DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

25 September 2003

Thursday, 25 September 2003

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

Appointment of clerk

MR SPEAKER: Members, I wish to formally advise the Assembly that Mr Tom Duncan has been appointed to the position of clerk of this Assembly. On behalf of members, I congratulate Mr Duncan.

Estimates 2003-2004 (No 2)—Select Committee
Report—government response

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, and Minister for Sport, Racing and Gaming) (10.33): May I be the first to congratulate you, Mr Duncan. For the information of members, I present the following paper:

> Estimates 2003-2004 (No 2)—Select Committee—*Inquiry into the Appropriation Bill 2003-2004 (No 2)*—Government Response, dated September 2003.

I seek leave to make a short statement.

Leave granted.

MR QUINLAN: I table this document early today in anticipation that it will be debated later this day in a cognate debate with the appropriation bill itself. I therefore wished members to have at least some time to digest it, although, like the document it responds to, it is not a lengthy document by Assembly standards. I move:

> That the Assembly takes note of the paper.

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

Annual Leave Amendment Bill 2003

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

Title read by clerk.

MS GALLAGHER (Minister for Education, Youth and Family Services, Minister for Women and Minister for Industrial Relations) (10.35): I move:

> That this bill be agreed to in principle.

It should come as no surprise that there have been significant changes in employment patterns over the last decade. There has been an increase in casual and part-time

employment and the government is committed to ensuring that workers are not disadvantaged in their working conditions.

The Annual Leave Amendment Bill 2003 makes a minor but important amendment to the Annual Leave Act 1973. The amendment removes a barrier preventing the accrual of annual leave by part-time employees who work fewer than 22.8 hours a week on average. The Annual Leave Act currently provides that employees who work fewer than 22.8 hours a week, or receive a loading in substitution for annual leave under an award or agreement, are not entitled to annual leave. The restriction of annual leave to those working more than 22.8 hours a week reflects the historical restrictions that were formerly placed on part-time employment in federal industrial awards.

Generally, awards protected part-time employees by requiring their employers to give them a minimum number of hours of engagement each week. However, following the enactment of the Workplace Relations Act by the Howard government in 1996, federal legislation now specifically provides that it is illegal for federal awards to set maximum or minimum hours of work for regular part-time employees.

The Australian Industrial Relations Commission was therefore forced to remove these protections for part-time workers through the award simplification process, and part-time employees are now able to work a shorter span of hours each week. Part-time workers should not be disadvantaged, as a result, in entitlements to annual leave. If a part-time employee is now working an average five hours a week, they should be entitled to annual leave on a pro rata basis according to their average hours.

The bill I present today will remove the barrier. However, casual employees and others who receive loading in lieu of annual leave will continue to be excluded from annual leave entitlements under the act. I ask the Assembly to note the Annual Leave Amendment Bill 2003.

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

Workers Compensation Amendment Bill 2003 (No 2)

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

Title read by clerk.

MS GALLAGHER (Minister for Education, Youth and Family Services, Minister for Women and Minister for Industrial Relations) (10.38): I move:

> That this bill be agreed to in principle.

The Workers Compensation Amendment Bill 2003 (No 2) builds on the reforms to the ACT private sector workers compensation scheme that commenced operation in 2002. The bill has been developed in consultation with the ACT Occupational Health and Safety Council's workers compensation advisory committee. The committee has worked in cooperation with the government over the first year of operation of the new scheme to identify further improvements and requirements. The bill that I table today is a result of

the continuing interest and commitment shown by the members of the committee and I thank them for their ongoing support and assistance.

Cross-border workers compensation coverage

The bill will implement the new national agreement on cross-border workers compensation arrangements. All state and territory governments have worked cooperatively to develop an agreed national approach to resolve the difficulties that can arise when employers and employees work across more than one workers compensation jurisdiction.

This is very important to the ACT given our close proximity to New South Wales and the fact that many of our businesses do work across the border. The changes proposed in the bill will also ensure that the ACT workers compensation scheme is not exposed to claims from workers of other jurisdictions.

The new cross-border provisions will commence operation at the same time as the complementary provisions commence operation in New South Wales. At this time the New South Wales government advises that its legislation will commence on 1 January 2004. The introduction of this bill now will allow the ACT provisions to commence at the same time, subject to formal confirmation of the commencement date by the New South Wales government.

The bill also makes a number of technical amendments to streamline and clarify the operation of the act, which I will briefly outline.

Volunteers

The bill will clarify the operation of provisions related to workers compensation coverage of volunteers. It was intended that under the new scheme volunteers would not require workers compensation coverage unless they were performing voluntary work for commercial or for-profit organisations or fell under a number of other specified categories. The amendments in the bill clarify the intent of the act's provisions relating to volunteers.

Trainees

The provisions relating to trainees have been amended to ensure that an adult with a disability participating in a work experience placement arranged by a specialist disability employment service provider is not covered by the act. This reflects similar amendments made to the Workers Compensation Act last year to exclude school-based, work-experience trainees from coverage. The amendments are designed to ensure that the cost of obtaining workers compensation coverage does not impose barriers to the voluntary participation by ACT employers in work experience programs designed to provide on-the-job training to disadvantaged job seekers. As is the case with school based work experience programs, the organisation arranging the work experience placement, rather than the host employer, would obtain insurance to protect participants in the case of accidental injury.

Limitations period

The bill will allow the Magistrates Court to accept the out-of-time claims for both statutory and common law workers compensation in certain limited circumstances. The circumstances in which the court can extend the set limitation periods will be consistent with the court's powers to accept out-of-time personal injuries claims under the Limitation Act.

Insurers' obligation on notification of injury

Currently, on receiving a notification of an injury, insurers are required to contact the employer, worker or the worker's doctor within three days. This is intended to promote early intervention and injury management. However, for many injuries the requirement to contact the doctor is unnecessary as the worker has often already returned to work.

The bill would amend the act so that insurers are only formally required to make three-point contact for injuries that are likely to or have become "significant injuries"; that is, the worker will be off work for seven days or more. This amendment will give insurers discretion to focus their resources on managing serious injuries and to avoid incurring unnecessary administrative costs to the scheme associated with minor injuries.

Some approved insurers have advised the government that they will continue to make three-point contact for all reported injuries to maintain the emphasis on early intervention and preventative measures. This will continue to be an option for insurers.

Medical certificates

Currently, doctors are required to include on a workers compensation medical certificate their assessment of the likelihood that the injured worker's employment substantially contributed to the worker's injury. Representatives of general practitioners have indicated that, due to limited medical information, many doctors have difficulty in making such an assessment.

The bill will delete the requirement for the doctor to assess the likelihood of the injury being substantially caused by work, but retain the requirement that the doctor indicate whether the worker's injury is consistent with the worker's employment being a substantial contributing factor to the injury.

Wage declarations

The government has also taken the opportunity to review and streamline employer reporting requirements under the Workers Compensation Act. The bill will replace existing sections 156 to 162 with new provisions setting out employer reporting requirements on the issuance and renewal of workers compensation policies. The new provisions standardise reporting periods and ensure that in most cases employers will only need to provide one set of wage declarations every six months.

Repayment of statutory lump sums

Under the ACT workers compensation scheme, if a worker can prove that their employer was negligent, the worker can obtain common law damages against their employer. However, as the ACT workers compensation scheme is also a no-fault scheme, if a worker has a permanent impairment they are entitled to make a claim for statutory lump sum compensation.

