way.
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**Motor vehicle inspection  
(Question No 723)**

**Mr Cornwell** asked the Minister for Urban Services, upon notice:

With reference to the proposed continuous registration of motor vehicles:

- (1) What is the situation if motor registration lapses and the vehicle owner subsequently decides to sell the vehicle, does the new owner have to pay the registration back to the lapsed date;
- (2) If so, why.

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

- (1) Yes, the backdating provisions of continuous registration will apply to any registration other than a seasonal registration;
  - (2) The backdating provisions of continuous registration provide a strong incentive for people to renew vehicle registration on time. Under continuous registration a person who allows his or her vehicle registration to expire and then sells the vehicle will effectively be passing on the backdating costs to the buyer. As with a vehicle sold under the current registration arrangements, the amount or lack of registration and any additional costs on a vehicle sold under continuous registration will likely be a factor in the price paid for the vehicle. In this scenario it is in the interest of the buyer to factor the backdating amount, which is the result of the inaction of the seller, into price negotiations.
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**Canberra Tourism and Events Corporation  
(Question No 725)**

**Mr Cornwell** asked the Minister for Economic Development, Business and Tourism, upon notice, on 18 June 2003.

- (1) Is it a fact that Canberra's international Airport has acted as a departure and arrival point for flights to New Zealand and if so, is it intended to develop this direct traffic:
- (2) Does Canberra Tourism and Events Corporation (CTEC) plan to market Canberra in New Zealand newspapers and if so, why has it not done so to date;
- (3) Does CTEC plan to advertise in monthly airline periodicals and if so, why has it not done so to date.

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

- (1) Yes. Canberra International Airport has acted as a departure and arrival point for flights to New Zealand in relation to the Brumbies games held recently. Depending on the demand for charter flights, the Canberra international airport may continue to develop this direct traffic to and from Canberra.
  - (2) CTEC has marketed and promoted Canberra in New Zealand in various advertising media other than newspapers. These include, promotions at various trade and consumer shows, conducting sales missions and radio promotions. CTEC will conduct its advertising campaigns in the most cost effective advertising media within the available budget.
  - (3) CTEC advertises Canberra in the monthly airline periodical 'Out There' which is distributed to passengers who take Rex and Qantas flights. The Qantas inflight magazine, 'The Australian Way' has also published advertorial on the Canberra product periodically. CTEC is investigating further opportunities for more coverage on Canberra with airlines including Virgin Blue.
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**Residential aged care facilities  
(Question No 726)**

**Mr Smyth** asked the Minister for Health, upon notice:

Concerning Residential Aged Care Facilities:

- (1) Are ACT Residential Aged Care Facilities (RACF) inspected and if so, how regularly and by whom and, if not, why not;
- (2) If RACF's are inspected, what do inspections look for;
- (3) Given that these facilities are Commonwealth funded, what role does the ACT Government play in the operation of these facilities;
- (4) Is there a shortage of staff for these facilities and if so, how many more staff are needed and why is there a shortage.

**Mr Corbell:** The answer to the member's question is:

- (1) As you would be aware, in 1998 the Commonwealth Government introduced a new accreditation system designed to improve the quality of residential care in Australia. Aged care homes must be accredited to receive Commonwealth funding.

The Aged Care Standards and Accreditation Agency (the Agency) is an independent company established under the Aged Care Act 1997 to:

- manage the accreditation process;
- promote high quality care; and
- supervise homes' ongoing compliance with the Accreditation Standards by

conducting spot checks, review audits and support contacts, and liaising with the Department of Health and Ageing about homes that do not meet the Standards

Teams of registered quality assessors conduct accreditation audits and other visits, and provide reports of their findings to the Agency. The Agency makes decisions, including accreditation decisions, based on these reports and other relevant information.

Generally, homes receiving three years accreditation meet all the Accreditation Standards, while homes accredited for shorter periods have areas of current non-compliance or a recent history of non-compliance. By law, new homes only receive one year accreditation. The Agency may refuse to accredit a home, and accreditation may be revoked or reduced if a home does not continue to meet the Standards.

(2) To achieve accreditation, aged care homes are assessed against the 44 expected outcomes of the Accreditation Standards legislated in the *Aged Care Act 1997* and its subordinate legislation.

The standards cover:

- management systems, staffing and organisational development;
- health and personal care;
- resident lifestyle; and
- physical environment and safe systems.

Additionally, in 1997 the Commonwealth Government introduced a quality improvement process to improve the physical standards of aged care homes. This process, called certification, is also linked to a home's revenue as only aged care homes that are certified can ask residents to contribute accommodation payments.

