DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

28 August 2003

Thursday, 28 August 2003

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The Assembly met at 10.30am.

(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.

Quorums

MR SPEAKER: Members, I remind you of the standing order that requires members to stay in the chamber once a quorum is called. Members must not leave the chamber when the bells are ringing in pursuit of a quorum.

Unparliamentary language

MR SPEAKER: Mr Hargreaves, yesterday you used the word "pseudologist" in respect of another member. I ask you to withdraw that.

Mr Hargreaves: I withdraw it with some grace, Mr Speaker.

Matters of public importance

MR SPEAKER: Members, this morning Mrs Dunne and Ms Tucker lodged MPIs for discussion today. Having considered the MPIs, I rule them both out of order. Mrs Dunne's MPI had the wrong date, was in the form of a motion and contained a matter that should more properly be moved in a substantive motion that is critical of the government.

Ms Tucker's MPI concerned matters that were not within the scope of ministerial action.

Members may wish, when they're preparing MPIs, to discuss them with the acting clerk prior to their submission.

Petitions

The following petitions were lodged for presentation.

Aldi supermarket

by **Ms Dundas** *from 1,726 residents:*

> To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory
>
> This petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that local people want access to cheaper groceries.
>
> Your petitioners therefore request the Assembly to:

Pass legislation allowing ALDI SUPERMARKET to build a supermarket next to Belconnen Markets.

Deakin shopping centre

by **Mr Smyth** *from 932 residents:*

To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory

The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that:

Capital works funding for the refurbishment of the Deakin Shopping Centre has been deferred in the 2001/2002 and 2002/2003 Budgets, despite expenditure to date of $100,000 on a management study and numerous representations to Members of the Legislative Assembly. The Deakin Shopping Centre is over 40 years old, and has never been refurbished. Urgent new road works, parking areas and paving is required to ensure the safety of visitors.

Your petitioners therefore request the Assembly to:

allocate out of Budget funding for the refurbishment of the Deakin Shopping Centre as a matter of urgency during the 2003/2004 financial year.

The acting clerk having announced that the terms of the petitions would be recorded in Hansard and a copy referred to the appropriate minister, the petitions were received.

Inquiries Amendment Bill 2003

Mr Stanhope, pursuant to notice, presented the bill, its explanatory statement and a copy of the report on the Inquiries Act 1991, prepared by the Chief Minister's Department, dated July 2003.

Title read by Acting Clerk.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (10.36): I move:

That this bill be agreed to in principle.

I am pleased to present the Inquiries Amendment Bill 2003. This bill proposes to amend the Inquiries Act 1991, which provides a mechanism for establishing a board of inquiry to conduct an independent inquiry into an issue of significant public interest and a report to the Chief Minister. Briefly, such inquiries have been conducted in relation to just two matters—VITAB and the provision of disability services within the ACT. Following the completion of the board of inquiry report into disability services by Justice John Gallop and the subsequent decisions in the ACT Supreme Court by His Honour Mr Justice Crispin, I requested a review be conducted under the Inquiries Act to see if it can be improved.

A review was conducted within my department and a report suggesting amendments to the Inquiries Act and the Royal Commissions Act has been prepared. For the information of members I have just now tabled a copy of the report. The government has agreed to the amendments proposed by the Inquiries Amendment Bill 2003. Two private members bills have been previously proposed to amend the current section 14A of the Inquiries Act. Both these amendments however only looked at one aspect of the act. Rather than supporting piecemeal amendments to the act it was considered a much better approach to review the whole act and to make improvements at one time.

The review of the act identified three areas in which improvements need to be made. The first relates to procedural fairness provided by the board during the course of the inquiry. The second area relates to uncertainty in relation to protection provided under the conventions of privilege following the receipt of a board of inquiry report and the third relates to protection for persons reporting on issues arising from the board of inquiry report.

Following the presentation of the disability services report it became clear that the provisions relating to the board of inquiry's processes need to be strengthened in relation to procedural fairness. In this regard two improvements are proposed. The first is to require boards of inquiry to provide natural justice during the course of an inquiry. The second is to require a board of inquiry to notify a person or agency if it proposes to make an adverse finding concerning that person or agency of that finding, and to provide it an opportunity to make a submission or statement in response. The bill provides that the board of inquiry must include that submission or statement or a fair summary in its report.

These two amendments provide persons appearing before a board of inquiry the statutory rights of fairness. The uncertainty created by relying on parliamentary privilege is at least in part brought about by the fact that inquiries are established by the executive rather than by the Legislative Assembly; that the board reports to the Chief Minister, again rather than the Assembly, and that the Chief Minister has a discretion on whether or not to table the board of inquiry report. The amendments provided in the bill make it clear that any fair and accurate comments made in relation to the board of inquiry report are protected from any civil action. This protection is extended to members of the Assembly and to members of the community.

A further benefit to allowing the proposed protection amendment is that protection is provided in relation to a report without the need to wait for the Legislative Assembly to be sitting in order for the document to receive absolute privilege. This will allow for earlier release of reports.

The third issue of providing protection to anyone publishing a fair and accurate summary of the board of inquiry report extends to the current protection given to anyone who publishes a fair and accurate summary of proceedings before a board of inquiry. These amendments are important in making the inquiry process under the act fairer and providing certainty in relation to protection for fair and accurate comments made in relation to the board of inquiry's report and to provide protection for a person publishing and reporting fairly on the board's report. I commend the bill to the Assembly.

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

Royal Commissions Amendment Bill 2003

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

Title read by acting clerk.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (10.40): I move:

> That this bill be agreed to in principle.

I am pleased to present the Royal Commissions Amendment Bill 2003. This bill proposes to amend the Royal Commissions Act 1991, which provides a mechanism for establishing a royal commission to conduct an inquiry and report to the Chief Minister. Because of the shortcomings identified in the Inquiries Act of 1991 also exist in the Royal Commissions Act the amendments proposed by this bill are supported for the reasons as provided for the Inquiries Act.

These amendments are important in making the inquiry process under the act fairer and providing certainty in relation to protection for fair and accurate comments made in relation to a royal commission report, and provide protection for a person publishing and reporting fairly on the royal commission's report. I commend the bill to the Assembly.

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

Victims of Crime (Financial Assistance) Amendment Bill 2003

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

Title read by acting clerk.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (10.42): I move:

> That this bill be agreed to in principle.

This bill amends the Victims of Crime (Financial Assistance) Act 1983 in line with commitments made by the government in response to a review conducted by Dr Anthony Dare under section 72 of the act. The report *Assistance for victims of crime in the ACT, a review of the operations of Victims of Crime (Financial Assistance) Act 1983 and the victims services scheme* was tabled on 7 March 2003. The government response to the report was tabled in the Assembly on 17 June 2003. Members will recall the act deals with the provision of financial assistance by the territory to victims of violent crimes and other affected persons. Dr Dare's findings in the review were of great assistance to the government in highlighting what was working with the act and what was not. Overall, he found the financial assistance scheme to be operating efficiently and affordably with crime victims receiving financial assistance in a timely manner.

The victims services scheme was found to be offering appropriate assistance that promotes victim recovery. However, the community still had major concerns regarding the inequity of retaining awards for pain and suffering for certain occupational classes, namely police officers, ambulance officers and fire fighters. The mandatory requirement to report the crime to the police was criticised as well as the level of the legal fee cap that solicitors could charge for assisting with a financial assistance claim under the act.

The government, in its response, agreed to make changes to these provisions and one additional aspect of the legislation, and these are reflected in today's bill. This bill amends the act to remove awards for pain and suffering for police officers, ambulance officers and fire fighters and in doing so rectifies an inequity introduced into the act in 1999.

In 1999 members of the crossbench singled out these occupational classes for entitlements to special awards in respect of pain and suffering. Justification given for their inclusion was that these occupational groups routinely placed themselves in dangerous situations on a daily basis and the community should make a special exception in recognition of the service they provided.

This government values highly the excellent service provided by the police, fire fighters and ambulance officers and accepts the dangerous nature of these occupations but it cannot continue to justify the preferential treatment under the act reserved for these occupations alone, particularly having regard to the overwhelming criticism from the community that these requirements are unfair. These occupations have always had access to workers compensation for injuries suffered in the course of their duties. In recognition of this inequity, the special award is removed.

Mr Rugendyke at the time also moved amendments to enable victims of sexual offences to be eligible for an award of special assistance for pain and suffering. In line with the government's commitment in the Dare report and in this Assembly to restore the balance in the legislation, these awards are also removed in the bill. Preferential treatment for particular groups is not appropriate nor should the legislation discriminate between categories of victims. The government is not insensitive to or dismissive of the suffering survivors of sexual offences experience.

For this reason also, this award will not be extended to other categories of violent crime, such as domestic violence, as was suggested by some contributors to the review of the act. These amendments ensure that the legislation does not discriminate between victims purely on the basis of a characteristic that is not related to the severity of the actual injury sustained.

Where the severity of the injury is of such a nature that they have suffered an extremely serious injury under the act, these victims would be eligible to apply for special assistance in the amount of $30,000, as would any other victim of a violent crime. This is a flat rate of $30,000 as opposed to the maximum upper limit that currently applies to pain and suffering awards. Combined with medical and other expenses, which are likely to be significant for severe injuries, the total award to a victim would feasibly reach the maximum aggregate amount awardable under the act of $50,000.

Further, the transitional provisions ensure that criminal injuries sustained before the commencement day of this legislation will be dealt with under the act, as it was before its amendment. In other words, financial assistance in the form of compensation for pain and suffering, for police, fire fighters, ambulance officers and victims of sexual offences will still be available for injuries sustained before the new provisions commence.

This bill also amends the act to remove the requirement for a police report to have been made as a prerequisite for claiming financial assistance. This amendment is in recognition of the reluctance of some victims, particularly women sexual offence victims, to report criminal injury. This may be due to a host of reasons, including fear of retribution from partners, an unwillingness to disclose they were a victim of a sexual offence, embarrassment, discomfort, social or cultural reasons. The government believes people should have a choice whether or not they make such a report. Access to financial assistance should not be denied because the victim chooses not to report the crime.

In the absence of a police report, victims will still have to establish to the satisfaction of the court that the alleged offence was committed, to successfully claim financial assistance. To this end, the act has been amended to provide that applicants for financial assistance must attach any other relevant document, such as photographs, dental records or witness statements, to support their claim. Indeed, many victims may find that reporting the crime to the police will make it easier to prove that the offence was in fact committed, but this will be their choice.

The regulations are to be amended to raise the capped fee legal practitioners may charge applicants when preparing an application for financial assistance. As it was claimed that the current fee of $650 doesn't reflect the complexities of many applications for assistance, the fee has been raised to $800. The government acknowledges that this is a modest increase but is not prepared to increase it further, given that victims must pay legal fees themselves. Anything more than $800 could prove prohibitive for some victims.

These amendments have arisen from the independent review of the act and reflect the views of the community as evidenced through submissions to the Dare review and in the development of the government's response. The government gave a commitment to make the financial assistance scheme fair and accessible to all while retaining the best aspects of the scheme. The government believes this bill achieves, that and I commend the bill to the Assembly.

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

Personal explanation

MS TUCKER: I would like to make an explanation under standing order 46, just to clarify something Mr Stanhope said. I was misrepresented by Mr Stanhope just then. I would like to clarify.

MR SPEAKER: Well, as long as it's personal.

MS TUCKER: It's very personal. I just want it put on the record that, Mr Stanhope, in his speech said, "Crossbench members were responsible for creating"—

MR SPEAKER: Order! This is entering into debate about the bill.

MS TUCKER: No, it's not. I'm a crossbench member and I was not responsible for creating that disaster of a piece of law that was done with the other crossbench members and the government of the day—in fact the Attorney-General of the day, the chief law officer of the day. I am just clarifying it wasn't this crossbench—

MR SPEAKER: Ms Tucker, that's a point of debate you can take up when the debate comes back into the chamber.

Mr Stanhope: I'm never quite sure of these forms. I must say I understand the extent to which I may have misrepresented—

MR SPEAKER: Again, we're in the same position here. We're entering into a debate that has already been adjourned. The house has decided that this debate will resume on the next day of sitting. Unless the house decides otherwise, that's the way it's going to stay.

MS TUCKER: On the point of order, Mr Speaker.

MR SPEAKER: There's no point of order. If you want to raise one, you should do so.

MS TUCKER: No, it wasn't a point of order, was it. It was about the standing order. It is definitely a personal explanation. I was misrepresented. Why aren't I allowed to do that?

MR SPEAKER: Ms Tucker, standing order 46 makes it very clear that you should not debate a matter.

MS TUCKER: I'm not debating a matter, I'm clarifying. All I'm doing is clarifying that it was not all crossbench members. That's all I'm asking to do.

Victims of crime legislation
Statement by minister

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs): Mr Speaker, I seek leave to make a short statement.

Leave granted.

MR STANHOPE: I'd like to tell the Assembly that Ms Tucker makes a fair point. In my presentation speech, I did make a generic statement about members of the crossbench. In fact I meant Mr Rugendyke and Mr Osborne. I could have been that explicit. I have to say that it just never entered my mind that anybody would possibly have felt or thought that I was referring to Ms Tucker. I certainly was not, Ms Tucker, and I regret that I wasn't explicit. I was referring to Mr Rugendyke and Mr Osborne and certainly not Ms Tucker. I remember well and vividly her very stout defence of fairness and equity in relation to the matters under discussion.

Health Amendment Bill 2003

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

Title read by acting clerk.

MR WOOD (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for Police and Emergency Services and Minister for Arts and Heritage) (10.52): I move:

> That this bill be agreed to in principle.

I am pleased to present the Health Amendment Bill 2003 on behalf of Mr Corbell. By providing for specific authorisation for the purposes of the Trades Practices Act 1974, the bill is intended to enable the terms and conditions of engagement of visiting medical officers (VMOs) to be determined by collective negotiations. In the absence of this enabling legislation, any attempt by VMOs to negotiate with the ACT government on a collective basis would expose them to possible prosecution. The key rationale for the proposed return to a collective negotiation process is to progressively eliminate the inequities within and between medical specialist groups that have arisen in recent years, and to establish more consistent performance requirements for each group.

Since 1998, contracts have been individually negotiated and the resulting variances in terms and conditions have led to inequities between peer VMOs and some inconsistencies in service delivery. These include:

- variations in the rate of patient throughput within and between specialist groups;
- variations in the level of "out-of-hours" and on-call services provided;
- variations in equivalent sessional rates paid within and between specialist groups that are difficult to justify in terms of service delivery environment, clinical complexity or labour market factors;
- variation and lack of consistency in the basis of payment for services provided; and
- inconsistent performance requirements within and between specialist groups.

By this simple amendment to the Health Act 1993, ACT Health will be able to negotiate collectively with the negotiating agent or agents for the VMOs. The amendment will also define the terms on which a negotiating agent may be recognised and will establish a dispute mechanism through arbitration. The identity of a negotiating agent or agents remains to be determined. The Australian Medical Association has declared its intention to become a negotiating agent, as has the VMOs Association, ACT. It is also possible that VMOs may seek other negotiating agents over time.

A remuneration policy has been developed to underpin the negotiation process. This policy will address such matters as:

- transparent, consistent and competitive rates of remuneration that will ensure that the territory is in a position to engage and retain the services of medical specialists, now and in the future;

- productivity and performance requirements; and

- value for money for the ACT Community.

The government's intention is that the engagement of VMOs should remain subject to a commercial, rather than industrial, framework under which VMOs are engaged as contractors, rather than employees. In significant respects, this policy scenario mirrors that which has been successfully maintained in New South Wales since 1993. With this amendment, negotiating agents can be recognised, negotiations can progress and an appropriate arbitrator can be appointed. I commend this bill to the Assembly.

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

Legal Affairs—Standing Committee
Proposed reference

MR HARGREAVES (10.57): I move:

> That the ACT Legislative Assembly refer for inquiry the possibility of four year terms for members elected to the Legislative Assembly and that the Inquiry be conducted by the Standing Committee on Legal Affairs in accordance with the following terms of reference:
>
> (1) The Standing Committee on Legal Affairs conduct an inquiry, for examination and report, into the matter of changing the term of office of Members of the ACT Legislative Assembly from three years to four years;
>
> (2) The inquiry shall report to the Assembly by the last sitting day in October 2003.

I've moved this motion to enable the public consultation process to consider the proposal that the Legislative Assembly move to four-year terms of office. I believe there is some sympathy for the arguments in favour of such a move, but some in this place are concerned that community consultation has not been sufficient.

It's been hinted that perhaps a referendum ought to be conducted to gauge public opinion on the issue, but I would argue against that on a number of grounds. The first is that the cost would remove the first tranche of savings that such a move would generate. The savings for moving to four-year terms is $630,000 over a three-year election cycle. The cost of such a referendum, basing this on the cost of an election at $410,000, would be in the order of $200,000. This is a guesstimate on my part, but it must be agreed that such a referendum does not come cheaply.

The issue of four-year terms has been examined on a number of occasions in the past five years, the most notable being Professor Pettit's *Review of Governance of the ACT* in

1999. The Assembly has also looked at the matter via the report of the Select Committee on the Report of the Review of Governance and, most recently, the 2002 Legal Affairs Committee inquiry into the appropriate size of the ACT Legislative Assembly. These reviews have generally supported four-year terms and I believe a further period of public consultation via the Assembly's Legal Affairs Committee would assist in highlighting the many advantages of such a reform.

These reviews—and one expects the same for the inquiry I propose—have, and will have, the engagement of those in the community who are interested in governance. That is, academics in the science of politics, political parties and lobby groups and, I would hope, business groups and interests. If I'm right, the general public is fairly apathetic towards the notion of changing from three to four-year terms, but would welcome at least some of the implications.

Members may be aware that the ACT and Queensland are the only jurisdictions among the states to have three-year terms. Queensland has no upper house and is not more relevant than other jurisdictions. Tasmania, with whom we share our electoral system, has had four-year terms since 1972. The Northern Territory, the closest to our own unicameral system, has had four-year terms since the establishment of self-government in that territory. For the record, New South Wales has been so since 1981, Victoria since 1984, South Australia since 1985 and Western Australia since 1987. All these jurisdictions had four-year terms before the emergence of self-governance in the ACT. So it could be argued the ACT is out of step with most other jurisdictions.

So what are the benefits, other than saving the taxpayer $630,000 over a three-election cycle? For the average voter, it means predominantly the ACT would be out of sync with the Commonwealth. Who remembers the election year of 2001? The ACT and Commonwealth issues became blurred in the minds of the voter and I can remember fielding many questions on the hustings which were the province of my federal colleagues. The Commonwealth having its headquarters here often blurs the distinction between our two parliaments.

Some have expressed the view that a move to longer terms would reduce accountability for the government of the day. I would argue that we are only extending the terms by 12 months and not a lengthy period. I'm not arguing for Senate or state upper house terms but rather parity with most other lower houses.

Further, the ACT will continue to enjoy predominantly a minority government system. This means that for most assemblies the government of the day is accountable to the Assembly because it does not enjoy a majority and is dependent upon the support of either the crossbench or the opposition. Governments have regularly been held to account in this Assembly. Indeed, on two occasions governments have been replaced and the Chief Minister resigned because the Assembly held that minister to account.

The four-year term means also that committees are convened for that period and have the time to investigate issues, make reports, and hold the government of the day accountable for the implementation of change. All too often a committee report is acknowledged but there's been a change in government and the report's recommendations are lost in the mists of time. An extra year enables the committee to examine action taken in respect of

its recommendations far more readily than the current committee tenure. This also holds a government accountable for its promises.

An extra year in office enables a new government to conduct its reviews in the first year, implement its changes in the second and third years and go to an election in the fourth. We should be honest and admit that we plan in the first, do in the second and try to get re-elected in the third—in other words, only one action year. Another year of actually doing is a good thing.

A longer term encourages economic activity. The certainty of working with a government over a longer period enables the private sector to plan their business cycles with greater predictability and certainty. The rate of change in the ACT can only work against business confidence. The private sector has often complained about elections disrupting their long-term planning, with damaging effects on the local economy. It's been noted that retail sales drop in the period before elections. The community and non-government sectors will also benefit from greater certainty and longer-term planning.

When I came into this place I took some time to learn the trade, I took some time to learn about committee work, responsibilities of a shadow ministry, how to manage a large constituent load and the intricacies of the chamber itself. But I was afforded the luxury of a three-year and eight-month term, so at the end of it I had a handle on it all. I had nearly the four-year term. We change 30 per cent of the Assembly in each election, and I wonder how many that would be if members had four years to deliver to their constituents instead of the three years.

There are many reasons why a four-year term provides better, more predictable, more certain and considered governance. There are many reasons why accountability rather than being diminished is actually enhanced. There is no intention to change the nature of the Assembly in terms of minority governance other than the greater success at the ballot box. This is not a way to enhance the privilege of elected members and it actually saves $630,000 over a three-election cycle, and puts us out of sync with the Commonwealth.

The referral to the standing committee would complete a five-year consultation process. It seems quite timely that we make a decision. Do we remain behind the other states or do we not? If I were a young person thinking about community service in this place, I would prefer to put my career on hold for a period of four years—and eight years if they perform to the constituents' satisfaction—rather than three years. Now is the time to decide so that they in the community who are contemplating running for this Assembly know the length of time they're offering to the community and the length of time the community will expect them to serve.

Finally, when the Assembly went to the three-year and eight-month term as a one-off to change the date of elections there was no murmur from academics, political parties or the general public. It was not seen as an important issue. The concept of extending the number of seats did attract some attention but not the length of the term. However this referral will give everyone the opportunity of putting a view to the Assembly and I commend the motion to the Assembly.

Question resolved in the affirmative.

Community Services and Social Equity—Standing Committee
Report No 3

MR HARGREAVES (11.05): I present the following report:

> Community Services and Social Equity—Standing Committee—Report No 3—The rights, interests and well-being of children and young people, dated August 2003, together with a copy of the extracts of the minutes of proceedings.

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

Leave granted.

MR HARGREAVES: I move:

> That the report be authorised for publication.

Question resolved in the affirmative.

MR HARGREAVES: I move:

> That the report be noted.

I am pleased to furnish the Assembly with the report into the rights, interests and wellbeing of children and young people. The Standing Committee on Community Services and Social Equity has taken many months in coming to a series of recommendations that we feel will increase the quality of life of many young people; will address discrimination against all young people and, without being overly dramatic, may save the life of a young person. The committee was concerned that the many valuable Assembly standing committee reports—and select committee reports for that matter—dealing with issues around children and young people over the years, such as the report into children at risk, have been gathering dust or keeping doors open. I implore the government and the Assembly not to allow this fate to befall this report.

In defining what was a child and what was a young person the committee noted the definition contained in the Children and Young People Act. That is that a child is a person under 12 years of age and a young person is 12 years and older but not yet 18 years old. The committee was also mindful of the definition from the United Nations General Assembly, which defines a youth as being between 15 years and 24 years inclusive.

The committee received 20 submissions and conducted public and in-camera hearings; travelled to Tasmania, Queensland and New South Wales and spoke to children's commissioners in those states. The committee also spoke to officers in the various departments in those jurisdictions who have had responsibility for the welfare of young people. They also spoke to youth organisations and other professionals involved in children's and young persons welfare.

The committee met with young people where they gathered. We put on a barbeque in a youth centre in Civic, spoke to the young people at the Bay—a youth facility and

a college—and heard first hand in public hearings from young people and young carers. The committee also visited the Quamby Youth Detention Centre and spoke to staff and young people who were detained there. I commend all the young people with whom we spoke for their courage and their maturity. For myself I was particularly impressed by the maturity and honesty of the young carers who gave evidence to the committee.

I'd like to put on record the appreciation of the committee to all those people who provided submissions and assisted the committee in its deliberations. Some of the people who gave evidence laid bare their private lives and did so out of commitment to the welfare of children and young people in their charge, and often exposed family relationships, which must have been very difficult indeed.

The committee received some assistance from the Family Services Bureau and the department of education. In most cases the department was helpful although at other times the provision of information was, it seemed, reluctantly given. This was particularly the case with requests for quantitative data. The committee was critical of the way in which data on children in care was collected and applied by the department. It became obvious that the systems within the department were inadequate to safeguard the welfare of many young people in their care. The committee understands that the department is addressing this issue and looks forward to improvements in this regard.

The report focuses on a range of issues and makes recommendations for moving forward. It should be noted at this stage that the committee felt that it should make recommendations which, in all probability, would entail some costs. The committee was also mindful that it is not the committee's job to micro-manage the various portfolios affected by the recommendations but rather leaves it to the government to determine whether additional resources should be applied and from where they should come, or to determine some other reorganisation of resource priority to accommodate the recommendations.

I do not intend to go through all of the 41 recommendations but merely point to some which are have major impact on the interests, rights and wellbeing of young people in the ACT. Twelve of the recommendations that stand out above the others are:

- the need to establish an inpatient psychiatric facility for young people which should be co-located with the existing day program;

- the need for an investigation of remand options for young people as an alternative to placement in Quamby;

- amendments to the Children and Young People Act to ensure that children at risk of neglect and abuse are protected;

- measures to enhance the substitute care sector;

- the development of core curriculum components in high schools and colleges to educate young people of their rights before the law as well as their responsibilities;

- funding for an evaluation of the first stop pilot for a youth legal service;

- funding for a dedicated position within the Domestic Violence Crisis Service for young people who have witnessed or been subjected to domestic violence and/or are using violence in family relationships;

- an extension to the responsibilities of the Official Visitor to make contact with all young people in residential facilities, refuges, detention centres and substitute care;

- a comprehensive, risk-based screening system for persons wishing to work or volunteer to work with children and young people;

- the need for an investigation into the feasibility of a secure residential facility for young people engaging in sexually offending behaviour, by March next year;

- the need to specifically address the needs of homeless young people in the context of the homelessness strategy; and

- the creation of a position of a commissioner for children and young people for the ACT.

It can be seen by this snapshot of a series of recommendations that the areas of concern cross many portfolios. One of the major portfolios is family services. The committee was encouraged by the evidence that there was a desire for change within family services and other agencies. There are signs of an intention to improve record keeping, to effect a change to the turf-war mentality of sharing information, change to the procedures where there is one child-one file system whereby the information on a child's life and care is collected at a single point and shared with other agencies on an inter-agency approach.

However, the committee also noted that in her annual report the Community Advocate was critical of family services for not complying with statutory obligations. If my memory serves me correctly, the ACA had to make 45 applications to the Children's Court to get family services to provide annual review reports for children in care as required by the act. The Community Advocate also noted that the chief executive has consistently failed to forward to the ACA reports of abuse and neglect concerning children who are in care.

The Community Advocate commented thus in her annual report to this Assembly but did anyone here notice this? Not really. It is hoped that the attitudinal and cultural change indicated in evidence from family services is actual and not illusionary.

To single out one department though would be to do it an injustice and to allow others to escape discharging their responsibilities. There is a need for attention not just from the Department of Education, Youth and Family Services but also Justice and Community Safety, Disability, Housing and Community Services just to name the principal bureaucratic entities. In this regard I'm aware that the government has released the children's planned discussion paper and has shown its intentions regarding young offenders with the Turnaround project, which seems to be bearing fruit. I congratulate

the Minister for Education, Youth and Family Services on these initiatives and hope there will be more to come.

In conclusion, this report is an extensive review into the services provided to our young people—a review conducted from evidence from the community itself, from the judiciary, from legal practitioners, from foster carers, from young carers and from young people themselves. It tries to recommend change to make life good for all young people. It should not be regarded as a statement of deficiencies of the government but should be regarded as a positive attempt to show where we're not doing so well and need to improve.

I'd like to point out that the report is predominantly a unanimous one, with only one chapter being in dispute. Mr Cornwell has a differing view on the need for an independent commissioner for children and young people and has appended his view at the end of chapter 10.

May I thank committee members for their input, their compassion and their hard work in compiling this report. I would also like to thank all of the people who gave evidence and provided submissions. This report was made possible by the professionalism and dedication to the subject by the committee secretaries, Judith Henderson and Jane Carmody, without whom it may have been impossible to complete. The committee started its deliberations not knowing where the investigations would lead to and it is to their professional credit that they were able to distil the thoughts and intentions of four members of the committee into a coherent document. Thanks also have to go to Judy Moutia, who provided the administrative support to the committee secretary, and through it to the committee itself.

I commend the report to the Assembly in a spirit of goodwill and I hope for positive change.

MS DUNDAS (11.16): I am very pleased to support the motion and this report today. I would also like to add my thanks to the submitters, the young people we heard from; all those who gave evidence; the secretaries of the committee, Jane Carmody and Judith Henderson, who helped the committee through this very difficult inquiry; and my fellow members of the committee who were able to pull together a very wide range of issues to come up with this consolidated report.

It has been an exhaustive process to come up with this report, but it is certainly not the first report to come to this Assembly with children and young people as its focus. But such comprehensive terms of reference allowed us to explore a wide gambit of issues. The terms of reference covered many aspects relating to the rights, interests and wellbeing of children and young people and so the report covers a range of areas, but I believe it could be classified into two main themes—a focus on protecting children at risk and ensuring that our systems are working for them, and a focus on what young people themselves told us was important to them.

Our democracy is based on the premise that groups of people will stand up for their own interests and rights. Generally speaking, children and young people are not in a position to do so. Children are a large but uniquely uninfluential sector of the population. They are particularly powerless and vulnerable and are generally highly restricted in both the

extent to which they can make decisions about their own lives and the extent to which they can participate in society's general decision-making process. Children under the age of 18 cannot vote and are very rarely involved in consultation undertaken by decision-making bodies. They do not necessarily play a part in the political processes, which determine the policies that affect their lives. These policies are determined by adults.

Mostly, politicians are under pressure to devise and present policies in a way that reflects the interests of various constituent groups. As a result, the impact in policies on children and young people receives less care and attention as they are not technically constituents. As a result, the impact of policies on children and young people tend to not reflect their views and their voices. Children might be the subject of a large amount of political rhetoric but unfortunately the rhetoric tends to be empty and unconnected to the practical work on the ground. Children and young people are not only cut off from law making and policy making; they also cannot fully participate in decisions about practices which directly affect them. These were the concerns that were in my mind as we looked forward into this inquiry

This inquiry was not sparked by deaths or allegations of corruption and did not just focus on care and protection, as did recent inquiries in New South Wales and South Australia. Both of those jurisdictions conducted very focused inquiries on child protection. They sparked a wide range of reforms in those states and led to quite a lot of heated political debate about what was going on in those systems to actually result in the quite traumatic instances that children are being put in. While we did not have the same evidence of those problems, we were quite mindful that what was going on in care and protection was not an issue facing just the ACT but was a nation-wide concern. We did find that there are many problems in how we are looking after our most vulnerable. I believe Mr Hargreaves focused on those.

I draw the committee's attention to the report, for further detailed examination of the issues that were put to us that the committee found most concerning. They are that the most vulnerable people in our community, children who had been placed into care, were not having their needs met, were not having their voices heard and were being placed under continual strain. There is anecdotal evidence that if a child is in care, they will almost likely end up being part of the juvenile justice system. That is a cycle that we must work to break so that we are actually protecting our children who need the protection and not leading them into a situation where they feel that they need to participate in criminal activities to feel a part of this community.

With every inquiry and every horror story we hear, the government needs to be reminded that, every time history repeats itself, the price goes up and the cost of the government's ignorance on mismanagement of children and youth affairs is rising daily. Hopefully, this report will provide a stopgap on that. Even though I understand that things are going on within the department to address the concerns that have been raised with the committee, I hope that this report will lead to greater reform and greater focus on how we are looking after our children and young people.

Many systemic issues were raised with the committee by the submitters, and the committee discussed how we could address systemic issues. The issue of a commissioner for children and young people was presented as a way to look at the concerns. I believe that the role of a commissioner for children and young people is vital for the ongoing

wellbeing of our youth. A commissioner should have wide-ranging investigative powers and the ability to monitor legislation for how it impacts on children and young people, as well as the power to advocate on their behalf. Such an office must be a strong and independent voice. But more importantly, it must get children and young people involved in the decision-making processes, especially when the decision affects them.

Many Western nations are recognising the need to acknowledge and respect the right of children and young people and are establishing commissions on their behalf. In Australia, New South Wales, Queensland and Tasmania have them, and South Australia and Victoria are well down the track to establishing their own. These commissions provide information to young people and those working with young people on how to empower children and young people. They talk to businesses and policy makers on how to involve children and young people in their organisations. They run seminars for people in the justice system about the experiences of young people and what they are feeling. In New South Wales, where child abuse is often hitting the headlines, the commissioner also does investigations into child deaths and tries to identify systems abuse—those where children and young people are suffering as a result of government systems.

There is a whole chapter in this report dedicated to the discussions that the committee had about the need for a commissioner for children and young people. I hope that the government fully studies the entire chapter. The recommendation is such that we call on the government to study the chapter. I fully support the need for a commissioner for children and young people. Such a commissioner needs to be brought up in this community in consultation with the community, in consultation with children and young people themselves, about what it is they are looking for from such a position. Advocates and people like the Youth Coalition of the ACT, CARE and welfare providers for children and young people discuss what it is they will need from a commissioner of children and young people.

We provide the framework for those discussions in this report, to address many of the questions that the community will have. But we haven't recommended a specific model and we actually sit within the bureaucracy because we recognise that more consultation needs to be done with the community, to get the model right for the ACT.

Over the course of the inquiry it was important that we actually spoke to young people, and it is a small personal disappointment that while I was technically a young person at the beginning of the inquiry the UN definition no longer applies to me. But let me assure the Assembly that this doesn't mean I will no longer advocate for children and young people and I will continue to work to ensure the voices of those younger than me continue to be heard in this place. We know that young people can speak out for themselves when given the chance and we need to encourage and support them to do so.

Young people use our buses, they walk through our town centres, they do voluntary work, they use the internet for information and education and they control about $5 billion being injected into the Australian economy every year. They are part of the economy and they are part of our community, and what young people think and what we feel as a result of our experience is just as valid and worthy as anybody else's.

Children and young people have ideas and opinions on what directly affects them, and this is definitely borne out by the evidence the committee heard through conversations with young people. We heard that they felt marginalised, unable to participate and persecuted. While these were negative attitudes that were being directed to children and young people we also wanted to learn how to overcome these prejudices to help other members of the community not feel frightened by young people. They want to learn about their rights, they want to learn how they can participate in our community and in the decision-making processes, but they don't want to be preached to, they don't want to feel spoken down to.

I hope this report serves to address some of those concerns and provides us with the impetus to make this a reality for children and young people, to allow them to be heard, to allow them to participate. This report must be seen as a step towards removing prejudice and discrimination and a step towards empowering and supporting such a vibrant and vital part of our community. If we do not value and support children and young people, why should they value and listen to us?

MR CORNWELL (11.27): As members would be aware, I have a differing view on one aspect of this report and I have set out my reasons at pages 134, 135, 136. I wish to make it quite clear, however, that I am only opposed to one recommendation of the 41, and I am only opposed to certain aspects of one chapter, namely chapter 10. The rest of the report, along with the other members of the committee, I endorse wholeheartedly. In chapters 1 to 9, this is a good report, it is an important report, it is a serious report.

I can only echo the comments of the chairman, Mr Hargreaves, in hoping that the government will address the matters that have been raised in relation to a number of government authorities—judiciary, health—because we need to address these problems in relation to some children and young people. That is the basis of my differing view, because I do not believe that we should be addressing or concerning ourselves—in fact, I'll go one step further and say interfere—in the life, the lifestyles, of the majority of children and young people in this territory.

Mr Hargreaves and Ms Dundas have highlighted some of the problems that we have discovered in the course of this detailed and quite lengthy inquiry. I believe that they in fact are endorsing the differing view that I am putting forward, because the problems that we have identified are such that I believe they need to be addressed without the distraction of looking at the rest of the young people and children of the community in this sitting.

I have said in my differing view there has been no demand for us to come forward and investigate those other children and young people. My concern is that we may be distracted from the important issues raised in this report if we are going to start inquiring, entering the lounge rooms of the city and other areas.

I am particularly concerned at a reference made at dot points 10.39 and 10.40, at the top of page 132, to promote the participation of children and young people in the development of laws, policies and practices that have the potential to impact on them through a range of measures including the educational system. I don't know exactly what that dot point means but I am very fearful about what it could be made to mean by

somebody who was sitting up there as a commissioner, as a person vested with responsibility. I repeat, I do not want this commissioner going into either the lounge rooms or the schools of the nation—or in this case of this territory.