The legislation does not require an injured worker to make an election or decide which type of action they would like to pursue. Thus in the ACT the worker may both make a claim under the statutory scheme and take an action at common law. However, a worker is barred from making a statutory claim if they have already received compensation for the injury. Also, if the worker first receives a statutory lump sum and then a common law settlement or award, they must repay to their employer all of the statutory payments they have received.

The changes proposed in the bill will require that the worker, in addition to repaying the statutory payments, also repay the party to party legal costs associated with a claim for statutory lump sum payments. The proposed amendment is designed to reduce overall costs to the workers compensation scheme by limiting the possibility that employers and insurers would be required to pay for two sets of legal costs for the one injury. However, this would be subject to a general rider that a worker would not be required to repay more than they received in settlement of the matter.

To make the potential costs of making multiple claims more transparent, the bill also includes a requirement that the worker's legal representative and the insurer must inform a worker of the requirement to repay statutory lump sum payments and associated legal costs if they are successful at common law.

Criminal code

The bill also includes amendments to implement the criminal law reforms contained in the Criminal Code 2002. All amending legislation introduced after 1 January 2003 must be compliant with the new Criminal Code provisions.

As some of the policy amendments proposed by this bill affected offence provisions, it was necessary to restructure those provisions to make them compliant with the Criminal Code. Rather than amending some offences and leaving out other neighbouring offences in the act unamended, I decided to put forward amendments to make the entire Workers Compensation Act and regulations compliant with the Criminal Code. This is the first act that has been so amended.

The Criminal Code amendments are contained in schedule 2 to the bill. The amendments identify which offences are strict liability in nature and clearly identify mental fault elements for those offences that are not strict liability in nature. The fault elements for an 'at fault offence' may be intention, knowledge, recklessness or negligence. These are set out in descending order of culpability. Intention is regarded as more blameworthy than negligence and therefore offences with a fault element of intention have higher penalties than similar offences with a fault element of negligence.

By contrast, an offence is one of strict liability if there are no mental fault elements for any of the physical elements of the offence. Essentially, this means that conduct alone is sufficient to make the defendant culpable. For example, if an employer does not have a compulsory insurance policy, the conduct alone, that is of not having a policy, is sufficient to establish the offence.

In summary, the bill makes important amendments associated with the new agreement on workers compensation cross-border coverage. It makes minor policy changes to clarify the operation of the scheme in relation to volunteers, trainees, the limitations period, the insurers' obligation on notification of injury, medical certificates, the reporting of wages by employers to their insurer and the repayment of statutory lump sums. These changes are designed to refine the operation of the scheme to ensure that it is operating fairly and consistently. The bill also implements the provisions of the ACT criminal law reforms for both new and existing penalty provisions in the act. I ask the Assembly to note the Workers Compensation Amendment Bill 2003 (No 2).

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

Planning and Environment—Standing Committee
Report No 15

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

> That the Assembly takes note of the paper.

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

> That order of the day No 1, Assembly business, relating to the Government response to the Standing Committee on Planning and Environment's Report No 15—Variation No 200 to the Territory Plan—Residential Land Use Policies, Modifications to Residential Codes and Master Plan Procedures—Garden City Variation, be discharged from the notice paper.

Estimates 2003-2004—Select Committee
Report—government response

Debate resumed from 24 June 2003, on motion by **Mr Quinlan**:

> That the Assembly takes note of the paper.

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

> That order of the day No 2, Assembly business, relating to the Government response to the Select Committee on Estimates 2003-2004 report on Appropriation Bill 2003-2004, be discharged from the notice paper.

Public Accounts—Standing Committee
Report No 7

MR SMYTH (Leader of the Opposition) (10.49): I present the following report:

> Public Accounts—Standing Committee—*Review of Auditor-General's Report No 7 of 2002—Financial audits with years ending to 30 June 2002*, dated 25 September 2003, together with a copy of the extracts of the relevant minutes of proceedings.

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

Leave granted.

MR SMYTH: I move:

> That the report be authorised for publication.

Question resolved in the affirmative.

MR SMYTH: I move:

> That the report be noted.

The Public Accounts Committee has examined the Auditor-General's report No 7 of 2002, financial audits with years ending to 30 June 2002. Members may recall that this is a most substantial report, running to more than 300 pages. In this report the auditor provides audit results for 58 agencies, plus detailed comments on such matters as the Treasury's actions in reviewing the Financial Management Act, the use by the Treasurer of the Treasurer's Advance, the use of the territory banking account, performance measures and the territory's financial statements. This is a most comprehensive report and has warranted careful consideration by our committee. In addition to our deliberations, we held two public hearings involving the Treasurer and then Auditor-General and their officers.

With so much subject matter to cover, I will be able to mention only the key issues that we have dealt with. The first matter relates to the qualification made by the auditor of the territory's financial statements. I should explain at this point what "qualification" means when used in this technical sense by an auditor or an accountant. As Mr Parkinson explained this matter to the committee: "A qualification is a sign that, in the professional judgment of the auditor, there is something in those financial statements that is potentially misleading."

As a committee we are concerned that the territory's financial statements were qualified by the auditor. This is a very serious matter, a point emphasised by the Auditor-General in evidence to our committee. As Mr Parkinson commented, auditors do not qualify financial statements lightly. I should also note that the matter that led to the Auditor-General qualifying the territory's financial statements is the subject of professional disagreement, at least within Australia. Irrespective of that disagreement, however, the outcome of the audit of the territory's financial statements was a qualified audit opinion, and this qualification will continue until this disagreement is resolved.

This remains a most serious matter and the committee would urge, therefore, that all parties that could be involved in this matter seek to resolve the issues that are in disagreement as soon as possible. This may be more in the nature of a disagreement over a technicality. But, as far as our committee is concerned, it is not appropriate for the territory's financial statements to be qualified and we will be concerned if the territory's financial statements continue to be qualified because of this disagreement.

Let me now turn to the review of the Financial Management Act. What can we say about this matter? On the one hand, we have the Treasury saying that the review is substantially completed, yet, on the other hand, we have the auditor saying that the fundamental review of the FMA has not been undertaken. So the question is: who is correct? This has been quite a dilemma for the committee to resolve.

We have concluded that further work is required to ensure that the act does what it should do through providing an appropriate financial management framework for the territory. Further, we believe that there is merit in an independent review being undertaken by the Financial Management Act to ensure that it provides an appropriate financial model for the territory and that it relates effectively to the requirements of associated legislation such as the Auditor-General Act and the Annual Reports Act.

An independent review will ensure that people with appropriate expertise are appointed to undertake this review and also ensure that the review is not distracted through other priorities impacting on the allocation of resources from within Treasury and other departments to this review. Consequently, the committee recommends that an independent review be conducted of the Financial Management Act.

The next matter on which I wish to comment is the Treasurer's Advance and, specifically in the year that is the subject of this audit report, the use of the Treasurer's Advance to provide $10 million for fire safety issues. The auditor, in a section of the report dealing with possible breaches of the Financial Management Act, made the finding that Housing received $10 million from the Treasurer's Advance in June 2002. The audit view is that this was a misuse of the Treasurer's Advance and that its legality could also be questioned.