To achieve certification an aged care home is inspected to determine if it meets certain minimum building standards relating to fire safety, security, access, hazards, lighting, heating, cooling and ventilation. A program of inspections commenced in 1997, and more than 3,000 aged care homes have been assessed.

(3) The ACT Government does not play a role in the operation of aged care facilities. Their operation is the sole responsibility of the provider approved under the *Aged Care Act 1997*. The only role the ACT Government has is to lobby the Commonwealth to ensure that appropriate levels of care are provided for residents in the facilities.

(4) With regards to question (4), the ACT does not keep information on staff numbers for individual residential aged care facilities. As advised in Question On Notice No 640 of 20 May 2003, a national project is currently being planned under the Australian Health Minister's Advisory Council processes, to undertake a census of the residential aged care workforce. The census will look at numbers, work patterns, roles and the education and training of the aged care workforce.

**Residential aged care facilities  
(Question No 728)**

**Mr Cornwell** asked the Minister for Health, upon notice:

In relation to Residential Aged Care Facilities:

- (1) Does the Government have any intention to raise the eligible age for entry into Residential Aged Care Facilities under its control or funding from 55 years to 60 years;
- (2) If so, why is this being done;
- (3) If so, how will this be done.

**Mr Corbell:** The answer to the member's question is:

- (1) The Commonwealth Government currently provides residential aged care services to people of 70 years of age and over or, in the case of people from Aboriginal or Torres Strait Islander backgrounds, 50 years and over. This does not preclude people younger than 70 years from accessing residential aged care. Eligibility to access residential aged care services is determined through an Aged Care Assessment on a needs basis.
  - (2) and (3) As noted in question (1), eligibility for accessing residential aged services is determined through an Aged Care Assessment.
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**Roads—speed limits  
(Question No 729)**

**Mr Cornwell** asked the Minister for Urban Services, upon notice:

- (1) What ACT statistics are available to demonstrate there have been less deaths and injuries since the introduction of 50 km speed zones;
- (2) If no ACT statistics exist, how does the government demonstrate its pilot and subsequent decision to introduce 50 km speed zones was justified;
- (3) Of road fatalities, including pedestrians, in 2003 to date, how many took place in the following speed zones:
  - (a) 50 km;
  - (b) 60 km;
  - (c) 70 km;
  - (d) 80 km;
  - (e) 90 km;
  - (f) 100 km.

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

- (1) The crash analysis indicates a small reduction in crash numbers of streets zoned 50 km/h. Before the introduction of the 50 km/h speed limit there were 852 crashes over 36 months (23.7 crashes /month) compared to 518 crashes in the 24 months after the introduction on the lower limit (21.6 crashes/month). This indicates a drop of 9%, however the decrease in crash numbers was not statistically significant.
  - (2) The decision to introduce a 50km/h default speed limit was justified because of:
    - Significant speed reductions; 2 km/h reduction in mean speed and 2.6 km/h reduction in 85th percentile speed on 50 km/h streets
    - Strong community support; 70% of respondents surveyed approved of the 50 km/h speed limit
    - A national movement towards 50km/h speed limits; it is expected that it will be in place across Australia by the end of the year
    - Positive crash reductions; the analysis found that the introduction of 50km/h limits was a cost effective measure with real world savings of approximately \$3.97 million in crash costs based on the reduction in fatal, injury and property damage crashes over the period of the trial
  - (3)
    - (a) 50 km - None
    - (b) 60 km - 1
    - (c) 70 km - None
    - (d) 80 km - 2
    - (e) 90 km - 2
    - (f) 100 km - None
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### **Building site inspections (Question No 731)**

**Mr Cornwell** asked the Minister for the Environment, upon notice:

Further to your reply to an Estimates question asked on 15 May 2003 that Environment Protection Officers (EPO's) "regularly inspect building activities within the ACT":

- (1) How many EPO's are there in the ACT;
- (2) How many building sites were inspected in (a) 2000-01 (b) 2001-02 (c) 2002-03;
- (3) How many penalties have been issued in each of the years above and what was the annual total of penalties in each of the years in (2) above.