I believe, however, that there is an important role for somebody with this authority to investigate the problems that we have highlighted, mental health, the courts and, particularly, family services. I think it's fair to say that all members of the committee were very deeply concerned at some of the matters that came out of family services, and Mr Hargreaves, our chairman, has enumerated some of those.

For those reasons I do not believe that we should have a separate commissioner. I think that the work that we have identified is sufficient to keep somebody in this position occupied without trying to cover the entire territory. I have outlined at page 136 my reasons for this. I also believe it is unnecessary to set up a separate role of commissioner which frankly I see as jobs for the boys—

Ms Gallagher: Or the girls.

MR CORNWELL: Or probably in this case the girls; thank you Ms Gallagher—under this government of so-called affirmative action, which seems to have a distinct feminist bias. However, I do commend the balance of the report, nine-tenths of the report, because it is a very comprehensive, serious, concerning matter that we have addressed. I would like to thank fellow members of the committee—not least for putting up with me—but also the secretaries, Judith Henderson, and Jane Carmody.

I do hope, like Mr Hargreaves, that the government will not simply ignore this matter. I think it's fair to say that the committee will not allow them to, but I commend it to members. I would hope that those of you who have specific interests—my colleague Mrs Burke, in family services; Mr Stefaniak, in the law; our leader, Mr Smyth, in health—will carefully read those sections, those chapters, relating to those areas and join us in ensuring that the government does take action about some of the recommendations we have made.

MRS CROSS (11.35): I'm also pleased to support this report. It was indeed a comprehensive inquiry, which involved emotional encounters with children and adults alike. We were privy to information that was both disturbing and enlightening. For me this had a personal element because of the people I know who were as children either molested or abused, both emotionally and physically. I think it took on a personal note for a number of us on the committee who either know people, are related to people or have met people who have been traumatically affected in their childhood. We were privy to information on children's traumatic experiences—those experiences that were poorly handled by bureaucrats charged with their care and those that fell through the cracks.

In making recommendations we took many things into account. For me the paramount concern was to ensure that if we did recommend a youth commissioner that we recommend someone who would be at arms-length from any existing bureaucracy, but the person had to have sufficient powers to effect tangible change. Although other states have youth commissioners, their powers are in fact limited at times and they are powerless to effect change in real ways that could perhaps save the life of a child. We need a youth commissioner who can conduct his or her role without fear or favour;

without concern that their job would be on the line if they ruffled political feathers or those of public servants and departments responsible for children's interest.

I was pleased however, to meet some departmental officers who appeared to genuinely care for our young and who are generally committed to the interests of our young people. They also seem frustrated that their hands, at times, were tied by how much they could do and the lack of information sharing between departments.

For me this whole inquiry process was the most comprehensive that I have experienced in my time in this Assembly. I was extremely pleased to see the commitment from my committee colleagues Mr Hargreaves and Ms Dundas, and later on Mr Cornwell who joined us. We all had the same concerns for our children. We all wanted to see that the welfare of our young people was protected, that their interests were protected and looked after. We came at things at times from different directions, but in the end we all had the same concern. There was nobody on this committee that cared less or more. We all cared a great amount.

For me, the most important recommendation—and I think this is the one that probably had us stumbling at times—was recommendation 40:

> The Committee recommends that the Government establish a commission for children and young people with the appropriate powers to enable the full investigation of complaints and to allow the commission to act effectively. This is to ensure definite outcomes as well as the capacity to review decisions previously made which affect the health and well being of a child or a young person. The Committee recommends the commission be established as outlined on Chapter 10 of this Report.

I understood full well Mr Cornwell's concerns. Mr Cornwell in fact discussed them with all of us. I understood that his concerns related to increasing bureaucracy rather than addressing the problems in the existing bureaucracy. While I think all of us empathise with his concerns—and in fact probably Mr Cornwell and I were more in sync on this matter—I think at the end of the day I felt it was important that we do have someone in a senior capacity, at arms-length of the government who is not influenced by the political powers that be of the day, and can make fair and balanced decisions that are in the interest of the child. I think that this is why I agree with my committee colleagues Mr Hargreaves and Ms Dundas that a youth commissioner was appropriate.

Of course, we can only make this recommendation. The decision whether we have one or not is up to the executive of the day. I truly hope that if they do decide to implement this recommendation that they do it at arms-length and that this person has the powers to make tangible effective change.

I thank those people who were instrumental in putting this excellent document together—the committee secretaries, Judith Henderson and Jane Carmody, with the temporary assistance of Derek Abbot, Judy Moutia, but especially Jane Carmody, who put a lot of her passion and a lot of feeling and professionalism into this report. She is to be commended for her five-star work.

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

Education—Standing Committee
Report No 3

MS MacDONALD (11.41): I present the following report:

> Education—Standing Committee—Report No 3—Pathways to the Future: Report on the Inquiry into Vocational Education and Training in the ACT, dated August 2003, together with a copy of the extracts of the minutes of proceedings.

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

Leave granted.

MS MacDONALD: I move:

> That the report be authorised for publication.

Question resolved in the affirmative.

MS MacDONALD: I move:

> That the report be noted.

This inquiry commenced over a year ago and represents a substantial effort on the part of the committee members, the secretary and most importantly the VET community, or the vocational education and training community. That is the first acronym and it occurs a lot through my speech. I'll try to keep the acronyms to a minimum, which is sometimes hard to do within vocational education and training. In the time that the committee has been inquiring into these issues there have been a number of changes within the VET sector. However, the 38 recommendations contained within the report still apply.

Vocational education and training is an area too often overlooked or unappreciated. The committee undertook this inquiry because of concerns by people within the VET community regarding the management and co-ordination of VET programs as well as the question mark over whether the needs of the community were being met by current VET provisions. The committee received 19 submissions from a range of stakeholders in VET, including registered training organisations or RTOs, industry training advisory boards, or ITAB's, unions, teachers and others.

The committee also received a substantial submission from the Department of Education, Youth and Family Services. This submission has been included in the report to provide a valuable reference for the operation of VET in the ACT as well as at a national level. I thank all of those who took the time to write submissions to inform the committee's understanding of VET and deliberations on VET in the ACT.

The committee held four public hearings and heard from 22 individuals and groups at these hearings. The committee sincerely thanks all those who appeared to give evidence. I am aware that it is sometimes quite daunting to appear for an inquiry but we would not have been able to get a quality report without them.

I believe this is a high-quality report examining the issue of vocational education and training and how it operates specifically in the ACT as opposed to nationally. I'd add at this point there was a report a couple of years ago by the Senate into vocational education and training but it concentrated on the national perspective as was its brief to do so. One focusing specifically on the ACT has not been undertaken at this level previously.

The committee also visited Brisbane to further its knowledge of VET by speaking to the Australian National Training Authority, or ANTA, as well as the Queensland Department of Employment and Training and the Queensland Department of Education. They have split their departments into two, one focusing specifically on employment and training and the other on education. Our conversations with ANTA gave us an understanding of a number of national issues, while our meetings with the Queensland departments furthered our knowledge of how VET operates elsewhere, particularly the issues for a large state.

Of course, Queensland is one of the largest states in vocational education and training and the ACT, of course, has the smallest jurisdiction, but we still have to cover most of the training packages and other things that come down as a result of vocational education and training delivery.

At these meetings, we also heard from one of the Queensland TAFEs. A number of themes emerged as a result of this inquiry and I'll just mention a few of them. One of them was that there is insufficient clarity and consistency in the advice and information given to employers and learners about their VET options. Another was uncertainty and ambiguity about the process, requirements and eligibility criteria for signing up trainees and apprentices. This has acted as a barrier for employers to consider the option of putting on a trainee. Policy makers, we believe, need to focus greater attention on the needs of disadvantaged people involved or wishing to become involved in vocational education.

We also believe that there is a need for improved communication and linkages between those who provide vocational education and training and those who actually receive vocational education and training. We also looked into and were particularly concerned about the tendering processes for VET provision. They need to be simplified, they need to be made transparent and the period of time determining successful tenders needs to be considerably shortened. We also heard that the needs of disadvantaged learners require attention in terms of funding for learning support and in ensuring that the course fees do not act as a barrier to access.

I was particularly interested in the promotion and marketing of VET programs via new apprenticeship centres as well as elsewhere. One of the major recommendations within the report is that the government develop and implement a comprehensive vocational education and training communication strategy that identifies individual communication strategies, specifically targeting the different audiences involved in the VET sector—that is, teachers, providers, learners, particular industry employers, et cetera—and articulate how best to provide information to these groups.

Others are that it provides a centralised information point through both a telephone number and a website portal; encourages other relevant bodies and organisations to

renew efforts in promoting vocational education; affirms TAE's role—training and adult education—as the leader, facilitator and communicator in the VET sector; raises public awareness and positively influences community attitudes about the value and status of vocational education programs; contains identifiable outcomes and related performance measures; and, finally, is reviewed regularly to measure performance against stated outcomes.

I believe it is an incredibly important thing for TAE and the department as a whole to look at implementing a cohesive and co-ordinated strategy. If we don't have that—and I believe at the moment there are some areas where we fall short—we have a number of confused people trying to access vocational education and training.

We also heard that there was a need to focus on promoting the value and esteem VET more generally in the community, to vanquish the notion that VET is the second-best option or poor cousin of university education. Interestingly, one of the people who appeared before us said that university education is often referred to as higher education, so what does that make vocational education and training? If university education is the higher option, is VET therefore the lower option? The committee, quite conclusively, came to the opinion that VET is not the lesser option, it's just an alternative pathway.

We also heard that we need to give consideration to increasing the flexibility in funding allocations, particularly in relation to innovative VET projects which might not fall within any previously specified area. The committee also heard that the costs associated with meeting the Australian quality-training framework, or the AQTF, compliance is a significant impost on registered training organisations. That includes our secondary colleges here in the ACT. I know that this is a difficult issue to deal with.

Just this week we have had the Vocational Education and Training Bill go through, and I heartily endorse that. There is, however, a need to work out some way to make sure that we're not putting up barriers to registered training organisations putting the courses out there for our society, while still maintaining the quality of training that is actually delivered within the territory. I believe that some of this is being done, but we perhaps need to look at how we help the RTOs in meeting those requirements, as for the AQTF.

Also there were some issues, as I've talked about, about tenders. I won't go into this further, just that there needs to be more transparency and a more even-keeled or even-handed process needs to apply for those applying for tenders within the ACT within the VET sector. With regard to that, the issues that we heard about with relation to tenders within vocational education and training, are not limited just to the ACT. I think a number of these problems occur around the country.

We've named the report *Pathways to the future*. This should be a title that resonates with those people within vocational education and training. "Pathways" is a term often used. We used it because we believe VET has a very bright future and we also believe that it provides an incredibly bright future for those people who undertake a vocational education and training course. I believe—and I think the rest of the committee concurs with this belief—the report provides an excellent opportunity for those involved in administering vocational education and training, to make VET in the ACT as good as it can possibly be.

There are a number of recommendations. I know that it may look a bit daunting at first, but I do believe that they are achievable. I do hope that goodwill will be undertaken in trying to achieve these recommendations.

Finally, I would like to give thanks to all the committee members who participated in this report with extreme goodwill. I know at the end it was a bit of a rush job getting the deliberations done and it was a fairly hefty report, over 100 pages plus. As I said, we included the department's report, which adds another 80-odd pages. Getting a head around the acronyms that apply within the VET sector is sometimes a bit overwhelming, but the committee members did admirably in that regard.

My very huge amount of thanks goes to David Skinner, the committee secretary throughout the majority of this report, who I think now probably knows more about vocational education and training in the ACT and Australia than anybody else, other than those people who already work within the area. I know he's not interested in looking at a job in the area, but I told him he could probably get one if he wanted to. I know he's not interested and he has moved on. My sincere thanks to David Skinner; also to Kerry McGlinn who's just started as the committee secretary. She got the final report off for publication and managed to calm me down with: "Yes, it will be here in time, Karin, don't worry, it will be here in time." She has also, I think, just started to get used to the processes of tabling a report and getting it all under way.

Finally, my biggest thanks go to those people who contributed to this report. As I said before, we would not have been able to get the quality of report that we have without those people who made the contributions. Some areas were left untouched, as is always the way. I'm a bit sad that we didn't hear from a few more people in adult and community education, but this is something I think that the government might like to look at taking up in the future. I commend the report.

MR PRATT (11.56): I echo the comments made by Ms MacDonald—particularly the theme that this report is quite correctly titled *Pathways to the future*. As Ms MacDonald quite clearly pointed out, it is a very, apt title. I would like to start by commending Ms MacDonald for her stewardship of this inquiry. She's got a lot of experience in this area and that experience certainly came to the surface. I'd like to commend my colleague Ms Dundas for her passion in youth and also VET issues. It was a particularly good inquiry and a lot of ground was covered.

I'd like to commend the people who made submissions to the inquiry, who came and spoke to us and who also invited us to come and visit their institutions. This was a necessarily lengthy inquiry and I believe it covered a lot of ground. Of course it covered that ground in great detail.

The importance of VET has waxed and waned in time. It's fair to say I think that most governments around the country over the years have neglected VET. Perhaps political parties of all colours have, understandably but with oversight, focused on year 12 to tertiary studies pathways at the expense of vocational educational training and related preliminary subjects in school curriculum. In the past decade though the focus has begun to shift back to rebuilding VET. This was a major finding of our inquiry.

More importantly though the inquiry found that the very committed stakeholders in the VET arena that we spoke to still feel there is a long way to go to make VET the respected and fundamentally important education pathway that it should be. I would commend this inquiry observation to my colleagues in this place perhaps even above all others.

The inquiry found VET in the ACT offers a surprisingly wide array of courses and more importantly is very flexible in its despatch of those courses. For me, the most important aspect of this inquiry was to discover the opportunities available in the VET sector, which allows the community to more productively engage at-risk youth at school and who are leaving school. It struck me that there is a lot of work for the community to do with our disengaged and disruptive students, and VET is an excellent vehicle for this purpose. To this end I particularly commend recommendation 10, which deals with at-risk people.

Further, I would highlight a couple of other recommendations I personally commend to my colleagues in this place. Recommendation 1 is the need for greater investment in VET in secondary schools and colleges. I would point out an old favourite of mine, which is the need for high schools to increase their technically oriented school subjects which would at least give prospective VET students preliminary engagement, particularly in their early high school years which is where we need to sell the strengths of VET.

I would also highlight recommendation 4, which seeks to provide additional assistance to young kids or adults who are doing it tough to afford VET entry. I think that's a very important recommendation. Recommendation 5 deals with industries with a very low base of trained workers and the marriage between those industries and VET training providers so that we as a community both, the training institutions and the industries that lack a capability, seek a marriage to get together skills and capabilities which we know the ACT badly needs.

Recommendation 29 deals with additional professional development for TAE staff in direct industry experience, the need to encourage and assist our teachers and trainers to become more competent. They are already competent but of course we should always give them the opportunities to seek excellence in their training skills, and a closer marriage perhaps between the training providers and institutions is needed.

For me, I think the highlight of this inquiry was the visit to Copland College, particularly meeting the teacher and the students of the mechanical course. If there was ever an example of a class where a teacher and children at risk, students at risk, have joined together to produce a successful outcome, this to me was it. Indeed, in that class there were a significant number of boys who had actually turned their lives around and that outcome really went back to the skills of the teacher, his passion, and of course the great support structures in Copland College.

I would finish by also thanking Mr Skinner, our committee secretary, for his expert guidance. I note sadly that he is leaving us but he won't be leaving this place. He did a great job and I do welcome Kerry as well on board. I do commend the report of this inquiry to my colleagues in this place. I look forward to seeing how well we can mobilise the many good recommendations in that inquiry.

MS DUNDAS (12.02): I too add my voice to this report that the Standing Committee on Education is tabling today. It is a very comprehensive look at vocational education and training in the ACT. As you can see from the terms of reference and where the report goes, we did not set out to provide all of the magic solutions to make the vocational education system in the ACT better. What we did set out to do was actually find the problems, identify the areas of need and provide a bit of guidance to the government about how these problems can be addressed.

We consistently heard that vocational education is undervalued. I think this is the major concern. We all agree that education is an incredibly important part of everybody's life. People have different educational needs and wants, and how they are experienced needs to be reflected in our educational system. Vocational education was always seen as being undervalued, not as highly prized as a tertiary education degree. This then had flow-on effects to how the industry was perceived not only by students and parents but teachers and industry themselves, and that led to a spiralling circle of guess disenfranchisement of the whole vocational sector. This report clearly identifies that as an issue and provides some positive ways that this can be addressed.

I refer the Assembly to pages 72 and 73, recommendation 18, which Ms MacDonald has already spoken on. It is this committee's view that the value of VET is beyond question, and yet much could be done to improve the status of VET in the community. We see the worth and strengthening general public awareness, emphasising VET as a viable, valid, and valuable education pathway. It is a pathway to the future, as indicated by the title of the report, but it does need that focus on elevating the status of vocational education to make that a reality.

The concerns about the status of vocational education lead to a whole lot of other problems that we encountered, such as the problems with resourcing of vocational education. Without resources that would allow vocational education to grow, concerns are being raised about the ability of industry, which needs people with vocational skills, to actually help them with their training. There are too many forms to fill out, there are too many different hoops to jump through, that just continually put barriers in the way of expanding vocational education. So that is, again, another issue that was raised and that we addressed in our report, as well as the ability for vocational education to respond to industry needs.

A number of areas are currently expanding, currently growing new technologies, but would like to be part of the vocational education system. Having courses that are in line with current skills was again a problem that was raised. We need to resource vocational education so that the teachers and the people working in the industry can actually develop the courses to give people the knowledge to participate in those industries. We need teachers with up-to-date skills.

This was an issue raised by some of the students we spoke to. They really appreciate the effort and work that their teachers put in to provide them with vocational education, but they recognise that sometimes their teachers have been out of the industry they are training for a number of years, and hence their skills are perhaps a little bit out of date. They would appreciate their teachers having returned to industry pathways and work

placement, so that their skills are always up to date and the skills that they are passing on to their students are continually up to date.

Again, this will take resources. It'll take a focus on actually having vocational education teachers in our school system. That is another strong recommendation in this report. We also need to provide relevant experience for our students, be that through the school system, be that through the TAE system, or be that through other private providers actually allowing students of any age, the ability to participate in the industry that they are learning about, to get the hands on experience. Again, this is something that will need a greater resource focus. It's not necessarily pouring more money into the vocational education bucket, but perhaps the reallocation of the funds that are in there to allow the system to expand in a way that we know it needs to.

Ms MacDonald also raised some of the systemic issues facing vocational education in terms of access and the tender processes for actually putting out of courses. This inhibits registered training organisations in the way that they can plan and produce courses. It is something that, whilst it might seem minor in terms of all the other issues that have been raised in this report, is of quite concern to those people who provide vocational courses and something that does need to be addressed.

Vocational education and training, we do recognise, is important to our community—through training up people to take on new roles and new jobs in the community, by training up apprenticeships and by being part of the life-long learning experience that I know this Assembly is committed to. It does provide vital skills for the community and makes our society one that we can be more assured is actually providing us with the services that we expect and demand. Vocational education does deserve a renewed focus, does deserve to be promoted as an important part of the educational experience. I hope that this report will provide the government with the impetus and the direction it needs to make this a reality.

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

Health—Standing Committee
Report No 5

MS TUCKER: (12.09): I present the following report:

> Health—Standing Committee—Report No 5—Access to needles and syringes by intravenous drug users, dated August 2003, together with a copy of the extracts of the minutes of proceedings.

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

Leave granted

MS TUCKER: I move:

> That the report be authorised for publication.

Question resolved in the affirmative.

MS TUCKER: I move:

That the report be noted.

It is with pleasure that I table today the report of the Standing Committee on Health *Access to needles and syringes for intravenous drug users*. I'll also acknowledge, and express the appreciation of the committee for, the work done by Lesley Wheeler and Siobhan Leyne as the secretaries of this committee inquiry. This inquiry took a slightly unusual course.

We had a public forum in the reception room here in the Legislative Assembly at which people—various stakeholders—spoke about their understanding of the issues relating to access to needles and syringes and injecting equipment. It was a very well-attended forum. We recorded it and the transcript is available. It was a very interesting way of getting an understanding of what the issues were. It worked really well because just about everyone who was there had particular expertise or experience of the issues, so it was a very well-informed gathering. The committee, I think, was very impressed with it as a process and I think we'll use it again.

The committee decided to look at this issue because of concerns that there were problems for some injecting drug users in accessing clean syringes and injecting equipment. There are obviously serious public health implications if such access is restricted—namely, the spread of blood-borne diseases, such as HIV/AIDS and hepatitis C. Both these diseases are non-vaccine preventable diseases without cures and can lead to death in many cases, as well as considerable engagement with the health system. In particular, HCV or hepatitis C is easily transmitted, not only through syringes, but other injecting equipment and also just through drug users' behaviour. The World Health Organisation estimates HCV prevalence in Australian intravenous drug users to be between 60 per cent and 80 per cent.

We know that Australia's harm-reduction approach has been extremely successful. For example, in New York City, which has a population about the same as New South Wales, there were 17,000 paediatric cases of AIDS compared to 42 in New South Wales. The paediatric cases of AIDS in New York City were in most cases the direct result of one or another parent being an intravenous drug user. The Commonwealth government's report *Return on investment in needle and syringe programs in Australia* found that, in relation to HIV, a total of $7,025 million was saved due to approximately 25,000 cases of HIV being avoided. In relation to HCV, the costs avoided are estimated at $783 million due to approximately 21,000 cases of HCV being avoided.

The report also saw that internationally, HCV prevalence in cities with needle and syringe programs was 37 per cent lower than in cities without needle and syringe programs. While this shows that Australia is taking the right approach and has made significant impact on HIV, there is growing concern about the spread of HCV. The Hepatitis C Council told the committee that there are an estimated 5,000 people living with hepatitis C in the ACT—a 45 per cent increase over the past four years. At the current rate of growth, one million Australians will have HCV by 2020. So reducing the occurrence of new infections is a key challenge.

It is generally agreed that the approach has to include provision of sterile needles and syringes sufficient to meet demand so as to reduce the prevalence of unsafe injecting; education programs aimed at reducing illicit drug use, particularly injecting drug use; provision of drug treatment programs such as methadone maintenance, sufficient to meet demand, so as to reduce the prevalence of unsafe injecting and the prevalence of illicit drug use; provision of safe injecting places to reduce the prevalence of unsafe injecting; education programs targeting injecting drug users through specialised agencies; educative programs and the provision of preventative measures in prisons; measures that reduce the number of injecting drug users in correctional centres through the adoption of cautioning systems for first offences and diversionary sentencing; removal of legal impediments to achieving a higher proportion of safer injecting amongst injecting drug users; and establishment of an agreed core service structure and realistic output targets for education and prevention services.

With this background, on the question of access to clean syringes and injecting equipment, the committee made a number of recommendations. These recommendations include the need for consistent standards across Australia in relation to supply and disposal of injecting equipment, the need for an education campaign on the safe disposal of used injecting equipment and greater provision of disposal units, and the need for improved after-hours access to needle and syringe programs including that there be vending machines installed in suitable locations determined in consultation with stakeholders.

The committee also gave considerable attention to correctional settings. It recommended that the government apply the harm-reduction model in correctional institutions as occurs in the broader community and that it consults with stakeholders including, of course and importantly, custodial officers about how this can best be done. The committee also stressed the importance of taking the need to adopt this health policy into account when planning a new prison.

We should not waste the opportunity to ensure that the ACT prison represents best practice in every regard. There are particular problems in correctional settings and the committee acknowledges and respects the concerns expressed by custodial officers. It is essential that any programs are developed with them and I am optimistic given the experience overseas that it is possible to introduce programs that do not put the officers at further risk and which in fact are more likely to protect them as well as the inmates. No-one is denying that drugs are injected in correctional settings. No-one is denying that needles are shared and that diseases are transmitted. It is essential that we reduce the spread of disease in correctional settings as we are attempting to do in the broader community.

It's only a matter of time before the duty of care to do this is determined in court as happened in regards provision of condoms in correctional settings. The committee also made recommendations specifically in relation to service for indigenous peoples and in particular the need for the indigenous community to be consulted on the design of services dealing with injecting drug use and for cultural factors to be taken into account.

This report does not avoid the hard questions. The spread of blood-borne disease is a serious public health issue. We must embrace policies and programs that have been shown to reduce this spread. It does, as I have mentioned, require a broad approach but

the need for provision of safer and clean injecting equipment is a basic and proven measure. This report, hopefully, will assist the government to improve access to clean injecting equipment. As I said at the beginning, it's very important that a broad approach is taken to problems related to injecting drug use. This approach has to include education, rehabilitation and mental health services that actually work for drug users, to mention a few aspects of a broad approach.

There are also big questions about why people increasingly feel they have to take drugs to get through the day. The committee's inquiry obviously didn't look at all these broader issues because we had a specific focus, which was access to clean needs and syringes and injecting equipment. But I know there have been many debates in this place about the broader questions and in fact the reports that were tabled this morning go to a degree to some of the questions regarding mental health services, and I know that we will continue to have this debate.

MS MacDONALD (12.18): This was not an easy inquiry to conduct. Without a doubt the issue of drug use and particularly IV drug use is one that causes great controversy and emotion in our society. As such, I draw the Assembly and the community's attention to paragraph 1.3, which states, "This inquiry did not look to solve or enter into the debate on drug use in the community." Rather, the committee addressed the issues around access to injecting equipment. The reason we concentrated on this issue was due to a concern about difficulty in accessing clean syringes and the alarming rate of increase of hepatitis C in intravenous drug users.

I do understand that in spite of this being the committee's focus there will still be many within our community who will have problems with the recommendations in this report. I am also aware that there are many people in our society who see the harm minimisation approach as condoning drug use. I am not of this view. Because I do believe in the harm minimisation approach, I support all 13 of the recommendations in this report. I want to emphasise that I think we need to be doing everything in our power to educate people about the dangers of illicit drugs in order to keep them from taking up a habit in the first place. I also believe that we need to try a combination of treatments to help drug users get off the drugs.

But while we have not found the magic solution—that magic bullet that prevents people from using, that makes them stop using—as legislators we must do everything in our power to help their peripheral health. We need to do this not just for their future health when they do hopefully finally get off the drugs, but also because of the massive financial cost and strain that associated problems place on our health system.

As well as receiving 15 submissions, the committee also held a public forum on 1 May in which a number of people spoke from their perspective of accessibility of injecting equipment as well as their view of the issues surrounding access to equipment. The committee heard a lot of evidence from groups concerned about the increase in hepatitis C virus, or HCV, within the IV drug-using community. This contrasted sharply with the spread of HIV/AIDS, which has been significantly curtailed with exchange programs already in place along with other prevention strategies. This is, in the main, due to HCV being far more easily transmitted through injecting drug use than HIV is.

Figures in the year 2000 showed that a staggering 170 million people worldwide were chronically affected by hepatitis C. As we currently have no cure for hepatitis C and contraction of hepatitis C means severe negative impact on a person's life, this is indeed a catastrophe for us as a community, with severe health costs.

This report has 13 recommendations ranging from consistent standards of supply and disposal of injecting equipment, to education campaigns on safe disposal, increase in primary and secondary outlets, access to exchange programs in jails and how to work with our indigenous communities to assist them with access to clean equipment. Ms Tucker has spoken in more detail about each of the recommendations.

I spoke before about there being no magic bullet to getting people off drugs but of the moral obligation we have to keep our citizens healthy. Consider this if you will. A young couple I know are now married and with a delightful young child, everything to look forward to in the world. A few years ago that was not the case for them because they were drug users and that included heroin. Fortunately for them, for their families and friends who love them very much, and for their young child, they both made the decision to get off drugs—and they did it. They did it because they supported each other. They turned their lives around. I think about this young couple now as I have done throughout this inquiry and I think about how different things would be if they had contracted hepatitis C or HIV/AIDS. This would have been a life sentence for them.

As a member of this committee, I think this report goes a long way towards trying to protect the health of other people like this young couple, and as such I commend this report to the Assembly and to the community in the hope that the wider community will look at the issues that have been raised before the committee with the understanding that we are trying to make a positive impact on reducing the spread of hepatitis C and HIV/AIDS, as well as the other associated health risks that occur by not using clean injecting equipment.

MRS BURKE (12.24): As a member of the Standing Committee on Health, I would also like to add my comments to those of the chair, Ms Tucker, and deputy chair, Ms MacDonald. I commend the chair on her excellent approach and depth of knowledge on this subject and the support from Ms MacDonald.

As unpalatable as it may be to many of us in our community, until the day comes when we no longer have people dependent on using drugs, particularly by injection, we have a responsibility and a duty of care not only to those people but to the whole of the community to protect the health and safety of all people wherever they may be—as much as we have a duty of care and a responsibility to investigating why so many people are in fact seeking to take drugs in the first place.

This inquiry was not established to discuss the matter of solving the drug problem or drug use in our city. However, these issues must be addressed by this government as a matter of urgency in order to ensure a multipronged approach to preventing the exponential increase of drug use in our society today. It is certainly not my intention to take a high moral stance on this issue nor is it my intention to take a judgmental position. There but for the grace of God go any one of us, I believe. I, like anyone, want to ensure the safety of the community as a whole, and as long as there is a threat to that I believe it is my duty to work towards solutions to minimise the harm and risk to our community.

Of course, I wish that I was not even standing here today talking about this issue, but we do not live in Utopia and we have to face the issues and address them. Simply hoping that things will get better without intervention is naïve to say the least and will not stop people from dying. That's the reality. There are no quick fix solutions to the problem and certainly some tough decisions will have to be made in relation to greater access to clean injecting equipment by intravenous drug users in our community if we are to stop the spread of infection and blood-borne diseases.

As has been stated but is worth repeating, the committee heard from various stakeholders within our community in order to better understand the enormous problem that faces our community in relation to the access, or lack thereof, to needles and syringes by intravenous drug users, and more broadly injecting equipment, which would include needles and syringes but also spoons, filters, water, swabs, disposal bins and other paraphernalia used by intravenous drug users.

I offer my extreme thanks at this point to everyone who gave up their time to write submissions and appear before the committee as well as attending a very successful public forum. It was the decision of the committee to focus upon areas that appear to be deficient within the current system in relation to certain groups accessing clean equipment—namely, after-hours access, and that included general access to injecting equipment during business hours, access by indigenous peoples and access in prisons and remand centres.

The one thing that struck me when reading through the submissions, some 15 in total, was the overwhelming attempts, firstly, to highlight the issue of access to equipment and, secondly, how we as a society need to be prepared to look outside our own backyard for some answers and ways of tackling this issue which, of course, is not restricted to Australia.

For me, the most disturbing aspect was the exponential increase in the number of reported cases of hepatitis C. When I was shown a very graphic photograph of the state of a needle after it had been used up to six times it certainly brought the reality of what we are dealing with home to me. It was at my request that this picture actually be included in the report because I think pictures speak a thousand words. I think the Liberals have also used that tactic in other ways to bring home a message and I think it's very forceful.

We cannot deny that people are at risk. We cannot deny that some people will only get help in many ways when they ask for it. The saying is: you can lead a horse to water, but you can't make it drink. We are dealing with a group of people at any one time who will only approach a window of opportunity when they make the decision. This, of course, goes to the heart of why people begin this journey of life in the first place, and that is a debate for another day. That said, we simply can't stand by and let more people die as a result of sharing needles. That's the reality. I can only reiterate the words of Carol Hart, the executive officer from the Hepatitis C Council:

> Needle and syringe programs have proven to be financially viable and successful in terms of reducing transmission of hepatitis B & C and HIV, however the success of these programs is affected by the level of resourcing and support by the government.

> They need to be accessible at times when clients require the service and centred around the client needs.

I urge people to read the submissions and approach the issue with an open mind. We have now moved to a need to consider needle exchange programs in areas that we perhaps have not thought possible before—along with, of course, education about the dangers—to ensure that we certainly minimise the harm. This, of course, is consistent with the Liberal Party approach to promote and support harm minimisation. I would like to commend the federal government on its approach to drugs as a whole. No-one in this place wants anyone dependent on drugs—no-one at all. I have had that in my own family and seen the grief and distress that that brings.

There are 13 recommendations seeking to bring stakeholders and government together to work out better solutions for those in our community who need for the sake of health and safety better access to clean injecting equipment, to make a start to stemming the tide of disease and infection caused. I realise that some will find a couple of the recommendations quite challenging, particularly that of vending machines and the needle exchange programs in remand centres and correctional facilities. We can no longer hide behind the fact that we think we're hitting the spot. I again draw members' attention to the words of Carol Hart, executive officer of the Hepatitis C Council:

> The benefits of a needle and syringe exchange program in ACT custodial settings will lessen the risk of overdose, reduce the risk of infection or co infection, help prevent the circulation of injecting equipment through out the institution and offer access to education and health care advice.

There is much evidence given on both these issues and I will not go into the detail of those now, other than to say that it is obvious that we must do something to stop the spread of infection through blood-borne viruses. We cannot just throw our hands up in the air saying, "It's all too hard." We have to be brave, we have to tackle the issue head-on and not avoid it. I make a heartfelt plea to this government—and to all members of this Assembly—to carefully look at and expediently act upon the recommendations and adopt a whole-of-government, whole-of-community approach embracing the true meaning of wide-open consultation. This matter must transcend political and self-interest boundaries. I urge members to digest this report and the conclusions the committee reached.

I would like to thank the committee secretariat, Siobhan Leyne, our excellent secretary; Mr Derek Abbot, acting secretary; research officer, Lesley Wheeler; and, of course, Judy Moutia, administration.

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

Sitting suspended from 12.33 to 2.30 pm.

Ministerial arrangements

MR STANHOPE: Mr Speaker, for the information of members, the minister for education and industrial relations, Katy Gallagher, is attending a ministerial council

meeting. My colleague the Minister for Health and Minister for Planning will take questions that members may wish to ask in relation to education or industrial relations.

Visitors

MR SPEAKER: Before we proceed with questions without notice, I wish to welcome visiting girls from Canberra Grammar School.

Questions without notice

Treasurer's Advance

MR SPEAKER: Mr Smyth, are you ready to go?

MR SMYTH: I am rearing to go, Mr Speaker, particularly as it is Mr McLennan's last question time because he has been sentenced to the big hill. We hope it will be exciting for him and that he has a good story at the end of the day.

My question is to the Treasurer. Mr Quinlan, last Thursday you tabled a statement of expenditure you had authorised during 2002-2003 under section 18 of the Financial Management Act regarding the Treasurer's Advance. The statement says that you authorised expenditure of $2.75 million to purchase Commonwealth land located on block 17 section 63 in the city.

Section 18 (1) (c) of the FMA states,

> The need for the expenditure could not reasonably have been foreseen at the time of presentation to the Legislative Assembly of the bill for the first Appropriation Act relating to the financial year in which the expenditure is to happen.

Treasurer, how does the purchase of this block meet the requirement of section 18 (1) (c)?

MR QUINLAN: Let me assure the Assembly that, at the time the budget appropriation bills were put together, we did not know that we would be requiring that particular block of land. As I think most members know, in relation to the establishment of the ICT Centre of Excellence—that is the one, isn't it?

Mr Smyth: It is across the road in the car park opposite Rydges.

MR QUINLAN: Oh, sorry, that block has just become available. We did not know that that block would be available when we brought down the appropriation bills. I am sure members will agree that it would be common sense for the territory to acquire that block rather than have it go into private hands, when we have even less control over the ultimate use of land in the territory. We have enough problems now with the industrial estate at the airport and the tracts of land over which the NCA has control. Particularly in Barton, we see a lot of development, while western Civic languishes. I think it is fair and reasonable.

I do not see anything contentious in the issue at all, Mr Smyth, or in the territory wanting to acquire blocks of land as they become available because, if we refuse them, obviously

the Commonwealth can sell them to whomsoever it wishes. We thought it was a reasonable and commonsense proposition that we would have control.

MR SMYTH: Treasurer, is this the land that is to be used for the site of the new convention centre?

MR QUINLAN: Not necessarily, no. At this point in time, there are probably a number of sites that are possible locations for the placement of a convention centre. It is the one opposite the—

Mr Smyth: On the police station side.

MR QUINLAN: Yes.

Mr Smyth: Opposite City Hill.

MR QUINLAN: Opposite that one on which we do not know what will happen already, yes.

Mr Smyth: Opposite the Metropolitan and opposite the Rydges.