The committee is most concerned about this matter. As will be seen from our report, we have dealt at some length with the matter. It has proved rather complex to identify the sequence of events that relates to this matter and to establish the history of various decisions and records of action. Ultimately, however, this matter appears to revolve around two key issues: what is the purpose of funds sourced from the Treasurer's Advance and when did the actual expenditure take place? On the first of these issues the audit is quite clear that the use of the Treasurer's Advance should satisfy two parameters: essential expenditure is required to be incurred, and the need for this expenditure could not have been foreseen when the annual budget was prepared.

The auditor also injected the notion of such spending having to be urgent to satisfy the use of the Treasurer's Advance. Of course the fact that such spending had not been included in the annual budget implies urgency, because the need must have arisen at short notice, by which time it was not possible to build it into the annual budget. The

approach set out by the auditor is, according to the auditor, that which is, or should be, adopted by all jurisdictions that operate in ways similar to the ACT.

The committee was also most concerned about the process that led to the funds for fire safety being identified as being required to be spent. It is evident from documents that the committee examined that there was, as a minimum, confusion over the way in which the funds were to be utilised. Some people suggested that the funds were to be used for social housing; others suggested that the funds were to be used for fire safety issues.

The committee emphasises that it does not accept that the former Under Treasurer could have made an error in confusing social housing with fire safety issues when he wrote to the chief executive of Urban Services. Further, the committee judges that the Treasurer's explanation of the use of the Treasurer's Advance for fire safety issues was inadequate. The committee endorses the approach to the use of the Treasurer's Advance as explained by the Auditor-General and believes that the FMA should be amended to incorporate these elements.

The second of the two issues I mentioned a moment ago concerns the timing of the expenditure from the Treasurer's Advance. As the Auditor-General explained to the committee, technically funds that have been appropriated are spent when they are transferred from the Central Financing Unit bank account to the account of the relevant department. But, as the Auditor-General went on to explain, this approach defies logic. The purpose of appropriations is for money to be spent on the purchase of goods or services or something else. Appropriations are not intended simply to transfer money from one bank account to another.

An associated aspect of this matter that concerned the Auditor-General relates to whether the funds obtained from the Treasurer's Advance were actually spent in the relevant financial year. Again, in evidence to the committee, the auditor noted that the transfer of funds from CFU's account to Housing's account contravened the concept of the Treasurer's Advance. He said that it did not have to be transferred at that stage because Housing had nothing to spend it on.

The committee concluded that, because of the vagueness of the legislation, it is not possible to make a finding on this aspect of the use of the Treasurer's Advance, that is, whether the Treasurer's actions were illegal. Nevertheless, the committee remains concerned that there is such uncertainty about the FMA as it relates to the Treasurer's Advance. Consequently, the committee has made a specific recommendation that section 18 of the Financial Management Act be reviewed to clarify the purpose and use of the Treasurer's Advance. There are a number of other matters on which the auditor made comment and prepared recommendations. Many of these recommendations relate to management discussion and analysis reports contained in annual reports, while others deal with more mechanical or process matters.

What I would like to turn to now are the comments and findings made by the auditor on territory agencies—58 of them, although I will comment on only a couple of these. The context in which I want to make the following comments concerns the information that is provided to the community in annual reports from agencies. In two instances, Actew Corporation and Totalcare Industries Ltd, the Auditor-General was very concerned about

the extent of information that was published about the activities of entities in which each of these agencies had a close involvement.

In the case of Actew, the auditor was concerned that Actew had not accounted for its interest in TransACT using the equity method rather than the cost basis that was used by the board of Actew. The auditor concluded that Actew should have used the equity method because Actew had significant influence over the activities of TransACT. A major reason for this was that at 30 June 2002 Actew held just less than 25 per cent of the TransACT voting shareholder votes.

The significant implication flowing from the use of this accounting method would have been that Actew would have had to take into account a share of TransACT's losses and this of course would have had a direct impact on Actew's financial result, leading to a reduced dividend flowing from Actew to the ACT government. Irrespective of the consequences of adopting particular accounting methods, the committee agrees with the auditor that Actew should report to the community on the basis of reflecting the reality of commercial relationships.

The situation with Totalcare is that it was a joint venture partner in the Williamsdale quarry. The auditor noted that Totalcare provided financial statements for the joint venture for 2000-01 but did not do so for 2001-02, and the committee asks why. What changed between the 2000-01 and 2001-02 years? As far as the committee is aware, there was no reason why Totalcare could not have reported on the Williamsdale quarry joint venture in the 2001-02 report. On the contrary, the committee believes that it was important for the community to have such information provided in the annual report from Totalcare.

This was a major report from the Auditor-General and it involved the committee in considerable analysis, the taking of evidence and the preparation of its findings. I would like to thank the former Auditor-General and his staff and the Treasurer and his departmental officers for their contribution to this inquiry. My sincere thanks go to our committee secretary, Stephanie Mikac, for the report that she has put together and her splendid efforts in preparing such a report on such a complex set of matters.

I would also like to thank my colleagues: Ms Tucker, who is here today and who I am sure will soon speak on this, and Ms MacDonald—who is not with us; she is away on sick leave—for the most constructive way in which we were able to tackle the technical issues raised in this inquiry. I would like to just bring to the attention of the Assembly that, in order to process this report, with Ms MacDonald away, we had a phone hook-up, a teleconference, which worked very effectively. We worked through the entire report over a couple of phone calls and I would commend to other committee chairs the use of the teleconferencing technique; it does work and it allows the work of the Assembly to continue. So well done to Ms Tucker for raising some time ago the use of teleconferencing. All that said, I commend the report to the Assembly.

MS TUCKER (11.02): This Auditor-General's report gave qualified audit of the territory's financial statements and the financial statements of the general government sector. There was comment about financial reporting and audit in the ACT public sector. The auditor's report covered all the territory agencies and the committee commented on the workers compensation supplementation fund, the Williamsdale quarry joint venture,

the superannuation unit, InTACT, the insurance authority, forests, the Australian International Hotel School, ACTION, Actew and TransACT, and in more detail the committee commented on the Treasurer's Advance and review of the Financial Management Act and audit opinions of the territory's consolidated financial statements.

The committee made recommendations in particular about the need for an independent review of the FMA and particularly section 18 providing for the Treasurer's Advance. The committee recommended that regulations be established for the use of the Treasurer's Advance. It is obvious to anyone who cares to look at this report or who has followed the events that there is an urgent need to clarify this issue. The expenditure of $10 million by transferring it to Housing raises obvious questions about the definition of expenditure. While technically speaking this may not have been illegal, because it did fit with the definition of expenditure, it is obviously of concern because this use of the Treasurer's Advance did not appear to be consistent with the principles outlined for the use of the Treasurer's Advance. The auditor did not say it was illegal, only that the legality could be questioned, but I am very concerned, however, about what does appear to be a misuse of the Treasurer's Advance. It is clear that there was no secrecy or deceit involved. It was talked about by the Treasurer at budget time and the Treasurer was clearly under the impression that it was okay. He has also acknowledged since that he might do it differently now. The committee has made clear statements about what needs to happen. In line with what the auditor said, there does need to be clarification of this issue.

The committee is also concerned that the auditor decided to qualify the territory's financial statements. The Auditor-General saw this as a very important signal, that matters relating to the credibility of the financial results are being put forward to the community. I understand that there are different views about the nature of the matters on which the qualifications were based—that is in relation to valuation of superannuation liabilities and associated expenses—but it is important that these are reconciled so that we do not have future qualifications, as they do not inspire confidence in the community.