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

- (1) There are 15 Environment Protection Officers (EPO's) in the ACT, however only six EPO's are involved in regular inspection of building activities.
  - (2) Environment ACT records building site inspections only when those inspections confirm action is needed to improve environmental controls. Many building sites inspected have appropriate environmental controls in place and are not recorded for follow up action by EPO's. The number of sites requiring follow up inspections were:
    - (a) in 2000 – 01, 83 building sites
    - (b) in 2001 – 02, 73 building sites
    - (c) in 2002 – 03, 65 building sites
  - (3) The number of infringement notices and annual penalty totals are:
    - (a) in 2000 – 2001 nine infringements notices were issued with a total penalty of \$4,600.
    - (b) in 2001 – 2002 ten infringements notices were issued with a total penalty of \$6,050.
    - (c) in 2002 – 2003, 15 infringements notices were issued with a total penalty of \$7,200.
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**Bushfires—free plant issues  
(Question No 732)**

**Mr Cornwell** asked the Minister for Urban Services, upon notice:

Further to your reply to an Estimates question asked on 13 May 2003 in relation to a free plant issue for bushfire victims, how can the average number of plants issued be 20 (reply 7) given that the cost allocation per resident is \$110 (reply 1) when the smallest plants for sale at the Yarralumla Nursery are \$8.95 each, is approximately 12 free plants.

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

The plants available start at:

Smallest available are the forestry tubes from \$2.10  
Next size is Landscape tubes from \$4.30

There are available, from time to time, some varieties in 100mm pots from \$4.95  
Please note these are the basic prices and some varieties are more expensive.

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**Gambling—automatic teller machines  
(Question No 736)**

**Mr Stefaniak** asked the Minister for Sport, Racing and Gaming, upon notice:

In relation to Automatic Teller Machines (ATMs) in clubs:

- (1) How many clubs and pubs in the ACT, with poker machines, have ATMs on the premises;
- (2) How many of these ATMs are owned by the National Australia Bank;
- (3) Has the Government received any evidence to show that problem gamblers are the 'majority' users of ATMs in establishments with poker machines;
- (4) Does the Government agree with an approach to remove ATMs from establishments in the ACT that have poker machines, if so, why, if not, why not.

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

- (1) The Government does not keep statistics on ATMs installed by gaming machine licensees. Whilst the *Gaming Machine Act 1987* prohibits the installation of ATMs in the defined gaming areas of each licensed venue, I have been advised that the records kept by the Gambling and Racing Commission do not indicate which venues have ATMs located on their premises. I understand that the Commission's audit program ensures that ATMs are not located in the approved gaming areas but does not involve checking on whether an ATM is located elsewhere in the venue.
- (2) This information is not recorded by Government, see answer to part 1.
- (3) Some research into gambling and problem gambling has addressed the question of ATMs in licensed gaming machine venues. I refer you particularly to the Productivity Commission's 1999 *Australian Gambling Industries National Survey* (section 15.50) and the Australian Institute for Gambling Research 2001 *Survey of the Nature and Extent of Gambling and Problem Gambling in the ACT* (pages 122-3).
- (4) The Government is currently considering the ACT Gambling and Racing Commission's report on the review of the *Gaming Machine Act 1987*. This report, and the recommendations that form part of it, address the question of ATMs in licensed gaming machine venues.

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**Manuka Oval  
(Question No 737)**

**Mr Stefaniak** asked the Minister for Sport, Racing and Gaming, upon notice, on 18 June 2003:

In relation to the Swans versus Kangaroos match at Manuka Oval on 25 May 2003:



- (1) Who is responsible for organising and coordinating entry into the Oval on AFL match days at Manuka;
- (2) Has the Minister received any formal complaints about the organising of the match, in terms of handling the crowd on May 25, if so, what were the complaints regarding;
- (3) Is the Government looking at improving parking in the area for AFL matches, if not, why not;
- (4) Have any suggestions been forwarded to the Minister on how to improve AFL matches at Manuka from the spectators perspective, if so, please provide details;
- (5) Would the Government consider any such improvements in the (4) above.

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

- (1) The hirer (be it the AFL or the Kangaroos) is the responsible party for coordinating ground entry (ticketing and security).
- (2) Yes. Only one formal (written) complaint has been received by my office, although I am most aware of several problems that did occur at the match to which you refer. This complaint regarded problems experienced with ticketing, toilets and food sales.
- (3) Although not the source of any direct complaints, Government is aware that there are issues associated with parking in the area, particularly during those matches that attract capacity crowds. A formal planning study for the Oval precinct has yet to be undertaken which presumedly would incorporate parking.

The Manuka Oval Management Company (MOMC) has had preliminary negotiations with ACTION regarding the increased use of buses on match days, either directly from licensed clubs or interchanges, and the coordination of buses within the Oval precinct.