MR QUINLAN: Yes. No, that is not a site that we have particularly considered for a convention centre.

Housing—maintenance

MRS CROSS: Mr Speaker, my question is to the minister for ACT Housing, Mr Wood. Minister, ACT Housing has many tenants who look after their residences in an exemplary manner. I imagine that this is the majority of tenants, and it is sad that the small percentage of tenants who cause problems are those that inevitably get the media publicity.

As we know, ACT Housing has recently raised rents for its tenants. Some tenants are finding the increases very difficult to handle in money terms; others are very angry and they feel that they get no value for the extra money that they have difficulty finding. Many tenants have not seen a Housing officer for years; they have not had any inspections so they cannot show the degraded bathrooms or kitchens. These tenants are very keen to have their properties inspected, as they are very house proud. They also want to pass on any problems they have. They want to feel like valued tenants.

One constituent contacted me yesterday with a list of complaints concerning the inactivity of ACT Housing. This person is happy to pay the rent and, in fact, pays full market rent. This tenant is not behind in rent and never has been. ACT Housing is always behind in its maintenance, way behind.

Minister, ACT Housing is very happy to take money from its tenants and raise the rent yearly. When is ACT Housing going to live up to its responsibility as a landlord, keep up with maintenance, carry out inspections regularly and live up to its promises of upgrading bathrooms and kitchens made to some people over seven years ago?

MR WOOD: Mrs Cross mentioned she'd had a call from one constituent.

Mrs Cross: I've had a few, actually. This is a particular one.

MR WOOD: Quite a few. You said "one". I wouldn't want to extrapolate from one call or a couple of calls what the situation might be over the whole of our public housing tenancy.

ACT Housing has been taking big steps in recent months, in the last year or so, to make personal contact with all its tenants. I tabled in this place another example of that contact when I tabled the asset management strategy last week. In that strategy, over the next period, the maintenance contractors will visit every house on the list and assess its needs.

Mrs Cross: How often?

MR WOOD: They'll do the initial assessment; that's what I'm talking about at the moment. They'll do the initial assessment of the needs so that the total picture of what the maintenance needs are can be understood.

Notwithstanding that—I think I am correct in saying this—there should be an inspection every year. I know that that is not always the case, because of the heavy workloads. But certainly the regime at ACT Housing is now to have much more personal contact with its tenants.

You've indicated that someone had been on a promise from seven years ago. I don't know what that promise was; I don't know the specifics of the case you raise. It is certainly the case that, when someone makes a claim, it's assessed and then there's a determination whether that needs some priority or whether it goes into the routine maintenance and what the circumstances are.

As I've explained before, and as the asset management strategy spells out very clearly, there is no doubt that there is a difficulty in providing maintenance for all the buildings that we have. We work assiduously at it, to do the best we can, increasingly, to maintain contact with our tenants.

MR SPEAKER: A supplementary question, Mrs Cross?

MRS CROSS: Thank you, Mr Speaker. Minister, Tenant of the Month is a positive policy for only one tenant. Why doesn't ACT Housing reward its good, valued tenants who never complain, with spontaneous upgrades of antiquated appliances or some other concrete, demonstrative show of appreciation?

MR WOOD: I think "spontaneous" would cause a problem. The spontaneous is simply not always possible. Urgent cases are done immediately; there's no question about that. There is a whole range of priorities listed, but I have to point you to the difficulties in meeting all maintenance requests. It is a major problem for ACT Housing.

Australian health care agreement

MS MacDONALD: Can the Minister for Health inform the Assembly of the result of the ACT government's negotiations with the Commonwealth over the 2003-08 Australian health care agreement?

MR CORBELL: The Australian health care agreement is, as members would be aware, the major Commonwealth-state and territory funding agreement for public hospital services. Yesterday, I signed the Australian health care agreement for the Australian Capital Territory, which will deliver Commonwealth funding of $553 million over the next five years for ACT public hospitals.

The Commonwealth's offer was not enough and we will see the ACT government shouldering an increasing share of public hospital funding in the ACT. Despite that, the ACT government signed the agreement because we have moved to achieve significant concessions from the Commonwealth government. It was clear that if the ACT government did not sign the agreement the ACT would suffer penalties to the extent of $58 million over the next five years. As Minister for Health, that was not a proposition that I wanted to enter into.

In signing the agreement, the ACT won significant concessions. These are all in areas of Commonwealth responsibility which have not been adequately resourced in the past and which have had a direct impact on ACT residents and a direct impact on the demand for public hospital services.

Since becoming Minister for Health, I have consistently argued that we need better recognition of issues to do with work force shortage of GPs in the ACT. In addition, I have argued that we need further support in relation to aged care services. That lobbying came to fruition yesterday, when the Commonwealth agreed to a range of significant concessions which will greatly improve the situation in those areas. I will outline those for the benefit of members.

First of all, the Commonwealth has agreed that it will apply, for the first time ever, the Commonwealth's outer metropolitan GP incentive scheme to Belconnen, Gungahlin, Weston Creek and Tuggeranong. The Commonwealth has agreed that, for the first time, the ACT will become a district of work force shortage for GP services. For the first time, the Commonwealth has also agreed to utilise the 50 aged care beds funding which has been approved and is not yet operational to provide for 50 transitional care beds straightaway to relieve pressure on our public hospitals. That is worth $1.8 million to the ACT annually.

The Commonwealth has also, for the first time, agreed to fund a new, improved, after-hours access model for GP services and will also fund to the tune of $5.5 million the new sub and non-acute facility which the ACT government had previously indicated it would establish with its own money.

I will outline some of the details. The proposal to shift and announce areas of Canberra as outer metropolitan—that is, Belconnen, Gungahlin, Weston Creek and Tuggeranong—is a major step forward. It means that GPs moving from inner areas of the

six state capitals will be eligible for up to $30,000 to help them establish a practice here, as long as they agree to stay for three years.

For the past four to five years, the Commonwealth has simply said no to this issue. It has simply said, "We don't care about the ACT; you are inner metropolitan." I am pleased to say that we have broken that deadlock with a very significant step forward today. It also means that the ACT will get more GP trainees who will be able, after their training, to practise as GPs in the ACT.

In a situation in which the ACT has 60 GPs per 100,000 head of population and the national average is over 80 per 100,000, we are finally getting some movement forward on this very important issue. It is thanks to the negotiations that this government has undertaken that we have achieved those results.

The Commonwealth has also agreed to designate the ACT as a district of work force shortage for GP services. That will make it easier for GPs to recruit doctors to fill vacancies in their practices by allowing them to recruit doctors from overseas. That is also something that would not have been achieved except for the very tough negotiating position taken by the ACT.

The Commonwealth has also given a commitment to fund an after-hours access model for GP services. Members should be aware that in the past year we have seen an increase of 15 per cent in category 4 and category 5 presentations at our hospital and emergency departments. That is because people cannot see a GP, especially after hours and especially on a weekend. This government has obtained a commitment from the Commonwealth government to fund a new after-hours GP model which will be developed in cooperation by the Commonwealth and ACT governments and the ACT Division of General Practice.

I would like to address specifically the issue of the 50 transitional aged care beds. The Commonwealth has agreed to make available funding for 50 approved, but not yet operational, nursing home beds to provide transitional care beds for people who are waiting in hospitals for a nursing home place to become available. This means that nursing home-type patients who are currently in an acute care bed because they cannot get into a nursing home will be able to go into a transitional care bed, freeing up those acute care beds for the medical and surgical patients who need them. That is a very significant step forward, again thanks to the negotiating position adopted by this government.

Finally, the Commonwealth has agreed to fund the new sub and non-acute facility through its pathways home program. It is worth $5.5 million. Members would be aware that this was funded by the ACT government in the last budget. That will free up $5.5 million for service delivery in another part of the health system.

This is a real win for the ACT—more GPs, more after-hours services, more beds in our hospitals for surgical and medical patients and more nursing home-type beds—and all we have from the opposition is whinge, whinge, whinge and pick, pick, pick. Either it is a good result or it is not. It is a good result, thanks to the negotiating position of this government.

MS MacDONALD: I have a supplementary question. Minister, would the ACT have secured these policy changes had you signed up to the agreement when it was offered earlier this year?

Mr Cornwell: I take a point of order, Mr Speaker. I think the question is asking for an expression of opinion.

MR SPEAKER: I think that the minister is entitled to answer the question.

MR CORBELL: It was a good question, Ms MacDonald, and I thank you for it.

MR SPEAKER: I am just reminded that it was hypothetical. I think the supplementary question is out of order as it was hypothetical.

National water plan

MRS DUNNE: My question is to the Minister for Environment, Mr Stanhope. Minister, are you aware of the Wentworth group's *Blueprint for a national water plan*? What are the three most important issues that you can take from the blueprint to tomorrows COAG discussions on national water policy?

MR STANHOPE: I thank Mrs Dunne for her question. I am aware of the Wentworth group's work on the Murray-Darling Basin and the work that they have done that is so particularly relevant to the agenda item at COAG tomorrow. Indeed, I had a detailed briefing just last Friday from Professor Peter Cullen, one of the members of the Wentworth group, on the work of the group and on the details of the group's blueprint for the Murray-Darling catchment. So, yes, I am very familiar with the work.

I have had the benefit of a very detailed briefing from Professor Cullen, one of the authors of the work. I have read it and I found it particularly informative. It is an excellent document and I would recommend and commend it to all members of the Assembly as a fantastic oversight of the range and breadth of the issues that are facing all residents of the Murray-Darling Basin and, indeed, all Australians to the extent that the Murray-Darling system is quite sick.

Most particularly, the Murray River is in extremely bad shape. I think members would be aware that the Murray at the moment is flowing at only 27 per cent of its capacity; that we drag out of the Murray River each year 73 per cent of the waters that traditionally flowed down the Murray and, of course, that has had enormous impacts on the health of the system. There are particularly significant issues for the health of the whole catchment and particularly for those downstream.

The most significant of the issues that are highlighted and the most important lesson for us all to learn and to take note of, not just in relation to the work of the Wentworth group but, indeed, of anybody that has considered any of the issues around the Murray-Darling Basin, is the need for governments to now take seriously the health of our river systems; for governments to work together to address the issues around the amount of water that is taken from the system to a point where we know it is unsustainable.

The Murray River is dying from its mouth up. It is essentially dead for a thousand kilometres from Adelaide. The health of the river can be viewed through the effect of the level of salt within the system; the lack of water, particularly on the riverine systems, the ecology and the agricultural land that abuts it; and, most significantly, of course, the water supply for the city of Adelaide.

I think the number one issue facing us is a political issue—an issue of will, a determination by governments to combine to seriously pursue issues around restoring environmental flows to the system. That is an issue, of course, that underpins all the work of the Wentworth group. How does one go about that; how do we address the issues of salinity; how do we address the issues of environmental flow; and how do we get the balance right between the social, the economic and the environmental requirements of entire communities.

How do we achieve a reduction in irrigation? How do we buy back water rights from those that irrigate from the Murray, or the rights that they use which they claim some proprietorial interest in? How is this to be achieved? Do we buy them back and what are the implications of the social impacts of that, acknowledging that there is an environmental benefit to be obtained in reducing the amount of water taken for irrigation but there is a related social impact that the communities and towns that are built around those thriving agricultural communities would suffer? The towns would die, with all that that means in a social sense and, of course, in terms of the economies of all of the towns of the Murrumbidgee and Murray irrigation areas.

So the issues are essentially around political will, how to ensure appropriate environmental flows, how not to impact upon the non-environmental values that are so important to all Australians and all individuals, and how to ensure sustainable use of water from the system into the future.

MRS DUNNE: Mr Speaker, I ask a supplementary question. I am glad to see that the Chief Minister has read the document, but I do not think he has really answered my question. Tomorrow, Chief Minister, when you go to COAG will you exercise sufficient political will, in the words of the blueprint, to rise to the challenge, even if that means breaking ranks with other Labor governments?

MR STANHOPE: One of the issues, of course, for COAG and for all of us in relation to the issue around water and the Murray-Darling catchment is the recent, paltry offer and the lack of leadership that we have from the federal government. Mr Howard has stumped up with an offer of $125 million. $125 million in the context of the damage and the degradation which the Murray-Darling system has suffered is almost derisory.

Mrs Dunne: Mr Speaker, I take a point of order under both standing orders 118 (a) and 118 (b). What he is saying is not to the point and he is debating the issue. The point was: what will he do, not what Mr Howard is supposed to have done.

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

MR STANHOPE: Thank you. I think what I need to do at the meeting is point out to the Prime Minister that his offer of $125 million is paltry and derisory. What I will do at

COAG tomorrow, Mrs Dunne, is say to the Prime Minister of Australia that an offer of $125 million from the Commonwealth to address the issues faced by the Murray River and the Murray-Darling Basin is derisory. It is a joke. It shows absolutely no leadership and it shows absolutely no determination to address the major issues facing the nation through the degradation of the Murray-Darling system. $125 million by itself will achieve almost nothing.

Interestingly, in terms of leadership, the position being put by the Prime Minister, of course, is that New South Wales, Victoria and South Australia should match the Commonwealth's $125 million individually. So the $500 million that the Prime Minister has identified as perhaps a notional or opening bid for the next five years in relation to the reclamation of some of the issues around environment flows and the degradation that has been suffered really does illustrate the extent to which the Commonwealth is not serious. The Commonwealth is simply not serious if it thinks that a Commonwealth contribution of $125 million will get us even to first base in relation to the issues facing the Murray.

The Commonwealth is putting up $125 million and saying to South Australia, "Look, we want $125 million from you." Let's get serious about this. Let's get serious about our commitment to save the Murray. Let's get serious about our commitment to deal with the major issues of salinity. Let's get serious about the creeping death which the Murray River is suffering. It is dying from the mouth up. It is dying now to the extent of hundreds of kilometres a year in terms of the level of salt that is deposited into the system.

Mrs Dunne: Mr Speaker, I take a point of order under standing order 118 (a). I think the Chief Minister needs to be concise and not repetitive.

Public housing

MR PRATT: Mr Speaker, my question is to the minister for housing, Mr Wood. Your spokesman is quoted in a *Chronicle* article this week as stating in relation to the Red Hill public housing complex:

> ACT Housing … has no intention of doing anything … except for "routine maintenance … so the premises remain habitable … until at least 2005…".

Given this position, Minister, why is it that, in the asset management strategy 2003-2008 released by you yesterday, there is no specific mention of this particular location, although similar sites such as Currong are mentioned?

There is an obvious contradiction here. Which is to be relied upon—your spokesman's position last week or your publication yesterday, given that they both cannot be true?

MR WOOD: I think that's a bit of nonsense, Mr Speaker—not surprisingly. The comment in the *Chronicle* was specifically to do with a neighbourhood planning project that Mr Corbell's people are taking up. In consultation with Mr Corbell and other people, I have removed the Red Hill public housing complex from that consideration; that's what it's about.

You might think this isn't part of the question but I'll provide it. I did not wish at this stage for the state of that public housing to be drawn into a long debate within the community about whether it should be there, how it would look and what might happen to it. That is simply the story. It is not part of that study. It has been removed from that study. That study can proceed quite comfortably with that area of the Red Hill public housing complex still staying there in its present composition.

Of course, within that, we will be doing whatever maintenance is required and can be met under the budget.

MR SPEAKER: A supplementary question, Mr Pratt?

MR PRATT: You say that you will be meeting those requirements. Why have you failed to fix the many minor problems at that complex so that these premises, to quote your spokesman, "remain habitable"? When will you fix them? What's the time line, Minister, on that?

MR WOOD: I think in the answer I gave to Mrs Cross I indicated that the maintenance people who visit places establish the priority for works, and the work is drawn down when it's considered that it needs to be done. It is done within that framework that is considered. That's the story of it.

The asset management strategy spells out the difficulties of maintenance, not the least of which is that you lot whipped $20 million out of that some years ago. It would be nice to be able to spend that now.

Trees in Nettlefold Street, Belconnen

MS DUNDAS: My question is to the Minister for Planning. Minister, you were reported as saying today that we "won't be accepting the Assembly's proposal" in relation to a land swap to protect the site of trees on the corner of Nettlefold Street and Coulter Drive. Minister, is this statement an accurate representation of the government's position and, if so, what weight do you place on the passing of a motion by this Assembly?

MR CORBELL: Yes, it is an accurate statement and I always take motions of the Assembly seriously.

MS DUNDAS: Minister, you have also been reported as saying that the motion did not direct you to do anything, merely requested it. What action would the Assembly have to take before you would agree to its request, especially considering you just said that you take this Assembly seriously?

MR CORBELL: Mr Speaker, what action the Assembly takes is a matter for the Assembly, and I do not want to pre-empt that. However, just because the government seriously considers motions does not mean that we automatically agree with them. That was the case in relation to that particular motion.

Social plan

MR HARGREAVES: My question is to the Chief Minister. Could the Chief Minister advise the Assembly of the government's progress towards the preparation of a social plan which will help the people of Canberra meet their needs and aspirations over the next 10 to 15 years?

Mr Cornwell: You should have been at the launch at lunch time.

MR STANHOPE: I thank you, Mr Hargreaves, for the question on this very important subject. Certainly, as Mr Cornwell interjects, today I launched a discussion paper *Towards the Canberra social plan* as the culmination of very important social policy work that has been undertaken within the ACT government over the last two years. The work in the paper has been informed primarily by the *Addressing disadvantage* report that I released in June this year.

The draft social priorities and goals identified in the discussion paper were developed during a series of round table meetings which I held with a large cross-section of people from the community, senior public servants and respected academics. Many of the participants were involved in delivering services and undertaking research representing community interests in social priorities.

The discussion paper which I've launched today, Mr Speaker, for public consideration includes priorities in areas of social policy that we must focus on over the next 10 to 15 years if we're to achieve our vision for the community of a Canberra where all people can reach their potential and share the benefits of our community.

There are seven draft priorities outlined in the discussion paper, Mr Speaker. The first is to improve health and wellbeing. We know that good health helps people to achieve their full potential. We want to reduce inequalities in health outcomes for all Canberrans and we particularly want to work closely with indigenous Canberrans to improve their standard of health and enhance their opportunities and life.

The second is to respect diversity and human rights. We recognise that Canberra is already a comparatively tolerant and diverse community where people do feel free to express their cultural and social identities in a spirit of acceptance and understanding, but we want to continue to build on that solid foundation.

We want to lead Australia in education and training; we want to continue to lead Australia. We are already the most educated community in the country, with 56 per cent of 15 to 64-year-olds already having post-school qualifications. We want to improve on that and to improve the completion rates for year 12.

The fourth priority is to foster creativity and innovation. We are, Mr Speaker, a creative, innovative and enterprising territory, but we need to continue to foster creativity, excellence and innovation in all aspects of our life, whether it be the arts, cultural activities or research and development in our business and in our community sectors. Innovation is a most important way of underpinning our way of life.

We want to promote safe, strong and cohesive communities. Safe, strong and cohesive communities exist where public resources are used to meet the needs of people facing hardship, discrimination and other barriers to participation. We need to build on the enormous community spirit that we know exists here in Canberra, and that was very much a feature and is a feature of our continuing recovery from the bushfires.

We need to respect and protect the environment, which underpins the way we live and the quality of the life that we enjoy. We need to enhance economic opportunity. Not only is employment a primary source of income and material wellbeing; it can be a vehicle for personal fulfilment and social engagement. We have an enviable position here in Canberra, and we need to ensure that we don't become complacent about that.

Towards the Canberra social plan, Mr Speaker, sets out each of the steps or actions that we propose to take to achieve our goals for each of the social priorities. Its function is to describe the draft social priorities and goals to the community and elicit their views about whether these priorities and goals reflect their aspirations for our community. Following that consultation, we will prepare a formal social plan for Canberra that will inform our work and our government's work over the next five to 15 years.

As members will recall, the Canberra social plan, along with the economic white paper and the Canberra spatial plan, will form the Canberra Plan. Work is now well progressed in the development of each of these plans. We look forward to the release of each of them over the next three to four months and to the release of the Canberra Plan early in the New Year.

Public housing tenants—water use

MRS BURKE: My question is to the Minister for Environment, Mr Stanhope. The water summit yesterday workshopped a target of reducing potable water use by 12 per cent by 2013. In order to achieve this target, you will need an effective strategy to reduce wastage in the 57 per cent of water used inside a house.

One of the most common complaints of ACT Housing tenants concerns leaky taps and other problems, with water system maintenance problems remaining unattended for months or even years, which will have to be addressed if ACT Housing is to meet this target. Fraser Court tenants, for example, estimate that leaky taps in the complex waste 1.9 million litres of water a years.

Chief Minister, as you have just urged us all in this place to get serious about water use, why has your government failed to lead by example by eliminating obvious waste such as that? Will you ensure that Minister Wood will adopt a more proactive maintenance schedule to end such inefficiency by his department?

MR STANHOPE: I ask the minister for housing to take that question.

Mrs Burke: I take a point of order, Mr Speaker. I directed the question to the Chief Minister in his capacity as Minister for Environment. I would appreciate it if he answered the question, not Minister Wood.

MR SPEAKER: It is open to ministers to answer questions in relation to their own portfolios. Mr Wood's portfolio deals with housing and ministers are able to pass questions on to other ministers.

MR WOOD: Again, it is a question of maintenance. Mrs Burke had something to say a little while ago about leaky taps. I would dispute the figures she quoted. I do not know the veracity or the reliability of that source. But it is an issue; there is no question about that. Leaky taps are something that not everybody can fix themselves. If there is a big problem, more than just a tap that is leaking, it is fixed within four hours. If a tap cannot be turned off or is flowing fairly freely, it is fixed immediately. Beyond that, if there is a leaking tap, it is attended to. I would like to get from you details of specific cases where you think that that has not happened. They are attended to. Tenants are asked to indicate the extent of the problem.

Mrs Burke: They have given up, Minister. They are not getting answered and they are giving up. What do they do?

MR WOOD: You make such statements. I would not mind sometimes a specific example that I can respond to. The advice I have is that leaking taps are not fixed immediately, but they are fixed within an established timeframe—similarly for other matters. The system is fairly well organised and fairly precise in the way it sets out how things are to be done and I believe that they are responded to in proper measure.

Cardboard coffins

MS TUCKER: My question is also for Mr Wood, a very busy man. I will try to speak up.

Mr Quinlan: Is it another deep and meaningful one?

MS TUCKER: No, actually. This question is in relation to funerals. I have been working with a particular constituent who was interested in sorting out her burial in advance. She was interested in using a coffin that was less expensive and more ecologically sensitive. It has been an interesting series of queries that she has gone through.

Crematoria authorities have given this person varying advice. One manager said that all coffins must meet an Australian standard. However, Standards Australia has said that there was nothing covering this topic in the standards. The manufacturer of Eco-Coffins has explained to my constituent that, despite health authorities okaying their use, most funeral companies were refusing to use them for their own reasons. Yet, consumers have a very strong interest in purchasing this rigid recycled cardboard coffin, which costs about $360, compared to the thousands that a wooden coffin costs.

What is the situation in the ACT and are you aware of this issue?

MR WOOD: It is a fascinating issue and it is one that is very alive. The constituent who has approached you is probably the same person who has approached my office; so I am aware of the issue. The answer I provided is that, in the ACT, no, you cannot have a cardboard coffin.

Mr Smyth: Why not?

MR WOOD: That is a good question. Why not? When we had this query we said, "What a good idea. Why not?" But then we asked questions about it. This is information I have had; I will repeat what I have been told: South Australia appears to be the only state that allows this and with some reservations, I am informed. There are issues that I interpret as being related to the burning of the cardboard and the environment. Broadly, across Australia, governments do not allow cardboard coffins for cremations. I find that strange. I will not go into the technical details because I have not retained them up here.

Mr Smyth: You are the minister; change it.

Mr Corbell: I can help you with that.

MR WOOD: You can help me?

Mr Corbell: Yes.

MR WOOD: It is not approved and in response to that constituent's query we have not written back to say that we will change the rules. We have said we will hold to the present ban on cardboard coffins. Mr Corbell will give you some additional information.

MR CORBELL: We are getting very esoteric, Mr Speaker, but I will do my best.

MR SPEAKER: I have no interest in this at all.

Members interjecting—

MR CORBELL: Mr Speaker, I will seek to obtain further information for Ms Tucker, but my recollection is that the health regulations require wooden coffins for a number of reasons. One is that, in the event of cremation, the coffin actually serves as a sufficient amount of fuel to assist with the cremation. Another is that, in relation to a burial, the containment of bodily fluids must be assured and cardboard coffins do not necessarily meet that standard.

Canberra hospitals—bed blockage

MR CORNWELL: My question is to the Minister for Health. It concerns the Commonwealth funding for the 50 transitional aged care places. What is the process and what is the time line you are going to employ? Will these be just another 50 aged care beds, added to the 200 that your government has not yet allowed to be occupied by nursing home patients?

MR CORBELL: You cannot double count them. These 50 beds are part of that 200, Mr Cornwell. As I made clear in my earlier answer, the Commonwealth has agreed to allow the funding for 50 of those 200 beds to become operational now, without the permanent facility to which those beds are allocated yet being operational.

This means that we will be using the 50 approved but not yet operational beds as transitional care beds. The details of where will be discussed between the ACT and the

Commonwealth. The Commonwealth will need to have them in a facility that meets their standards. It is most likely that they will occur within existing aged care facilities or within a hospital, but provided in a non-acute setting.

It is not a hospital bed, a medical bed or a surgical bed; it is a non-acute, nursing home-type bed where people can have nursing home-type care while they are waiting for a place in a nursing home. It is a significant step forward. It frees up about 40 beds in our hospitals—as you will be aware, Mr Cornwell. At any one time, about 35 to 40 nursing home patients are in hospital beds in our hospitals. By having these transitional care beds in place, we can allocate to nursing home-type patients the transitional care beds and put surgical and medical patients into high-cost, acute care hospital beds. Making sure we get better utilisation of those beds means more access to elective surgery and more access to medical services.

MR CORNWELL: Thank you for that confirmation, Minister, but that means you are still not fast-tracking the provision of nursing home beds outside of hospitals. My supplementary question is: what is your time line on that?

MR CORBELL: Mr Cornwell knows that we are fast-tracking them, Mr Speaker. Indeed, only yesterday I was very pleased to meet with one of the key managers of Southern Cross Homes in New South Wales. I encourage Mr Cornwell and Mr Smyth to give him a call and ask him how he feels about the ACT government's approval processes in relation to the new site at Garran. To use his words, "Our approvals were crucial for them." They can now go and bid for beds from the Commonwealth.

We are taking appropriate action to fast-track these beds. The Liberals can complain, whinge and carry on all they like, but this government is acting. Two new facilities and two new grants of land have been approved in the past month, and 50 additional transitional care beds have been put in place due to the efforts of this government.

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

Supplementary answers to questions without notice

CountryLink train services

MR STANHOPE: Mr Speaker, during question time this week, Mr Cornwell asked whether I would make available a letter I wrote to the New South Wales Premier in relation to CountryLink services to Sydney. I table that letter. I present the following papers:

> Copy of letter from Mr Stanhope to the Premier of New South Wales, dated 20 August 2003.
>
> Canberra-Queanbeyan Railway—Acknowledgement, dated May 2001.
>
> Minute from Acting Senior Director, Policy Group, Chief Minister's Department, to the Chief Minister, dated 18 August 2003.

For the information of members, I wish to advise that my office has been advised today by CountryLink that it proposes to recommence the service on Monday, 1 September at 12.15 pm, departing Kingston.

Green power

MR STANHOPE: Mr Speaker, earlier this week, I was asked a question by Ms Dundas about the level of green power used by the ACT government. Approximately 12 per cent of the ACT government's total electricity consumption is supplied by the gas generators at the Mugga Lane and West Belconnen landfill sites under a direct contract with ActewAGL.

The existing ACT greenhouse strategy, which is currently under review, states that the portion of green power supplied to government will progressively increase to 100 per cent by 2008, subject to the ability of renewable energy suppliers to provide sufficient green power to meet the government's needs. That would include departments and statutory authorities, but it would not be obligatory for territory-owned corporations as they operate as independent commercial organisations. This target is under review as part of the broader review of the ACT greenhouse strategy which is currently under way.

Earlier this week I released a discussion paper, an independent technical review, for public comment. The independent technical review of the strategy concluded that the cost-effectiveness of this target was questionable, with a potential cost in 2008 of $4 million to $8 million, depending on the level of ACT government electricity consumption at that time. Rather than paying this premium for green power, it could be more cost-effective to invest in energy efficiency measures which reduce total electricity consumption. Those are the issues on which we are looking forward to responses from the community and others in relation to the development of a revised greenhouse strategy for the ACT.

Kingston foreshore development—public housing

MR WOOD: Ms Tucker asked me yesterday about the Kingston foreshore development and whether we had had an offer from the foreshore authority. I have discussed that with staff from ACT Housing and there has been no approach by agents representing the foreshore authority wishing to sell units to ACT Housing. There might have been a discussion, but very informally, at a table at a function somewhere or other, but there has been nothing concrete, so I am told, nothing even approaching that.

Disability services

MR WOOD: Ms Tucker asked me last week about the production of a profile for people with a disability and then some questions about Therapy ACT. The Chief Minister's Department has undertaken a comprehensive review project to map ACT government-funded services for the disadvantaged. This includes services to people with a disability. Included in this project was a report commissioned of the Australian Institute of Health and Welfare to examine the need for and provision of services in a number of human service areas, including disability services. The AIHW report is available publicly.

At chapter 3 of that report is an analysis and discussion of issues relating to disability services, including unmet need. The information contained in this chapter will be used by Disability ACT to assist with the planning process for the range of services required by people with a disability. This will be incorporated into the reform work currently being undertaken in response to the report of the board of inquiry.

As to the caseload in Therapy ACT, caseload data in isolation from other data is a poor indicator for assessing the workloads of staff because it does not take into account the following factors: the complexity of clients; the frequency of contact with clients, that is, regular weekly or monthly sessions versus six monthly or 12 monthly review assessments; models of service, that is, consultancy versus intervention programs; whether the clients attend groups or receive individual sessions; school-based services versus home based and the like; and the experience of staff, that is, new graduates and less experienced staff would not be able to manage as many clients as very experienced staff.

For that reason, I am not very keen to provide a breakdown of that workload. Certainly, we are sensitive to the internal dynamics and the need to ensure that the two services now merged work coherently. We are sensitive to that, but I am not sure that it is a good thing to isolate just what one person is doing for the reasons I have mentioned, just a caseload.

Ms Tucker: It could be averaged out easily. That is not a good answer.

MR WOOD: I will think about that, but averaging out now takes a very big amount of work.

Ms Tucker: No, just average it out over—

MR SPEAKER: Order! Mr Wood has the floor.

Ms Tucker: I will talk to you later.

MR WOOD: Okay. Since the introduction of Therapy ACT on 1 July, improvements have been introduced to the management of caseloads and the allocation of new clients. Any new referral is now taken by an intake team, which allocates it to the relevant team member. The team leader discusses the client with staff and, based on the client's need and the service requested, assigns a priority to the client. The client is then either assessed immediately or placed on a waiting list for the appropriate discipline.

Mental health care

MR CORBELL: Mr Smyth asked me a question earlier in this sitting period in relation to the number of clients of Mental Health ACT who have been involved in homicides, in attempted homicides, in attempted suicides and in successful or actual suicides. The answer to Mr Smyth's question is that significant incidents involving Mental Health ACT clients are referred to the clinical incident review committee. In the past 18 months there has been no report of a client of Mental Health ACT being involved in a homicide or attempted homicide. Five clients have been referred following attempted suicide. Mental Health ACT does not collect data on attempted suicides not referred to the

clinical incident review committee. Eighteen clients have successfully completed suicides in the past 18 months.

Hospital waiting lists

MR CORBELL: Mrs Cross asked me about an increase in adverse incidents as they relate to the longer than clinically desired waiting period for category 1 surgery. I can advise Mrs Cross and the Assembly that the five category 1 patients who were long-wait patients at the end of June all had their surgery completed in July this year. There is no link between hospital adverse events and the number of long-wait category 1 patients on the elective surgery waiting lists. There are incidents where emergency surgery cases force the postponement of elective surgery. The level and nature of emergency department attendances cannot be predicted and can lead to postponements at very short notice.

Hospital waiting lists

MR CORBELL: Mr Speaker, during question time on 20 August I said that the ACT government had provided an additional $2 million for elective surgery each year for the next four years which would provide for 600 more people to access elective surgery above the 4,000 or so who already have it. In fact, 7,488 Canberrans, not 4,000, accessed elective surgery during 2002-03.

Papers

Mr Speaker presented the following paper:

> Study trip—Report by Mrs Helen Cross, MLA—Dili, East Timor—30 April to 5 May 2002.

Mr Quinlan, on behalf of **Mr Stanhope**, presented the following paper:

> ACT Criminal Justice Statistical Profile—June 2003 quarter.

Future of Burnie Court
Ministerial statement

MR WOOD (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for Police and Emergency Services, and Minister for Arts and Heritage) (3.30): Mr Speaker, I ask for leave of the Assembly to make a ministerial statement concerning the future of Burnie Court.

Leave granted.

MR WOOD: I wish to inform members of arrangements for the sale of part of the land of the former Burnie Court site in Lyons, as well as options for the subsequent sale or redevelopment of remaining blocks. We have been trying to find a new name for it. We think we might call it Melrose Place, since it is in Melrose Drive!

Members would be aware that in 2001 the previous government demolished Burnie Court with a view to securing a buyer who would redevelop the site and return a significant number of properties to public housing. In the course of a two-stage tender process it became clear that the presence of a large quantity of public housing would impact adversely on both the price of the land and the attractiveness of any development.

This government has subsequently been concerned to ensure that a component of affordable housing be included in the redevelopment and, for that matter, any other major development. Accordingly, a new process was undertaken to subdivide the site into five blocks.

In April of this year, I announced that ACT Housing would build 24 older persons units on a parcel of land at the southern end of the site for public housing tenants. The 24 new units will provide modern, secure, high-quality homes for older Canberrans in a wonderful location close to shops, medical facilities and services. Several of those units will be adaptable, with a flexible floor plan and fixtures to allow modification for tenants with special needs.

In regard to the remaining four blocks, we have taken the initial decision to sell block 1—the most northern block. It is anticipated that this will be a relatively straightforward sale that will establish a price benchmark for the remainder of the site. Following the sale, the government will decide whether to sell the remaining blocks or enter into a joint venture development with either the Land Development Authority or the private sector.

Irrespective of whether blocks 2, 3 and 4 are sold or redeveloped in a joint venture, there will be a requirement in all blocks for the provision of affordable housing. The government is currently considering a number of options through which this may be achieved. However, in relation to the sale of the first block, my department has focused on the public and community housing sector.

There will be a modest requirement on the developer to offer 5 per cent of the units developed on this block to a community housing provider at 80 per cent of their value. In all the very considerable range of options that have been considered over a long period, this seems the one best to take on at this stage. In the event that this offer is not taken up, they will be purchased by ACT Housing.

The government sees it as a priority to subsidise in one way or another a component of affordable housing on each of the blocks included in the sale or redevelopment of the former Burnie Court site. It is imperative that block 1 is sold as soon as possible to commence that process. The site has been vacant for nearly two years and will alleviate to a small extent the shortfall of development sites currently available in the urban areas. The government expects to be in a position to announce its preferred development options for the balance of the site by early December 2003.

I present the following paper:

> Sale Arrangements for Burnie Court Land—Ministerial Statement.

I move:

> That the Assembly takes note of the paper.

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

Civil Law (Sale of Residential Property) Bill 2003

Debate resumed from 26 August 2003, on motion by **Mr Stanhope**:

> That this bill be agreed to in principle.

MS TUCKER (3.35): This bill proposes substantial changes to the way that people buy and sell houses in the ACT. The initial motivation for the bill was the reportedly increasing incidence of gazumping. It is not surprising that gazumping increases when the market is so tight. In many ways, it is an expression of a larger number of people competing strongly to buy each house. Although I am not aware of good statistics on the incidence, one property lawyer has told me that it is really quite rare.

Gazumping is generally regarded as an immoral or unethical practice. It arises in situations in which a verbal agreement has been made between a seller and buyer, usually via the real estate agent. In sale by private treaty, that agreement is usually the cue for the agent to stop actively marketing the property and for the buyer to organise building and pest inspections, if they wish, and otherwise check out the property more thoroughly before they finalise their finances with their bank.