The committee has also recommended a review of the Financial Management Act. While there have been a range of useful improvements, there is potential for a conceptual review as seven years have passed since the model was introduced. I will not go into any more detail about the report. It is here for people to read and Mr Smyth has covered most of it.

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

Executive business—precedence

Ordered that executive business be called on.

2002-2003 annual reports—referral to standing committees

MR CORBELL (Minister for Health and Minister for Planning) (11.07): I move:

> That notwithstanding the resolution of the Assembly of 11 December 2001 establishing standing committees:

(1) the annual and financial reports for the calendar year 2002 and the financial year 2002-2003 presented to the Assembly pursuant to the *Annual Reports (Government Agencies) Act 1995* stand referred to the standing committees, on presentation, in accordance with the schedule below;

(2) that committees are to inquire and report on the annual reports by the first sitting day in 2004;

(3) that, notwithstanding Standing Order 229, only one standing committee may meet for the consideration of the inquiry into the calendar year 2002 and 2002-2003 annual and financial reports at any given period of time; and

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

SCHEDULE
Referral of Annual Reports to Standing Committees
Calendar year 2002 and the Financial year 2002-2003

Standing Committee	**Annual Reports**	**Minister Responsible**
Public Accounts	Chief Minister's Department	Chief Minister Minister for Economic Development, Business and Tourism Minister for Sport, Racing and Gaming Minister for Industrial Relations Minister for Women Minister for Community Affairs
	Commissioner for Public Administration	Chief Minister
	Commissioner for Occupational Health and Safety	Minister for Industrial Relations
	ACT Cleaning Industry Long Service Board	Minister for Industrial Relations
	ACT Construction Industry Long Service Board	Minister for Industrial Relations
	Department of Treasury	Treasurer
	ACTEW Corporation	Treasurer
	ACTTAB	Minister for Sport, Racing and Gaming
	Totalcare	Treasurer
	Australian International Hotel School	Treasurer
	Independent Competition and Regulatory Commission	Treasurer
	ACT Government Procurement Board	Treasurer
	ACT Insurance Authority	Treasurer
	Stadiums Authority	Minister for Sport, Racing and Gaming
	Canberra Tourism and Events Corporation	Minister for Economic Development, Business and Tourism
	Exhibition Park in Canberra	Treasurer
	ACT Gambling and Racing Commission	Minister for Sport, Racing and Gaming
	Legislative Assembly Secretariat	Speaker
Legal Affairs	Department of Justice and Community Safety	Attorney-General
	Safety	Minister for Police and Emergency Services

	Legal Aid Commission	Attorney General
	Public Trustee	Attorney-General
	ACT Ombudsman	Attorney-General
	ACT Electoral Commission	Attorney-General
	Director of Public Prosecutions	Attorney-General
	Victims of Crime (Financial Assistance) Act 1983	Attorney-General
	Nominal Defendant	Minister for Urban Services
	Australian Federal Police (ACT Region	Minister for Police and Emergency Services
Education	Department of Education, Youth and Family Services	Minister for Education, Youth and Family Services
	Canberra Institute of Technology (report of 2001 - tabled 9 May 2002)	
	Building and Construction Industry Training Fund Board	
Health	ACT Health	Minister for Health
	Health and Community Care Service	
	Healthpact	
	Community and Health Services Complaints Commissioner	
Planning and Environment	Department of Urban Services	Minister for Urban Services Minister for Planning Minister for the Environment
	Kingston Foreshore Development Authority	Minister for Planning
	ACTION Authority	Minister for Planning
	Cultural Facilities Corporation	Minister for the Arts and Heritage
	Canberra Public Cemetries Trust	Minister for Urban Services
	Commissioner for the Environment	Minister for the Environment
	Gungahlin Development Authority	Minister for Planning
Community Services and Social Equity	Department of Disability, Housing and Community Services	Minister for Disability, Housing and Community Services
	Discrimination Commissioner	Attorney-General
	Community Advocate	Attorney-General

Question resolved in the affirmative.

Appropriation Bill 2003-2004 (No 2)

[Cognate paper:

Estimates 2003-2004 (No 2)—Select Committee—report—government response]

Debate resumed from 19 August 2003, on motion by **Mr Quinlan**:

That this bill be agreed to in principle.

MR SPEAKER: Is it the wish of the Assembly to debate this order of the day concurrently with order of the day No 2 relating to the government response to the select committee report? There being no objection, that course will be followed.

MR SMYTH (Leader of the Opposition) (11.08): The Liberal Party will be supporting Appropriation Bill 2003-2004 (No 2). We believe that there are many items in it that certainly deserve to be funded and should be funded and we have no wish to hinder the government's progress in preparing the city for the coming bushfire season or in passing on pay increases to the workers of the ACT. However, much of what I will say is a summary of what I said on Tuesday when I tabled the Public Accounts Committee report as the concerns that I had there are certainly concerns that I still have. It basically goes to what seems to be a lack of a strategic view on bushfire management in this city.

The Public Accounts Committee, and certainly I as a member of that committee, got an overwhelming view that we were implementing things because McLeod told us so. In many ways the government put itself in an unenviable position when, in the days leading up to the release of the McLeod report, the Chief Minister said, "Well, we are just going to accept and implement the recommendations." It is that approach that is causing me, certainly, and the Liberal Party some concern.

Many of the recommendations of the McLeod report seem to take a view that we should be moving towards a Tasmanian, Victorian and Queensland style of bushfire fighting. The question that remains unanswered is: what consideration was given to the fact that we are a sort of island inside New South Wales? Surely the move should be to closer and greater cooperation with New South Wales. As New South Wales would be our first response partner to come over the border and we would be their first response partner in this area to go over the border in the surrounding shires, shouldn't the compatibility really work with New South Wales? There seemed to be a lack of that sort of questioning. When we questioned Treasury officials, they said, "Oh, no, we're not experts. We number crunched, we checked the numbers and the numbers seemed to add up. We left the strategic analysis to others." I noticed just in quickly reading the Treasurer's response to the committee's report that the government disagrees with that conclusion. And I guess we are not surprised.

One of the things that McLeod recommends is that we change the structure of ESB. He has this supermodel where it becomes a statutory authority and everything is lumped in together. Clearly there is angst about that out in the community, in the professional firefighting community, the volunteer firefighting community and the emergency service volunteer community. They do not necessarily believe that being lumped together is the best way. Everybody in those brigades and organisations certainly acknowledges that they have to work closer together, but the question out there that has not been resolved is: how do we best make it work?

For instance, at a meeting of the Volunteer Brigades Association, a number of options were put up on the board; I was drafted to put the options up on the board. Each of the four options was gone through and an explanation given for and against. Ultimately, the meeting came down against the McLeod model and chose another one. That is the problem. We are purchasing equipment and undertaking activity that may take us down a certain road whereas other people with an interest in this might prefer us to go in a totally

different direction. Notwithstanding that, of course things have to be done between now and the start of the fire season, which arrives next week.

As we found out yesterday in the question on notice that you kindly tabled, Mr Speaker, many of the initiatives in this appropriation bill will not be available for this fire season. If I remember correctly from the report, the four tankers are not due until 30 June next year. Perhaps we should have concentrated on setting up the framework, getting on board those things that we could have quickly got on board and necessarily had to get on board, and then taken a long view. The new commissioner, when he or she is in place, may be lumbered with equipment that they do not necessarily want or they might have liked different equipment or a different structure. But in the interim we have put in an implementation committee, a fire management unit inside Urban Services and done a number of other things that may need to be changed.