- (4) Only suggestion related to the issues raised in (2).
- (5) Yes. The MOMC will be making minor improvements shortly to the ticketing arrangements and undertaking landscaping enhancements that will positively impact on available space for catering and toilet facilities for next season.

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**Stadiums Authority  
(Question No 741)**

**Mr Smyth** asked the Minister for Sport, Racing and Gaming, upon notice, on 18 June 2003:

In relation to the Stadiums Authority:

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1. What components made up the \$180,000 loss accrued by the Stadiums Authority following the loss on Celtic Crossroads in 2002?
2. Was the Riverdance production held at Canberra Stadium an “in-house” production, if not, who promoted the event and did it have insurance for adverse weather, like rain, causing cancellation or postponement of the event?
3. On 2CN on Wednesday 11 June you said that neither the Government nor the Stadiums Authority took out insurance for adverse weather, like rain, for Celtic Crossroads, why was the decision taken not to insure against rain?
4. On 2CN on Wednesday 11 June you also said that insurance may not have been sought due to the insurance crisis and costs associated with insurance. Did the Government or the Stadiums Authority receive a quote for insurance against rain for Celtic Crossroads, if so, could documentation please be provided, if not, why not?
5. On 2CN on Wednesday 11 June you also said that the profit from the Riverdance event covered the loss of the Celtic Crossroads event. Please provide documentation showing where Riverdance profits covered the loss from Celtic Crossroads.
6. Did Riverdance cover the 100% loss accumulated by Celtic Crossroads, if not, what percentage did it cover?
7. If Riverdance did not cover 100% of the loss accumulated by Celtic Crossroads would it be correct to say that Riverdance did not return a profit to the people of Canberra either as the profit was used to cover losses in another area?

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

According to advice I received from the Stadiums Authority:

1. Components of \$179,000 loss as follows:

Revenue	\$75,000
less	
Expenses	\$254,000
comprising:	
Event management (cleaning, security etc)	\$13,000
Stephen Cole and Associates management fee	\$50,000
Lighting and Audio	\$50,000
Travel/Airfares/Accommodation	\$28,000
Artists fees	\$18,000
Scaffolding/structure	\$18,000
Event logistics	\$ 4,000
Food and Bev service	\$ 9,000

Video and Program prod	\$10,000
Advertising & Prom	\$54,000

2. Riverdance was not an "in-house" production and the promoters did not take out pluvial/wet weather insurance. The show could proceed under light rain conditions or showers, as the performers were under cover.
  3. The decision to not take out pluvial insurance was covered under the general risk management analysis:
    - a. The costs were too high at approximately 9-10% of production (pre HHH) and insurers require fairly accurate descriptions on the date and time of rain, and the type and amount of rain dropped in the period. The producer (Stephen Cole and Associates) did not have faith in this form of insurance from previous experience.
    - b. The average weather pattern for October indicated a low risk and, irrespectively, the Producer advised that a performance could continue under light intermittent showers.
    - c. The show was to be held over two nights and therefore some level of redundancy was built in for a cancelled show.
  4. The Authority did not receive a quote for insurance. Expert advice from Stephen Cole and Associates was to accept the low risk as identified through the risk management analysis.
  5. The recorded profit from Riverdance was \$132,000. This did not cover the loss of Celtic Crossroads entirely.
  6. No. 74%
  7. No. Based on the rudimentary analysis of financial evidence, Riverdance did return a profit. Both events should be considered separately on their merits, not cumulatively.
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**Floriade  
(Question No 744)**

**Mr Smyth** asked the Minister for Economic Development, Business and Tourism, upon notice, on 18 June 2003.

In relation to Floriade and further to Question on notice 572:

- (1) Has an audited figure for the operating surplus/deficit for the 2002 Floriade been calculated, if so, what is the figure, if not, when will an audited figure be available;
- (2) How does the Government determine where the profits from Floriade will be spent;
- (3) Where will the profits from the 2002 Floriade be spent;

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- (4) Will Floriade 2003 still be free entry;
- (5) Will Commonwealth Park be the venue for Floriade 2003, if not, what is the new site.