The buyer is gazumped when, following this verbal agreement, another buyer offers a higher price, the seller accepts and the original buyer is faced with the choice of either increasing their offer or losing out, usually losing out. It leaves the buyer who believed that they had an agreed contract bereft and likely out of pocket following paying for inspections, a lawyer's work or something similar.

How does this happen? In the ACT, this verbal contract is not binding. Even where a good faith deposit is requested by the agent—commonly $1,000—it is technically obligation free and will be fully refunded if the buyer backs out. Legally, the seller is bound to go ahead only when contracts are exchanged with the assistance of each party's lawyers.

Some people view gazumping as simply what happens when a lot of people are keen to buy, even desperate to buy, and it is just the agent doing the best by their client, the person selling the house, in getting the highest price they can. In this view it is unethical for the agent not to accept a gazumping offer or to be open to such a thing. There can be a bit of fine line with this competition between potential buyers in a market where it is likely for there to be a number of people willing to go above the advertised requested price.

Sales methods such as by negotiation, in a way, make the most of this higher market without the illusion that there is a price that will definitely get you accepted if you meet it. As the ACT market has gone up, more sales have been conducted in this way and by auction.

The costs are one problem with gazumping. Another is the disappointment of having your new home snatched out from under you. In some cases, there is no option given to the original buyer to increase their bid.

The previous government had done some work on developing a way to prevent gazumping. It is a problem that has exercised many minds around the country. The approach taken in this bill is novel. It is not a direct attack on gazumping; rather, it is an attempt to change one of the conditions thought to allow gazumping—the time between the verbal contract and the exchange of contracts.

The measures add some new requirements which can be seen as consumer protection and some new options to speed up the process. I do have some concerns about the effects. The government has been proud of its consultation and certainly has strong support from the chair of the property law committee of the Law Society. However, I am aware that a number of other property lawyers are concerned about the changes.

Tim O'Dwyer, a property lawyer in Queensland who has campaigned for certain consumer protection measures, recommended in an article in the *Canberra Times* this year that full disclosure be taken up in the Canberra market. Because there are questions remaining and because this is a substantial change to the system, I hope that we will see this act reviewed after its first year of operation.

I will briefly outline some of my concerns. The bill makes it compulsory for a seller, before advertising a place, to have prepared and available for inspection a contract; a building report, with some exceptions; a pest inspection report, with some exceptions; and the EER, which is already required. That also applies to an agent acting on behalf of a seller. The idea is to remove the necessity for delays due to getting to know the property.

The consumer protection argument is that this is full disclosure and there cannot be any hidden surprises. The inspector's contract and the selection of the inspector rests with the hopeful seller, not the buyer, yet it is the buyer who is relying on the inspector's thoroughness, suspicions and interests and who will eventually cover the costs of inspection.

A protection is built in that explicitly states that a property inspector can be held liable by the eventual buyer if there is anything in the report that is misleading or knowingly false or if the work is not completed with due skill and care. That is an attempt to overcome the obvious problem of the fox commissioning the report on the security of the chicken coop. But will it be successful?

Bringing an action against a person for compensation because of negligence is a large undertaking. It will cost you in terms of time, money and energy. You may win eventually, but what happens until then? There are Australian standards for inspectors, but they are not compulsory; they are guidelines. I expect that it would be a protection for inspectors to say that they had followed the standards; but, as far as I am aware—I have asked a reputable inspector—there is no professional body for inspectors, nor any registration system from which there can be a threat of expulsion for sloppy work.

Buyers want to be sure that they know what they are getting. Although, as was pointed out to my office, most buyers will not go through anywhere near enough repeat transactions as to be able to build up a relationship with a particular inspector, there are reputations to consider. When someone has a bad experience or a good experience, others learn of it. Other professionals involved in the process know which ones are the committed inspectors and know whom to recommend or whose names to mention.

The purchaser's choice of inspector in the current buyers' market would involve weighing up information about who is the most reliable as to quality or most helpful versus their price and availability. To some extent, that decision can be informed by how confident buyers are of their ability to detect problems or potential problems in a house.

Will the inspectors who promote themselves as being extremely thorough, for example, and say that they only do two inspections a day, whereas others pack in eight, be successful with inspection reports in the new sellers' market? Selling agents are likely to build up relationships with inspectors who will do a good enough job, but perhaps not be attracted to those who will do the most thorough job. Why would the agent employ someone who had pointed out a range of minor and medium defects sufficient to give a buyer a case for bringing the price down slightly if those defects were not sufficient to warrant pursuing the inspector through the courts when they later became apparent?

Ironically, while this bill is a consumer protection measure in that it is establishing full disclosure, some counter-measures have been raised, but the protection offered is not necessarily enough. Pursuing liability for costs through the courts it not a simple task.

The same arguments regarding the contracting party and bearing the costs could have been made, and were, against the EER system. That report, after all, is an open disclosure report that is commissioned by the buyer. I remember the concerned reaction from potential sellers because of the up-front cost of the EER. It costs around $100 or $200. The combination of property inspection and pest inspection reports can bring that amount closer to $1,000.

There is a five-day cooling-off period appended to this mode of exchanging contracts in which a buyer can get advice from a lawyer as to the meaning of a contract just signed; but if, on the basis of that advice, the buyer decides to pull out they must pay a penalty, which they may not have been aware of before.

Putting the agent in charge of the exchange of contracts is likely to have adverse impacts on vulnerable buyers and sellers. All agents have a personal interest in getting a sale completed as soon as possible. For many—perhaps all, I am not sure—the commission on a sale that they have personally arranged is their entire pay. The commission is in the vicinity of 4 per cent and it varies from agent to agent. Taking an average house price of $350,000, the commission would be roughly $14,000, and that would be their pay. The agent cannot be acting in the interests of either the seller or the buyer to make sure that the contract is fair if the agent has this interest in getting the sale through as quickly as possible and closing the deal.

Furthermore, agents are not trained in the law. Training courses can outline the law as it stands; but the law develops, there are nuances, and, once again, the agent's interests do not coincide completely with those of either the seller or the buyer. To give

a hypothetical example, an agent may convince someone that she should accept a $250,000 offer immediately, before talking to her lawyer.

Another may convince a person that the deal will be lost: "You can't expect to find property in Dickson for this price. Just sign here; you won't be sorry." You may be very sorry when you have to pay a $625 penalty, in this case, to withdraw when your lawyer points out that there are no penalties in the contract for the seller if they fail to settle, or the lawyer points out that the contract is unusual and the property inspector is one who spends less time than others on an inspection, so maybe to be sure you should arrange your own.

The conveyancing process is time critical on several counts. Exchanging contracts is one of the most critical times to be sure, before the buyer is committed and before the seller is committed, that everything is in place. A seller may get a contract prepared by a solicitor and a letter of advice from the solicitor not to sign until the solicitor is there, but the property may have been on the market for a couple of months, the agent needs the money and wants to go to Queensland for a holiday, the seller is being made nervous by the agent's murmurs that maybe the market is falling, it is a rainy day and the agent says, "Quick, agree to this offer, sign them up before they find out about the leaky roof which the inspector didn't pick up in their haste," the price is less than the seller could have received and, in the haste for the buyer, the solicitor did not have a chance to say that they would double-check on the inspector.

If that cannot be done within the five days, it is too late to pull out. Maybe that is just tough, but here the agent is acting for himself or herself and acting to advise both the seller and the buyer that this is a good deal. Lawyers are not allowed, except in certain circumstances and when certain directions are given, such as by existing clients or family members, to act for both parties in a transaction because that is not seen to be possible. If the agent supervises the exchange of contracts, who decides the settlement date? The agent cannot amend that part of the contract, so presumably a standard period will be written in by the lawyer, say, 30 days.

The agent acting in this role takes away the usual opportunity to adjust the settlement date to suit the buyer and the seller. There are potential penalties if the timing is wrong, but that is not the agent's problem. The agent can only do the exchange if specifically authorised. As I understand it, authorisation can be quite simple—a note on a slip of paper, verbal, or in the fine print of a contract with a real estate agency. These contracts are not usually checked by a seller's solicitor until or unless there is a dispute down the track and then it is too late.

Vacant possession presents another potential trap. Let us say that the proposal is that the contract will be exchanged and the tenant will vacate before settlement and the agent, not being particularly au fait with the tenancy laws, says that the tenant will have to move out once the sale goes through, that the buyer is satisfied that the tenant will vacate in three weeks, which is necessary because the buyer will be needing somewhere to live, but the tenant does not move out because the tenant does not have to or maybe because another agent has not given proper notice, and that the seller becomes liable for substantial damages because of what the agent said would happen and the vacant possession condition. That is just another example of some of the concerns we have.

We think this system is likely to create different flaws, different possibilities for unfair transactions, or at least ill-advised transactions, and flow-on costs. The scrutiny of bills committee raised the issue of the burgeoning number of strict liability offences and asked for a reason. For example, on the face of it, the EER offences were being changed from "without reasonable excuse" to "strict liability". The government's response was similar to previous responses on this point. However, this time in a briefing the point was expanded. Under the new criminal code, "strict liability" is clearly defined to the effect that, while it means that fault applies regardless of intent, there is still available the defence of mistake of fact. There is an additional category of absolute liability offences for which the only defences are: "I didn't do it" or that the conduct was not voluntary.

The changes to the auction system to prevent dummy bidding seem sensible and effective. The bill is at least establishing disclosure and setting limits on who has access to the disclosed information. The government's response to the scrutiny of bills committee on the issue of who has access to the register clarifies that privacy will be maintained by the enforcement of the list being through the Office of Fair Trading.

More disclosure in the contract is generally a good idea. My questions are about whether the changes to the associated system have been dealt with and whether, in the case of agents, this bill goes too far in the interest of speed at the expense of certainty.

My final comment is just to note that, from discussion with the Planning Minister's office and Parliamentary Counsel, it appears that there may be a slight inaccuracy in the provisions concerning the energy efficiency rating scheme which could lead to legal confusion over the guidelines. I understand that if, on consideration, it seems best that this be clarified, the minister will make an amendment.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (3.48), in reply: I thank members for their contribution to the debate. This bill is about an important issue. It is a significant advance in the law in relation to conveyancing in the ACT. We are making some quite significant changes to the way in which conveyancing will be conducted in the ACT in the future.

There has been broad consultation on the reforms and we have had broad agreement across the board in relation to those involved on a day-to-day basis with conveyancing in the ACT. Essentially, that is the real estate industry and the legal profession. I think that, as a result of the reforms that we are currently debating, the quite despicable practice of gazumping will be, if not completely dealt with and removed, at least seriously inhibited. I would think that this legislation will ultimately lead to the practice of gazumping disappearing altogether.

I take the opportunity to circulate a revised explanatory statement.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clauses 1 to 25, by leave, taken together and agreed to.

Clause 26.

MRS DUNNE (3.50): I move amendment No 1 circulated in my name *[see schedule 1 at page 3403]*.

As Mr Stefaniak foreshadowed in the in-principle debate on Tuesday, the opposition has one amendment. This amendment seeks to delete the figure 50 in clause 26 and substitute the figure 100, an effective doubling of the penalty proposed. There are a number of penalty clauses in this legislation. Subclauses (1) and (2) of clause 26, clause 28 and clause 32 all provide a maximum penalty of 50 units where an auctioneer omits to do something, such as not sighting proof of identity through to not displaying the sign for the place of the auction for at least 30 minutes before the auction begins or not copying the auctioneer's conditions.

Clause 26 (4) states that an agent must not enter any details of a person in the bidders record if the agent knows or is reckless about whether the details are false. In other words, the agent cannot do something that he knows to be wrong or is reckless about. The other offences in clauses 28 and 32 are essentially sins of omission whereas this one is an act of dishonesty and the opposition feels that the penalty should be higher for an act of dishonesty than for a sin of omission.

The opposition feels that clause 26 (4) is a much more serious offence than merely an omission to do something and it fits into those ranges of offences described in clauses 29 and 31, such as accepting dummy bids, and believes that the penalty should reflect that. I commend the amendment to the Assembly.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (3.52): The government, through my office, has had a number of discussions and entered into correspondence with Mr Stefaniak in relation to this matter. Mr Stefaniak did give us some notice of his concerns about the level of penalty in relation to clause 26 (4). We did have a discussion about that and ultimately I did write to Mr Stefaniak seeking to allay his concerns.

Mr Stefaniak and Mrs Dunne, as Mrs Dunne has just explained, are concerned about the penalty level in clause 26 (4) on the basis, as Mrs Dunne explained, that the offence outlined in clause 26 (4) contains a knowledge element, the argument being that a knowledge element should have a higher penalty than a strict liability offence where conduct alone is sufficient to make a person culpable.

In my letter to Mr Stefaniak I expressed the view—I maintain the view I expressed then—that, accepting that in most cases it is appropriate for a knowledge offence to carry a higher penalty than a defence without a knowledge element, there are nevertheless other factors that may displace that as a general rule.

In selecting the appropriate penalty level for this offence, very careful thought was given to the individuals who would be subject to the offence and the level of injury likely to occur from someone committing the offence. We took the view that we needed to look at who would be likely to commit such an offence. In coming to the decision we did, we were mindful of the fact that in almost all cases the person committing the offence will

be an employee of the real estate agent, that that will be the person recording the details of the persons bidding in an auction.

We took the view that, in circumstances where somebody potentially subject to the directions of an agent has committed the offence, a maximum penalty of $5,000 would be a significant amount of money for an employee to have to pay. Our view is that an employee of an agent recording names, if subject to a penalty of $5,000, would take it very seriously. It would be a real penalty for an employee in those circumstances and it would be a very real and genuine disincentive for an employee not to break the law. If they knew they were subject to a penalty of $5,000, I do not think they would willingly breaking the law. We were persuaded by that in setting the penalty at 50 units.

In addition to that, a person who commits an offence by recording false details of a bidder at auction takes only the first step in a series of actions leading up to the more serious offence of dummy bidding and it is appropriate that the chain of penalties be stepped up to reflect the gravity of each offence leading up to the $10,000 penalty for the act of dummy bidding.

The argument we make in response to the amendment moved by Mrs Dunne is that in the first instance we are talking about an employee. It is a serious offence, but a more serious offence is the offence of dummy bidding. The employee does not commit the offence of dummy bidding; that occurs later down the chain. We have applied a $10,000 penalty to that more serious offence and we believe it only appropriate that there be a gradation in the penalties that should apply. The government will not support Mrs Dunne's amendment.

Amendment negatived.

Clause 26 agreed to.

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

Bill agreed to.

Statute Law Amendment Bill 2003

Debate resumed from 8 May 2003, on motion by **Mr Wood**, on behalf of **Mr Stanhope**:

> That this bill be agreed to in principle.

MR SMYTH (Leader of the Opposition) (3.57): Mr Speaker, this bill is largely a technical bill and most of the amendments it makes are minor or of a technical nature and are non-controversial. The bill updates the ACT statute book and the opposition will be supporting the bill. A couple of not insignificant amendments will be made by the bill.

Firstly, digital signatures will allow users to verify the authenticity and accuracy of authorised electronic files of legislation and legislative material published on the legislation register. They will enable users to ensure that what appears to be an authorised copy of legislation or legislative material is just that. The digital signature

technology will complement measures that have already been implemented to make our electronic legislation secure and reliable.

An important measure is the one for the provision of a secure web site for the legislation register using a certification service that allows users to verify that the site is legitimate and to check whether an electronic file of legislation or legislative material that purports to be authorised is, in fact, authorised.

A user can verify the legitimacy of the website at which the file is accessed and use the file's digital signature to verify whether the file is the same as the authorised version that has been digitally signed by the Office of Parliamentary Counsel. The use of digital signatures will put us one step ahead of some other jurisdictions.

Another not insignificant amendment is the amendment in schedule 3 to the Bushfire Inquiry (Protection of Statements) Act 2003. This amendment removes any doubt about whether the defence provided by the act would still be available after the expiry of the act. That was certainly the intention of the opposition and, indeed, the Assembly when the bill was debated.

Mr Speaker, the opposition will be supporting this bill.

MS DUNDAS (3.59): Mr Speaker, in a democracy, everyone should feel ownership of the law that governs our relationships with each other. If that law is as simple, readable and accessible as possible, our democracy is made more effective.

I commend the work being done by the Parliamentary Counsel's Office to modernise and simplify our statute book by removing unnecessary words and minimising duplication. I also commend the work being done to make the statute book easier for the public to access through the internet and the efforts to ensure that the public can readily ascertain whether a copy of an ACT act is an authorised copy. This technical bill goes further towards making those things a reality and it is one that I am happy to support.

I would like briefly to remark upon the amendment to the Bushfire Inquiry (Protection of Statements) Act. There is an additional measure here to ensure that protection from defamation for witnesses to the McLeod inquiry will continue after the expiry of the Bushfire Inquiry (Protection of Statements) Act. It is unfortunate that the government has had difficulty in getting this piece of legislation right. It appears that that was simply because the government was unwilling to support a simple and effective proposal. I hope that, if similar situations arise in the future, the government will stay focused on the best interests of the community. That said, I am happy to support the Statute Law Amendment Bill today.

MS TUCKER (4.00): This bill is about updating language, reformatting the layout of laws and a number of other matters. The scrutiny of bills committee did not make any comments in terms of any breach of rights. I have a few comments to make on the change to the terminology of the Discrimination Act.

This change was recommended by the Discrimination Commissioner. The commissioner's reasons for recommending the change were principally that in conducting community education, which is an important part of the commission's work,

the commission had found that many people did not know what "impairment" means, but understand the word "disability". For that reason, the commission usually includes the word "disability" in brackets after the word "impairment".

Secondly, the Commonwealth's Disability Discrimination Act uses a definition that is nearly identical with the ACT definition of impairment, but the Commonwealth legislation calls it a definition of disability. As the Commonwealth act also applies in the ACT, there is something to be gained by harmonising the names of the definitions and so reducing potential confusion.

Language has power in many ways in our lives. As law makers, we are all aware of the importance of choosing our language accurately and precisely to capture only the intended meaning. The words we use, to some extent, shape the way we think of an issue. When that issue is how we treat particular people, that means it can shape the way we think about and therefore react to and treat a person. The way we talk about people living with a disability has been, for that reason, the subject of much thought and discussion over the years.

Since the year of people with a disability there has been a remarkably successful movement to change from talking about disabled people to talking about people with a disability or, in the case of mental illness, people living with a mental illness. This change emphasised that these are people first, not a disability first. There are some discussions currently in the community about changing the language back to talking about disabled people. This is about highlighting a different point and this provides an interesting context for the change proposed in the legislation.

Using the term "disabled people" in this contemporary argument, on the back of quite effective education about people being people first and foremost, would emphasise the way that the disability involved is really imposed on a person by the opportunities and flexibilities of their environment, including the people around them. Viewed this way, people have impairments, rather than disabilities.

Their impairments may or may not impose upon them disabilities. That depends upon how well the society ensures, for instance, that there is adequate support for people to get out and about, that there are enough wheelchair-accessible buses, and that there is a clear feedback system when problems are encountered and a commitment to fixing it up, as per the accessible city hotline project. The disabilities may or may not become a handicap—for example, because there are no accessible school buses, a school child is not able to sit on a bus with other children and take part in that socialising with their peers.

The use of this terminology for understanding disabilities in our community has been adopted by the World Health Organisation and, more recently, by the Australian Institute of Health and Welfare. I understand that, in consultation conducted by the human rights commissioner, members of the blind and deaf communities in Canberra welcomed the terminology change from "impairment" to "disability". These people saw it as a more positive expression. However, in discussions with representatives of a local group and with Blind Citizens Australia, I get a clear sense that the discussion on terminology at what might be termed the philosophical and advocacy level is pretty well settled at this cascade framework of impairment, disability and handicap.

Viewed this way, "impairment" seems the more appropriate word to be using in defining discrimination, since it is the term referring to the physical condition itself. The danger is that, in terms of practical effect, disability may be a more narrowly understood term than impairment, but I am assured that this will not be the case.

Fundamentally, the motivation for this change is to improve general understanding of the law. The question we are faced with here is: is it more important for the laws to be easily understandable or to assist us and the community to develop our understanding. The best answer is that it is both. On balance, I am not going to oppose this change, but I did want to note that in the discussion today.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (4.05), in reply: Mr Speaker, I thank members for their contribution. I thank Ms Tucker for her very thoughtful contribution in relation to the importance of terminology and the need for us to think seriously about changes in words and the implications and impact of what appears to be a simple and desirable change.

Mr Speaker, the bill continues the technical amendments program which is designed to develop a simpler, more coherent and accessible statute book for the territory by means of minor legislation changes. For example, the bill continues the strategy of removing deadwood from the statute book by repealing the redundant Companies (Commonwealth Brickworks (Canberra) Limited) Act of 1979. The resolution authorised by the act was passed and registered in 1979. Removing unnecessary clutter from the statute book improves access to the territory's legislation, because the laws that remain in force are, obviously, given much greater prominence, but it is always sad to see some of these old laws disappear.

Mr Speaker, an important feature of the bill is the amendments to the Legislation Act 2001, on which Mr Smyth did offer some comment, to extend the scope of chapter 3, which deals with authorised versions of legislation and evidence of acts and statutory instruments in several important ways. In particular, the chapter will apply to legislative material such as explanatory statements for bills to facilitate their use and proof and people will be able to access authorised printed ACT legislation and legislative material by downloading authorised files from the internet and printing them on personal printers.

Until now, ACT legislation has been authorised only when it is viewed on the ACT legislation register website or when the copy has been printed by the government printer. In support of these legislative changes, the ACT is the first jurisdiction in Australia to make use of digital encryption technology to allow the public to download and print authorised legislation for free. Mr Speaker, free, authorised, online legislation is a very important step towards making our laws more accessible to people of the ACT. I would like to place on the record my thanks to Mr John Leahy and the Parliamentary Counsel's Office for their dedication to providing the people of the ACT with the most accessible legislation in Australia. The Parliamentary Counsel's Office is engaged in a wonderful process of reform and change.

Finally, I would like to express my appreciation for members' continuing support for the technical amendments program.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Evidence (Miscellaneous Provisions) Amendment Bill 2003

Debate resumed from 26 June 2003, on motion by **Mr Stanhope**:

> That this bill be agreed to in principle.

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

Gene Technology Bill 2002

Detail stage

Debate resumed from 26 August 2003.

Clause 1 agreed to.

Clauses 2 and 3, by leave, taken together and agreed to.

Clause 4.

MS TUCKER (4.10): I seek leave to move together amendments 1 and 2 circulated in my name.

Leave granted.

MS TUCKER: I move amendments 1 and 2 *[see schedule 2 at page 3403]*.

These amendments are about inserting the precautionary principle as it is described in the ACT Environment Protection Act, that is:

> … precautionary principle means that, if there is a threat of serious or irreversible environmental damage, a lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

The bill says:

> … where there are threats of serious or irreversible environmental damage, a lack of full scientific certainty should not be used as a reason for postponing cost-effective measures to prevent environmental degradation…

As the committee made quite clear in its report, it is quite unusual to have the words "cost-effective" added to the definition. The minister explained that that definition has come from somewhere else; I cannot recall where at this very minute. It is certainly not

in the definition in the Environment Protection and Biodiversity Conservation Act 1999 of the Commonwealth, nor is it in the definition in the Environment Protection Act 1997 of the ACT. The offending term is, of course, "cost-effective".

Legal concerns have been raised as to the effectiveness of the regulator in relation to the possibility of grounds for appeal. These concerns arise from the fact that the definition of the precautionary principle as it applies to the objects of the act does not include particular reference to human health and safety and that it includes the constriction of cost-effectiveness in relation to prevention measures.

I would like to respond briefly to Mr Cornwell's comments on Tuesday about the precautionary principle. I know that he was not espousing the Liberal Party's position, but I think that I need to comment briefly on them. We have heard recently a lot of talk about salinity in the Murray-Darling Basin. I thought that it might be a good thing to bring that to Mr Cornwell's attention.

We have known for decades about the salt problems Basically, the audit of the Murray-Darling Basin Commission made the point that the salt mobilisation process across all the major river valleys is on a very large scale, that the annual movement of salt in the landscape has doubled, that the salt load exported to and through rivers will double and that there is a critical future hazard for some rivers and the people dependent on them as a source of water.

We could look also at a recent report to the federal government of a biodiversity audit, which found that thousands of Australia's birds, mammals and reptile species face extinction at an alarming rate. It warned that nearly 3,000 Australian biodiversity systems are threatened, with many beyond saving.

Contrary to what Mr Cornwell said, if we had had the precautionary principle applied we would not be having the horrendous nightmare of salinity and the destruction of our major river system. The precautionary principle has come about in response to the fact that for far too long people did not show caution and, because of that, we are suffering today and future generations will suffer. We have lost many species. The salinity issue is destroying our major river system, as I said. So the precautionary principle is very important.

The precautionary principle certainly should be applied in terms of gene technology and it should not be constrained by cost-effectiveness. If you look at what is happening you will see that we would not have gone as far as we have if the precautionary principle had been applied and that there are already serious concerns. The 2002 study commissioned by the United Kingdom's Food Standards Agency showed that antibiotic resistant marker genes from GM foods can make their way into human gut bacteria after just one meal.

Two years previously, the British Medical Association had warned that the risk to human health from antibiotic resistance developing in micro-organisms was one of the major public health threats to be faced in the 21st century. I wonder what Mr Cornwell would be saying about the precautionary principle if he or his family were affected in this way. We are talking about technology that is already having serious doubts raised about its safety.

Another finding was that GM herbicide-tolerant crops have increased farmers' use of expensive herbicides, especially as new weed problems have emerged, rogue herbicide-resistant oilseed rape plants being a wide problem in the United States. Contrary to the claim that only one application would be needed, farmers are applying herbicides several times. We are now increasing the toxic load on the earth because no-one was quite careful enough about the application of this particular technology.

I understand that we have agreed, through the ministerial council, to have consistent legislation. I imagine that that will be the argument that Mr Corbell will put up. My response to that is we, as legislators, have a basic responsibility in this place either to oppose this bill or say that it is not good enough and we want the precautionary principle without the constraint of cost-effectiveness in it because we believe that to be our responsibility as legislators. I accept that it would mean that we would be inconsistent to that degree, but I think that it is our responsibility to do that. The minister would have the opportunity at the ministerial council to raise this issue.

MS DUNDAS (4.16): The ACT Democrats will be supporting Ms Tucker's amendments put forward today. We believe the precautionary principle should form an essential part of any legislation dealing with new technologies, particularly those with the potential to cause harm to the environment system.

These amendments of Ms Tucker's have two main effects. The first is to clearly define the precautionary principle in legislation as an explicit definition, and the second is to remove the restriction of cost-effectiveness from the definition. The ACT Democrats recognise this as a very important point. The whole concept of the precautionary principle is about thinking before we act and making the maximum effort to protect environmental values.

The limitation contained in the existing clause of cost-effectiveness is not contained in either the Commonwealth Environment Protection and Biodiversity Act or in the ACT Environment Protection Act, and I believe the amendments bring the legislation into line with other ACT legislation. Secondly, the inclusion of cost-effectiveness in the definition mixes up the concept of the precautionary principle with that of economic efficiency.

The whole point of the precautionary principle is that it is not an economic concept. It is an environmental concept which sits alongside that of sustainability, to ensure future generations do not end up paying the price of thoughtless actions by current generations. In the case of genetic technology, the implication is clear that we should not release GMOs which have the potential to escape into the environment, with negative consequences.

The limitation of cost-effectiveness is, I believe, unclear and unhelpful. For example, in determining whether a GMO should be released for commercial production, how would one determine the economic cost if it escaped into the native ecology? What level of environmental damage could be considered cost-effective? Obviously, this makes little sense. Ms Tucker's amendment clears up this anomaly and hence I am happy to support it.

MR CORBELL (Minister for Health and Minister for Planning) (4.18): The government does not support the amendments proposed by Ms Tucker today. The effect of these

amendments is to attempt to impose a different definition of the precautionary principle in the ACT bill from that applied in the Commonwealth act. The Commonwealth act applies a definition adopted in the 1992 Rio Declaration on the Environment and Development. I will repeat that for the benefit of members. The Commonwealth act applies a definition adopted in the 1992 Rio Declaration on the Environment and Development, which is the preferred wording internationally, for the precautionary principle.

The current reference to the precautionary principle in the act states that the object of the act is to be achieved through a regulatory framework which provides that, where there are threats of serious or irreversible environmental damage, a lack of full scientific certainty should not be used as a reason for postponing cost-effective measures to prevent environmental degradation.

To amend section 4 of the bill in the manner suggested by Ms Tucker strikes at the core principles underpinning the objects of the legislation. Any amendment to section 4 would undoubtedly mean that the ACT legislation would no longer be declared a corresponding state law for the purposes of the nationally agreed gene technology regulatory framework.

The effect of this would be that the Commonwealth act would still apply in the ACT. However, there would be gaps in the reach of the Commonwealth act, and it would leave particular dealings with GMOs completely unregulated in the territory. That would be the effect of Ms Tucker's amendments, if they were successful. The government considers this approach to be irresponsible and unacceptable.

The amendments by Ms Tucker are an attempt to reopen the debate raised in the Commonwealth parliament when the Commonwealth act was passed. The attempt to remove the words "cost-effective" was lost on that occasion, and the government will not be supporting it today.

I will explain, through use of an example, what Ms Tucker's amendments would mean. Whereas currently decisions about whether or not GMOs should be introduced into the environment are to be made on cost-effective grounds, if that cost-effective definition were removed, it would be possible, for example, to require under the act the complete removal of all of Australia's wheat crops, to prevent damage by GMOs—simply because a GMO had been introduced into the environment and had harm had been done.

Removing cost-effectiveness removes a rational application of the precautionary principle and simply requires you to do absolutely everything, regardless of how rational it is or otherwise. That is not an acceptable course of action.

At the end of the day, if these amendments are passed, it will mean that there will be parts of the genetically modified organism sector that will potentially not be covered by the Commonwealth act and our act will not be able to be applied to them. It will mean that parts of the GM industry will potentially be unregulated in the ACT. Is it seriously the intention of the Greens to leave open the prospect of no regulation of parts of the GM industry? I am strongly advised that that is the implication of passing these amendments today.

MRS CROSS (4.23): I rise to speak in support of Ms Tucker's amendments to the Gene Technology Bill 2002. I have been prompted to speak on this bill by a comment made in the government's response to the Standing Committee on Health Report No 2. This is the report from the committee that investigated the Gene Technology Bill we are currently debating.

The final paragraph of the government's response is a classic. It shows exactly what the government thinks of the opinions of other members in this place. I quote.

> As outlined above, the Government does not agree to any of the proposed amendments to the Bill outlined in the Committee's report. We commend the ACT Gene Technology Bill 2002 to the …Assembly in its present form.

So much for consultation and the working together of members of this Assembly!

In the early 1970s, there was a conference in Stockholm, where scientists met to discuss the emerging new area of science called genetic engineering. One of the outcomes of this conference was an agreement that genetic engineering was to be limited, and there was not to be swapping of genes between organisms, or manipulation of genes within an organism.

The main concern of the Stockholm conference was the fear that genetic engineering would have grave consequences for the environment. The scientists present were worried that there was no way to test the produced organisms in the environment without putting the environment at risk. As a result, they chose to limit their work to laboratories, and try to develop things as safely as possible. Within years, this went by the by, with the revelation that there was a great deal of money to be made from patenting genetically engineered organisms which could be used commercially.

There have been some very good and important developments in this area since then. The genetically engineered bacteria used to clean up oil spills was one of the first to become widely known, but there are others with which we are all involved every day. Genetically modified bacteria produce the enzyme amylase, which is used in the refining of white sugar. I am sure we have all consumed enormous quantities of white sugar over the years. It is not only in tea and coffee—just about everything has sugar in it. None of us has, as yet, grown two heads.

Diabetics are pleased to have the option of insulin produced by genetically modified organisms, rather than being limited to insulin that is porcine or pig based. Today we have many genetically modified organisms, used in many different areas. They make a lot of money for the companies which develop them. The development of gene technology legislation has taken years in Australia and the bill we are dealing with here today is the end result of this process for the ACT.

I am aware that this bill has not taken many, if any, of the committee's recommendations seriously. The recommendation which particularly concerns me is the one going back to the original problem faced in the 1970s—the worry about the effects of genetically engineered or modified organisms on the environment in the long term.

Taking the line that these organisms do not, at present, appear to have any adverse effects on the environment is just not good enough. Saying that the Gene Technology Regulator says the modified gene is safe, at the moment, is not good enough. In fact, the language used is often, "With the information available at the moment, we do not believe the organism presents a threat to the environment." I am sorry, but this is simply not good enough for me.

As legislators, we need to be as careful as we can, especially when dealing with new situations. Ms Tucker's amendments use the term "precautionary principle". This is exactly what the scientists in the 1970s were talking about—making sure that what you are releasing is not going to have a negative effect. This is the responsible method we should be following—not the alternative where someone can give a qualified statement that things look okay at the moment.

Gene technology is an important area of science and will probably be very beneficial to us, in time. Maybe one day it will help us feed the world, as the publicity says. Maybe we will find that the health benefits are wonderful and add value to our lives.

Members may remember that I raised issues relating to gene technology last week, in a matter of public importance. I am concerned that we must protect the population from any misuse of genetic information. There is a bill being drafted, at the moment, to protect against genetic discrimination.

We need to make sure we are not handing problems on for the next generation to deal with. Remember the problems with other scientific wonders, such as DDT and arsenic dips for sheep. We have only one world, and we have a responsibility to make sure the next generation does not suffer because of our inability to make the right decision.

The principle of precaution in respect of scientific developments is extremely important. If necessary, we should lead the country and make the correct decision. Once again, I will be supporting Ms Tucker's amendments and encourage other members to do the same.

Debate (on motion by **Mr Smyth**) adjourned to a later hour.

Animal and Plant Diseases Amendment Bill 2003

Debate resumed from 3 April 2003, on motion by **Mr Stanhope**:

> That this bill be agreed to in principle.

MRS DUNNE (4.29): The Liberal opposition will be supporting this bill. The amendments to the Animal Diseases Act and the Plant Diseases Act are important and come about principally as a result of the foot and mouth disease exercise last year—Operation Minotaur. In Operation Minotaur, issues of the commencement of declarations of quarantine were brought into focus. The problem that currently exists with section 73 of the Legislation Act is that a disallowable instrument such as a quarantine declaration does not normally come into operation until the day after the declaration is made.

Operation Minotaur—a national foot and mouth simulation held last year—quite rightly brought to our notice that diseases such as foot and mouth disease, various viral diseases and plant diseases, do not wait for the Legislation Act to come into effect, and that sometimes actions need to be taken more quickly. The principal elements of this bill are to ensure that a declaration can come into effect immediately it is signed, so long as efforts are made to notify the public through radio and television.

The other elements of this legislation bring the Plant Diseases Act into compliance with the criminal code. The Plant Diseases Act is also brought into concert with the Animal Diseases Act, which will allow for temporary quarantining if an animal disease is discovered—and before an order can be made. There are also amendments to the Plant Diseases Act which will make breaching of quarantine a strict liability offence.

These are all measures the Liberal opposition considers important to maintain the integrity of our agricultural industries, and we will be supporting them. I have conducted consultation with rural lessees and some veterinary organisations and am satisfied that this bill meets the requirements.

I understand there is concern about the broadcasting elements of the bill and whether, as it is currently drafted, there is sufficient effort being made to broadcast the fact that the quarantine order comes into effect immediately. However, we will deal with that in the detail stage.

MS DUNDAS (4.32): The ACT Democrats will be supporting this bill today. The issue of disease prevention and control has the capacity to impact on all Australians. We only have to look at the panics which have broken out over the spread of diseases, such as CJD, in the European beef industry to see the social and economic devastation which can occur if diseases or pests are not prevented from spreading.

While the amount of land available for agricultural development in the ACT is small, we still have a role to play in disease control for the surrounding region. Exercise Minotaur was a disease prevention simulation coordinated across Australia for foot and mouth disease control. I believe the amendments contained in this bill are largely the result of that exercise. I am happy to support the changes to the specific functioning to disallowable instruments in this bill.

The other major changes contained within this bill are about implementing the criminal code in application to the Plant Diseases Act. The changes stemming from the implementation of the criminal code are largely technical and alter the wording for offences under the act.

While I have no specific problems with the new phrasing of offences in the Plant Diseases Act, I note that simply legislating for tough penalties for ignoring disease control laws does not make for a better system of management. The purpose of creating offences is to correct and punish those who have broken the law. However, this does not necessarily prevent laws being broken, as the number of cases in our law courts demonstrates.