I just make the point again that what really worries me, and what I think highlights the lack of a strategic view, is the issue of the four urban-rural interface pumpers. McLeod suggested an extra four units for the fleet and so we have these extra four units. But nowhere in the McLeod report did I see it suggested that the nine units that the fire brigade currently uses be removed. Those nine units give us about 20,000 litres of capacity to deliver, independent of hydrants. The four new tankers will give us 13,200 litres for the fire brigade to use, to deliver. So that is a huge drop in capacity. The sad thing about that is the flexibility that has been lost. I made this point on Tuesday and I will make it again, because the point needs to be made.

In a situation such as we had on 18 January this year, there were numerous fires everywhere and what was needed was flexibility. Earlier this week we had a day when it was windy and it suddenly went to 26 degrees. Had there been a fire, we might have had a number of small fires. The first response units would have been the fire brigade because none of the volunteers were standing up. We have taken away from the fire brigade that flexibility on the stations that were selected. They were selected on geography; they were the four stations most affected by the fires of the 18th. They got the new units, but they lost things like a light unit, which carries 500 litres of water and which is a very effective unit to send with two officers out to a small grass fire. Now we will have to send a much bigger unit, with a 3,400 litre capacity approximately, with probably a larger crew, to such a fire. Currently, with one of the old Mercedes pumpers and a light unit, we could send different units in different directions. But now there will be one unit to respond in one direction.

I think there has been a lack of thought about how we are going to fight the fires as they occur and where they occur. Fires are not orderly, as we all know and have learnt. What happened was that McLeod said we should have four tankers so we bought four tankers and are going to give them to the fire brigade and take the others from them. The problem is that we are losing flexibility. I am not sure, as we do not have the details, what will happen to the nine units. Are they a strategic reserve? At the Estimates Committee meeting I think it was said that they were to be distributed back to the brigades. But I think we need to do a bit more thinking before we jump in in an endeavour to be seen to be doing things.

When this was discussed with officers, there were differing views as to how the conclusion had been reached that we needed four. Who tested whether only four were

required? Should it have been 14? Should it have been 40? Should there have been one or two for every one of the fire brigade stations, plus additional units for the volunteer brigade fire stations? This was not tested. The interplay at the government table was quite interesting. The acting head of the fire brigade said that he thought it was possibly the start of a process. If people go to the Estimates Committee report, they will see his words there. But the minister said, "Oh, no, it is not the start of a process; that is all we are getting." But, again, we do not know how the government came to this conclusion because it could not tell us. Was it the start of a project? The fire brigade said that they hoped it was. But the minister said that no, it was not. So even from the government and government officials there was doubt about what this project meant.

Yesterday there was a question about the community fire units. To his credit, Mr Hargreaves, with a great deal of passion, wanted one at Gordon, down at the bottom end of the fine electorate of Brindabella. An assessment was done and a trial started. There is additional funding in the Appropriation Bill to keep the trial ongoing. But how were the suburbs picked? Which are the suburbs most at risk? Which are the suburbs that are most vulnerable? The explanations were, "Well, it's a trial. We're going to put eight up, but it's a trial." I have no doubt that Mr Hargreaves will have more to say on this. A case could be made for a huge number of suburbs to have a community fire unit, and I think the answer we were given was less than satisfactory.

The Appropriation Bill also provides money to purchase land around the airport. The impression that we got from the builder was that the land was ready to be purchased. During questioning at the Estimates Committee hearing, some blocks were named that the government was keen to get—blocks to the north-east of the airport that, according to the head of the Chief Minister's Department, could be a prison site. However, when we spoke to the planning minister, he said that the government were after all of the blocks but then said that he would leave it to the minister in charge of corrections to answer which blocks he was really interested in. It is interesting that a number has been decided by officials and is now in writing so that everybody will be aware of it. But I am not sure that it is the right number. What happens now? Does the government go to the Treasurer's Advance for additional money? Does it come back for a third appropriation when Defence jacks the price up? The federal departments are not well known for being kind to the ACT.

We then have the issue of the Hotel Kurrajong. It is important that we keep across what is happening with the Hotel Kurrajong and that we make sure that, if we do purchase it, we get good value for it. Then what will be done with it? Will it be another white elephant? Will it remain the International Hotel School? Will it be used for another purpose? It seems that negotiations with the Commonwealth are yet to be finalised. So will the $350,000 that the government has asked for be enough? Perhaps we should have had more detail before we started putting figures into a hard budget.

I spoke on Tuesday again about the gift to Unions ACT without any service level contract or agreement. It is very important for people to be able to see that their money is spent well and accounted for, not just given away. The lack of answers from the minister about accountability is unfortunate and raises some concerns. I am sure that in about a year's time the minister will come back and tell us how well the money has been spent and whether or not the program will be ongoing. But she will need to justify that expenditure and perhaps should look at a different process of issuing money. We all have

political allegiances. It is no secret that the Labor Party favours the union movement and that the Liberal Party is interested in business, for instance, though not exclusively and not totally for either of us. But there needs to be a much cleaner and neater process when money is expended in this way, as it appears to be virtually a gift without any contracts or directions attached to it.

On the issue of inviting not-for-profit community organisations to indicate whether they require additional resources to participate in specific government activities/consultation processes, the government response was:

> The Government is currently developing a whole-of-government approach to funding services through non-government organisations to support the longer-term sustainability and capacity of the community sector.

It went on to say:

> The approach aims to achieve greater clarity, consistency and security in funding arrangements.

I am sure we all welcome that. It is perhaps long overdue. The criticism from a number of community groups about how the community sector fares was levelled at governments of both ilks and is something that we should certainly take on board.

The committee made a recommendation that the government urgently renegotiate funding levels with Family Based Respite Care Inc, FABRIC, as a result of the bushfires, and the government's response was:

> The Government considers that the issues raised by the Committee do not relate to bushfires.

Well, I can tell you—and you can look at the transcript—that FABRIC spoke about the effect of the bushfires on their budget, both in delivering services over that time and on costs. They had not had the opportunity to put together what the bushfires and their extra efforts required there had cost them, but there are also emerging costs. If the government is saying that this is just a bushfire-based appropriation bill, why are the Kurrajong, land at the airport, Unions ACT and some EBAs in it? The Treasurer cannot have his cake and eat it too. However, as there are some worthy items in the bill and the Liberal Party believe it should be passed, we will be supporting it.

MS TUCKER (11.23): I rise to speak in debate on the Appropriation Bill 2003-2004 No 2. The normal process for appropriating money is to have one budget and an additional budget only for unusual events. The previous government also used additional appropriations at odd times, for example, two months before the end of the 1999-2000 financial year, which was just after the budget for that financial year had been presented. While I signal that those appropriations should be kept to a minimum—and that is something we should all attempt to ensure—Liberal members should not pretend to be so shocked. Many more items are apparent in this bill than were apparent after its brief introduction, so it is a good thing we had an estimates committee. I thank that committee for its work and for its report.

I refer, first, to non-fire expenditure. The government allocated money for lifts and travelways at the Griffin centre, which illustrates the inadequacy of the planning process for the rebuilding of that centre before tenders were let. I refer also to the SACS award, an issue which was not included in this year's budget but which was raised by the estimates committee. I welcome the recommendation for a standard process to index funding for community organisations in line with SACS increases, as determined by the Industrial Relations Commission. The SACS award is a safety net award. It is not necessarily a measure of reasonable pay; it is a measure of absolute minimum pay.