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

- (1) An audited figure for the operating surplus/deficit for the 2002 Floriade is expected to be available in July-August 2003 when audited financial statements become available in line with normal government audit practices.
  - (2) The Government will consult CTEC to determine where the surplus from Floriade will be spent provided there is a surplus arising from the 2002 event.
  - (3) If a surplus from Floriade 2002 is realised, it is likely that the profit will be invested in the event, to improve it further and make it a more attractive tourism drawcard.
  - (4) Yes.
  - (5) Yes. Floriade 2003 will be held in the Commonwealth Park.
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### **Bushfires—business recovery (Question No 745)**

**Mr Smyth** asked the Chief Minister, upon notice:

In relation to the bushfire recovery and businesses damaged in the bushfire:

- (1) What assistance are you providing to businesses whose premises were either destroyed or damaged to demolish their damaged premises, in particular for (a) clearing land, (b) waiving tip fees and (c) demolishing remnants of the business?
- (2) How many business premises were destroyed or severely damaged in the bushfires, how many have been cleared and how many remain to be cleared?
- (3) If an owner cannot afford to clear the site and will not be reopening the business what is the procedure to clear the site and what will happen to that land?

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

- (1) Business premises that were damaged or destroyed as a result of the 18 January 2003 bushfires received in relation to:
  - (a) Clearing land: businesses received advice from the Bushfire Recovery Taskforce to assist them in clearing their land, access to the full range of demolition services project managed by Bovis Lend Lease and, in relation to Duffy service station, an extensive contamination report prepared by Robson Laboratories and arranged by Bovis Lend Lease at no charge;

- (b) Waiver of tip fees: businesses were originally required to pay \$20 a tonne to dump material at the Mt Stromlo contaminated waste site. Following a review of difficulties being experienced by some commercial operators, commercial tip fees were refunded by the Taskforce; and
  - (c) Demolishing remnants of the business: businesses were provided with advice from the Bushfire Recovery Taskforce and access to the full range of demolition services project managed by Bovis Lend.
- (2) Three business premises were destroyed and required demolition as a result of the 18 January bushfires. They were Duffy service station, Holder veterinary clinic and the Cotter tavern. The Duffy service station and the Holder veterinary clinic sites have been cleared. The Cotter tavern is not yet cleared. The Government Solicitor's Office is currently negotiating with owner of the Cotter tavern's solicitor about the future of the Crown Lease. When this has been finalised demolition and clearing of the land will proceed.
- (3) The Government is not aware of any businesses that cannot afford to clear its site.
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### **Aboriginal cultural sites (Question No 746)**

**Mr Smyth** asked the Minister for Community Affairs, upon notice:

In relation to Aboriginal cultural sites and further to Question on notice no 662:

- (1) Has the assessment of possible damage to Aboriginal stone arrangements in Namadgi National Park commenced, if so, when and how long will the assessment take place to complete, if not, why not and when will it begin;
- (2) Has the assessment of possible damage to known Aboriginal scarred trees commenced, if so, when and how long will the assessment take place to complete, if not, why not and when will it begin.

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

Question (1)

The assessment has been completed.

Surveys of fire damage to known stone arrangements in remote areas of Namadgi National Park were undertaken in May 2003.

While the general areas in which the stone arrangements occur had been affected by fire, the arrangements themselves are intact and undamaged.

Question (2)

The assessment has not commenced.

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Many of the scarred trees are in areas that are still not safe to enter and are not expected to be safe to enter before Spring 2003. Field inspection of known scarred trees is now scheduled to commence in October 2003.

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### **Canberra Tourism and Events Corporation—name change (Question No 748)**

**Mr Cornwell** asked the Minister for Economic Development, Business and Tourism, upon notice, on 18 June 2003.

In relation to the change of name of Canberra Tourism and Events Corporations to Australia Capital Tourism as stated in your press release of 16 June 2003 entitled 'New Look for Tourism in the ACT':

- (1) What is the total forecast cost to the government for implementing all aspects of this name change across the organization;
- (2) Is the cost at (1) above included in the 2003-04 budget papers, and if so, where;
- (3) If the cost at (1) above it not shown in the 2003-04 budget papers, why not;
- (4) What is the forecast time frame for the implementation and finalisation of the change of name.
- (5) What is the forecast date for the expansion of the Board of Australian Capital Tourism from seven to nine members.

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

- (1) The expected cost to the Government to implement all aspects of the name change includes changes to stationery and signage and the cost of time to revise the corporate website. It is not possible to forecast an exact cost as these will be borne progressively.
  - (2) No specific budget allocation has been made in the 2003-2004 budget papers to implement costs attributed to the name change in view of the progressive nature of the implementation costs. The initial costs will be absorbed in the current financial year.
  - (3) See answer to question 2.
  - (4) Cabinet agreed to the name change on 16 June 2003. The forecast time frame for implementing the change will be on the same day that the Assembly endorses the legislative changes. (See 5 below)
  - (5) The expansion of the Board of Australian Capital Tourism from seven to nine members will be effective when the Legislative Assembly endorses the Canberra Tourism and Events Corporation Amendment Bill 2003. The Bill was introduced in the Legislative Assembly on 19 June 2003.
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**Bushfires—rural properties  
(Question No 750)**

**Mrs Dunne** asked the Chief Minister, upon notice:

In relation to rural properties destroyed in the January bushfires:

- (1) How many properties in rural areas are still to be cleared as at 31 May 2003?
- (2) When do you anticipate that you will complete clearing rural properties?
- (3) Has a lower priority been given to clearing rural properties than to urban properties?