The point I am making is that prevention is much better than punishment, and while these offences may help ACT officials in implementing disease control operations if

necessary, the best way to prevent animal plant disease is to have a solid working relationship with those who might be affected.

The real way to prevent the outbreak of disease is to work closely with farmers in particular, as well as with other businesses that might be relevant, such as nurseries or soil businesses, to ensure they are helping in the fight to prevent disease. Ensuring that stakeholders are informed of the correct procedures, the features or signs of diseases or pests they should be aware of, and knowing their responsibilities under legislation will be a far better way to manage disease control than threatening people with offences when a disease control situation breaks out.

When we debated similar legislation in the past—specifically in relation to plant diseases—I raised concerns about the powers of inspectors. The responsible minister at the time—Minister Wood—indicated that there would be a review of the powers of inspectors under these pieces of legislation. I note we are still waiting for the outcome of that review.

While I do not see it necessary to hold up debate on this piece of legislation while we await the outcome of the review of the inspectors' powers, I would like reassurance today—perhaps the minister responsible could mention it in his closing speech—that this review is taking place, that it is being done in a timely manner and that we can have a consolidated report on the powers of our inspectors.

MR SPEAKER: Order, members! There are a couple of conversations going on. Ms Dundas has the floor.

MS DUNDAS: Thank you, Mr Speaker. In closing, I would like reassurance that this review is taking place in a timely manner and that we can have the information brought before this Assembly as to how inspectors are operating, the powers they have, how we can better make sure that our inspectors are working in line with legislation, and that it is consistent across the territory.

MS TUCKER (4.36): This bill allows for the immediate implementation of quarantine declarations made by the minister, rather than requiring those declarations to be processed in the usual way of disallowable instruments which would, on occasion, prove too slow.

Plant and animal diseases can have a massive impact on our industry and our environment, given the rapidly changing face of our ecology, the loss of biodiversity, the increasing vulnerability of commercial monocultures, and the capacity of viruses to travel almost instantly across the globe. All these accentuate the need to act quickly with regard to restricting movements, destroying plants or animals, or imposing restrictions on imports—and the threat may be increasing.

The proposed use of genetically modified organisms to eliminate feral animals, such as possums in New Zealand and rabbits in Australia, could have massive consequences in the country of origin—to possums and other marsupials in Australia, for example.

In this bill, the minister is simply required to ensure that the notice is broadcast by television or radio. If we need to act swiftly, then simply advising the population through

an announcement on, say, one radio station is not good enough. The fire emergency earlier this year highlighted the problem a number of people were enjoying cable TV or perhaps Classic FM in the cool of their homes—only to discover a massive bushfire in their backyard when they stood up.

You would think that, with the extraordinary capacity of contemporary communications, it would not be hard to get the message out through all media. For that reason, I will move amendments in the detail stage, requiring the minister to access all available media, in order to notify the population of action taken under these acts—whether it be closing-off borders to particular animals, plants or products, destroying or treating them.

I note the minister, in his presentation speech, added that, as a matter of good administration, further steps would be taken to inform people most likely to be affected, such as the rural community and those who trade in affected goods. It is probably not necessary to specify in the act that the minister must take these further steps. Nevertheless, after the events of January, one is inclined to specify everything that ought to happen to inform people, just, in case in an emergency, something is overlooked. More important, perhaps, is knowing who ought to be contacted in such a situation and having a mechanism in place to deal with it. The situation with beekeepers illustrates the problem. The ACT used to have a bee inspector based in Urban Services and all beekeepers were obliged to register their hives.

In the interests of economic efficiency in a brave new world, the Carnell Liberal government changed the legislation and abolished the position some time in the mid-1990s. That means there are now a number of amateur beekeepers with up to 20 hives in their backyards which may be diseased—and on occasion undoubtedly are diseased—yet there are no controls or even communication mechanisms in place.

Bees are particularly significant. The European honey bee is worth billions of dollars in pollinating crops and other produce. Honey is, of course, also a valuable commodity, so an uncontrolled outbreak of disease in the ACT could swiftly spread to New South Wales and create major problems. Another problem with bees is that, if they are not well maintained, they will go feral and impact on native plants and animals.

In the context of this bill, the issue of the spread of diseases and having no registration system or method of contacting beekeepers is problematic. I am in touch with apiarists in the ACT and New South Wales, with a view to introducing legislation to address some of these concerns. Consideration of this bill has led me to think that other plant and animal activities could benefit similarly from improved regulation.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (4.40), in reply: This bill does three things. Firstly, it amends the provisions in the Animal Diseases Act and the Plant Diseases Act to allow quarantine declarations and related declarations to commence immediately, if the circumstances warrant it. Without this, such declarations take 12 to 36 hours to commence. A delay of this kind could cripple efforts to control the outbreak of a disease or pest. Secondly, the bill replaces the limited directions power in section 13 of the Plant Diseases Act with a more general directions power. Thirdly, it amends each of the offences in the Plant Diseases Act 2002, to make them compliant with the criminal code.

The first two issues became apparent after Operation Minotaur—the national foot and mouth disease simulation—in which the ACT participated in 2002. That simulation showed up the commencement issue in the Animal Diseases Act. Since the Plant Diseases Act provisions were modelled on the Animal Diseases Act, it was apparent that they also needed revision.

The more general directions power from the Plant Diseases Act also became apparent, by implication, from consideration of how a disease emergency would have to be responded to. The simulation re animal diseases showed up a weakness in the original design of the scheme in the Plant Diseases Act. The scrutiny of bills committee raised concerns about the strict liability offences in the bill and the removal of the reasonable excuse defence from those offences.

As noted above, the offences in the Plant Diseases Act are being revised to comply with the criminal code. Clauses 18, 20, 21 and 23 amend provisions in sections 16, 26, 27 and 34 by clarifying the mental element and removing the reasonable excuse defence.

The concern raised was that there was no adequate justification for the removal of the defence even if, as suggested by the explanatory statement, the range of defences provided for in the code is adequate. The response sent back to the committee was the government's view that the range of defences available under the code is adequate but that further consideration be given to the matter.

The policy for use of reasonable excuse as a defence has been articulated by the criminal law and justice group of the Department of Justice and Community Safety as follows:

> The reasonable excuse defence will not be included in an offence if the excuses that the instructing agency intended it to cover are already covered by a generic defence in the code. The reasonable excuse defence will not be included in an offence if the excuses that the instructing agency intended it to cover can be articulated as a specific defence to the proposed offence. For instance, the provision could provide that it is an offence to discharge a firearm in a public place unless the registrar gives prior approval. Items 1 and 2 above of the policy will not apply in the following circumstances: (a) if the subject matter is such that it is difficult to anticipate the justifiable excuses that may arise and are impractical to attempt to specify them; and (b) if, in a particular case the CLJ considers that it is not appropriate for items 1 and 2 to apply.

This policy is consistent with the objectives of the code and the Commonwealth's policy on the reasonable excuse defence.

The offences in the bill that are having the reasonable excuse defence removed are such that the defences in the code—such as mistake of fact, duress, intervening conduct or event, or sudden or extraordinary emergency—will cover the intended range of defences. It was the government's view in its response that there was no need for further defences for these offences.

By way of conclusion, I acknowledge the support of members of the Assembly for this legislation. I understand Ms Tucker has foreshadowed some amendments. The government's position in relation to those is that they perhaps were not of an order that we were concerned about—and I think that was conveyed to Ms Tucker by my staff.

In conversation now, with Mrs Dunne and the Liberal Party, the Liberal Party has some concerns. I wish to take further time to discuss with the Liberals their concerns around Ms Tucker's amendments—confessing that I did not look as closely as I might have. I am foreshadowing it would be the government's desire that the matter be adjourned after moving to clause 1, so that I may have those discussions—and in order to talk with Ms Tucker about her concerns in relation to the extent of the provision.

I accept responsibility for this but, as a result of my actions, I think I may have confused some members around the government's intention in relation to the amendments. I apologise for that.

Question resolved in the affirmative.

Bill agreed to in principle

Detail stage

Clause 1.

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

Affordable Housing Taskforce
Final report

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

> That the Assembly takes note of the paper.

MRS DUNNE (4.46): Affordable housing is an issue that is becoming more and more prominent. The idea of owning one's home is extricably bound up with notions of the great Australian dream and our cherished philosophy of fairness. It was not so long ago that those opposite were hostile to such ideas—seeing home ownership as a terrible weakening of the class war.

Quite charitably, I am prepared to accept that this view no longer underpins Labor Party thinking. Nevertheless, at the same time, I am concerned that Labor, here in the ACT and in other states and territories, is sitting on its hands while the great Australian dream recedes for many Australians.

I do not have to remind those opposite of the unfortunate words spoken by John Dedman when, in a moment of anger, he dismissed efforts to make home ownership more affordable as creating a race of little capitalists. It was a phrase that burned the soul of one of the great Liberal leaders of the last century—Sir Henry Bolte, the Premier of Victoria. On coming to power in Victoria in 1955, in what was to be a record term of government in Victoria, Mr Bolte, as he then was, never failed to wrestle political mileage from Dedman's unfortunate words.

Taking over from Labor in 1955 in a state that was moribund and backward, Henry Bolte looked not to the light on the hill but to a house on the hill. Bolte never wavered from his

aims of making housing both accessible and affordable. He set about reforming the housing commission and embarking on a campaign of encouraging public housing tenants to buy their homes or build new ones. It was an extraordinarily successful campaign, which eventually saw more than 33,000 housing commission tenants purchase their own homes.

Bolte ignited a boom that extended throughout his premiership, with more than half a million new homes and flats being built. Indeed, the efforts were to give Victoria what was claimed to be the highest rate of home ownership in the world—some 71.8 per cent, according to the 1971 census. Henry Bolte understood the aspirations of people. As a leader, he successfully tapped into the post-war expectations that this was a new age of opportunity and prosperity—an age that would seek to make amends for the hard years of depression and war which had just passed.

Henry Bolte's housing policies remain a lasting monument to his rule. They remain also one of the Liberal Party's most significant achievements. I draw attention to them in this context not just to make a political point, even though they are great political points, but to illustrate that accessibility to and affordability of housing is a great denominator of a prosperous and fair society. Any government that will not acknowledge this does so at its own peril. Any government that does not acknowledge this is fiddling with the great Australian dream.

I do not think it is an exaggeration to say that housing affordability is in crisis. The Commonwealth Bank/Housing Industry Association report on affordability has pointed to a nationwide decline in affordability of 17.8 per cent over the past year but, in the ACT, it is far worse. In the ACT, there has been a decline in affordability of 27.7 per cent.

Nearly a year ago, in this place, Mr Wood—the minister for housing—said, "We cannot afford to ignore the increasing affordability problems for many households in the ACT market." Yet what has the government done?

It did commission what I have lightly referred to as a four-volume novel on housing affordability. I think it should be considered thus because the government has taken very little from its lavish production, and it has been lightly thrown aside. What we are debating here today are strategies for action as a result of the ACT Affordable Housing Taskforce. However, when you look through the strategies for action, there is not much action in evidence.

In his tabling statement, Mr Wood says that they have agreed to 23 recommendations, agreed in principle to 17 others, and have gone off to reconsider and further study six more. Yet, when it boils down to what is actually being done, it is extremely thin indeed. Mr Wood mentions, in his tabling statement, referring back to the ACT budget, a whole lot of initiatives—things that he says are initiatives for affordable housing. Many of them are stopgap measures and do not provide ongoing housing—they address crisis issues. For instance, whilst $30 million over four years for short-term supported accommodation for families and single men in services for homeless people is laudable, it does not address the core issue of housing affordability.

$8 million is to be used for the replacement in urban areas of public housing destroyed in rural areas by the fires. That does address affordable housing—it does replace existing housing that was destroyed—but it does not go to the core of addressing affordable housing.

The eight dot points in the minister's statement on the budget initiatives to address affordable housing are very thin on the ground and few refer to the ACT Affordable Housing Taskforce. Here we have seen a failure of this government to grasp the nettle on what we all know is an exceedingly difficult problem. What we find here is a lack of political will.

The Treasurer has been busy of late, telling us that it is a problem of market forces and that nothing can be done to intervene. Mr Quinlan is a pass master at doing nothing and spends much of his time on his feet in here denying that he has any power to act. It seems to me to be not so much that he lacks power, but that he lacks ideas of his own.

It is not sufficient for this Labor government to shrug its shoulders and blame market forces. It is not sufficient to sit on your hands and condone the barrier that is being erected against entry into the home market. The market force excuse is a cop-out—and it is a feeble one. Of course governments have scope to act—especially when you look at the government take in home purchases. Somewhere between 20 and 35 per cent of the purchase price of a new house and land package goes in indirect taxes. Some of those are stamp duty and others are GST. All the GST comes back to the state and territory governments.

That is something like a quarter to a third of the total slug of a house. Is this a reasonable state of affairs? Is this how you get people into housing? One of the findings of the previous government's inquiry into poverty was that one of the single biggest determinants of poverty was people not having suitable, permanent, stable housing. We have a government which has put out its four-volume novel but now we have ministers who say it is just too difficult.

Is it appropriate for government to sit back, wipe their hands clean and say there is nothing they can do? Now is the time for creative thinking, but we are not seeing this from the government. Especially when they are rolling in receipts from stamp duties, we could see a little bit of innovation. I would like to encourage some creative thinking on housing affordability and even offer to work with the government and the crossbenchers on ways to keep the Australian dream within the reach of the people of the ACT.

There are many issues to be addressed here and the Treasurer playing Pontius Pilate on the issue is not good enough. The Housing Industry Association has drawn attention to this. In one of its recent publications, it states that spiralling state and local government taxes on new housing are destroying the home ownership aspirations of young Australians. That is spiralling taxes which go into this Treasurer's revenue bucket. The fact that we have punitive stamp duties can be sheeted right home to the Labor Party.

When John Hewson introduced the GST program called Fightback more than a decade ago, one of the principal policy aims was to do away with indirect taxes such as stamp duty and other additional indirect taxes.

The fact that we have stamp duty can be sheeted home to the Australian Democrats. When the GST policy was finally introduced and we decided not to introduce GST on food, one of the costs of that was that we still have stamp duty—and it is spiralling out of control. New homebuyers in the ACT delivered almost $12 million in indirect taxes in the last financial year.

The burden of funding community and social infrastructure has been unfairly shifted onto purchasers of new housing, instead of onto the broader community. We are seeing Treasurers across the country nobbling the great Australian dream. If Mr Quinlan were running a horse race, he would have been hauled before the stewards long ago.

How serious is Labor on this matter? I have to ask the question: is the ghost of John Dedman still alive across the way? When the Commonwealth announced an inquiry, it was called a publicity stunt. I have yet to hear an argument against such an inquiry. How else are we to address the problem without knowing how much we can do about it?

I am pleased that organisations such as the HIA have put forward ideas on the subject of the addressing of housing affordability, and I welcome them. It is worth considering pressing the Commonwealth to remove the double taxation of new housing developments, by eliminating development taxes from the application of the GST. State and territory governments could act positively and constructively in excluding the GST paid on new housing from stamp duty.

The Treasurer says these things cannot be done, but that is not good enough. In South Australia, a serious attempt has been made to ease the burden by introducing full concessions on, or exemptions from, stamp duty up to a stipulated threshold value of the property being purchased. I know we are moving in that direction. However, the South Australian model is more adventurous and is more realistic in the house prices.

South Australia has pressing economic problems—far more pressing than in the ACT—yet they can see fit to introduce relief for first homebuyers. Why can't we do that here? Let me mention a novel idea from the Prime Ministerial Task Force on Home Ownership, which commissioned a study by the Menzies Research Centre.

We are somehow attached to the notion of debt financing but, as the report suggests, if we would wean ourselves from the notion of the invisibility of the housing asset—which simply means allowing individuals to hold less than 100 per cent of the equity—we would have a whole new ball game.

Figures from South Australia applying to a notional $250,000 debt show how, under this new financing proposal, the sum borrowed would need to be $212,000 but, under a scheme of both debt and equity financing, the sum falls to $148,750. Therefore, by coming up with an innovative way of sharing the debt and sharing the title to the land, we can make a saving of 30 per cent. It has been market-tested. Similar proposals are in operation through some of the merchant banks, but we do not see any enthusiasm here in the ACT for coming up with these things.

There are other measures which could be looked at, because the ACT is the principal landowner in the territory. The ACT's policy on planning says that it proposes to set

aside areas for housing affordability in its land release program. That is a recommendation of the Affordable Housing Taskforce, but it has been agreed to only in principle.

There are many ways that this government could step in and, whilst working within the market, address the issues of housing affordability. We have heard much puffing and blowing from this government on housing affordability but, again, it is a case of a government which can talk the talk but not walk the walk.

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

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

Adjournment

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

> That the Assembly do now adjourn

Members staff

MS DUNDAS (5.01): Mr Speaker, I rise today to acknowledge the hard work of my staff. I believe that I have a hard-working and dedicated team who help to ensure that the Democrats provide an effective voice in the political discourse of the ACT. I would like to welcome Andrew Blake to my team and pay tribute to Geoffrey Rutledge, who has recently departed for more lucrative pastures. Geoffrey joined my team very early on in the term and was key in establishing my office. He might not be too impressed with this adjournment speech, as it is ill prepared and self-indulgent, two things he always counselled against.

Whilst in my office, Geoffrey was always there, working hard on a range of issues. His research and advice on civil law reform, youth and child protection and a range of health topics, among others, was much appreciated. His dedication, sense of humour, attention to odd details and ability to deal with a member in a bad mood are admirable qualities that I hope are serving him well in his new position. But since Geoffrey's departure, popcorn has not been burnt in the office once.

Our staff do work hard, and this is not always acknowledged. It is important to note that we do not do things all on our own; we have teams working with us to make sure that the laws that we make in the ACT represent the views of the community and lead us forward. I understand that there are ongoing negotiations with regard to the staff certified agreement. I hope that they are successful, so that our staff are better recognised and work in better conditions. They work long hours and deal with a whole range of issues, and that needs to be respected and supported. I know that I have a very hard-working team, and I hope that they feel appreciated, not just by me but by all members in this Assembly, for the work that they do.

Mr Geoffrey Rutledge
Mr David McLennan
Minister for Planning

MRS DUNNE (5.03): I would like to echo what Ms Dundas has said about the importance of staff, of their being appropriately remunerated and of their conditions being recognised. I also wish Geoffrey well. We will miss his corridor cricket and his corridor bocce.

As it is a matter for partings, we should note that this is the last day that David McLennan from the *Canberra Times* will be with us. He is going to the big house on the hill, and we wish him well. We now have the task of breaking in another *Canberra Times* journalist and getting him used to our ways.

On a more serious note, Mr Speaker, I cannot let this sitting go by without drawing attention to an issue raised in question time today. Without wishing to reflect on the debate yesterday, I am concerned about the outcome of the debate on the Nettlefold Street trees yesterday. I think it was a very good outcome. Can I reflect in that sense?

MR SPEAKER: You cannot reflect at all, actually.

MRS DUNNE: So I won't reflect. I didn't say that, Mr Speaker. But I am concerned at the attitude expressed by the minister that he does not have to do anything and that he will not do anything. I am putting the minister on notice that I am watching. I am giving him until we come back here in September to commence negotiations to show that he takes the issues raised in this Assembly seriously and that he takes the Assembly seriously. If he does not, he will have to look out for the consequences.

Chief Minister's export awards

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, and Minister for Sport, Racing and Gaming) (5.05), in reply: Mr Speaker, I place on record the government's, and I am sure the Assembly's, congratulations to the following winners of the Chief Minister's export awards last evening: the Inland Trading Co, overall winner and winner also of the agribusiness award; Ecowise Environmental Pty Ltd, winner of the services award; Bottles of Australia, winner of the emerging exporter award; Seeing Machines, winner of the information and communications technology award; Micro Forte, winner of the arts and entertainment award—and we should note that Micro Forte also won the national small business ward—and Precision Metals of Queanbeyan, winner of the supporting exporter award.

They are all to be congratulated. I think the government has had an association with most of them since they started and have grown.

Question resolved in the affirmative.

The Assembly adjourned at 5.05 pm until Tuesday, 23 September 2003, at 10.30 am.

Schedules of amendments

Schedule 1

Civil Law (Sale of Residential Property) Bill 2003

Amendments circulated by Mrs Dunne

1
Clause 26 (4)
Page 23, line 3—

omit

50

substitute

100

Schedule *2*

Gene Technology Bill 2002

Amendments circulated by Ms Tucker

1
2 Clause 4 (a)
Page 3, line 1—

substitute

(a) implements the precautionary principle; and

3
Proposed new clause 4 (2)
Page 3, line 11—

insert

(2) In this section:

precautionary principle means that, if there is a threat of serious or irreversible environmental damage, a lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

4
Proposed new clause 57 (3)
Page 31, line 27—

insert

(3) The regulator must not issue the licence unless the regulator has considered the economic and social impact of issuing the licence.

Answers to questions

Master Builders Association of Australia (Question No 815)

Mrs Dunne asked the Minister for Planning, upon notice:

In relation to the Master Builders Association Awards Night held on 27 June 2003.

(1) What was the cost to the ACT Government of sponsorship of this night?

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

(1) The cost to the ACT Government of sponsorship of the MBA awards night was $17,600.00.

Waramanga, block 45 section 37 (Question No 820)

Mr Cornwell asked the Minister for Planning, upon notice:

Further to your letter of 5 June 2003 advising that "sometime after (18 June) we can expect a ruling from the Administrative Appeals Tribunal (AAT) in respect of this order". Can you now advise what decision the AAT has made requiring the lessees of 14 Yambina Street Waramanga to clean up the block.

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

Mr M H Peedom, President of the AAT handed down his decision on 30 June 2003, which reads as follows:

(a) comply with the terms of the approval in plans No 26446 D E and F (or in any amended plans that may be approved in writing by the Territory) to construct extensions to the existing residence and related works on block 45 section 37 Waramanga, all the works be completed by 5 November 2004 or within such time as may, prior to that date, be agreed in writing by the Territory;

(b) the schedule or within such further times as may, prior to the dates specified in the schedule, be agreed in writing by the Territory. The dates in the schedule were 31 August 2003.

On 28 July 2003 the lessees appealed the decision made by the AAT, to the Supreme Court. The matter is currently before that Court.

Playground Safety Program (Question No 825)

Mrs Burke asked the Minister for Urban Services, upon notice:

In relation to the Playground Safety Upgrade Program, further to your reply to Question On Notice number 800.

(1) In response to this question you stated that all playgrounds in Package 2 of the Playground Safety Improvement Program had been completed except Chippendale Circuit, Theodore. Has this work now been completed;

(2) If so when was the work completed and is the playground now open to the public;

(3) if not why not. What works remain to be completed and what is the new completion date.

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

(1) Yes, the upgrade of the playground at Chippindall Circuit, Theodore has been completed.

(2) Works were completed on 1 September 2003 and the playground was opened to the public on 6 September 2003.

(3) All works have been completed.

Dual occupancy development (Question No 829)

Mrs Dunne asked the Minister for Planning, upon notice:

In relation to Dual Occupancy development:

(1) How many dual occupancies were approved for development in (a) 2002-03 (b) 2001–02 (c) 2000–01;

(2) In what suburbs were dual occupancies approved in (a) above; and

(3) Have any dual occupancies been approved to date in 2003 – 04, if so, how many and in what suburbs.

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

(1)

Year	No. Dual Occupancies Approved
2002-03	178
2001-02	125
2000-01	124

(2) Refer to Attachment A.

(3) 12 dual occupancies have been approved in the period 1 July 2003 – 31 August 2003 in the following suburbs:

Banks	1
Chapman	2
Curtin	1
Forrest	1
Giralang	1
Hackett	1
Hawker	1
Kaleen	1
Torrens	1
Waramanga	1
Watson	1
Total	12

Attachment A

Number of Dual Occupancies Approved by Financial Year

SUBURB	FY2000 - 2001	FY2001 - 2002	FY2002 - 2003	FY2003 - 2004	TOTAL
AINSLIE	14	16	13		**43**
ARANDA			2		**2**
BANKS	2	2	1	1	**6**
BARTON		1			**1**
BONYTHON		1	1		**2**
BRADDON	2	5	4		**11**
CALWELL	1	2	2		**5**
CAMPBELL	4	5	4		**13**
CHAPMAN				2	**2**
CHARNWOOD			1		**1**
CHIFLEY	3	4	5		**12**
CHISHOLM		1	2		**3**
CONDER	2	2	3		**7**
COOK	1		3		**4**
CURTIN	3	3	2	1	**9**
DEAKIN		3	1		**4**
DICKSON	1		1		**2**
DOWNER	4	1	3		**8**
DUFFY	2		3		**5**
DUNLOP	2				**2**
EVATT	2	1	1		**4**
FARRER	1	1	2		**4**
FLOREY			1		**1**
FLYNN		2	1		**3**
FORREST	4	1	1	1	**7**
GARRAN	2	5	5		**12**
GILMORE	2				**2**
GIRALANG			1	1	**2**
GORDON	2	2	1		**5**
GOWRIE		1			**1**
GRIFFITH	10	6	7		**23**
GUNGAHLIN			21		**21**
HACKETT	2	1	2	1	**6**
HALL	1				**1**
HAWKER		3	1	1	**5**
HIGGINS	1				**1**

SUBURB	FY2000 - 2001	FY2001 - 2002	FY2002 - 2003	FY2003 - 2004	TOTAL
HOLDER		1			**1**
HOLT			1		**1**
HUGHES	3	4	4		**11**
ISAACS	1	2	1		**4**
ISABELLA PLAINS			2		**2**
KALEEN		1	3	1	**5**
KAMBAH	2	1	3		**6**
LATHAM			1		**1**
LYNEHAM	2				**2**
LYONS			8		**8**
MACQUARIE	1	4			**5**
MAWSON	2	3	4		**9**
MCKELLAR			1		**1**
MELBA			1		**1**
MONASH			2		**2**
NARRABUNDAH	3	8	9		**20**
OAKS ESTATE			1		**1**
O'CONNOR	7	8	5		**20**
PAGE		1	1		**2**
PALMERSTON	9				**9**
PEARCE	1	4	3		**8**
RED HILL	8	3	7		**18**
REID		1			**1**
RICHARDSON		1	2		**3**
RIVETT			4		**4**
SPENCE			1		**1**
STIRLING		1			**1**
THEODORE		2			**2**
TORRENS		1	4	1	**6**
TURNER	7	2	4		**13**
WANNIASSA	1	2	4		**7**
WARAMANGA		1		1	**2**
WATSON	1		4	1	**6**
WEETANGERA	1	1	1		**3**
WESTON	1				**1**
YARRALUMLA	6	4	2		**12**
TOTAL	**124**	**125**	**178**	**12**	**439**

Finance—revenue and expenditure (Question No 831)

Mr Smyth asked the Treasurer, upon notice:

In relation to the analysis of revenue and expenses for departments and agencies in the Management Report for the June Quarter 2003:

(1) What are the reasons for the $0.505 million variance in the outcome for ACT Community Care;

(2) What are the reasons for the increase of $0.260 million in expenses for ACT Workcover;

(3) What are the reasons for the increase of $0.297 million in revenue and the reduction of $0.144 million in expenses for the Agents' Board;

(4) What are the reasons for the variance of $0.305 million in the outcome for the Australian International Hotel School;

(5) What are the reasons for the increase of $0.297 million in revenue and the reduction of $0.062 million in expenses for the Canberra Cemeteries Trust;

(6) What are the reasons for the increase of $6.397 million in expenses for the Canberra Institute of Technology;

(7) What are the reasons for the $3.785 million variance in the outcome for the Central Financing Unit;

(8) What are the reasons for the reduction of $42.027 million in revenue and the reduction of $19.133 million in expenses for the Gungahlin Development Authority;

(9) What are the reasons for the $1.463 million variance in the outcome for the Home Loan Portfolio;

(10) What are the reasons for the $0.077 million variance in the outcome for the Independent Competition and Regulatory Commission;

(11) What are the reasons for the increase of $5.337 million in revenue and the increase of $7.227 million in expenses for the Land Development Authority

(12) What are the reasons for the variance $0.646 million in the outcome for the Legal Aid Commission;

(13) What are the reasons for the reduction of $0.233 million in expenses for the Legislative Assembly Secretariat (Departmental);

(14) What are the reasons for the variance of $1.270 million in the outcome for Totalcare;

(15) What are the reasons for the increase of $0.536 million in expenses for the Workers Compensation Fund;

(16) What are the reasons for the reduction of $1.999 million in revenue and the reduction of $14.889 million in expenses for the ACT Superannuation Unit;

(17) What are the reasons for the $63.376 million variance in the outcome for the Central Financing Unit;

(18) What are the reasons for the variance of $0.350 million in the outcome for the Legislative Assembly Secretariat (Territorial);

(19) What are the reasons for the variance of $3.320 million in the outcome for ACT Housing;

(20) What is the reason for the variance of $4.006 million in the outcome for ACT Electricity and Water;

(21) What are the reasons for the variance of $0.396 million in the outcome for the Stadiums Authority

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

Mr Smyth, before I address these questions on notice I would like to remind you that the Management Report for the June Quarter 2003 was based on June Interim financial information. As a result some of the variances to be explained may change during the audit process.

I would also like to inform you that there was an error in the June Interim report in relation to Attachment F. This error was caused as extraordinary revenues and expenses were not included in the totals. This mistake was isolated to Attachment F, and not the actual financial statements. I will arrange for a revised copy of the report to be provided to your office.

(1) The decrease of $0.505m in the outcome for ACT Community Care is due largely to an increase in employee related expenses.

(2) The increase of $0.260m in expenses for ACT Workcover is driven largely by the Canberra Airport hanger collapse and increased activity under the Dangerous Goods Act 1975.

(3) The increase of $0.297m in revenue for the Agents Board is due largely to increased revenue from agents trust accounts resulting from continued improvements in the investment and real estate markets and interest received from CFU.

The decrease of $0.144m in expenses is due an amended billing method related to the provision of staff resources by the Office of Fair Trading.

(4) The increase of $0.305m in the operating result for the Australian International Hotel School is due largely to a decrease in development activities.

(5) The increase of $0.297m in revenue for the Canberra Cemeteries Trust is due to an increase in mausoleum vault reservations.

The decrease of $0.062m in expenses results from conservative budgeting regarding supplies and services expenditure.

(6) The increase of $6.397m in expenses for the Canberra Institute of Technology identified in the June Quarterly Management Report is incorrect. Revised Attachment F tables are attached to illustrate the correct variance.

The increase of $1.386m in expenses for the Canberra Institute of Technology is due to some large payments made late in the year in relation to the ANTA national project, and expenses relating to capital funded projects such as the CIT Virtual Campus unable to be capitalised.

(7) The decrease of $3.785m in the operating result for the Central Finance Unit is driven by higher than expected interest payments to agencies of $77m compared to the 2002? 03 estimated outcome of $73m.

(8) The decrease of $42.027m in revenues for the Gungahlin Development Authority is due largely to the default on the sale of the Harrison 1 estate.

The decrease of $19.133m in expenses is also due to the default on the sale of the Harrison 1 estate.

(9) The increase of $1.463m in the outcome for the Home Loan Portfolio is due largely to increases to interest received from the Central Finance Unit and external parties.

(10) The decrease of $0.077m in the operating result for the Independent Competition and Regulatory Commission is due to expenses associated with the Full Retail Competition public information campaign incurring in 2002-03 instead of 2003-04.

(11) The increase of $5.337m in revenue for the Land Development Authority is due largely to the transfer of City Block 11, Section 61, to Land from the Chief Minister's Department.

The increase of $7.227m in expenses is due largely to the transfer of a Totalcare building at Fyshwick to the Property Group in the Department of Urban Services.

(12) The increase of $0.646m in the outcome for the Legal Aid Commission is due to increased general government revenue to fund the Primary Dispute Resolution program, expensive cases and rent subsidies. Increased client contributions and higher interest revenue were also achieved.

(13) The decrease of $0.233m in expenses for the Legislative Assembly Secretariat (Departmental) is driven largely by a decrease in supplies and services expenses, offset by an increase in the value of asset revaluations and write offs.

(14) The increase of $1.270m in the outcome for Totalcare is due largely to an increase in sales resulting from activity relating to the January 2003 bushfire.

(15) The increase of $0.536m in expenses for the Workers Compensation Fund is due largely to increased statistical analysis relating to the Accident Information Management System database, and unrealised losses on investment assets.

(16) The decrease of $1.999m in revenue for the Superannuation Provision Account is due to decreased interest received from banks and decreased superannuation employer contributions from agencies.

The decrease of $14.889m in expenses is due largely to decreased equity revaluation losses resulting from the strong rebound in global equity markets. There was also an under-spend on contractors and consultants.

(17) The decrease of $63.376m in the operating result for the Central Finance Unit is due largely to the impact of decreased levels of transfer revenue and increased transfer expenses from agencies.

(18) The increase of $0.350m in the outcome for the Legislative Assembly Secretariat (Territorial) is due largely to expenses associated with supplies and services that were not brought to account as at 30 June 2003, but will be included as part of the Audited Financial Result.

(19) The decrease of $3.320m in the outcome for ACT Housing identified in the June Quarterly Management Report is incorrect. Revised Attachment F tables are attached to illustrate the correct variance.
The increase of $8.662m in the outcome for ACT Housing is due to higher than anticipated insurance revenue associated with the January 2003 bushfires and additional service purchase payments relating to the new boarding house program, the Crisis Accommodation Program, the Ainslie Village Night Shelter and Ainslie Village redevelopment.

(20) The increase of $4.006m in the outcome for ACTEW is due largely to increases in revenue from water sales and interest revenue.

(21) The decrease of $0.396m in the outcome for the Stadiums Authority is due to increased repairs and maintenance, signage and marketing expenses. This is offset by increased revenue from food and beverage commissions and advertising from external sources.

(The attached tables are available at the Chamber Support Office.)

Natural disaster relief arrangements (Question No 832)

Mr Smyth asked the Treasurer, upon notice:

In relation to the utilisation of Natural Disaster Relief Arrangements (NDRA) following the bushfire disaster in January 2003:

(1) When did the ACT Government first write to the Federal Government seeking financial assistance under NDRA for 2002-03;

(2) What quantum of funds was requested in this letter;

(3) Were any other letters sent to the Federal Government in relation to requests for financial assistance under NDRA for 2002-03;

(4) If so, what was the quantum of any further financial assistance sought in those letters;

(5) What was the response of the Federal Government to these letters;

(6) Has the ACT Government written to the Federal Government seeking any financial assistance under NDRA for 2003-04;

(7) If so, what quantum of funds has been sought for 2003-04;

(8) Has the ACT Government written separately to the Prime Minister, following his offer of assistance made on 19 January 2003, seeking additional assistance;

(9) If no letter has been sent, why has such a request not been made;

(10) If a request has been made to the Prime Minister, what was the nature of the response that has been received;

(11) Has the ACT Government written separately to the Federal Government requesting assistance under the provision of paragraph (g) of Clause 2.2 of NDRA;

(12) If no request has been made under this paragraph, what is the reason for not making such a request;

(13) If such a request has been made, what has been the nature of the response from the Federal Government;

(14) If such a request has been made, did it relate only to 2002-03;

(15) If so, will a further request be made for assistance under this paragraph for 2003-04;

(16) Has the ACT Government sought any assistance from the Federal Government, under Clause 3.4 of NDRA concerning Natural Disaster Risk Management Studies, in relation to undertaking any risk management studies either in the ACT or involving the ACT and other States;

(17) If no assistance has been sought under this Clause, what is the reason for not making such a request;

(18) If such a request has been made, what was the nature of any response that has been received from the Federal Government.

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

(1) Immediately after the devastation of the January 18 bushfires the Department of Transport and Regional Services (DOTARS) and ACT Treasury entered into discussions regarding activating the Natural Disaster Relief Arrangements. On 24 January 2003, the ACT Government formally notified DOTARS of the natural disaster experienced by the Territory. DOTARS acknowledged the notification on 6 February 2003. This was followed by intensive communication and cooperation between the two Governments that allowed the ACT Government to submit an interim NDRA claim on 19 May 2003.

(2) A total of $2,815,702 was requested as the interim claim, and $3,353,275 was received. This was a result of different interpretations of NDRA Clauses, and DOTARS advised that, on the basis of supporting document attached to the interim claim, the Territory was entitled to $3,353,275.