ACTCOSS, in its budget submission, also reminded the government that the system for assessing costs should include a methodical accounting of the growth in wages and salaries; the costs of training, compliance, data collection and volunteer management; and the cost of assessing all those things during contract negotiations. I refer next to the budgetary allocation for Unions ACT to enable it to participate in tripartite reviews and government consultancies and to carry out a major review of the Occupational Health and Safety Act. The committee transcript shows that the minister said that Unions ACT had only a secretary and a couple of administrative positions and that, on that basis, it was likely to stretch its funding. However, as the committee pointed out—and without taking away the apparent need for additional resources for Unions ACT—many other community groups that are involved in government bodies, consultations, reviews and law review work are struggling in one way or another.

Perhaps the relevant ministers are not aware of how much work is involved and what impact that work has on community organisations. It is essential to reflect in these reviews the expertise that has been gained from working with people with difficulties. For example, the Tenant's Union has been included in a review of the Residential Tenancies Act—a review that has not been accommodated by extra funding. The Conservation Council has had an input into a number of reviews, including a spatial plan, but that body is struggling. ACTCOSS, in its budget submission this year, noted the strain on it and on its member groups in the provision of services. In its submission on the review of service funding arrangements, ACTCOSS raised a number of points that have a bearing on the burden that has been placed on the community sector. It stated:

> The Compact states that government undertake to "adopt an approach to consultation that seeks early input in policy development and planning processes, as well as provide opportunities to respond when options have been developed."
>
> A further concern is that both the community and Government sectors need to be adequately resourced, especially in terms of the amount of time allocated, to effectively undertake this important work. The delayed, and consequently attenuated, process makes this difficult.
>
> The Consultation Protocol states, "for issues requiring comprehensive consultation, community groups need a minimum of 6 weeks to consult their constituents and respond".

In its submission on the 2003-04 budget, ACTCOSS specifically recommended:

> The Government provide funds to compensate community organisations and their members for their time and effort in participating in Government consultation

> processes. The quantum of such compensation and claimable items should be discussed with one of the more formal groups, such as the Disability Advisory Council, then adapted to cover other community sector organisations.

ACTCOSS also drew attention to the needs of consumer representative groups that play a role somewhat similar to the role that unions play when participating in reviews. Recommendation 19 states:

> That the ACT Government substantially increase funding to consumer-based representative organisations with a view to obtaining high quality, direct input into Government policy from the wide range of groups representing people living with disadvantage.

Generally, law reform work is not being done in a co-ordinated way with an input at all stages from informed people in the community sector. The Law Reform Commission, which is apparently underresourced, does not have the broad range of community expertise involved that it had in its early days as the Community Law Reform Committee. Some of the basic premises of consultation and relations between community sector and government, such as early input and an opportunity to see and comment on what the government has developed as a result, are not always occurring. I support the recommendation of the Select Committee on Estimates that the government approach community organisations, assess their needs and provide them with support to enable them to participate in government reviews.

I refer briefly to the Majura Valley land purchase. The details of that purchase are not immediately clear until one turns to the transcript of the estimates committee. The $1.059 million valuation is the valuation that was obtained by the ACT Government on the land currently owned by the Commonwealth defence department that is adjacent to the airport. Some areas in the Majura Valley and some areas adjacent to the airport, which are natural temperate grasslands, are home to an endangered ecological community. Parts of that area have been identified as grasslands—the habitat of the endangered earless dragon. Some limits must be placed on the use of the grasslands located around the airport, which are currently zoned as broad acre.

The use to which that area can be put and the design constraints on a corrections facility—for example, entirely separate facilities for women—must be carefully thought through in combination with best practice design requirements. I am aware of the government's interest in using some of that land for a prison. However, what is not clear is the use to which the rest of that land might be put. It would be a good thing to have that land under territory control, if only for the sake of planning development—something in which the airport apparently has no interest and for which it has no respect.

I refer now to fire-related appropriations. The committee expressed some concern about the lack of a strategic framework and follow-up action in response to McLeod's recommendations. Even though the next fire season is approaching there is an inherent danger in rushing in. All members would be aware of last year's serious bushfires. If things are not done well there are longer-term consequences for the landscape, for people's sense of wellbeing and trust in the landscape, and for the capacity of fire brigades. If we want to ensure that things are done well we must not rush in without obtaining a good overview. It is disturbing that McLeod's recommendations, which

appear to be first thoughts, are not set out in the broader context. No process is available to us to check or assign those recommendations before we implement them.

I was somewhat reassured by statements that were made to the estimates committee that the final structure will be worked out after the fire season. Work that is carried out in the meantime is designed to fill in the gaps. Residents of Lyons and others who use Oakey Hill on a daily basis have established that there is a great deal of confusion and rigidity—which is not a good combination—in the implementation of some of these initiatives. The Chief Minister undertook to establish where the pressure was coming from in the Assembly on Tuesday to remove all blue gums. Yesterday he made a statement reminding Assembly members of those serious bushfires, something about which I do not think we need to be reminded. Any member who makes a statement about what has been happening after those bushfires does not forget the serious nature of those bushfires. I found a little offensive the Chief Minister's statement that last year's bushfires were serious.

People are aware of the serious nature of those bushfires. We, as elected representatives of the community, are aware of the breach of trust as a result of those poor processes. The issue relating to Lyons residents does not relate only to the felling of every blue gum; it relates also to the question of flexibility. How will we engage the community in this process? Will we take them along with us? Yesterday the Chief Minister acknowledged, as have his senior officers, that the communication strategy on this hazard reduction exercise was extremely flawed. There is still real concern that this is an overreaction. A lot of work has to be done by the government if it wants to regain the trust of the community.

Yesterday or the day before I made the point that residents and one person in my office received some form of communication that indicated that the information relating to the removal of blue gums came directly from the Chief Minister's office. The Chief Minister said that that was not the case, and I accept his statement. However, as I said earlier, that information was received by residents and by one member of my staff. Information that is supplied to the community must be accurate. If ministers deny statements that they have made it does not instil confidence or engender trust in a process. A lot more hazard reduction has to occur. I think the Minister said earlier that he had tabled a new communication strategy, which I look forward to reading. It is important to have a communication strategy as a number of areas will be subject to hazard reduction and we do not want a repeat of the Lyons fiasco. Obviously there are different views in this continuing debate about hazard reduction.

MS DUNDAS (11.34): I speak briefly in debate on the Appropriation Bill. The ACT Democrats support this bill, which has as its main object the appropriation of additional money to cover costs flowing from the January 2003 bushfires. The bushfire costs relate mainly to the cost of land remediation, fire-fighting preparedness and the rebuilding of destroyed infrastructure. However I, like the estimates committee as a whole, am concerned about the additional burden that has been placed on the community sector—an issue that has not been properly recognised by the government. Although the government, through this Appropriation Bill, is funding additional counselling services, the load on many other community organisations increased following the fires, but those organisations have not yet received additional financial assistance to help them cope with that increase in demand.

The government, in its response to the report of the Select Committee on Estimates, said that it would be liasing with the community sector to determine the level of assistance that might be required in assessing the impact of fires and reassessing applications. Those are positive responses from the government. We would like that to be done in a timely manner and we want the community sector adequately resourced to be able to perform the work with which it has been tasked. I read with interest the government's response to recommendation No 2 of the committee regarding the funding of award increases for workers and community organisations. The government said that a subcommittee had been established that had been tasked with examining government funding of community sector wages and salary costs. That subcommittee is yet to meet. I again ask about the timeliness of such a subcommittee meeting, discussing issues and moving them forward. I know that those committees have representatives from ACTCOSS and Unions ACT.