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

- (1) All ACT Government properties and private properties contracted for clearance through Bovis Lend Lease in rural area have been cleared. It would be difficult to determine how many of those now cleared, were still to be cleared as at 31 May 2003.

The Cotter tavern is yet to be cleared and is considered a commercial property.

The ANU's Mt Stromlo Observatory site has yet to be cleared. The Bushfire Recovery Taskforce has been urging the ANU to clear the site as soon as possible.

- (2) As mentioned above, all ACT Government properties and private properties contracted for clearance through Bovis Lend Lease in rural areas have been cleared. The Government Solicitor's Office is currently negotiating with the solicitor of the lessee of the Cotter tavern about the future of the Crown Lease. I understand that the ANU is negotiating with its insurer about clearance of the Mt Stromlo Observatory site and has advised the Taskforce that the site should be cleared by the end of 2003.
- (3) No. The clearance of all properties was conducted as soon as the work required could be defined, then quoted upon and contracted. As rural demolition tended to be either more extensive or harder to get to than urban sites, the demolition scoping process took longer. However, notwithstanding this, rural demolitions of private properties commenced in March and were given equal priority with all other demolitions.

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**Ministry—function costs  
(Question No 756 to 771)**

**Mr Smyth** asked the following ministers, upon notice, on 19 June 2003

- \*756 Chief Minister
- \*757 Attorney-General
- \*758 Minister for Environment
- \*759 Minister for Community Affairs

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- \*760 Treasurer
- \*761 Minister for Economic Development, Business and Tourism
- \*762 Minister for Sport, Racing and Gaming
- \*763 Minister for Disability, Housing and Community Services
- \*764 Minister for Urban Services
- \*765 Minister for Police and Emergency Services
- \*766 Minister for Arts and Heritage
- \*767 Minister for Health
- \*768 Minister for Planning
- \*769 Minister for Education, Youth and Family Services
- \*770 Minister for Women
- \*771 Minister for Industrial Relations

In relation to your portfolio responsibilities:

(1) How many functions have been held by the Minister that have been paid for through the Executive budget, including private functions for occasions like the farewell of staff;

(2) For each function:

- (a) what was the purpose;
- (b) date;
- (c) cost;
- (d) number of guests attending;
- (e) venue used;
- (f) entertainment hired.

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

See attached spreadsheet outlining functions held by members of the Executive and paid for through the Executive Budget.

FUNCTION	DATE	COST \$	NO. OF GUESTS	VENUE	ENTERTAINMENT HIRED
<b>CHIEF MINISTER</b>					
Office Planning Day	20 Dec.'02	150.36	12	Regatta Point	
Welcome Home Reception for Commonwealth Games Athletes	12 Aug '02	1870.85	100	Reception Room	
Reception for Leadership Training for Women Conference Participants	23 Sept '02	1499.50	120	Reception Room	
United Nations Day Reception	24 Oct'02	1881.60	100	Reception Room	Didgeridoo Player



Afternoon Tea for Long Serving Justices of the Peace	15 Nov '02	281.00	70	Reception Room	
Announcement of Multicultural Grants Reception	28 Nov '02	402.50	80	Reception Room	
Reception for Community Council Members	9 Dec '02	119.85	15	Hospitality Room	
Community Luncheon – Charity Groups	10 Feb '03	776.50	15	Hospitality Room	
Reception for Bravery Award Recipients	14 Feb '03	1620.00	65	Reception Room	Canberra School of Music
Community Luncheon – Rotary Presidents	28 Feb '03	956.80	19	Speakers Hospitality Room	
Canberra's Birthday Celebrations	12 March '03	9544.92	N/a (event open to the public)	City Walk	
Community Luncheon – Community Health Providers	20 March '03	837.60	14	Hospitality Room	
Budget Media Lockup	6 May '03	1824.50	60	Reception Room	
Luncheon with Airport Group	16 May '03	764.55	9	Hospitality Room	
Community Luncheon – Industrial Relations	22 May '03	761.35	13	Hospitality Room	
Breakfast for International Cleaners Day	16 June '03	419.45	12	Hospitality Room	
Community Luncheon – Business Leaders	20 June '03	588.15	11	Hospitality Room	
<b>DEPUTY CHIEF MINISTER</b>					
Christmas function for Media	20 Dec '02	950.18	35	Minister's Residence	
Reception for delegates attending Geographers Conference	8 July '02	2769.55	120	Reception Room	Tony Magee Entertainment
Reception for Canberra Capitals	27 Feb '03	1129.60	50	Reception Room	
Budget Drinks & Catering	6 May '03	843.36	40	Cabinet Room	
<b>MINISTER WOOD</b>					
Function for persons with a disability to receive an individual support package	22 Oct '02	100.91	45	Reception Room	