(3) No. The final 2002-03 NDRA claim is being prepared in line with the audited financial statements of relevant agencies.

(4) Please refer to (3).

(5) Please refer to (3).

(6) The ACT Government is yet to submit a NDRA claim for 2003? 04.

(7) Please refer to (6).

(8) The Chief Minister wrote to the Prime Minister on 1 April 2003.

(9) Please refer to (8).

(10) The Prime Minister's letter dated 30 April 2003 refers to the following matters:

- Provision of $1 million to assist softwood sawmills in the ACT;
- Provision of $0.5 million towards the tourism package aimed at revitalising the Territory's tourism industry that was heavily affected by the January 2003 bushfires;
- Intention to consider the 'Re-greening the ACT' proposal within the terms of the NDRA;
- Preparedness to cooperate with the ACT with regard to the improvement of emergency communication system;
- Assurance that the Commonwealth was committed to contributing its fair share of the fire services costs in Canberra; and
- Advice that the Territory will not be exempt from applying the NDRA threshold on an annual basis. The Territory requested to be exempt from this arrangement, on the ground that the eligible expenditure after insurance would be limited when the threshold is applied annually.

(11) No separate request for financial assistance has been made under paragraph (g) of Clause 2.2 of the NDRA.

(12) Financial assistance was sought under 2.2 (g) as part of our interim claim on 19 May 2003. Eligible items under Clause 2.2 (g) will be included in the 2002-03 final claim and in claims relating to 2003-04.

(13) The Commonwealth accepted the items included in the interim claim pursuant to Clause 2.2 (g).

(14) Yes, the interim claim only related to 2002-03.

(15) Yes, it is very likely.

(16) The ACT Government has long been participating in the Natural Disaster Risk Management Studies Programme. Under the Programme, DOTARS seeks applications for funding from State, Territory and Local Governments annually. Therefore, no separate request for assistance was made under Clause 3.4.

(17) Please refer to (16).

(18) Please refer to (16).

Bushfires—cost
(Question No 833)

Mr Smyth asked the Treasurer, upon notice:

In relation to the destruction of, or damage to, property and other assets during the January 2003 bushfires and of the recovery efforts undertaken since that event:

(1) What is the aggregate estimate, as at 30 June 2003, of the cost of destruction of property and other assets;

(2) What is the breakdown of this cost of destruction across different types of property and other assets;

(3) What is the aggregate estimate, as at 30 June 2003, of the cost of damage to property and other assets;

(4) What is the breakdown of this cost of damage across different types of property and other assets;

(5) What is the nature and value of assets that have been written off;

(6) What is the aggregate cost of providing personal hardship and distress payments;

(7) What is the aggregate cost of providing concessional interest loans to businesses;

(8) What is the aggregate cost of providing concessional interest loans to any non-profit organisations or needy people;

(9) What is the aggregate cost of providing any interest subsidies to businesses;

(10) What is the aggregate of assistance provided for properties that were damaged but that remained habitable;

(11) What is the aggregate of costs that have been incurred on other major recovery activities, such as the Bushfire Recovery Taskforce, recovery centres, inquiries and reports, demolition activities and property clean ups.

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

(1) The Territory incurred significant damage to its assets in the January Bushfires.

As at 4 July 2003, the estimated loss to Government is approximately $60 million. This includes both damaged and destroyed properties but does not specifically distinguish between the two.

(2) Losses were incurred across most sectors of Government, by agency I provide the following breakdown of damage or destroyed assets:

Department of Education and Community Services $4.5m – this includes significant damage and loss of contents at Birrigai Outdoor Centre, smoke damage to Duffy Primary and Stromlo High and damage to Urriara Community Centre.

ACT Forests $8.5m – includes losses for the forests headquarters, equipment, vehicles, fencing, contents and recreational assets. In addition the Territory is expecting some recompense for the loss of standing timber in our managed pine plantations.

Emergency Service Bureau $4.0m - includes losses of fire stations, equipment, vehicles, fire towers, fencing, and fire fighting costs.

ACT Health $5.2m – primarily includes the loss of the Health Protection Centre and its contents.

ACT Housing $17.8m – primarily includes destroyed or damaged properties. Of which 82 were destroyed and 122 damaged.

DUS $19.5m – includes significant damage across the department, including ACT No Waste, DUS property, Roads ACT, Environment ACT and Canberra Urban Parks and Places. Destroyed or damaged assets includes items such as buildings and contents, plant and machinery, bridges, footpaths, signs, posts and markers.

CTEC $0.2m – loss of assets associated with signage used for motorsport events.

CIT $0.05m – damage to fencing and buildings.
Losses also include business interruption costs, and immediate response and clean up costs.

(3) See answer (1) above.

(4) See answer (2) above.

(5) As of 30 June ACT Government agencies had write offs or written downs for bushfire damaged or destroyed assets of $5.7m this is significantly less than estimated in the Interim June Quarterly Management Report I previously tabled in the Assembly. The revised figure reflects revisions made to agencies statements for the end of year audit process. The difference between losses mentioned previously of $60m is primarily due to agencies book values not matching the insurable value of assets, and the loss estimate including business interruption, immediate response and clean up costs.

(6) Treasury estimates that the average cost of providing personal hardship and distress payment is approximately $9 million. This includes expenditure on:

- Recovery Centre $1.1m
- Demolition Costs $2.5m
- Counselling Services $0.5m
- Financial Assistance Grants $3.3m
- Evacuation and Recovery Centres $0.2m
- Clothing Vouchers $0.4m

(7) The Government has not provided concessional interest loans to the businesses affected by the January bushfire.

(8) The Territory has not provided concessional interest loans to voluntary non-profit organisations or needy people.

(9) The Territory at 30 June has spent $0.483m on financial assistance grants to the businesses. The ACT Government has made available a loan interest subsidy scheme, at this stage no payments have been made. Payments are expected to start in 2003-04.

(10) The ACT Government has provided significant assistance to residents who sustained damage to their property but which remained habitable. This incudes expenditure on items such as:

- assistance to rural leases, whose properties were significantly damaged;
- free plant issues scheme;
- waste disposal for fire affected residents; and
- replacement of Garbage bins destroyed in the fires.

Residents whose homes were damaged but remained habitable also have access to the wide range of additional services the Government provided in response to the bushfires, including the Recovery Centre. Due to the wide range of services and assistance

provided I am not prepared to allocate resources to quantify the aggregate assistance provided.

(11) This question should be adequately covered by information provided during the Second Appropriation Estimates held on 3 September 2003.

Insurance revenue (Question No 834)

Mr Smyth asked the Treasurer, upon notice:

In relation to the insurance activities that have been initiated following the bushfire disaster in January 2003:

(1) What quantum of insurance revenue was received during 2002-03;

(2) For what components of ACT Government activities, such as forests, plant and equipment and housing, were these payments received;

(3) Are there any components for which insurance claims are outstanding and for which payments are anticipated;

(4) What quantum of insurance revenue – if any – is anticipated during 2003? 04;

(5) For what components of ACT Government activities will these payments be sought;

(6) What has been the consequence of these claims for premiums paid by the ACT Government for insurance cover for ACT Government assets.

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

(1) In 2002-03, the ACT's reinsurers paid the first instalment of $5m to the ACT Insurance Authority under the property insurance policy.

(2) This interim payment was not made with particular components of the property losses in mind but just the first instalment to reimburse the Authority for payments made. However, the Insurance Authority as the Government's captive insurer made payments to affected Government agencies in 2002-03 as part of its self-insured portion of the claims. The following payments to agencies on the property policy were reimbursement for costs already expended by agencies at the time of the payments:

Item	**$(000)**
Property destruction	2,867
Property damage	2,121
Plant and equipment	39
Fire fighting	1,385
Debris removal	887
Business interruption	637
Professional services	436
Other	250
TOTAL	**8,622**

These amounts are net of agency deductibles or excess. The ACT Housing components of these payments were:

Item	**$(000)**
Property destroyed	2,317
Property damaged	213

In addition, the Authority made a payment of $2m to ACT Forests in respect of fire-fighting costs, salvage costs and other expenses.

(3) At this time, the outstanding amounts of the claims against the reinsurers are estimated at $110m.

(4) The $110m is expected to be received in 2003-04.

(5) The expectation is $50m to cover property and $60m for timber. These values are however subject to final determinations.

(6) It is difficult to separate the affect of the bushfires on the cost of cover from other influences such as the rise in premiums generally and the substantial increase in the value of the property insured, but the Authority has estimated that the cost of the bushfires may have increased the premium on the new property policy by as much as $1m for 2003-04.

Years 10-12—retention (Question No 836)

Mr Pratt asked the Minister for Education, Youth and Family Services, upon notice, on 20 August 2003:

In relation to 2003 retention of Year 10 to Year 12 students:

(1) As at the end of Term 2 in the school year did the number of ACT students involved in studies in (a) Year 10, (b) Year 11 or (c) Year 12 go down;

(2) If the figure did go down, by how many. If the figure went up, by how many or did the figure remain the same;

(3) Has the government been able to track any students who may have now left the system and is the minister aware of whether these students left due to (a) finding employment, (b) undertaking an apprenticeship, (c) moved away from the ACT, (d) any other reason including no option after leaving school.

(4) What guidance is offered to students throughout the year who are considering leaving school;

(5) Is the Government looking at other ways to retain students from year 10 to year 12.

Ms Gallagher: The answer to Mr Pratt's question is:

(1) The following table contains the 2003 enrolment data for years 10, 11 and 12 in term 1 and term 2.

(1)	Year Level	Term 1	Term 2	Difference
(a)	10	2611	2615	4
(b)	11	3299	3279	-20
(c)	12	3056	3018	-38

(2) The table above shows that year 10 enrolments increased by 4 students between term 1 and term 2. The enrolments in year 11 fell by 20 students, and the year 12 enrolments fell by 38 students over the same period of time.

(3) All government high schools and colleges report on year 10, 11 and 12 students who leave school early. As a result of an exit interview conducted at the school/college with each student, the reasons for leaving are recorded by schools. Reasons for leaving include: finding employment; undertaking an apprenticeship or traineeship; already Certificated; and moving to another school in the ACT, interstate or overseas. The schools, colleges and the department use this information along with other data to inform their planning and address any significant curriculum or pastoral care issues.

The Student to Industry Program, funded by the Commonwealth through the Enterprise and Career Education Foundation, also runs a destination survey of all ACT students who have participated in Vocational Placements and Structured Work Placements through their service.

(4) All schools interview students prior to leaving school to seek employment or when moving between schools.

Every school and college has a Student Welfare Team which supports students considering leaving. This team usually comprises the school counsellor, year coordinators and learning assistance coordinator. In high schools, work experience coordinators give guidance to students who may be considering leaving school. In colleges, careers advisors, counsellors and VET in Schools coordinators provide this guidance.

Many schools also use specific targeted programs for students identified as being potential early leavers.

(5) The Government has funded several initiatives that will, among other things, improve retention rates among high school and college students.

(a) The Individual Pathway Plans Initiative, a 2002/03 Budget initiative, is currently being trialled and will be implemented for all year 10 students in 2004. The Individual Pathways Plans Initiative aims to provide all students from years 9-12 with a digital portfolio or written record of their strengths, interests, goals and achievements. Through the development of a pathways plan, young people will be supported to take an active role in shaping their own transitions through secondary education to further study and work.

(b) The 2003/04 Budget contained an initiative to provide youth workers in each high school. The first eight youth workers, as part of a new multidisciplinary approach to School Counselling and student support, will be in place in 2004. The arrangements are being

developed in consultation with school counselling stakeholders and the School Counselling Review Group.

(c) The establishment of an ACT Career and Transition Unit, another 2003-04 Budget initiative, will provide high schools and colleges with leadership and resources to assist young people in times of transition through thorough policy development, support for school careers advisors and the development of specific resources and programs.

(d) The High School Development Project has a brief to look at four main areas of innovation: Organisation and Cultural Change, Curriculum and Pedagogy, Middle Schooling, Vocational Learning.

Speed cameras
(Question Nos 837 and 838)

Mr Pratt asked the Minister for Urban Services, upon notice:

In relation to speed cameras outside schools in the ACT:

(1) Is the Minister aware of the installation of a speed camera outside a school in Sydney to calm traffic around the area where children/students cross regularly;

(2) Has the Government considered installing speed cameras outside schools in the ACT, if so, what discussions have taken place and what, if any, decisions have been made in relation to this matter, if not, would the Government consider installing speed cameras outside schools in the ACT;

(3) Has either Minister received representations for speed cameras outside any school in the ACT;

(4) Has either Minister received representations requesting the installation of traffic calming measures outside any ACT schools, if so, which schools and what decision has been made on each request.

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

(1) Yes

(2) Yes.

Traffic cameras are located strictly on road safety considerations at locations recommended by an advisory Traffic Liaison Committee, comprising representatives from the Department of Urban Services, the Australian Federal Police and NRMA Member Services.

Speed camera sites, are targeted at areas where the presence of cameras will assist in reducing speed related vehicle crashes. These are selected on the basis of speed-related crash history, speed surveys and traffic volume. The current location of speed cameras takes into account those areas were people are most at risk.

(3) Yes

(4) Yes, Roads ACT is in regular contact with schools across the ACT. There are a number of traffic management measures currently available for all the primary and secondary schools with road frontage. These measures include school zones, school crossing, pedestrian crossing, traffic and pedestrian refuge islands etc.

In addition some schools have requested additional traffic management measures in light of local circumstances. Roads ACT investigate these requests and appropriate measures are implemented as part of the Department's work program.

Additionally, 40km speed zones have been established adjacent to primary schools slowing traffic between 8.00 am and 4.00pm when the adjacent education facilities are utilised by children. These zones are currently enforced by ACT Policing.

Teachers
(Question No 842)

Mr Pratt asked the Minister for Education, Youth and Family Services, upon notice, on 20 August 2003:

In relation to teachers:

(1) How many teachers are currently employed by the Department of Education, Youth and Family Services in the government school system as (a) full time employees and (b) casuals;

(2) Of those teachers how many are (a) male and (b) female;

(3) What are the salary brackets for government school teachers;

(4) How many of our government school teachers are on contracts of 12 months or less;

(5) How many teachers have permanent contracts and what is the length of a permanent contract;

(6) Are teachers rotated/moved to different schools after a certain period of time or do teachers have choice to remain teaching in a particular school for as long as they wish;

(7) Has the Government been given any indication of how many teachers will be lost this year due to retirement, if so, what are those figures;

(8) Have any new programs been implemented to assist with teacher recruitment in the last 6 months, if so, please provide details of the programs, if not why not.

Ms Gallagher: The answer to Mr Pratt's question is:

(1) As at 30 June 2003, there were 3,054.52 fulltime equivalent teachers employed by the department. The number of casual teachers employed varies and is dependent on the amount of casual work available. Currently there are 1,271 teachers registered for casual work and, at this time of the year, over 600 would be working.

(2) Of the 3,054.52 fulltime equivalent teachers, 2,310.40 are female and 744.12 are male. For the casual teacher registrations, 981 are female and 290 are male.

(3) Currently, for permanent classroom teachers, there are eight salary points ranging from $40,000 to $55,200. The recently agreed first stage of the new enterprise agreement will increase this range from $41,400 to $58,992.

(4) There are 316 teachers on temporary contact, of these 85 are short term contracts ranging from four weeks to ten weeks. The remainder, 231 temporary contracts, are for the remainder of the school year.

(5) All contacts are for temporary employment. Temporary contracts for teachers are for a maximum of twelve months. However, it is possible a teacher to have successive temporary contracts for in excess of twelve months.

(6) Both the principals' and the teachers' certified agreements commit the teaching workforce to staff mobility. This practice applies to all classroom teachers appointed since 1 July 1999 and to all promotions, appointments or transfers to promotion positions.

(7) To date there have been 171 separations from the teaching workforce since the beginning of the school year. This indicates that there will be around 260 separations for the 2003 school year.

(8) In the last six months, a new Teacher Recruitment Unit has been established to better target the teacher recruitment program. There has been a healthy response to this year's teacher recruitment program and a number of offers of employment in 2004 have already been made. Work has commenced, in partnership the University of Canberra, on a teacher retraining program for primary school teachers to study to become junior secondary mathematics teachers. This program will commence in 2004. It is anticipated that a similar program leading to teaching junior secondary science will follow in the second half of 2004.

Education services (Question No 845)

Mr Pratt asked the Minister for Education, Youth and Family Services, upon notice, on 20 August 2003:

In relation to the provision of education services to school students who live outside the ACT:

(1) How many school students who live in NSW attend Government schools in the ACT;

(2) Of the school students who live outside the ACT and attend ACT Government schools, how many are in:
(a) primary schools;
(b) high schools; and
(c) colleges.

(3) What is the cost of providing schooling to students who live outside the ACT and attend ACT Government schools in each of:

(a) primary schools;
(b) high schools; and
(c) colleges.

(4) How much was recovered from the NSW Government for providing schooling in ACT Government schools in each of 2001-02 and 2002-03.

Ms Gallagher: The answer to Mr Pratt's question is:

(1) As of the August 2003 census, there were 1,523 students living in NSW and attending Government schools in the ACT.

(2) Of the 1,523 students living in NSW and attending Government schools in the ACT:

(a) 574 were in primary schools;
(b) 590 were in high schools; and
(c) 359 were in colleges.

(3) The marginal cost of providing schooling to NSW students attending ACT Government schools depends on the school. The marginal teaching cost (the bulk of any additional costs) of these students is:

(a) $1.5 million in primary schools
(b) $2.3 million in high schools
(c) $1.5 million in secondary colleges

(4) The ACT does not recover any funds directly from the NSW Government for these students. Adjustments are made in the Commonwealth Grants Commission's methodologies however for the number of cross-border students studying in ACT schools. The untied grants received by the Territory from the Commonwealth are adjusted to acknowledge the provision of education to these students.

Woden School
(Question No 846)

Mr Pratt asked the Minister for Education, Youth and Family Services, upon notice, on 20 August 2003:

In relation to the Woden School:

(1) What level of security is in place at the Woden School to ensure that students do not leave the school grounds unaccompanied;

(2) If a student is able to leave the school grounds unaccompanied, are the staff required to contact the student's parents;

(3) Are staff able to confiscate student's belongings if students are not cooperative with staff requests.

Ms Gallagher: The answer to Mr Pratt's question is:

(1) Schools have a duty of care to keep students safe. The duty of care includes supervision of students within the school buildings and the school grounds. Staff are continuously trained on their duty of care responsibilities.

(2) A staff member is required to contact a parent, carer, or emergency contact if a student leaves the school grounds.

(3) Confiscation of a student's possessions for a short time might occur on those occasions where the school believes it to be an effective strategy in managing an individual student and keeping the student safe on school grounds. Guidance for staff on confiscation of student property is available in the School Management Manual, September 2001.

Canberra Institute of Technology (Question No 847)

Mrs Burke asked the Minister for Education, Youth and Family Services, upon notice on 20 August 2003:

In relation to the Canberra Institute of Technology (CIT):

(1) What are the current staffing levels for the Office of the Chief Executive at the CIT (include fulltime, part-time, casual/temporary, other);

(2) What were the staffing levels (further to (1)) as at 30 June 1998 (b) 30 June 1999 (c) 30 June 2000 (d) 30 June 2001 (e) 30 June 2002 and (f) 30 June 2003 (showing categories breakdown as per (1));

(3) What are the classification levels of each position and the duties performed by each person;

(4) What is the total cost of renovations to the Office of the Chief Executive since 30 June 1997;

(5) Supply details of the renovations and why the renovations were carried out;

(6) What is the total cost of air travel, showing breakdown between international and domestic travel, for the Chief Executive for the financial years 2001-02 and 2002-03;

(7) Further to (6), what was the purpose of each trip;

(8) Was any trip undertaken for the sole purpose of business; was any trip undertaken for business and private purposes; if so, for each, provide details of such purposes, respectively;

(9) Further to (8), if any travel was undertaken for private purposes what contribution to such travel was made by the Chief Executive;

(10) In relation to travel made for business purposes, what were the results against the stated purpose and objectives for the travel;

(11) In what way did the travel (specify for each trip) benefit the CIT;

(12) What were the results of the 2002 Staff Survey;

(13) Further to (12), was there a satisfactory response to the Survey; if not, why not, and what, if anything, has been done about this.

Ms Gallagher: The answer to Mrs Burke's question is:

(1) The Office of the Chief Executive is part of the Institute Directorate at the Canberra Institute of Technology. The Unit structure of the Institute Directorate is:

- Office of the Chief Executive
- Directorate Support Unit
- External Relations and Strategic Marketing Unit.

A copy of the Institute's overall structure and Faculty/Division relationships at Attachment A.

The current staffing levels of the Office of the Chief Executive as at 20 August 2003 are:

Staffing levels	**Status**
Chief Executive Officer	Full-Time
ASO 5 – Executive Assistant	Full-Time

(2) Staffing Levels of the Office of the Chief Executive at the other dates requested are:

Date	**Staff**	**Status**	**Position Number**	**Classification**
30Jun98	1	F/T	51001	Chief Executive
30Jun99	1	F/T	51001	Chief Executive
30Jun00	2	F/T F/T	51001 54311	Chief Executive ASO 5
30Jun01	3	F/T F/T F/T	51001 54311 92017 (4 months)	Chief Executive ASO 5 ASO 2
30Jun02	5	F/T F/T F/T F/T	51001 54311 54181 55332	Chief Executive ASO 5 ASO 3 ACT Government Graduate Employment Scheme
30Jun03	2	F/T F/T	51001 54311	Chief Executive ASO 5
27Aug03	2	F/T F/T	51001 54311	Chief Executive ASO 5

(3) Classification levels of each position and the duties performed by each person:

Duties ASO 5 - 2000/2001/2002/2003
ASO 5 PN 54311

Provide personal assistance to the Director including:

- Provision of reception and secretarial services to the Director.

- Liaison with high-level persons.
- Management of appointments and engagements for the Director with high-level persons/organisations.
- Provisions of public relations services and related hospitality for visitors to the Institute/Director.
- Co-ordination and collation of correspondence and papers for the Director.
- Management of information required by the Director.
- Development and maintenance of databases of information required by the Director.
- Screen the Director from unnecessary interruptions and redirect enquiries where appropriate.
- Undertake other appropriate administrative tasks and incidental duties as required by the Director.

Duties ASO 2 from June 26 – October 10 2001
ASO2 PN 92017

Under general direction, provide general administrative support to the Director and Senior Managers of the Institute Directorate. Duties were to:

- receive and manage visitors to the Executive Area and provide telephone screening for the Office of the Chief Executive.
- perform typing/word-processing duties and maintain databases, as appropriate.
- provide assistance in processing financial records, including data input for corporate credit cards using FRMS, and carry out functions of Petty Cash Officer.
- maintain supplies and order stationery/toners/paper, etc for the Executive Area.
- assemble documents, maintain files, store documents and publications.
- assist with the provision of general administrative, financial and HR support in the Office of the Chief Executive.
- receive and distribute correspondence within the Office of the Chief Executive.
- perform other administrative tasks and duties appropriate to the classification.

Duties Graduate Assistant 2002 – ACT Government Graduate Employment Scheme
Graduate Assistant 55332

The Graduate Assistant employed in 2002 had access the following development opportunities whilst working in the Office of the Chief Executive:

- uphold the values and principles of public service.
- comply with legislation in the public sector.

- apply knowledge of government processes.
- promote clients compliance with legislation.
- assess compliance with legislation.
- work effectively in the organisation.
- recognise and value individual differences in the workplace or work effectively with diversity.
- follow defined Occupational Health and Safety policies and procedure.
- develop and implement work unit plans.
- communicate in the workforce.
- provide input to change process.
- gather and analyse information.
- co-ordinate research and analysis.
- develop a project.
- implement a project.
- manage projects.
- close projects.
- support policy implementation.
- contribute to the development of policy.
- deliver and monitor service to clients.
- prepare a quotation.
- develop, provide, promote and evaluate client services.
- plan procurement.
- request and receive offers.
- award contracts.
- manage contracts.

Specific responsibilities for the Graduate Assistant in 2002 were:

- prepare research papers on Vocational Education and Training (VET) for the Director.
- assist CIT's legal area with the development of contracts and assessment of incoming contracts.

Duties ASO 3 2002
ASO 3 PN 54181

Under general direction, provide general administrative support to the Director and Senior Managers of the Institute Directorate. Duties were to:

- receive and manage visitors to the Executive Area and provide telephone screening for the Office of the Chief Executive.
- perform typing/word-processing duties and maintain databases, as appropriate.
- provide assistance in processing financial records, including data input for corporate credit cards using FRMS, and carry out functions of Petty Cash Officer.
- maintain supplies and order stationery/toners/paper, etc for the Executive Area.
- assemble documents, maintain files, store documents and publications.
- assist with the provision of general administrative, financial and HR support in the Office of the Chief Executive.
- receive and distribute correspondence within the Office of the Chief Executive.
- perform other administrative tasks and duties appropriate to the classification.

(4) The total cost of renovations to the Office of the Chief Executive, including the Directorate Support Unit, the Finance Unit, the External Relations and Strategic Marketing Unit and the Institute Conference Room, undertaken in 1998, was $346,169.

In the past 2 years, there have been two minor projects undertaken involving partition changes and associated re-cabling to create additional office space. The cost of these two projects was $16,725.18 and $5,000 respectively.

(5) The initial renovation of a section of E Block, Reid Campus, currently occupied by the Office of the Chief Executive, the Directorate Support Unit, the External Relations and Strategic Marketing Unit and the Finance Unit, and also including the Institute Conference Room, was undertaken over the period 9 February 1998 to 1 May 1998.

The purpose of the renovation was to:

- create an executive suite with separate entry and reception area for both the Executive Area and the Institute Conference Room.
- modify the Institute Conference Room to include storage and a kitchenette.
- modify to the Finance Unit area, including construction of kitchen area and built-in storage.
- upgrade all data cabling and network hardware, serving Executive and Finance Areas.
- modify the air-conditioning systems serving all areas.
- modify partitioning and cabling to create additional office space.

(6) Domestic and international Travel for the Chief Executive for the Financial Years 2001-2002 and 2002-2003 was as follows:

Domestic Travel for 2001-2002:

Dates	**Method of Travel**	**To**	**Cost Air Travel**
9–13Jul01	Ansett Masterfile	Darwin	No cost to CIT
27Jul01	QANTAS	Adelaide	$650.87
5Sep01	QANTAS	Melbourne	$426.14
14-15Oct01	Virgin/QANTAS	Brisbane	$615.00
12-13Feb02	QANTAS	Sydney	$321.63
24-27Mar02	QANTAS	Melbourne	$338.79

Domestic Travel for 2002-2003:

Dates	**Method of Travel**	**To**	**Cost Air Travel**
10-14Jul02	QANTAS	Darwin	$1,693.00
25-26Jul02	QANTAS	Sydney	$332.96
6-7Sep02	QANTAS	Sydney	$312.94
1-4Oct02	QANTAS	Hobart	$1,102.84
1-3Apr03	QANTAS	Sydney, Port Macquarie	$720.41

International Travel for 2001-2002:

Dates	**Country**	**State/City**	**Cost of Air Travel**
21Jan02-10Feb02	Brunei, Indonesia, Singapore	Brunei, Makassar,Singapore	$6,389.00
10Apr02-17Apr02	China, Malaysia	Beijing, Kuala Lumpur	$5,378.00
17Jun02-28Jun02	United Kingdom, Netherlands	London, Amsterdam	$7,268.94

International Travel for 2002-2003:

Dates	**Country**	**State/City**	**Cost of Air Travel**
24Jun03-4Jul03	United States	North and South Carolina, Illinois	$10,263.00

(7) The purpose of each trip was:

Domestic Travel 2001-2003:

Dates	**To**	**Purpose of Trip**
9–13Jul01	Darwin	Keynote speaker at the Teaching and Learning Conference.
27Jul01	Adelaide	Leadership Project meetings with TAFE in South Australia.
5Sep01	Melbourne	TAFE Directors Australia (TDA) Meeting.
14-15Oct01	Brisbane	Present submission to the judging panel for the National Large Training Provider of the Year.
12-13Feb02	Sydney	Attend meeting of TAFE Directors Australia and Industry Group.
24-27Mar02	Melbourne	Attend and speak at 2nd World Congress of Colleges and Polytechnics.
10-14Jul02	Darwin	Attend Steering Committee of TAFE Directors Australia.
25-26Jul02	Sydney	Attend TAFE and Universities Forum (NSW TAFE Commission Forum in the new economy).
6-7Sep02	Sydney	Present a paper to the Australian Council of Private Education and Training Conference.
1-4Oct02	Hobart	Attend the Australian International Education Conference.
1-3Apr03	Sydney,Port Macquarie	Business meetings with TAFE NSW Administration and Directors.

International Travel 2001-2003:

Dates	**Country**	**State City**	**Purpose of Trip**
21Jan02-10Feb02	Brunei, Indonesia, Singapore	Brunei, Makassar, Singapore	Attend business meetings with existing and new commercial clients.
10Apr02-17Apr02	China, Malaysia	Beijing, Kuala Lumpur	Participate with other ACT Government Agencies and Team Canberra members in promotional and business development sessions and visit Adskill Offices and Mantissa Colleges in Kuala Lumpur.
17Jun02-28Jun02	United Kingdom, Netherlands	London, Amsterdam	Attend 2002 Postsecondary International Network (PIN) Conference.
24Jun03-4Jul03	United States	North and South Carolina, Illinois	Participate in PIN ConferencePresent CIT's approach to hosting the Conference in 2004.

(8) All trips were undertaken for the sole purpose of business.

(9) Not applicable as no travel was undertaken for private purposes.

(10) a. Results against the stated purpose and objectives for Domestic Travel 2001-2003 are:

Dates	**To**	**Purpose of Trip**	**Results against the Stated Purpose and Objectives**
9–13Jul01	Darwin	Keynote speaker at the Teaching and Learning Conference	Delivered paper to the International Conference on VET Directions, with publication by the Northern Territory University (NTU).

27Jul01	Adelaide	Leadership Project meetings with TAFE in South Australia	ANTA Project with TDA result. Competency Framework for Senior Staff.
5Sep01	Melbourne	TAFE Directors Australia Meeting	TDA - National Body Steering Group meeting.
14-15Oct01	Brisbane	Present submission to the judging panel for the National Large Training Provider of the Year	Interviewed by judging panel. CIT became Finalist as RTO of the Year.
12-13Feb02	Sydney	Attend meeting of TAFE Directors Australia and Industry Group	National Directions meeting for our system with industry.
24-27Mar03	Melbourne	Attend and speak at 2nd World Congress of Colleges and Polytechnics	International Conference – Guest Speaker on CIT Serving the Community.
10-14Jul02	Darwin	Attend Steering Committee of TAFE Directors Australia	National meeting of TAFE Directors Australia.
25-26Jul02	Sydney	Attend TAFE and Universities Forum (NSW TAFE Commission Forum in the new economy)	Group Leader in Forum to discuss the New Economy and its training needs.
6-7Sep02	Sydney	Present a paper to the Australian Council of Private Education and Training Conference	Invited to speak on the direction of our system and Future Training and Education needs.
1-4Oct02	Hobart	Attend the Australian International Education Conference	Learn about export education opportunities for CIT.
1-3Apr03	Sydney,Port Macquarie	Business meetings with TAFE NSW Administration and Directors	Discuss further co-operation and sharing of information with NSW VET.

b. Results against the stated purpose and objectives for International Travel 2001-2003 are:

Dates	**Country**	**State City**	**Purpose of Trip**	**Results against the Stated Purpose and Objectives**
21Jan02-10Feb02	Brunei, Indonesia, Singapore	Brunei, Makassar, Singapore	Attend business meetings with existing and new commercial clients	Review existing arrangements with CIT's overseas agencies and assess further business export education opportunities.

10Apr02-17Apr02	China, Malaysia	Beijing, Kuala Lumpur	Participate with other ACT Government Agencies and Team Canberra members in promotional and business development sessions and visit Adskill Offices and Mantissa Colleges in Kuala Lumpur	Present capability submission on export education and assess possible CIT partnership opportunities. CIT offered a number of short courses on a commercial basis and as a result of the visit to China, student and staff exchange opportunities were further explored.
17Jun02-28Jun02	United Kingdom, Netherlands	London, Amsterdam	Attend 2002 Postsecondary International Network (PIN) Conference	PIN is a consortium of polytechnics. As the elected President of PIN, I won the right to host the Annual Conference in Canberra in 2004.
24Jun03-4Jul03	United States	North and South Carolina, Illinois	Participate in PIN ConferencePresent CIT's approach to hosting the Conference in 2004	As President of PIN, I chaired the International Conference and provided update report on Australia's hosting of the 2004 Conference. CIT will be showcased as a result of the 2004 Conference. Also investigated Associate Degrees in the US with the view to adopting in CIT.

(11)a. The benefits to CIT of Domestic Travel 2001-2003 are:

Dates	**To**	**Purpose of Trip**	**Benefit to CIT**
9–13Jul01	Darwin	Keynote speaker at the Teaching and Learning Conference	Share with national and international delegates directions and challenges for VET.
27Jul01	Adelaide	Leadership Project meetings with TAFE in South Australia	Adopted leadership project work and used material for professional development of staff.
5Sep01	Melbourne	TAFE Directors Australia Meeting	National direction sharing.
14-15Oct01	Brisbane	Present submission to the judging panel for the National Large Training Provider of the Year	CIT became a finalist as large provider of the year – Australia.

12-13Feb02	Sydney	Attend meeting of TAFE Directors Australia and Industry Group	Learnt further about industry training needs and expectations of TAFE Institutes.
24-27Mar03	Melbourne	Attend and speak at 2nd World Congress of Colleges and Polytechnics	Spoke about the direction of CIT to international audience. This has further enhanced CIT's profile.
10-14Jul02	Darwin	Attend Steering Committee of TAFE Directors Australia	Served on national committee to provide TAFE input from CIT.
25-26Jul02	Sydney	Attend TAFE and Universities Forum (NSW TAFE Commission Forum in the new economy)	Discussed new directions for the knowledge economy and training implications.
6-7Sep02	Sydney	Present a paper to the Australian Council of Private Education and Training Conference	Paper sought to explore co-operation opportunity between VET providers to address future training needs.
1-4Oct02	Hobart	Attend the Australian International Education Conference	Learnt about export education intelligence since adopted in our planning.
1-3Apr03	Sydney,Port Macquarie	Business meetings with TAFE NSW Administration and Directors	Discussed and secured further co-operation between CIT and TAFE NSW.

b. The benefits to CIT of International Travel 2001-2003 are:

Dates	**Country**	**State City**	**Purpose of Trip**	**Benefit to CIT**
21Jan02-10Feb02	Brunei, Indonesia, Singapore	Brunei, Makassar, Singapore	Attend business meetings with existing and new commercial clients	Reviewed existing international arrangements and assessed new business opportunity for CIT in Brunei.
10Apr02-17Apr02	China, Malaysia	Beijing, Kuala Lumpur	Participate with other ACT Government Agencies and Team Canberra members in promotional and business development sessions and visit Adskill Offices and Mantissa Colleges in Kuala Lumpur	Provided and spoken to capability statement. CIT has won and delivered short-term commercial training for the Chinese. Other arrangements are being explored with Chinese Tertiary Education authorities.

17Jun02-28Jun02	United Kingdom, Netherlands	London,Amsterdam	Attend 2002 Postsecondary International Network (PIN) Conference	Visited top international Further Education Colleges with the view to staff exchanges as part of professional development. Elected President of PIN and secured conference for Canberra in 2004.
24Jun03-4Jul03	United States	North and South Carolina, Illinois	Participate in PIN ConferencePresent CIT's approach to hosting the Conference in 2004	Reported on conference planning in Australia and chaired international conference as President of PIN. This has enhanced CIT's profile and the sharing of information with top-level tertiary education providers.