Additional funding in this Appropriation Bill will be going to Unions ACT to help it participate in a consultation process that has been established by the government. It would be good to see that process expanded to include other community organisations that are working their way through the many consultation processes that have been established by the government over the past few years. They are seeking to represent the voice of the community and to make their issues known. Even without the allocation of additional resources they are still providing an increased level of service delivery to their clients.

Referring to other parts of the Appropriation Bill, I cannot find fault with the Treasurer's view that the amount of $350,000 to acquire the Hotel Kurrajong represents a bargain. I was a little confused when I heard the Treasurer talking about the school that is still continuing to operate at the Hotel Kurrajong, despite the fact that statements have been made that that school should not be subsidised by ACT taxpayers. We seek further information as Hotel Kurrajong negotiations continue. What is the future of the hotel school? Will it remain in that facility? If so, what rents will the ACT Government receive for the lease of that building?

I also welcome the government's announced intention to purchase land at Majura for an ACT prison and, hopefully, a motor sports facility. I find it a little curious that the government will not appropriate sufficient money for pay rises through enterprise bargaining until negotiations have concluded—the ACTION EBA is a case in point—yet it is prepared to appropriate money for the purchase of land from the Commonwealth when a price has not yet been negotiated. There has been a lot of discussion about the need for this Appropriation Bill versus the Treasurer's Advance and good accounting measures, et cetera. I am pleased that the Appropriation Bill is being utilised for a number of other things for which it was not originally intended, as that will alleviate the burden that has been placed on the Treasurer's Advance. However, we need ongoing justification for what we are talking about and some kind of consistency about what is being put forward.

When the report of the Select Committee on Estimates was tabled I made some points about the additional appropriation for the construction of new community space as part of the Griffin Centre redevelopment in Civic. I state again that costs such as that should not have been allowed to blow out; they should have been dealt with in the initial phase

of the project. It highlights some of the flaws in the whole planning process relating not just to that Civic redevelopment but also to providing adequate and up-to-date community facility space. I hope that the government is well aware of the problem and that it is a problem that it is seeking to address.

I reiterate my concern that the original Appropriation Bill did not make it clear when the money that was allocated for improving firefighting preparedness would be spent. That basic information should have been presented to the Assembly. Members of the community have a right to know whether they will be safer this summer. The Treasurer stated in his response to the estimates committee report that it would be irresponsible of the government not to act prior to the next bushfire season. I agree wholeheartedly with the Treasurer's statement.

I refer to answers to questions that were taken on notice during the estimates committee process and specifically to the bushfire initiatives in this bill. About half of them will not be ready before the next bushfire season, three or four of them will not be ready until the end of the year and only two or three of them will be ready in time for the next bushfire season, which actually starts in about five to 10 days time. I am glad that the government is taking steps to make the city bushfire-ready, but the additional dollars that are being appropriated now will not necessarily be on the ground, turned into action components, at the commencement of the next bushfire season.

There is a difference between being seen to act and actually making a difference. While we all agree that we need to increase our bushfire activity preparedness I do not think we can say, "We have passed the Appropriation Bill, so everything will be okay." A lot of work still needs to be done. We need to analyse the McLeod report and the results of inquiries for which we are still waiting. The Chief Minister said that the government has done all that it can to be bushfire-ready, so we are yet to determine how the initiatives in this Appropriation Bill will assist us in our preparedness. The estimates committee recommended in its report the imposition of a timeframe on its bushfire initiatives so that we are able to establish whether they are being implemented.

We know from previous budgetary cycles that the money that is appropriated for spending at the beginning of a financial year often is not spent until the end of that financial year. We cannot afford to do that when we are looking at protecting our suburbs from the threat of bushfires; we need to act quickly. Even though this Appropriation Bill will be passed today we must be vigilant about its implementation. We need resources on the ground to support our firefighters and those who live on the urban edge. We want to ensure that their homes will be safer this summer.

MR CORNWELL (11.42): I refer briefly to a popular topic of mine, that is, the Australian International Hotel School. The background to that school really does not need reiterating. I sum up by referring to the Auditor-General's report for the financial year ending 30 June 2002, which states:

- The AIHS's loss from trading was $1.2m in 2001-2002 compared with $1.6m in 2000-2001.

- The AIHS received subsidy payments from the Government of $2m to meet operational costs and had borrowings of $7.3m waived during 2001-2002.

- The Audit view is that there is no possibility of the AIHS generating profits on the current basis of its operations. The ability of the AIHS to continue operating depends solely on Government support.

The report of the Australian International Hotel School for 2001-02 indicates that the accumulated loss in 2002 was $12.5 million while the accumulated loss in 2000-01 was $20.6 million. In an earlier debate, namely, the debate on the report entitled *Review of Auditor-General's Report No. 7 of 2002*: *Financial audits with years ending to 30 June 2002*, the Public Accounts Committee was aware that the government announced that no further funding would be provided to that school. I was aware of that decision, which I appreciate must have been a difficult one to make. Nevertheless, in my opinion, the government has—

Mr Quinlan: Beyond about 2006 though.

MR CORNWELL: Perhaps, yes. In my opinion it is a sensible decision that had to be taken reluctantly. I note in the report of the Select Committee on Estimates, which inquired into Appropriation Bill 2003-04 No 2, a comment relating to an amount of $350,000 under Urban Services for the acquisition of the Hotel Kurrajong. The committee inquiring into Appropriation Bill No 2 stated that it would be beneficial to the territory to acquire that asset at an appropriate price. That amount of $350,000 seems pretty good to me, although I understand that consideration was given to the $5 million that was paid by the ACT Government in 1993 to upgrade the old Hotel Kurrajong. No doubt some sort of contra deal—

Mr Quinlan: From the Commonwealth Department of Finance and Administration?

MR CORNWELL: The Treasurer might like to clarify that issue for me. I would like to know—and this is where the confusion arises—whether the government intends to continue to fund that school beyond 2006, which is what the Treasurer indicated by way of interjection. Is that correct?

Mr Quinlan: No. I will answer that question later.

MR CORNWELL: Does the finance finish then? What is the future of the Hotel Kurrajong? If the ACT Government buys it, what does it intend to do with it if it does not intend to provide funding beyond 2006? I would like the Treasurer to clarify that issue. Will the Treasurer keep the Assembly posted as to what is happening with that quite expensive investment? It is in everybody's interest that we try to cooperate as much as possible.

MRS CROSS (11.47): In speaking in debate on the government's Appropriation Bill 2003-2004 No 2 I was wondering why we are debating the government's second Appropriation Bill for this financial year only eight weeks after debating the first Appropriation Bill. What has changed in the last eight weeks that has required the government to appropriate an additional $25.888 million? Surely that money could have been allocated in the first Appropriation Bill. Why could the government not plan eight weeks ahead?

I wonder about the end-of-the-year bottom line. Has the government been honest about the bottom line? What will the deficit be for the financial year 2003-04? Why is the government not able to budget a year ahead? I hope we will not move through to June 2004 in eight-week lots. It makes me think that the executive is like a child who has spent all his birthday money and who has come running back to his parents for more so that he can afford the new G. I. Joe. How many more times will the government be back?