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Christmas Function for Media	19 Dec'02	207.91	40	Minister's Office	
Reception for Reserve Forces Overseas Contingent	2 July '02	1809.50	55	Reception Room	Tony Magee Entertainment
<b>MINISTER CORBELL</b>					
Nil					
<b>MINISTER GALLAGHER</b>					
Meet DECS Executives	10 Feb'03	50.98	20	Minister's Office	
Luncheon for New Zealand Commissioner for Children	11 June'03	216.59	17	Speakers Hospitality Room	

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### **Australian Capital Tourism (Question No 772)**

**Mr Smyth** asked the Minister for Economic Development, Business and Tourism, upon notice, on 19 June 2003.

In relation to the name change of Canberra Tourism and Events Corporation:

- (1) The notable omission from the new title Australian Capital Tourism is 'events' does this mean that events based tourism won't be a focus of the newly named body, if so, why, if not, what focus will be given to events based tourism;
- (2) What will be the process of deciding who the two new members of the board will be;
- (3) Will the Minister ensure that these two members don't simply double up on areas covered by other members so that we have a Board that covers a broad spectrum of ideas in tourism;
- (4) Does the Minister have any knowledge at this stage from where in the tourism industry the two new members might be drawn from;
- (5) Are there any costs associated with an additional two members on the board, if so, please detail those costs.

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

- (1) The omission of 'events' from the Corporation's new title 'Australian Capital Tourism' does not mean that that the Corporation will not focus on event based tourism. The title 'Australian Capital Tourism' better reflects the Corporation's main purpose which is marketing and promoting Canberra, and signifies its commitment to

working with industry both here in the ACT and in the Australian Capital Region. The Corporation will continue to manage Floriade, the Subaru Rally of Canberra and support a range of other events under the Events Assistance Program as well as identify and/or initiate events. However, it will not manage any other main events.

- (2) The Government will consider a range of potential appointees from within the ACT tourism industry. This consideration will extend to suitable individuals who are committed to developing the tourism industry.
- (3) New members of the Board will be chosen to represent a broad range of interests from within the ACT tourism industry. The Government expects that the Board will arrange its affairs to ensure optimal use of the skills, expertise and interests of individual members as well as of the Board as a whole.
- (4) As noted above, the Government is considering a range of potential appointees representing a broad range of interests within the tourism industry.
- (5) Yes. Each member is paid \$8,000 per annum in remuneration. Funding will be found within existing Corporation resources.

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### **Gold Creek Homestead (Question No 773)**

**Mr Smyth** asked the Minister for Urban Services:

In relation to Gold Creek Homestead:

- (1) What are the current costs associated with maintenance of the Gold Creek Homestead;
- (2) What was the cost of maintaining Gold Creek Homestead each year since 1997 to the current year;
- (3) Are there any other costs the Government incurs due to the Gold Creek Homestead;
- (4) Who is in charge of managing the Gold Creek Homestead;
- (5) How many tourists visit Gold Creek Homestead on a monthly basis;
- (6) Is there a charge to visit Gold Creek Homestead;
- (7) Does the Government receive income from the Gold Creek Homestead.

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

- (1) The Gold Creek site (blocks 1 & 2, section 23 Ngunnawal) which includes the homestead building is managed as part of the Property Branch portfolio of surplus properties by Totalcare Property Management (TPM) for which TPM receive a fee.

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As well, direct costs incurred this year total \$169.95 for general repairs and maintenance.

- (2) Property Branch (formerly part of Land and Property) took responsibility for the site on 1 July 1998. Since that time and excluding the property management fee, direct costs are as follows:

1998/99	\$ 693.70
1999/00	\$4,244.80
2000/01	\$ 803.65 plus \$100 for bore licence
2001/02	\$1,100
2002/03	\$ 169.95

- (3) No.