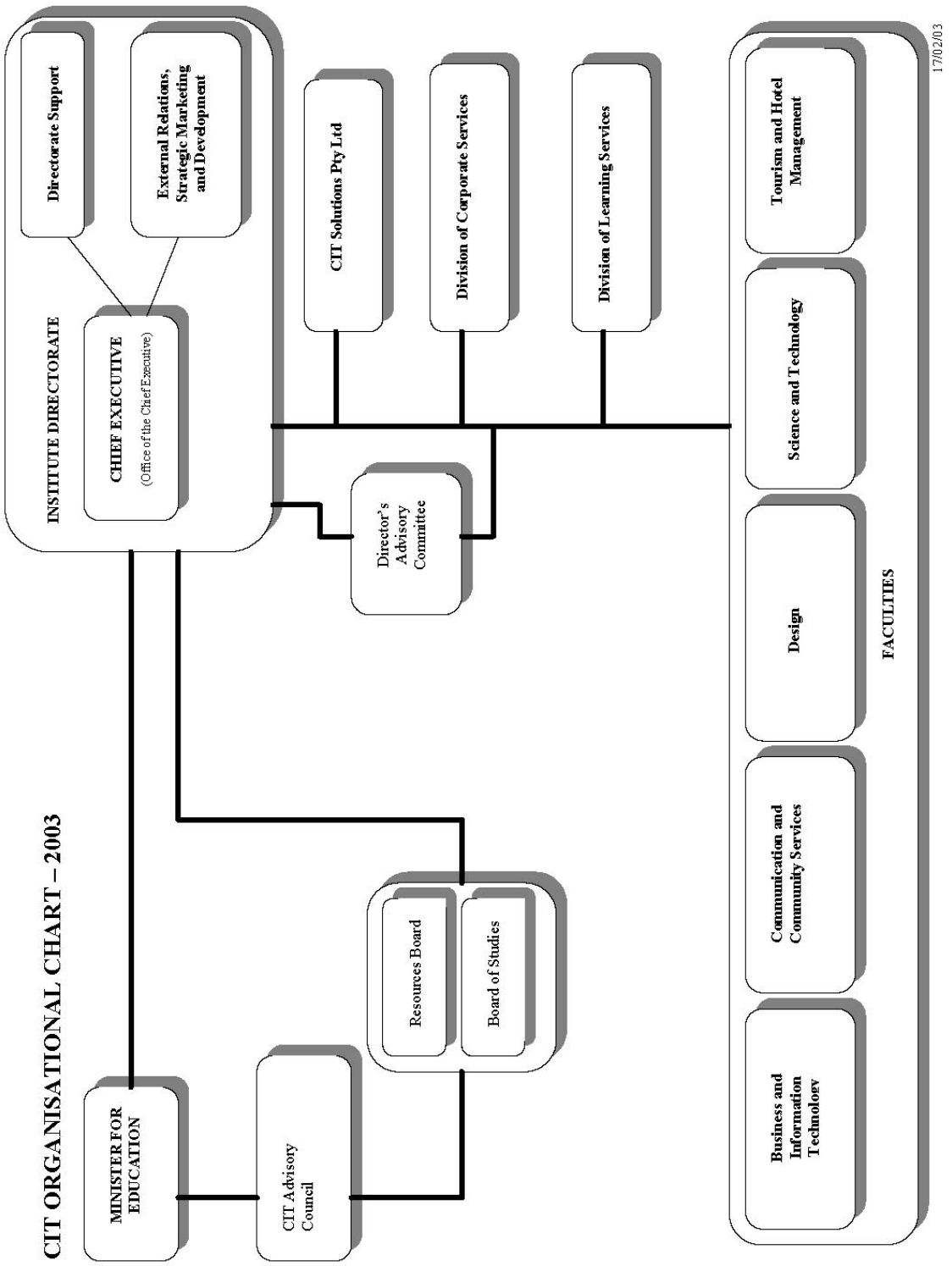
(12) The 2002 CIT Staff Survey was conducted in August 2002 and provided staff with the opportunity to give CIT management feedback about important aspects of working at CIT.

Responses came from all occupational groups, and all Faculties and Divisions within CIT, and from differing age groups and individuals with differing lengths of service. The results have been collated and disseminated to all staff through the publication 'Staff Survey at a Glance'. The full Survey Report is also available on the Staff Information System (see Attachment B).

Following dissemination of results, the Human Resources Unit held discussions at all Faculty meetings, staff networks and with work groups. A series of Focus Groups for all staff were held across CIT Campuses to discuss the results and to formulate strategies to address areas where issues were identified. These strategies have been collated and are currently being assigned as actions to responsibility areas within the Institute.

(13) In total, 1,631 survey forms were issued, with 429 completed forms returned (a response rate of 26 per cent), making the overall result statistically significant.

Attachment A



Attachment B, *2002 CIT Staff Survey Report* has been lodged with the Chamber Support Office.

Erindale Library
(Question No 851)

Mr Smyth asked the Minister for Urban Services upon notice:

In relation to the Erindale Library refurbishment:

(1) In a press statement issued by you on Tuesday 19 August you highlight the $690,000 spent on the Erindale Library upgrade. In corresponding this with the 2002-03 Budget Papers I have found only $385,000 was allocated towards this project. Is the figure of $690,000 in your press statement correct;

(2) If so, where did the additional $305,000 come from for this project, if not, will you issue a correction;

(3) What are the financial breakdowns for the cost of works associated with this refurbishment;

(4) Why was the project not completed by June 2003 as indicated in the 2002-03 Budget Papers;

(5) What other library refurbishments are currently underway, please detail the site and estimated costs.

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

(1) Yes.

(2) The additional funding of $305,000 was from the Libraries Improvement Program - $90,000 and existing DUS resources - $215,000.

(3) The breakdown of costs is as follows:

$385,000 Building refurbishment including demolition and refurbishment, lighting, electrical, mechanical, new front entrance with air-lock, north entry extension, contractors fees.

$90,000 OH&S including disabled access, children's and staff work areas

$215,000 floor coverings, furniture, shelving, book storage and restocking, refit of staff office facilities.

(4) The project was completed by end June 2003 with the exception of one item involving some plumbing at the front of the building. This work was delayed for the convenience of customers entering the library while the new front entrance was being completed.

(5) The 2003-4 Budget has allocated $540,000 for the refurbishment of Woden Library, excluding the Canberra Connect shopfront area.

Whooping cough
(Question No 852)

Mr Smyth: Asked the Minister for Health, upon notice, in relation to whooping cough cases:

(1) When was the Minister first made aware of an increase in whooping cough cases in the ACT;

(2) At what point in the period 1 January to 20 June did last year's figure surpass this year's figure;

(3) Why was a warning about an increase in cases not issued earlier than August;

(4) I have been informed that Daramalan College was closed for some time due to fears of contagious flu, can the Minister confirm if this is the case;

(5) If the school was closed for some time, was this because of the flu or did it have anything to do with whooping cough also;

(6) Have there been any health concerns regarding the flu or whooping cough in any other ACT schools, if so, please provide details.

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

(1) Monitoring whooping cough (pertussis) is a routine matter for the Chief Health Officer. Outbreaks occur every year or two. Media releases on the increase in pertussis were issued on 28 May and 25 June 2003, as well as an article in the Canberra Times Doctor's Orders column on 29 June. Further media releases were provided on 8 and 25 August. These are all available on the website at:http://www.health.act.gov.au/c/health?a = sp&did=10002208, and were provided to the Minister's office at the time of issue. The Deputy Chief Health Officer discussed management of this outbreak with the Minister on 13 August. A formal briefing on this matter would only be developed if there was reason to believe that ACT Health's outbreak management or immunisation strategies were failing. This is not the case.

(2) From the middle of May the number of daily notifications, were increasing with a few schools having two or more cases. Until the end of May there were 27 cases in 2003 compared to 29 cases in 2002. In June 2003 there were 26 additional cases, compared with three in 2003.

(3) The first media release in relation to pertussis was on 28 May, followed by others on 25 June, 8 and 25 August 2003. Specific information was sent out to General Practitioners and schools on 27 May, 25 June, 8 and 25 August. All schools and workplaces have also been individually contacted to advise of confirmed cases. Childcare and health care providers were advised at various times during August, most recently on 25 August.

(4) Neither the high school nor the college has been closed due to illness. Following a media enquiry, ACT Health contacted the principal of Daramalan College. The Department has received great cooperation from the principal in assessing absenteeism data. Reasons for absenteeism are not recorded at the school, however given the nature of communicable diseases at any given time in the ACT, and particularly in winter, school absenteeism will be affected by seasonal fluctuations in illness, including 'flu-like' illnesses. Absenteeism at Daramalan is consistent with this seasonal pattern.

(5) The school was not closed.

(6) A number of other high schools have experienced absenteeism consistent with illnesses occurring mainly during winter. Confirmed cases of pertussis have been associated with the majority of ACT secondary schools and a small number of primary/pre-schools. All schools were contacted in relation to pertussis in May, June and August and again when there has been a confirmed case at the school.

Hospital services (Question No 854)

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

In relation to the provision of hospital services to patients who live outside the ACT:

(1) How many patients living outside the ACT were treated in each of Calvary Public Hospital and The Canberra Hospital in 2001-02 and 2002-03;

(2) What is the estimated total cost to the ACT health system of providing hospital services to patients who live outside the ACT;

(3) How much was recovered from (a) the NSW government and (b) other state governments for providing hospital services in Calvary Public Hospital and The Canberra Hospital in each of 2001-02 and 2002-03.

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

(1) The patients treated from outside the ACT at The Canberra Hospital and Calvary Public hospital are outlined below:

Table 1: Inpatient, Emergency Department (ED)* and Outpatient Clinic** episodes for non-ACT residents, ACT public hospitals, 2001-02 and 2002-03

Year	Episode Type	The Canberra Hospital	Calvary Public Hospital
2001-02	Inpatient	12,760	1,852
	ED/Outpatient Clinic	40,283	7,475
2002-03	Inpatient	13,978	2,418
	ED/Outpatient Clinic	43,536	7,001

* ED episodes include both admitted and non-admitted episodes. Admitted episodes are also inpatients.

** TCH ED/Outpatient episodes exclude medical imaging and pathology episodes. Calvary ED/Outpatient episodes include unknown number of radiology episodes.

(2) It is only possible to provide a rough estimate of costs for 2001-02. Hospital cost data for 2002-03 is not available yet. In 2001-02, the estimated cost of providing hospital services to patients who lived outside the ACT was $60 million.

To date, the ACT has received $40.615 million dollars from NSW for each of the 2001-02 and 2002-03 financial years. These were provisional payments that will be reconciled against actual activity for cross border residents in both jurisdictions during those years.

(3) Payments from non-NSW jurisdictions were reconciled against activity for ACT residents treated in other jurisdictions. The final payments after reconciliation are presented in Table 3.

Table 3: Net payments between ACT and non-NSW jurisdictions for cross border hospital activity

State/Territory	Payment between ACT and Jurisdiction	
Victoria	ACT paid	$ 316,262
Queensland	ACT paid	$ 116,153
South Australia	ACT paid	$ 140,661
Tasmania	ACT paid	$ 16,985
Northern Territory	ACT received	$ 40,172
Western Australia	ACT received	$ 32,479
Total	Net payment by ACT	$ 517,410

Cotter Tavern site (Question No 855)

Mr Smyth asked the Minister for Planning, upon notice:

In relation to the Cotter Tavern and further to your reply to Question on notice No 745:

(1) What is the reason for the delay in determining the future of the Crown Lease where the Cotter Tavern is situated;

(2) Who currently holds the right to use the land covered by that Crown Lease;

(3) What uses are permitted under that Crown Lease;

(4) What is the likelihood that a tavern style facility will not be rebuilt in that area;

(5) When will a decision on the future use of that Crown Lease be made.

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

(1) The Cotter Reserve Hotel lease was surrendered by the lessee on 9 July 2003.

(2) The land is now unleased and under the control of the ACT Planning and Land Authority. ACTPLA has arranged to have the site cleared and demolition work is currently underway.

(3) No lease provisions apply as the land is currently unleased.

(4) A number of planning studies are being conducted by Environment ACT and ACTPLA to investigate appropriate future uses in the Cotter Reserve area. A number of options will be investigated including camping, hotel, tavern and restaurant facilities.

(5) Once the planning studies and the land use policies of the National and Territory Plans are finalised, a decision will be made about future land releases in the Cotter Reserve area.

Airline flights
(Question Nos 858-870)

Mr Smyth asked the following Ministers:

Minister for Community Affairs, Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming, Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for Police and Emergency Services, Minister for Arts and Heritage, Minister for Health, Minister for Planning, Minister for Education, Youth and Family Services, Minister for Women, and Minister for Industrial Relations,

upon notice, on 21 August 2003:

In relation to airline travel in the Department

(1) How many airline flights did officers in your department or associated agencies undertake on official business between 1 January 2003 and 30 June 2003;

(2) How many of these flights were on Qantas services;

(3) How many of these flights were on Rex Airlines services;

(4) How many of these flights were on Virgin Blue services;

(5) How many airline flights did officers in your departments or associated agencies undertake on official business between Canberra and Sydney or vice versa between 1 January 2003 and 30 June 2003;

(6) How many of these flights were on Qantas;

(7) How many of these flights were on Rex Airlines?

The QON are being answered by the Chief Minister on behalf of the Ministers listed above.

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

Answers to Questions 1-4

	Total of airline flights between 1 January & 30 June 2003	**Number of flights on Qantas between 1 January & 30 June 2003**	**Number of flights on Rex Airlines between 1 January & 30 June 2003**	**Number of flights on Virgin Blue between 1 January & 30 June 2003**
Chief Minister's Department	366	350	16	0
Department of Treasury	273	264	9	0
Department of Urban Services	438	420	16	2
Department of Education, Youth & Family Services	863	839	24	0
ACT Health	1403	1364	39	0
Department of Justice & Community Safety	583	563	20	0
Department of Disability, Housing & Community Services	160	144	16	0
Canberra Institute of Technology	251	237	14	0
ACT Legislative Assembly	83	83	0	0
ACT Auditor General's Office	6	6	0	0
ACT Gambling & Racing Commission	32	32	0	0
Australian International Hotel School	11	7	4	0
Canberra Tourism & Events Corporation	83	76	7	0
Gungahlin Development Authority	42	42	0	0
Independent Competition & Regulatory Commission	69	69	0	0

Kingston Foreshore Development Authority	62	62	0	0
ACTTAB Ltd	14	14	0	0
Australian Capital Region Development Council	6	0	6	0
ACT Workcover	57	57	0	0
Totalcare Industries Limited	40	32	8	0

Answers to Questions 5-7

	Airline flights Sydney-Canberra or vice versa between 1 January & 30 June 2003	**Number of flights on Qantas between 1 January & 30 June 2003**	**Number of flights on Rex Airlines between 1 January & 30 June 2003**
Chief Minister's Department	161	146	15
Department of Treasury	124	120	4
Department of Urban Services	80	79	1
Department of Education, Youth & Family Services	158	144	14
ACT Health	571	543	28
Department of Justice & Community Safety	190	184	6
Department of Disability, Housing & Community Services	52	40	12
Canberra Institute of Technology	38	28	10
ACT Legislative Assembly	24	24	0
ACT Auditor General's Office	2	2	0
ACT Gambling & Racing Commission	12	12	0
Australian International Hotel School	0	0	0
Canberra Tourism & Events Corporation	29	27	2
Gungahlin Development Authority	42	42	0

Independent Competition & Regulatory Commission	26	26	0
Kingston Foreshore Development Authority	22	22	0
ACTTAB Ltd	6	6	0
Australian Capital Region Development Council	6	0	6
ACT Workcover	24	24	0
Totalcare Industries Limited	28	20	8

Telecommunications—Gungahlin (Question No 872)

Mr Smyth asked the Minister for Planning, upon notice:

In relation to telecommunications in Gungahlin and further to your reply to Question on notice No 813:

(1) In response to part (6) of your reply you state that the sites for mobile phone stations will be determined in consultation with the ACT Government. Will there also be consultation with the residents of Gungahlin;

(2) If so, how soon will that consultation begin. If not, why not.

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

(1) Under the recently introduced Industry Code for the Deployment of Radiocommunications Infrastructure, known as the ACIF Code, network carriers are required to notify and consult with site owners, local planning authorities and the local community in relation to new 'low-impact' telecommunications installations. 'Low-impact' installations are exempt from formal development approval under the Commonwealth's *Telecommunications Act 1997*.

If the new installation is not 'low-impact', a development application and public notification will be required. Depending on the type of installation, a preliminary assessment may also be required.

(2) Community consultation is associated with individual proposals for new installations, either under the ACIF Code or development application requirements.

Stormwater maintenance and replacement programs (Question No 874)

Mrs Dunne asked the Minister for Urban Services, upon notice:

In relation to the maintenance of sewerage and stormwater systems:

(1) Are sewers maintained on a regular basis or are they only checked at certain times

(2) How many sewerage spills were there between 1 July 2002 and 30 June 2003;

(3) How many sewers required emergency maintenance between 1 July 2002 and 30 June 2003;

(4) What is the economic service life of sewers in the ACT i.e. when would it be cheaper to replace them rather than maintain them;

(5) How many sewers in the ACT have reached the end of their useful life and in what areas are they located;

(6) What plans do you have to replace those sewers and in what timeframe do you plan to do this;

(7) How many sewers are within five years of being due to be replaced and in what areas are they located;

(8) What plans do you have to replace those sewers and in what timeframe do you plan to do this;

(9) What maintenance program do you have for the stormwater system in the ACT;

(10) What filtering mechanism exists in the stormwater system to stop harmful material getting into the river and lake networks;

(11) At what age does a stormwater drain reach the end of its economic life;

(12) How many stormwater drains in the ACT are approaching the end of their economic life and whereabouts are they located;

(13) What plans do you have to replace these drains and over what timeframe.

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

(1) The larger sewer mains are cleaned and inspected under a long-term cyclical program. Where blockages are occurring frequently, smaller sewers are scheduled into annual inspection programs to determine the most appropriate long-term action or put onto programs for cleaning or root foaming. In 2002/2003 approximately 70 km of mains were cleaned or root foamed under these programs. The programs for cleaning or root foaming are ongoing.

(2) There were 3069 sewer blockages during the year. This figure is as reported to the Water Services Association of Australia for publication in their industry summary "WSAA Facts" and applies to blockages in mains, not internal blockages caused by problems in the house connection branch or internal house drain system. All spills of significance are reported immediately to Environment ACT. In the last 12 months 42 reports of this type were made.

(3) There were about 3700 individual lengths (manhole to manhole) of sewer main and 1600 house connection branch lines that required emergency maintenance during 2002/2003.

(4) The basis for replacing sewers is customer service level rather than simply economics. Mains are replaced when their condition is responsible for frequent and ongoing interruptions to service and when the service level cannot be improved effectively by repair or some form of routine maintenance.

(5) Currently about 3.5 to 5 km of mains are being found each year that can be said to have reached the end of their useful life on the basis given above (that is, their condition is responsible for frequent and ongoing interruptions to service and the service level cannot be improved effectively by repair or some form of routine maintenance). Sewers in need of replacement have been found widely distributed over the whole system and in all but the newest suburbs. Even in the older areas the mains system is still in reasonable structural condition. Typically only two or three contiguous manhole-to-manhole lengths are replaced at any one time. In any given year lengths of sewer in several different suburbs across Canberra are replaced.

(6) The sewer replacement program is ongoing. Generally any mains that are identified as needing replacement in any one year are put into the following year's program. In cases where replacement is urgent they are added to the work in the program for the current financial year.

(7) Based on current assessments of the sewer network condition and the frequency of repeat service interruptions there are about 25 km (or about 500 manhole to manhole sections) of mains within 5 years of being replaced. One cannot be specific about the location of these mains because they tend to be distributed widely over the system and the assessment of the number or length needing replacement in the future is based on a statistical analysis of trends in the system rather than on an advance list.

(8) Replacement of these sewers will be done under the ongoing program for replacement. This program is designed to keep pace with the replacement needs of the system as described above, and is adjusted from time to time to ensure that a backlog does not develop.

(9) The Department of Urban Services has a stormwater maintenance contract with ActewAGL, which requires the contractor to respond to stormwater issues within a given response time. This contract includes the maintenance and operation of the above ground and below ground stormwater networks and many small dams.

(10) Water from the Urban stormwater network is filtered through gross pollutant traps which remove much of the floating debris and sediment. There is a gross pollutant trap located at the tail of each of the Urban catchments. These gross pollutant traps are inspected and cleaned if required after each rainfall event.

(11) Stormwater pipes are designed and built for a 100 year life, but like most assets the life can be extended if properly maintained. The major sources of pipe damage is tree roots, new construction projects and poor construction practices. Stormwater pipes do not have the corrosive chemicals found in sewage and commonly exceed the design life.

(12) There was not significant development in Canberra until the 1930's, this took place around the City, Reid, Ainslie, Turner, Barton and Kingston areas. Many of the pipes in

these areas have been replaced to increase the capacity of the stormwater system. There is not a significant number of pipes which are approaching the end of their economic life.

(13) Stormwater pipes suffer a great deal from root intrusions or damage from construction and underground boring activities, this requires short sections of pipe to be replaced.

It is often more practical to reline a pipe network to extend its life rather than excavating the old pipes and replacing them. This system provides large savings and less community disturbance.

Motor vehicles—number plate theft (Question No 876)

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

In relation to the practice of stealing number plates from registered motor vehicles:

(1) Are the reported figures for the amount of number plates stolen from registered motor vehicles in the ACT available, and if so, what are the figures for (a) 2000-01 (b) 2001-02 and (c) 2002-03;

(2) What are the penalties in the ACT for stealing number plates from motor vehicles;

(3) Have any of the offenders engaged in the practice of stealing number plates from registered motor vehicles in the ACT been fined or prosecuted in any way and if so, how many fines and / or prosecutions have there been in each of the years at (1) above;

(4) Are there any situations where a motorist is permitted not to display number plates on a registered motor vehicle in the ACT, and if so, what are the conditions in relation to this;

(5) Do ACT police keep a register of stolen number plates and if so, for what period of time are number plates which have been stolen kept on the list;

(6) Are ACT vehicle owners who have reported their number plates stolen immune from fine or prosecution for any traffic offences committed under the use of the stolen number plates once the number plates have been reported stolen to police.

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

(1) The reported figures for number plates stolen from registered motor vehicles in the ACT are:
(a) 2000-2001 = 350
(b) 2001-2002 = 377
(c) 2002-2003 = 529

(2) The penalty in the ACT for stealing number plates from motor vehicles is subject to a court imposed fine by a magistrate of up to 20 penalty units (or $2000) for a successful conviction.

(3) Given the current method of recording offences on the police computer system, information on the number of persons prosecuted for number plate theft is not available. Such offences would be recorded as a theft offence with the property type stolen listed as

a number plate. Given the very large volume of theft offences recorded each year it would be a prohibitively labour intensive and time consuming process to isolate those records relating to theft of number plates.

(4) The ACT does not provide registered vehicles with an exemption from displaying number plates.

(5) The ACT Policing computer system has kept a register of stolen number plates from 1 December 1998. Prior to this, the criminal records area maintained such records. Information on stolen number plates is kept indefinitely on these systems.

(6) Vehicle owners are immune from prosecution or fines as long as they report the number plates as stolen to police and the offence occurs after the report of theft is made, provided investigations indicate that the owners had no involvement. There are processes in place for the appropriate withdrawal of infringement notices issued in these circumstances.

Bushfires—water supply (Question No 879)

Mr Cornwell asked the Treasurer, upon notice:

In relation to a comment in a Letter-to-the-Editor (*Canberra Times*, 18 July 2003) that 'the water pressure in Warragamba Avenue was excellent through the afternoon, while in Eildon Place it reduced to a useless trickle':

(1) Why is this so on 18 January 2003;
(2) What is ACTEW doing to ensure this situation is not repeated in future hot summers.

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

(1) ACTEW has advised me that it is not aware of any evidence that indicates that its water supply "failed" on 18 January 2003 as suggested in the letter to the editor to which the Member refers.

Notwithstanding the unprecedented demand for water on that day and despite the substantial damage sustained to ACTEW's water infrastructure, I am advised that the water supply was maintained to all areas throughout the day. There were, however, undoubtedly variations in water pressure experienced by some residents using water to protect their properties on that day. ACTEW has advised me that such variations are inherent in any water supply network in such extreme circumstances.

(2) I can assure you that ACTEW will continue to maintain its water infrastructure to highest standards possible and in accordance with the licence provisions for its water business, as specified in the *Utilities Act 2000*. This will ensure that the Canberra community enjoys the best possible water services in the future, under all circumstances.

Skateboards (Question No 882)

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

In relation to the use of skateboards in Civic:

(1) What law controls their use in pedestrian areas;

(2) How many prosecutions have been (a) initiated (b) successful in 2001-02 and 2002-03 against skateboard use in pedestrian areas of Civic;

(3) How many pedestrians, if any, have been injured in Civic in the years at (2) above;

(4) If no law controls skateboard use in pedestrians areas, why not.

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

(1) For the purposes of the Australian Road Rules (ARR's), skateboard riders are generally treated as pedestrians, not riders. Division 2 of the ARR's contains rules applying to wheeled recreational devices. Specifically, ARR 242 states that a skateboard rider must give way to other pedestrians in a pedestrian area. A copy of the ARR's can be accessed through the website www.transport.act.gov.au

(2) From available data, there were no prosecutions against skateboard use in pedestrian areas of Civic.

(3) There was one recorded pedestrian offence involving injury in 2002-2003 in the Civic area. This did not involve skateboards.

(4) Refer answer number (1).

Taxis—survey
(Question No 883)

Mr Cornwell asked the Minister for Urban Services OR the Minister for Arts and Heritage, upon notice:

In relation to the survey of satisfaction with ACT Taxis.

(1) Who conducted the survey of satisfaction with the ACT taxi service referred to in the Minister's media release of 16 July 2003?

(2) How was the person or group who conducted the survey selected and what was the process for selection?

(3) On what basis was the person or group commissioned to conduct the survey chosen?

(4) When, and over what time period, was the survey conducted?

(5) How many respondents were there to the survey questions?

(6) How much did the survey cost?

(7) Who paid for the survey?

(8) What were the measures of satisfaction used in the survey?

(9) What benchmarks were used for each measure of satisfaction?

(10) What were the survey results for each measure of satisfaction?

(11) What changes to the ACT taxi service will be implemented as a result of the survey?

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

(1) The survey was conducted by Traffic & Transport Surveys Pty Ltd (TTS Research).

(2) The process was by select tender and a number of transport specialist survey companies were requested to submit a proposal against the 2003 Statement of Requirements. Assessment of the proposals was in accordance with the guidelines provided by Procurement Solutions using Value For Money (VFM) rating.

(3) TTS had the best rating under VFM.

(4) The survey was conducted between 12-26 May 2003.

(5) There were 600 respondents of which 340 had used a taxi within the last three months.

(6) The survey cost $12,540.00

(7) Department of Urban Services, Policy Co-ordination.

(8) The measures used were general passenger satisfaction, wheelchair accessible taxis response time and wheelchair accessible taxis passenger satisfaction.

(9) The benchmark used in "Customer satisfaction with taxi services assessed by passenger surveys" is set out in Output 2.1 Road Transport Regulation and Services, Budget Paper 4. The target in 2002-2003 was 80%. Other results measured against previous years surveys.

(10) The Executive Summary indicating the survey results for each measure is attached.

(11) The Taxi Network Performance Standards are currently being reviewed to determine whether peak times are appropriate. Letters have been written to wheelchair accessible taxi operators reminding them of their responsibilities to provide: priority to disabled passengers; the placement of taximeters; and that scooter passengers to be relocated to a passenger seat within the taxi.

Executive Summary

This report presents the findings of the fourth annual survey conducted on the Canberra Taxi Industry in the year 2003. The survey monitors a number of performance criteria, namely,

- General customer satisfaction,
- WAT response times,
- WAT passenger satisfaction.

The survey instruments used to monitor these criteria are,

- Telephone surveys,
- Arrival Time observations,

General passenger satisfaction levels across all criteria are similar to the results obtained in the 2002 Taxi Survey. All attributes have a mean score of over 4, which indicate a high level of satisfaction with the service provided.

There were generally only minor variations in the results produced from this year's survey in comparison to the results produced from the survey conducted in year 2002.

The WAT survey was again conducted separately from the general passenger survey. It involved telephone interviews with patrons and an arrival time survey conducted by mixture of recruited users of WAT's and TTS surveyors.

The WAT telephone Quality of Service Survey conducted specifically with WAT customers produced results very similar to those in the previous survey in year 2002.

The average scores to all attributes were above 4 except for 'Response Time' was once again below 4 at 3.33.

The questions from the telephone interviews related specifically to the WAT service produced generally positive responses from participants with most respondents replying positively to questions related to specific actions by the driver and the stability of the ride in the WAT.

The results of the WAT Arrival Time Survey indicated that response and user waiting times have increased over those times reported in the 2002 survey in both non peak and peak times. The SLA requirements were only met in the 95% peak time requirement.

- The non-peak 85th percentile was 18:24 minutes against a SLA requirement of 10:00 minutes (17:22 minutes in 2002)

- The non-peak 95th percentile was 21:06 minutes against a SLA requirement of 20:00 minutes (19:12 minutes in 2002)

- The peak time 85th percentile was 21:15 minutes against a SLA requirement of 18:00 minutes (16:30 minutes in 2002)

- The peak time 95th percentile was 23:50 minutes against a SLA requirement of 30:00 minutes (17:00 minutes in 2002)

The issues raised by WAT users generally relate the late arrival of their taxi and to the apparent lack of help from base staff when inquiring about the whereabouts of the taxi.

It is the conclusion of TTS Research that there are steps available to further monitor and improve the service provided by the industry, even though generally the public perception is one of satisfaction with the industry.

Crown Lease—change of use charge (Question No 887)

Mrs Dunne asked the Minister for Planning, upon notice:

In relation to Change of Use Payments:

(1) How much has been levied in the 12 months to 30 June 2003;

(2) How much has been collected in that period;

(3) If there is a discrepancy, why is this;

(4) What is the cost of administering the levying and collection of change of use payments in a typical 12 month period;

(5) How many people are engaged in the administration of change of use.

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

(1) The Change of Use Charge (CUC) levied between 1 July 2002 and 30 June 2003 was $3,660,000;

(2) The CUC collected in the same period was $3,268,750;

(3) Discrepancies between the amount levied and the amount collected could be the result of various circumstances:

1. Applicants are entitled to lodge an application for a review of the determined CUC with the ACT Administrative Tribunal (AAT) and this, in some instances, may result in the reduction of CUC;
2. The CUC is payable within 28 days from the date of determination. Therefore CUC determined in June may not be paid until July; and
3. The applicant may decide not to proceed with the proposal.

(4) ACTPLA does not keep records of expenditure on specific leasing functions to that level of detail;

(5) There are 17 staff members within the Leasing Section of the ACT Planning and Land Authority (ACTPLA) involved in the administration of the Leasehold System within the ACT. At least 12 of them, at different levels, are involved in the levying and collection of CUC. However, this is only a very small part of the duties they perform. In addition, there are a number of other staff members within the Authority involved in receiving and receipting moneys and others in providing financial accounting support and remitting the receipted moneys to Treasury as territorial revenue.

Economic White Paper (Question No 890)

Mr Smyth: asked the Chief Minister, upon notice, on 26 August 2003:

(1) How much money had been spent on the preparation of the Economic White Paper and its Discussion Paper as at 31 July 2003;

(2 For what purposes has each amount of money been expended;

(3) Have any additional funds been spent on this project in the period 1August to 25 August, if so, how much and for what purpose;

(4) The closing date for submissions for the Economic White Paper was 2 May 2003, have details regarding those submissions been released publicly, if so, where can copies be obtained, if not, why not;

(5) When will the Government respond to these submissions;

(6) When will the Economic White Paper be finalised and what is the total estimated cost of this paper.

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

(1) $507,057 (GST exclusive) has been spent on the preparation of the Economic White Paper and its Discussion Paper as at 31 July 2003.

(2) The following table outlines for what purpose each amount of money has been expended.

Consultants General – External	$497,254
Consultants General – Internal	$ 600
Contractors – External	$ 3,090
Printing/Photocopying	$ 2,787
Advertising	$ 1,902
Hospitality Expenses	$ 79
Venue and Equipment Hire	$ 1,345
Total	$507,057

(3) $6,817 (GST exclusive) was expended in the period 1 August to 25 August 2003 on the preparation of the Economic White Paper. The following table outlines for what purpose each amount of money has been expended.

Contractors General – External	$4,610
Printing/Photocopying	$ 103
Advertising	$1,417
Recruitment Expenses	$ 687
Total	$6,817

(4) Submissions have been made available to the Government's business advisory boards - *Business Canberra, Knowledge-Based Economy Board and Small and Micro Business Advisory Council*. Submissions have not been released publicly. Broad details regarding the amount of submissions received, from whom and common themes were released publicly on 5 June 2003 (see attached press release).

(5) Those people who provided a submission in response to the ACT Government's Discussion Paper received a letter of thanks from the Government in early June 2003.

(6) The Economic White Paper is due to be released in late November. $513,874 (GST exclusive) has been expended on the preparation of the Economic White Paper and its Discussion Paper as at 25 August 2003. At this stage an additional $145,000 has been allocated to the completion of Economic White Paper activities.

MEDIA RELEASE

COMMUNITY PLAYS MAJOR ROLE IN "BUILDING CANBERRA'S ECONOMY"

95 written submissions have been received in response to the ACT Government's discussion paper for the Economic White Paper, Business Minister Ted Quinlan said today.

Mr Quinlan said the discussion paper "Building Canberra's Economy" is a major step in the development of the Economic White Paper, which will present an economic development framework to support employment in the ACT region.

"Consistent with our election commitment, the Economic White Paper will lay down a strategic blue print for guiding the future economic development of the ACT and the surrounding region.

"The discussion paper sought to generate community feedback, and challenged the community to offer new ideas.

"We wanted to encourage the community to play an active role in the consultation process. The response from the community has been excellent. The calibre, variety and vibrancy of the written submissions characterises the community's commitment to the future of Canberra.

"The most topical issues raised in the submissions are enhancing the liveability of our city and creating a vision of Canberra as a creative capital city.

"A common theme running through the submissions is the recognition that we have a vast store of human and social capital as measured by our research and development capabilities, higher education centres and national institutions.

"The challenge for the Economic White Paper is therefore to develop a strategy that exploits our human and social capital base and create sustainable employment and economic growth so that all Canberrans are able to share the benefits of our endeavours.

"The series of consultation meetings has also been extremely useful. We held more than 55 meetings with businesses, community organisations and peak bodies, and these gave us a good insight into the types of ideas and views the community had about what Canberra should be like in 20 years." Mr Quinlan concluded.

Statement ends June 5 2003

Medical indemnity fund (Question No 891)

Mr Smyth asked the Treasurer, upon notice:

In relation to the investigation of the establishment of a medical indemnity fund in the ACT:

(1) What are the terms of reference for this investigation;

(2) How much has the Minister put aside to fund this investigation;

(3) What does the Government see as (a) the benefits and (b) the negatives, of establishing such a fund;

(4) When will this investigation be completed;

(5) When is it anticipated that the Government will respond to any report prepared as part of this investigation;

(6) Will a cost benefit analysis and risk assessment be undertaken as part of this investigation;

(7) Will you consult with the medical community and insurance industry as part of the investigation.

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

(1) Not yet established

(2) No funds have been put aside. To be absorbed by the department

(3) As to (a), not yet considered. As to (b), not yet considered

(4) Not yet known. See (1), above

(5) Not yet known. See (1) and (4), above

(6) Not yet known. See (1) and (4), above

(7) Not yet known. See (1) and (4), above

ACTEW—Chief Executive (Question No 892)

Mr Smyth asked the Treasurer:

In relation to the appointment of the acting Chief Executive of ACTEW:

(1) Why did the board of ACTEW decide to choose the appointee, who is a fellow board member, as acting Chief Executive rather than a senior member of ACTEW management;

(2) Did the appointee leave the boardroom during discussions of his appointment;

(3) Were Mr Stanhope and yourself consulted about this appointment before it occurred? If so, what was your response and what was Mr Stanhope's.

(4) How much will the appointee be paid while acting as Chief Executive;

(5) What experience does the appointee have in running a utility given that his career as mainly been in politics and diplomacy;

(6) Were there no senior members of ACTEW's staff considered suitable to act in the position and, if so, why is the managerial ranks of ACTEW so short of talent;

(7) When will the board appoint a permanent Chief Executive and how will this person be selected;

(8) Will the appointee continue to write a weekly article of current political issues as CEO of ACTEW in *the Australian*. If so, will he make it clear that it represents his personal views and not those of the board of ACTEW.

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

(1) The ACTEW Board considered that the appointee, Mr Michael Costello was the most suitable person to fill the position temporarily pending a permanent appointment.

(2) Mr Costello was not present at any discussions regarding his appointment.

(3) As a corporation, the ACTEW Board is not required to consult with the shareholders on employment matters. ACTEW staff are not public sector employees and therefore their employment is not subject to Government scrutiny, agreement or disclosure. However as a courtesy, the Chairman and Deputy Chairman of ACTEW informed the Chief Minister and myself of the Board's decision to appoint Mr Costello.

(4) ACTEW advises that Mr Costello's remuneration is no more than his predecessor. Income paid, or payable, to directors by ACTEW and related parties in connection with the management of affairs of ACTEW or its controlled entities, is shown in ACTEW's annual report. This indicates, among other things, the amount paid to ACTEW's CEO.

(5) The ACTEW Board considers that Mr Costello has the necessary management and strategic policy skills, knowledge, qualifications and experience to fill the position. As a member of the Board, he is acutely aware of the business and the issues facing the Corporation. Mr Costello was Chief Executive of two major Commonwealth Government departments. He was also Deputy Managing Director of the Australian Stock Exchange.

(6) The ACTEW Board considers that all ACTEW staff are highly qualified and skilled specialists and experienced to perform their respective duties. The ACTEW Board has full confidence in their ability. As the position is a temporary one, pending permanent appointment, the ACTEW Board considered Mr Costello's appointment to be in the best interests of the Corporation at this time. Apart from operational staff who are permanently seconded to ActewAGL, ACTEW employs 10 people. An additional 6 people are currently contracted to the Drought Management Task Force. The ACTEW Board does not consider that the Corporation needs a large managerial staff.

(7) The selection process to appoint a permanent Chief Executive has commenced and will be completed by November 2003. The ACTEW Board has appointed an executive search company to undertake the process.

(8) The ACTEW Board does not consider Mr Costello's personal activities or interests a conflict of interest and they do not impact on the performance of ACTEW, or affect his role as Acting Chief Executive. As stated above, all ACTEW staff, including the Chief Executive, are not public sector employees.

Emergency Services—response times (Question No 894)

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on Wednesday, 27 August 2003:

In relation to response times:

(1) What is the most recent data available that lists response times for:

(a) urban fire brigades;
(b) ambulances; and
(c) police;

(2) What are the standard response times for (a), (b) and (c) above;

(3) What are the response time figures for 1 (a), (b) and (c) above for each month from February 2003 to July 2003;

(4) Of the figures provided in (3) are there any response times that don't meet the standard or the Government's approval.

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

(1) The data collected in relation to this question relates to the ACT only. Emergency agencies are able to collect and collate the data on a monthly basis. The latest collated data is at July 2003.

(2) (a) The standard response time targets for the urban fire service are:
Priority 1 Responses 50% within 8 minutes 90% within 10 minutes

(b) The standard response times for ambulances are:
Priority 1 Responses 50% within 8 minutes 90% within 12 minutes

(c) The standard response times for police are:

Priority	1st Tier Target	2nd Tier Target
1	60% within 8 minutes	90% within 12 minutes
2	60% within 20 minutes	95% within 30 minutes
3	60% within 2 hours	95% within 3 hours
4	95% within 24 hours	

(3) (a) Urban Fire Service Priority 1 Responses

Month	50% within 8 minutes(Average Response TimesMinutes)	90% within 10 minutes(Average Response TimesMinutes)
February	7	12
March	7	12
April	7	11
May	7	10
June	6	11
July	6	11

(b) Ambulance Priority 1 Responses

Month	50% within 8 minutes(Average Response Times Minutes)	90% within 12 minutes(Average Response TimesMinutes)
February	7:39	11.51
March	7:29	12:08
April	7:37	12:20
May	7:43	12:16
June	7:41	12:00
July	7:42	11.51

(c) Police Response Times

Month	Priority 1 First Tier Target	Priority 1 Second Tier Target	Priority 2 First Tier Target	Priority 2 Second Tier Target	Priority 3 First Tier Target	Priority 3 SecondTier Target	Priority 4
Feb	64%	87%	77%	87%	89%	94%	93%
Mar	73%	87%	75%	84%	88%	93%	93%
Apr	69%	93%	77%	86%	87%	93%	93%
May	61%	88%	80%	88%	87%	92%	91%
Jun	55%	87%	77%	87%	84%	89%	89%
Jul	53%	85%	74%	84%	86%	92%	91%

(4) All emergency services within the ACT strive to provide the best possible services to the ACT community and while there may be the odd occasion where there is anecdotal evidence of delayed responses, the government is satisfied that the response times to the ACT community continue to be amongst the best in Australia.

Woden School (Question No 895)

Mr Pratt asked the Minister for Education, Youth and Family Services, upon notice, on 27 August 2003:

In relation to the Woden School:

(1) In response to Question on notice No 609 you stated that a new autism unit was being tendered at the Woden School. Where is that project currently up to;

(2) The anticipated budget for the project was $50,000, is this still an accurate figure and was funding located for this particular project;

(3) If so, from where did the funds come from and what is the exact figure. If not, what impact will this have on children with autism in the ACT.

Ms Gallagher: The answer to Mr Pratt's question is:

(1) The new autism unit was completed on 18 August 2003.

(2) The project cost was $51,990. The additional funding of $1,990 was found within the minor new works program.

(3) Funding for this project was from the "Facilities for Students with Autism" line item under the Minor New Works Program. I am pleased to report that the project is complete and is providing significant benefits and support to autistic children attending the Woden School.

Child-care—workforce issues (Question No 899)

Mrs Burke asked the Minister for Education, Youth and Family Services, upon notice, on 27 August 2003:

In relation to the ACT Child Care industry:

(1) Has the consultation phase relating to the recommendations of the inquiry into workforce issues in the ACT Child Care Industry concluded;

(2) If so, will the Government release the details of that consultation phase, if not, why not when you stated that the consultation phase would be completed by July 2003;

(3) Who was consulted as part of the consultation phase;

(4) If the consultation phase has been completed, what are the most common complaints made by those working in the child care sector;

(5) Further to (4), how many of the recommendations made as part of the Inquiry into Workforce Issues in the ACT Child Care Industry will address the identified problems;

(6) In response to Question on Notice No 401 you said that 'the recommendations that are identified as being able to be progressed at a local level will be acted upon as soon as possible. Where possible, this will occur during 2003';
   a) how many recommendations can be implemented at the local level;
   b) which recommendations have already been implemented and at what (if any) cost;

7) How many of the recommendations made in the Inquiry into Workforce Issues in the ACT Child Care Industry cannot be implemented at a local level;

8) What will be the Government's next step in the process of improving workforce issues for those in the ACT Child Care Industry.

Ms Gallagher: The answer to Mrs Burke's question is:

(1) The consultation phase relating to the ACT Childcare Workforce Planning Project Report has concluded.

(2) The ACT Government anticipates releasing the findings and recommendations later this year.

(3) The report was initially circulated to key stakeholders and discussed at Children's Services Director's Meetings. A facilitated consultation session with 30 participants was held in June 2003 with written comments accepted until July 2003. Participants from Centre Based Children's Services, School Age Care, education and training bodies and Children's Services Support programs attended the consultation session.

(4) Preliminary findings from the consultation support the main recommendations in the report highlighting training, recruitment and retention as major issues.

(5) All recommendations accepted by the ACT Government will address the identified problems.

(6) a) 8 main recommendations can be implemented at the local level. 14 main recommendations can be implemented with ACT Government, Commonwealth Government, training institution and sector input.
b) 2 main recommendations have been implemented at no cost. Preliminary work has commenced on a number of the other recommendations at no cost at this stage.

(7) 12 main recommendations cannot be implemented at the local government level.

(8) The ACT Government will finalise our response to the report and consultation process. This response will then inform the next steps to be taken.

Child-care—Gungahlin
(Question No 900)

Mrs Burke asked the Minister for Education, Youth and Family Services, upon notice, on 27 August 2003:

In relation to child care services in Gungahlin:

(1) How much of the approximate $2.1m funding for the Gungahlin Childcare Centre has been spent to date;

(2) What work has been completed to date on site.

(3) Is work on schedule for this facility to be completed by October 2003;

(4) If not, why not and what is the revised facilities timetable for completion;

(5) When will this Centre actually open for business.

Ms Gallagher: The answer to Mrs Burke's question is:

(1) To date $1.591 million has been spent on the Gungahlin Childcare Centre.

(2) The building structure is substantially complete. The majority of work remaining is internal fitout, including wall lining and painting, floor coverings, light fittings, etc and external landscaping.

(3) Yes, practical completion of the centre is scheduled for 20 October 2003.

(4) Not applicable – the project is on schedule.

(5) At this stage the centre is planned to open for business on 1 December 2003.

Elder abuse
(Question No 902)

Mr Cornwell asked the Minister for Health, upon notice, on 27 August 2003, (redirected to the Chief Minister):

In relation to elder abuse:

(1) In the 2003-04 Budget $100,000 was set aside to address elder abuse this financial year. Have any of those funds been expended to date, if so, how much and in what areas, if not, why not and when will funds be expended;

(2) Has the hotline service for reporting elder abuse been established. If so, when and how many calls has it received. If not, why not and when will this hotline be operational;

(3) What work has been completed on the community awareness campaign regarding elder abuse and has any information been disseminated publicly;

(4) Has the Government developed its comprehensive training materials for professionals who come in contact with older people. If so, what training materials have been provided and at what cost. If not, why not and when will those commitments be put in train;

(5) Has the benchmarking survey to establish the level of awareness of what constitutes elder abuse in the ACT been developed. If so, when will Canberrans be surveyed and when will the Government release the details of the survey. If not, when will work begin on developing this survey.

Mr Quinlan (Acting Chief Minister): The answer to the member's questions is as follows:

(1) The Government has made significant progress in implementing its response to the ACT Assembly's Standing Committee Report into elder abuse.

Further to the actions already implemented by the Government, including - a requirement that mandatory police checks be undertaken in all Government contracts related to services for older people; extensive discussions with other jurisdictions regarding protocols and practices; and work being undertaken to establish an older women's boarding house, on 11 August 2003 an "Elder Abuse Prevention Project Planning Forum" was held. The key objectives of the Forum were to gain broad media attention to the issue of elder abuse, and to assist the development of an elder abuse prevention implementation workplan.

Key senior officials from Commonwealth and ACT Government agencies and community organisations attended the Forum. Dr Susan Kurlle, Director of Rehabilitation and Aged Care, Hornsby Hospital, who is world renowned for her research

and work into elder abuse, and Ms Sheryl Hastie, Senior Policy Officer with Queensland Government, informed the Forum.

A draft implementation work plan was developed at the Forum, and is currently being finalised by the ACT Office for Ageing in consultation with members of the Elder Abuse Prevention Taskforce and relevant ACT Government agencies.

The final workplan will identify strategies, key actions, milestones, responsibilities, budget support and performance measures, and will be publicly released in October 2003.

To date the Government has expended approximately $6000 of the $100,000 that was allocated for the elder abuse project in the 2003-2004 financial year. This expenditure has contributed to: the examination of the material of the NSW Advisory Committee on Elder Abuse consistent with the recommendations of the Assembly's Standing Committee's report; meetings with NSW and Queensland Government officials to discuss responses to elder abuse within those jurisdictions; and the facilitation of the Project Planning Forum noted above, consistent with the recommendations of the Standing Committee that the Government take a whole-of-government approach in developing policy and service delivery responses in the area of elder abuse.

(2) Both the protocols regime and the community awareness campaign need to be in place before the hotline can be launched. Work is currently being undertaken on these two aspects of the elder abuse project and are scheduled for completion in late 2003. Accordingly, it is anticipated that the hotline will operational in early 2004.

(3) As noted in (2) above, the community awareness campaign is currently being developed and is scheduled for implementation in late 2003.

(4) The development of the comprehensive training materials for professionals who come in contact with older people has commenced.

The training materials will be comprehensive, and will target a broad range of professionals with varying exposure and responsibility in the welfare of older people.

Completion of all training material is scheduled for late 2003. Introduction of the training programs and training materials is scheduled for early 2004.

(5) A benchmarking regime to monitor the effectiveness of the Government 's initiatives in respect of elder abuse prevention is currently being developed as part of the overall strategy to prevent the incidence of elder abuse in the ACT. The benchmarking regime will be completed before the commencement of the community awareness campaign.

Juvenile crime
(Question No 904)

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on Thursday, 28 August 2003:

In relation to juvenile crime:

(1) What crime prevention programs are currently in place to lead children away from a life that is associated with crime;

(2) How much funding is allocated to crime prevention programs in the current (2003-04) ACT Budget;

(3) How much funding is allocated to crime prevention programs specifically for children/juveniles in the current (2003-04) ACT Budget;

(4) Do our police officers visit our schools on a regular basis to teach them about the consequences of crime, if so, how often, if not, why not;

(5) Are there any plans to increase the number of crime prevention programs operating in the ACT, in particular for juveniles, if so please provide details, if not, why not;

(6) How much funding is allocated to the Kenny Koala program in the ACT and is this more or less than in (a) 2002-03 and (b) 2001-02;

(7) How often is Kenny Koala 'out and about' speaking with children in Canberra;

(8) Can the Minister provide the most recent statistics of juvenile crime in the ACT and if possible a breakdown of juvenile crime on a suburb by suburb basis, if not, why not.

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

(1) This government strongly supports crime prevention initiatives for young people. We believe that crime prevention is a responsibility that cuts across all government agencies and the broader community – it should not be seen as the sole responsibility of the police and criminal justice agencies.

Recent ACT research reinforces what we have suspected for some time - that it is a relatively small number of persons, including younger persons, who are responsible for a disproportionately high percentage of our crime. What this tells us is that we need to be smart in identifying these people earlier, and concentrate resources on those most at risk.

While not wishing to diminish the harm that falls upon young people involved in crime and the harm done to their victims we should remember that most young people in the ACT make substantial positive contributions to their community.

While the government has a designated crime prevention budget set up in the Department of Justice and Community Safety (DJACS) portfolio, the initiatives funded under that budget are just the tip of the iceberg in terms of all of the programs that quite rightly fit into the category of crime prevention. For example, it can be argued that good schooling is good crime prevention, that good health care is good crime prevention, that good housing is good crime prevention, and that good sport and recreation programs are good crime prevention.

Apart from the programs funded under the DJACS crime prevention budget there are significant other programs, either already established or being developed, that aim to reduce the involvement of young people in crime and that are funded from other agency budgets.

Examples of those already established and not funded via the DJACS budget include:

- The intensive support program for at risk young offenders run by Youth Services

- The cognitive skills program run by Corrective Services - a 22 session program aimed at getting offenders to think about offending outcomes and adopt better decision making skills
- The Corrective Services home detention program which will allow young persons to be detained at home while on remand
- The diversionary conferencing program run by ACT Policing
- Government and non-government drug and alcohol services
- Youth centers, including the Police and Citizens Youth Club
- Government and non-government family care and protection agencies
- Adolescent mental health services
- School counselling services
- Alternative schooling for disengaged students
- Safety House program
- Supported accommodation services
- Parenting programs
- Mentoring programs
- Sporting programs such as RecLink
- Project Saul

(2) The DJACS crime prevention budget for 2003-04 is $1.076M.

(3) Those programs aimed at young people and funded under the DJACS 2003-04 crime prevention budget are:

- An outdoors and camping program run by the Police and Citizens Youth Club (PCYC) ($23,000)
- Police scouts run by PCYC ($23,000)
- Kenny Koala schools program run by ACT Policing ($139,000)
- *Right Turn* program for high risk motor vehicle theft offenders ($80,000)
- Developmental and evaluation funding for the recently announced "Turnaround" program targeting young people aged 12-18 years with complex needs ($140,000)

While targeting not just young people, other programs under this budget include a strong representation of young people in the target group, and these are:

- Police Aboriginal Liaison program ($132,000)
- Bushfire arson program ($60,000)
- Research into property offenders and sexual offences ($60,000)

(4) ACT Policing's Crime Prevention Education Team (sworn members) attend ACT schools (government, non-government and alternative schools) on a daily basis to address issues such as drug education and the consequences of illegal acts, such as theft and assault.

The Constable Kenny Koala program targets pre-school to grade six children educating them about safety and protective behaviours and provides older children with information on drugs.

The Holt Suburban Crime Prevention Team actively targets youth at risk and attempts to address potential offending by engaging them in programs like RecLink. They also regularly participate in school-related activities on a formal and informal basis.

(5) The government has asked agencies to develop a range of significant new strategic and program approaches which either directly or indirectly address youth crime. Those strategies and programs in advanced stages of development are:

- The ACT Children's Plan, which is to include a strong emphasis on early intervention for those children aged 0-12 years who are considered to be at risk;
- "Turnaround" - the recently announced service delivery program for those children aged 12-18 years exhibiting complex needs;
- Consideration to expand options for restorative justice and diversionary conferencing; and
- Documenting and accounting for all initiatives that aim to reduce the involvement of young people in crime under the one strategic blueprint.

(6) Funding provided from the DJACS crime prevention budget for the Constable Kenny Koala program over the past three years is as follows:

2001-02:	$135,302
2002-03:	$150,000
2003-04:	$139,070

(7) As an indication of the use and acceptance of the Constable Kenny Koala program, school bookings usually run at two to three bookings per week and sometimes higher, for example, 10 per week in the last two weeks of August 2003.

(8) Collecting and analyzing crime data is fraught with many definitional and interpretive problems. For example, not all crimes are reported to police. Typically, low-level theft and wilful damage, assaults within relationship settings, and sexual assault tend to have low reporting rates. Insurance reporting protocols help elevate the reporting rates of motor vehicle theft and burglary. Of those offences that are reported, many will not be cleared, and the lowest clear up rates usually relate to property crime. We do not know who committed the offences that have not been cleared.

Therefore, our recorded statistics on juvenile crime only tell us about those who have been apprehended and those put before the courts.

Given these caveats it would be dangerous to rely upon the statistical data that is available to us on offences per suburb, committed by known apprehended juveniles, to provide us with an accurate picture of juvenile crime in each suburb.

The Assembly is provided each quarter with statistics on a range of criminal justice indicators including the number of young people before the Children's Court, the nature of the most serious charge for each defendant, the disposition of the case, and the number of young people on remand or committed to the Quamby Youth Centre.

Apart from being tabled quarterly in the Assembly these data are also available on the DJACS website at http://www.jcs.act.gov.au/eLibrary/crimestats.html .

Disability Program (Question No 907)

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

In relation to the Disability Program:

(1) In relation to its 'Request for Tender' process, what measures are the Government taking to ensure that a high level of service delivery is achieved from non-government organisations and what are the 'key performance indicators' for achieving such levels of quality delivery of service;

(2) Define the meaning of the term '…Value for Money…' in relation to tender submissions in the engagement of non-government organisations offering support client services to the Disability Program;

(3) Outline the current staffing structure of the Disability Program at every level of the Program;

(4) What is the Government's position regarding the involvement of non-government organisations in the Program;

(5) Further to (4), identify all non-government organisations involved, and detail the human and financial contribution these organisations make to the disability sector as a whole.

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

(1) In relation to the contract for the Provision of Relief Disability Support Staff, the Government ensures that a high level of service delivery is achieved through subjecting the supplier to monthly training and compliance audits, and monthly injury and accident reports. On-site audits of staff records are also conducted each 12 months as a minimum requirement.

Quality delivery of services is achieved through key performance indicators as set out in Part 3, Statement of Requirements of the contract. These include staff standard requirements such as:

- All relief staff follow the policies, procedures and protocols of Disability ACT
- The values and principles upheld and the behaviour demonstrated by the Contractor, its officers, employees, agents and subcontractors are consistent with the ACTPS Values, Principles and Code of Ethics
- Police record checks
- Training requirements
- Record keeping and reporting
- Complaints and feedback mechanism

(2) In relation to tender submissions, Procurement Solutions define the term 'Value for Money' as an equal representation of quality factors and cost, and used as an evaluation method. To enable this comparison to be made, the total weighted score for each Tender is divided into the tendered price to determine the cost per point (In the instance of Tender No T03142-Provision of Relief Disability Support Staff, total price was defined as a years worth of service as calculated using the tender pricing schedule attached to the Request For Tender [RFT]). The Tenderer with the lowest cost per point represents the best value for money.

(3) The current staffing structure of Individual Support Services at every level is represented in full time equivalency (FTE):

- 4 FTE Trainee Disability Support Officer Level 1
- 106 FTE Disability Support Officer Level 1
- 29 FTE Disability Support Officer Level 2
- 14 FTE Disability Support Officer Level 3
- 6.5 FTE Administrative Services Officer Level 2
- 3 FTE Administrative Services Officer Level 3
- 2 FTE Administrative Services Officer Level 4
- 2 FTE Administrative Services Officer Level 5
- 4 FTE Administrative Services Officer Level 6
- 3 FTE Senior Officer Grade C
- 3 FTE Senior Officer Grade B
- 1 FTE Director

This represents a total of 173 FTE.

(4) Disability ACT is steadily working toward decreasing reliance on contracted services for the provision of relief disability support officers. In turn, Disability ACT is working toward increasing the numbers of Disability Support Officers Level 1.

(5) Currently approximately 17 to 20% of Individual Support Services total employee expenditure is utilised through contracted labour provided by two agencies, Healthcall ACT and Quest Employment Solutions. These agencies currently provide relief staff on a fifty-fifty shared arrangement to complement the Department's permanent and casual staff that supports people in disability houses.

From 1 October 2003, following their successful bid for tender, Quest Employment Solutions will provide contracted labour to fulfill the role of relief disability support officers.

Disability ACT plans to reduce its level of reliance upon contracted staff to approximately 10% of total employee expenditure within 3 years.

Business—development (Question No 913)

Mr Smyth asked the Minister for Economic Development, Business and Tourism, upon notice, on 26 June 2003:

In relation to fostering development of small and medium enterprises:

(1) In the 2003-04 Budget you announced $270,000 expenditure this financial year for the above project. How much of that $270,000 has been spent to date and for what purposes;

(2) In percentage terms, how close is this program to being ready for businesses to access;

(3) Is the online interactive business advisory service open and accessible to businesses, if so when did it begin operation and at what cost. If not when will it be ready for businesses to access;

(4) Is the enhanced online business licence information service open and accessible to businesses, if so when did it begin operation and at what cost. If not when will it be ready for businesses to access;

(5) Has any of the additional funding earmarked for the Business Acceleration Program been expended, if so how much has been expended and for what purpose. If not, why not and when will these funds be expended.

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

In relation to fostering development of small and medium enterprises:

(1) The $270,000 allocated in the 2003/04 Budget for fostering development of small and medium enterprises (SMEs) is not for one "program", but is to be used to fund three separate initiatives. The individual components are addressed in the responses to questions 3, 4 and 5 below.

(2) This is addressed in the responses to questions 3, 4 and 5 below.

(3) The online interactive business advisory service is part of a new tender process for the delivery of the Government's business advisory service. The contract for the current business advisory service, known as the Canberra Business Advisory Service (CanBAS), concludes 31 December 2003. The new Request for Proposal (RFP) includes a module defining the requirements for the development of a comprehensive online business training and advisory service. The RFP will be advertised in September 2003, with commencement of the new service scheduled for the beginning of January 2004.

(4) The enhanced online Business Licence Information Service (BLIS) is not yet operational. Canberra Connect and BusinessACT have engaged IBMGSA to undertake a strategic review of BLIS in order to identify a well-defined process to enable the Service to be enhanced, refreshed and delivered to the business community through the Canberra Connect operation. The delivery through Canberra Connect is considered an appropriate option for this Whole-of-Government service and the new service is expected to be operational at the beginning of 2004.

(5) The additional funding earmarked for the Business Acceleration Program has been added to that program's budget for 2003/04. To ensure funding is available throughout the year, grants are allocated to applicants on a monthly basis. Nineteen percent of this budget has been committed to date to assist businesses grow through activities as diverse as developing business and marketing plans, Quality Assurance accreditation and gaining Registered Training Organisation status.

Calvary Hospital—waiting list (Question No 914)

Mr Smyth asked the Minister for Health, upon notice:

In relation to Calvary Hospital and waiting list figures at the end of June 2003 and end of July 2003:

(1) How many patients were on the waiting list for Ear, Nose and Throat in Category One, Category Two and Category Three

(2) How many patients on the Ear, Nose and Throat waiting list were overdue in each category;

(3) How many patients were on the waiting list for General Surgery in Category One, Category Two and Category Three;

(4) How many patients on the General Surgery waiting list were overdue in each category;

(5) How many patients were on the waiting list for Gynaecology in Category One, Category Two and Category Three;

(6) How many patients on the Gynaecology waiting list were overdue in each category;

(7) How many patients on the Neurosurgery waiting list in Category One, Category Two and Category Three;

(8) How many patients on the Neurosurgery waiting list were overdue in each category;

(9) How many patients were on the Ophthalmology waiting list in Category One, Category Two and Category Three;

(10) How many patients on the Ophthalmology waiting list were overdue in each of the categories;

(11) How many patients were on the Oral Surgery waiting list in Category One, Category Two and Category Three;

(12) How many patients on the Oral Surgery waiting list were overdue in each of the categories;

(13) How many patients were on the Orthopaedics waiting lsit in Category One, Category Two and Category Three;

(14) How many patients on the Orthopaedics waiting list were overdue in each of the categories;

(15) How many patients were on the Plastics waiting list in Category One, Category Two and Category Three;

(16) How many patients on the Plastics waiting list were overdue in each of the categories;

(17) How many patients were on the Urology waiting list in Category One, Category Two and Category Three;

(18) How many patients on the Urology waiting list were overdue in each of the categories;

(19) How many patients were on the Vascular waiting list in Category One, Category Two and Category Three;

(20) How many patients on the Vascular waiting list were overdue in each of the categories.

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

(1) Ear Nose and Throat Waiting

	Category 1	Category 2	Category 3	Total
June	0	1	65	66
July	0	2	105	107

(2) Ear Nose and Throat Overdue

	Category 1	Category 2	Category 3	Total
June	0	1	7	8
July	0	1	56	57

(3) General Surgery Waiting

	Category 1	Category 2	Category 3	Total
June	11	172	56	239
July	19	169	61	249

(4) General Surgery Overdue

	Category 1	Category 2	Category 3	Total
June	0	83	7	90
July	0	90	0	90

(5) Gynaecology Waiting

	Category 1	Category 2	Category 3	Total
June	23	46	34	103
July	11	47	33	91

(6) Gynaecology Overdue

	Category 1	Category 2	Category 3	Total
June	0	9	0	9
July	0	5	0	5

(7) Neurosurgery Waiting

	Category 1	Category 2	Category 3	Total
June	0	0	0	0
July	0	0	0	0

(8) Neurosurgery Overdue

	Category 1	Category 2	Category 3	Total
June	0	0	0	0
July	0	0	0	0

(9) Ophthalmology Waiting

	Category 1	Category 2	Category 3	Total
June	4	10	517	531
July	1	20	540	561

(10) Ophthalmology Overdue

	Category 1	Category 2	Category 3	Total
June	0	1	111	112
July	0	2	104	106

(11) Oral Surgery Waiting

	Category 1	Category 2	Category 3	Total
June	0	8	8	16
July	0	9	7	16

(12) Oral Surgery Overdue

	Category 1	Category 2	Category 3	Total
June	0	7	3	10
July	0	7	1	8

(13) Orthopaedics Waiting

	Category 1	Category 2	Category 3	Total
June	6	466	97	569
July	10	439	98	547

(14) Orthopaedics Overdue

	Category 1	Category 2	Category 3	Total
June	0	335	13	348
July	0	308	16	324

(15) Plastics Waiting

	Category 1	Category 2	Category 3	Total
June	0	3	12	15
July	0	3	12	15

(16) Plastics Overdue

	Category 1	Category 2	Category 3	Total
June	0	3	11	14
July	0	3	12	15

(17) Urology Waiting

	Category 1	Category 2	Category 3	Total
June	9	14	65	88
July	16	21	69	106

(18) Urology Overdue

	Category 1	Category 2	Category 3	Total
June	0	4	2	6
July	4	7	3	14

(19) Vascular Waiting

	Category 1	Category 2	Category 3	Total
June	0	0	14	14
July	0	0	11	11

(20) Vascular Overdue

	Category 1	Category 2	Category 3	Total
June	0	0	0	0
July	0	0	0	0

Canberra Hospital—waiting list (Question No 915)

Mr Smyth asked the Minister for Health, upon notice:

In relation to The Canberra Hospital and waiting list figures at the end of June 2003 and end of July 2003:

(1) How many patients were on the waiting list for cardio-thoracic surgery at the Canberra Hospital in Category One, Category Two and Category Three;

(2) How many patients on the cardio-thoracic waiting list were overdue in each category;

(3) How many patients were on the waiting list for ear, nose and throat surgery at the Canberra Hospital in Category One, Category Two and Category Three

(4) How many patients on the ear, nose and throat waiting list were overdue in each category;

(5) How many patients were on the waiting list for general surgery at the Canberra Hospital in Category One, Category Two and Category Three;

(6) How many patients on the general surgery waiting list were overdue in each category;

(7) How many patients were on the waiting list for gynaecology at the Canberra Hospital in Category One, Category Two and Category Three;

(8) How many patients on the gynaecology waiting list were overdue in each category;

(9) How many patients on the neurosurgery waiting list at the Canberra Hospital in Category One, Category Two and Category Three;

(10) How many patients on the neurosurgery waiting list were overdue in each category;

(11) How many patients were on the waiting list for obstetrics surgery at the Canberra Hospital in Category One, Category Two and Category Three;

(12) How many patients on the waiting list for obstetrics surgery were overdue in each category;

(13) How many patients were on the ophthalmology waiting list at the Canberra Hospital in Category One, Category Two and Category Three;

(14) How many patients on the ophthalmology waiting list were overdue in each of the categories;

(15) How many patients were on the orthopaedics waiting list at the Canberra Hospital in Category One, Category Two and Category Three;

(16) How many patients on the orthopaedics waiting list were overdue in each of the categories;

(17) How many patients were on the waiting list for paediatric surgery at the Canberra Hospital in Category One, Category Two and Category Three;

(18) How many patients on the waiting list for paediatric surgery were overdue;

(19) How many patients were on the plastics waiting list at the Canberra Hospital in Category One, Category Two and Category Three;

(20) How many patients on the plastics waiting list were overdue in each category;

(21) How many patients were on the waiting list for thoracic surgery at the Canberra Hospital in Category One, Category Two and Category Three;

(22) How many patients on the waiting list for thoracic surgery were overdue in each category

(23) How many patients were on the urology waiting list at the Canberra Hospital in Category One, Category Two and Category Three;

(24) How many patients on the urology waiting list were overdue in each of the categories;

(25) How many patients were on the vascular waiting list at the Canberra Hospital in Category One, Category Two and Category Three;

(26) How many patients on the vascular waiting list were overdue in each of the categories.

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

(1) Cardio Thoracic Waiting

	Category 1	Category 2	Category 3	Total
June	4	24	1	29
July	1	25	1	27

(2) Cardio Thoracic Overdue

	Category 1	Category 2	Category 3	Total
June	1	8	0	9
July	0	3	0	3

(3) Ear, Nose and Throat Waiting

	Category 1	Category 2	Category 3	Total
June	4	113	490	607
July	5	94	444	543

(4) Ear, Nose and Throat Overdue

	Category 1	Category 2	Category 3	Total
June	0	49	190	239
July	0	45	136	181

(5) General Surgery Waiting

	Category 1	Category 2	Category 3	Total
June	9	195	63	267
July	17	184	61	262

(6) General Surgery Overdue

	Category 1	Category 2	Category 3	Total
June	0	128	24	152
July	0	122	23	145

(7) Gynaecology Waiting

	Category 1	Category 2	Category 3	Total
June	10	112	71	193
July	6	98	73	177

(8) Gynaecology Overdue

	Category 1	Category 2	Category 3	Total
June	0	35	2	37
July	0	35	2	37

(9) Neurosurgery Waiting

	Category 1	Category 2	Category 3	Total
June	6	73	43	122
July	5	67	46	118

(10) Neurosurgery Overdue

	Category 1	Category 2	Category 3	Total
June	0	29	0	29
July	0	30	0	30

(11) Obstetrics Surgery Waiting

	Category 1	Category 2	Category 3	Total
June	0	0	0	0
July	0	0	0	0

(12) Obstetrics Overdue

	Category 1	Category 2	Category 3	Total
June	0	0	0	0
July	0	0	0	0

(13) Ophthalmology Waiting

	Category 1	Category 2	Category 3	Total
June	0	24	290	314
July	0	22	241	263

(14) Ophthalmology Overdue

	Category 1	Category 2	Category 3	Total
June	0	13	186	199
July	0	13	157	170

(15) Orthopaedic Waiting

	Category 1	Category 2	Category 3	Total
June	5	200	156	361
July	14	209	164	387

(16) Orthopaedic Overdue

	Category 1	Category 2	Category 3	Total
June	3	133	22	158
July	1	130	23	154

(17) Paediatric Waiting

	Category 1	Category 2	Category 3	Total
June	5	106	19	130
July	3	112	22	137

(18) Paediatric Overdue

	Category 1	Category 2	Category 3	Total
June	0	51	7	58
July	0	49	9	58

(19) Plastic Waiting

	Category 1	Category 2	Category 3	Total
June	1	146	185	332
July	4	145	183	332

(20) Plastic Overdue

	Category 1	Category 2	Category 3	Total
June	0	98	123	221
July	0	95	122	217

(21) Thoracic Waiting

	Category 1	Category 2	Category 3	Total
June	2	1	0	3
July	3	1	0	4

(22) Thoracic Overdue

	Category 1	Category 2	Category 3	Total
June	0	1	0	1
July	0	0	0	0

(23) Urology Waiting

	Category 1	Category 2	Category 3	Total
June	13	61	42	116
July	9	66	45	120

(24) Urology Overdue

	Category 1	Category 2	Category 3	Total
June	0	23	4	27
July	0	21	4	25

(25) Vascular Waiting

	Category 1	Category 2	Category 3	Total
June	10	13	136	159
July	7	15	141	163

(26) Vascular Overdue

	Category 1	Category 2	Category 3	Total
June	1	7	50	58
July	0	8	57	65

Ministerial functions—costs (Question No 916)

Mr Smyth asked the Chief Minister, upon notice:

In relation to Ministerial functions for the following Ministers:

Chief Minister, Attorney-General, Minister for Environment, Minister for Community Affairs, Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming, Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for Police and Emergency Services, Minister for Arts and Heritage, Minister for Health, Minister for Planning, Minister for Education, Youth and Family Services, Minister for Women, Minister for Industrial Relations:

(1) In the period 19 June 2003 to 27 August 2003, how many functions have been held by each 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 Quinlan: 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.

Chief Minister, Attorney General, Minister for Environment, Minister for Community Affairs

Function	**Date**	**Cost**	**No of Guests**	**Venue**	**Entertainment Hired**
Community Luncheon – Business Leaders	20 June 2003	$648.15	11	Hospitality Room	n/a

Freedom of Entry Parade/Reception – RAAF Fairbairn	27 June 2003	$3209.10 (total cost including arrangements for the parade and catering for the reception)	220 (invited guests for the reception)	Civic Square/Officers Mess RAAF Fairbairn	n/a
Community Luncheon – Arts Community	18 July 2003	$786.00	14	Hospitality Room	n/a
Community Luncheon – Education Reps	22 July 2003	$587.00	11	Hospitality Room	n/a
Morning Tea for JP's Association	28 July 2003	$412.00	50	Reception Room	n/a
Community Cabinet meeting and afternoon tea for members of the public	28 July 2003	$135.00	20	Erindale Neighbourhood Centre	n/a

Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming

Function	**Date**	**Cost**	**No of Guests**	**Venue**	**Entertainment Hired**
Nil	n/a	n/a	n/a	n/a	n/a

Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for Police and Emergency Services, Minister for Arts and Heritage

Function	**Date**	**Cost**	**No of Guests**	**Venue**	**Entertainment Hired**
Afternoon Tea for Disabled Athletes	8 July 2003	$29.00	6-10	Minister's Office	n/a

Minister for Health, Minister for Planning

Function	**Date**	**Cost**	**No of Guests**	**Venue**	**Entertainment Hired**
Nil	n/a	n/a	n/a	n/a	n/a

Minister for Education, Youth and Family Services, Minister for Women, Minister for Industrial Relations

Function	**Date**	**Cost**	**No of Guests**	**Venue**	**Entertainment Hired**
Women's Ministerial Advisory Council function	8 July 2003	$250.00	20	Speakers Hospitality Room	n/a