- (4) Property Branch, Department of Urban Services is the owner on behalf of Government. TPM provide the day to day property management.

- (5) Tourists visit the site to watch sheep shearing demonstrations but do not access the homestead building. In 2002-03 this ranged from 81 in June 2003 to a maximum of 728 in August 2002.

- (6) The rural lessee (Mr John Starr) who demonstrates the sheep shearing charges a fee. Apart from that there is no charge to visit the homestead site. The homestead itself is not open to the public.

- (7) No.

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### **Waste disposal facilities (Question No 780)**

**Mr Cornwell** asked the Minister for Urban Services, upon notice:

In relation to the disposal of both recyclable and non-recyclable waste at ACT rubbish tips and further to your response to Question on notice no 368:

- (1) Has consideration been given to elderly and/or physically challenged persons who may wish to dispose of waste at ACT rubbish tips and who are able to drive their vehicles to the tip, but may have problems with unloading rubbish and disposing of it in the designated area/s and if so, what are those considerations;
- (2) If no consideration has been given, why not;
- (3) If it is the case that no penalties are applicable at ACT rubbish tips to ensure that waste is disposed of in the appropriately designated area/s, then what measures are in place to discourage people from offloading their waste in the most easily accessible area of the tip.

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

- (1) At the Mugga Lane landfill all domestic vehicles are normally directed to the transfer

station. Staff there, where time permits, would assist elderly or physically challenged persons in the unloading of waste. If they identify themselves as such at the weighbridge they may be directed to the tip face.

- (2) See (1) above.
  - (3) The landfill is well signposted with directional signage enabling easy location of appropriate disposal areas. Staff monitor activities of patrons and are in radio contact with each other.
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### **Animals—owner identification (Question No 782)**

**Mr Cornwell** asked the Minister for Urban Services, upon notice:

In relation to the location of owners of lost animals, in particular cats and dogs, which have been taken to both the ACT Domestic Animal Services and RSPCA animal shelters:

- (1) If an animal is found to be wearing an identification tag, is micro-chipped or tattooed, allowing the owners to be readily identified, how many attempts are made to contact the owner in order to advise them that their pet has been taken into the shelter;
- (2) If the owner of a lost animal is successfully contacted, how long is the animal held if not retrieved by the owner before:
  - (a) allowing the animal to be sold to a new owner; or
  - (b) destroying the animal if it is not re-homed;
- (3) If the owner of a lost animal is unable to be contacted, how long is the animal held until (a) and (b) above come into effect.

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

I am providing this response with regard to Domestic Animal Services, but I cannot comment on the operations of the RSPCA. The response only refers to dogs, as Domestic Animal Services does not have any facilities for holding cats.

- (1) When a dog is brought to Domestic Animal Services by a member of the public or a ranger, it is immediately scanned for a microchip and any tags or tattoos are noted. As soon as the dog has been placed in a kennel, an officer makes the following enquiries:
  - if the dog is registered, the Domestic Animal Services database is searched for contact details
  - if a microchip was found on the dog, three microchip databases are searched, being Central Animal Records; Australian Animal Records and NSW Companion Animal Records Register.

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If contact details are found on any of these databases or on an identification tag or tattoo, the owner or secondary contact is phoned on whatever numbers are listed. If contact is not made immediately, messages are left on answering machines if available. If an email address is provided this is also used to contact the owner. Where phone numbers are not connected, staff use the telephone directory to find an alternative number. If an address in the ACT is listed, a ranger may visit the address to attempt to contact the owner. In summary, staff make every possible effort to locate the owner or alternative contact of a lost dog.

Prior to the animal being rehomed or euthanased, all avenues are again used to contact the owner. In total at least two attempts are made to contact the owner, but in most cases many more than two attempts are made.

- (2) If a dog's owner has been contacted but has not collected their dog, deposits will be taken from new owners interested in rehoming the dog. The dog will remain at Domestic Animal Services for at least seven full days from when it is impounded in accordance with the requirements of the Domestic Animals Act 2000. After seven days the owner will be contacted again. If the owner indicates that they intend to collect their dog but circumstances are causing a delay, the dog will be held for a longer period as agreed between the owner and Domestic Animal Services. If the owner cannot be contacted the dog may be sold or euthanased, depending on the circumstances.
  - (3) If the dog's owner cannot be contacted, the same steps will be taken as in (2). The dog will be held for at least seven full days and every effort will be made to rehome it during that period.
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