This Appropriation Bill deals in the main with additional bushfire expenses. When I last checked my calendar I established that the bushfires occurred before the introduction of the last Appropriation Bill. The government should not blame that on the McLeod report; it knew that McLeod would hand down recommendations and that those recommendations would cost money. Why did the government not plan ahead and deal with those expenses in the first Appropriation Bill? Wage rises were also in the pipeline, so why was no provision made for them? This is either a lazy or a sneaky way of running Treasury.

On the morning of the day on which the last Appropriation Bill for 2002-03 was dealt with the 2003-2004 budget was announced. When will we receive the last Appropriation Bill for this financial year? How many more Appropriation Bills will this government introduce? What will be the true deficit at the end of June next year? I welcome the amendments moved by Mr Smyth, which I believe will add an increased level of accountability to the entire budgetary process.

MR PRATT (11.49): I speak today in debate on the government's Appropriation Bill 2003-2004 No 2. As Mr Smyth pointed out, we do not seek to impede the passage of this bill; it is imperative that it is enacted quickly, as the safety of the community is dependent on a viable and responsive emergency management system. I have a number of significant concerns about some of the budgetary appropriations. I encourage the government to adopt certain simple measures with a view to ensuring that these appropriations are effectively and wisely spent.

In general terms, we are concerned that the funding, while necessary, will not be wisely targeted and that a number of essential programs and activities are likely to be neglected, or not attended to urgently. There are some good initiatives for which there are wise expenditures, but we would like to see a rounding out of appropriations that will ensure that other vital areas are also addressed. This is not simply a concern about the amount of money that has been allocated; we are concerned also to ensure that the right bushfire capabilities are put in place.

The first issue to which I wish to refer relates to personnel. I am pleased that the government has come up with several initiatives to ensure that equipment is provided to volunteer personnel. A fair effort has been made to identify suitable clothing, jackets and protective gear, but I would like the government to explain whether it has earmarked funds to improve allowances that might be paid to volunteer firefighters and emergency services personnel. A major point of contention in relation to our volunteers—who, on the whole, are willing to sacrifice their time and effort—is that they are entitled to very little in the way of compensation for lost equipment and time away from work.

The setting aside of funds for compensation purposes and for modest, routine new allowances would greatly boost the morale of our volunteers, which is essential because they will come back only if they are being looked after. I refer next to community fire units. The establishment of a CFU system is a good initiative but I do not think the government has gone far enough. The eight CFUs that are currently operating are a trial. Did the last two major bushfire disasters in Canberra not alert the government to fact that those CFUs are necessary?

Funding could be transferred from other programs and allocated to provide for more CFUs. At least 12 or 16 suburbs would be considered to be at risk if there were any threat of a bushfire this coming season. However, it might be a little hard for the government to determine what suburbs were at risk as it was unable to tell Assembly members how it chose eight suburbs for its current trial. It might prove somewhat difficult for the government if it had to choose 16 suburbs for such a trial. A minimum of 12 and a maximum 16 CFUs should be established to operate this coming summer.

This notion of a trial has been somewhat overdone. The time for trials has past and it is now time to act. We know that the need exists. Opposition members have been calling for months for the establishment of additional CFUs. We call on the government to ensure adequate funding in this Appropriation Bill to establish approximately 16 CFUs to accommodate the urgent need this summer. During estimates committee hearings we heard from senior firefighters that there might be a training limitation if a number of new CFUs are established. We recognise and accept that advice from our senior firefighters. What they said at the estimates committee hearings made sense. However, we ask the Minister for Police and Emergency Services why he is not seeking an additional training capacity to meet that shortfall.

I refer next to the Emergency Services Bureau. We are concerned about the money that is being thrown away by this government on the Emergency Services Bureau. Funding has been set aside for a number of positions but there is much debate in the emergency agencies community about the future shape of that bureau. The CEO is yet to be appointed. How is the government able to determine the right person for the job when a staff member from JACS said to me and to other members last week that that organisation is flexible? If the government does not know what the organisation will look like, how can it determine who is the most suitable person to lead it? I believe that is a major error.

I refer to the positions that have been identified as a part of the new Emergency Services Bureau. Existing ESB staff could cover those additional and unnecessary positions. We support the addition of four new positions to augment existing staff and to assist with reorganisation, enhancing communications, and information and training. However, we cannot agree to a total of 10 new identified positions. I would have thought that the significant savings that could be made in that area could be channelled back into the CFU exercise.

The government now seems to be coming around to the idea of running a roundtable meeting with key bushfire fighting stakeholders and members of this Assembly. Ms Dundas, Mrs Cross and I support that measure, which was proposed by Ms Tucker. We encourage the government to conduct a roundtable conference at the earliest possible

time and to take on board the recommendations of stakeholders with a view to building a more efficient and operationally responsive emergency organisation to replace the existing ESB. To that end the government should hold most of the funding for that emergency organisation until consultations with all relevant stakeholders have been completed.

The Liberal opposition believes that the new organisation should be put in place as soon as possible. It also believes that the government's current planning proposals could be much better. We have determined on many occasions—and we have a number of examples of this—that this government lacks a sense of urgency in relation to emergency matters. Going back to 2002, the government should have learned many lessons as a result of the December 2001 bushfires. However, because of certain weaknesses in the system, matters of an urgent operational nature sat unattended on the backburner.

The Liberal opposition wants to ensure that a similar bureaucracy that is also bound to fail does not replace the existing failed ESB bureaucracy. The McLeod recommendations, if adopted, would certainly meet that likely outcome. We have on the table a suggested new organisation for the family of emergency agencies that we have put up for adoption as a positive alternative to anything else we have seen or heard about. We have already circulated copies of the legislation and the reorganisation model to major bushfire fighting stakeholders—something that the government did not do with the McLeod report recommendations on the same issue. However, we are prepared to wait until after the roundtable discussions to which I referred earlier.

Given the urgency of this matter, the need to put this organisation in place and the need to ensure that we have a safer community, we hope to bring on debate on this issue in the Assembly as soon as possible. The Liberal opposition maintains that the May 2003 Benson audit report into the ESB is a far more relevant benchmark and a more apparent marker for change than McLeod's recommendations for emergency organisations and, in particular, the ESB. The valuable and accurate information that is available in that report and the advice of stakeholders should guide the government in redesigning, developing and training a new organisation in the shortest possible timeframe.

Not all the changes that have been identified will actually cost money. Many of the changes that are needed in the emergency organisations are cultural in nature and simply require good leadership and determination. So far we have seen a lot of ad hoc suggestions and recommendations for new changes. We have, however, also seen a number of good recommendations. That clearly illustrates the government's lack of consultation with stakeholders. Ideas are being added and changes are being made haphazardly, which is not unusual for this government. There does not appear to be any pattern to the allocation of funding, which illustrates a lack of strategic direction. The lock, stock and barrel automatic acceptance of McLeod's recommendations only adds to the confusion.

We encourage the government to act expeditiously and urgently to ensure community safety. We also encourage the government to move in the correct sequence and to consult with all the right people. The government must brief Assembly members and members of the community on the strategic directions that it is taking to rebuild the ACT emergency management system. We welcome the provision of funding for new communications equipment and acknowledge that additional funding would help to

accelerate existing outstanding communications programs. A number of communication requirements that were identified as urgent in 2001 and 2002 are yet to be finalised.

It is not clear in the Appropriation Bill whether that funding has been allocated to address current communications compatibility weaknesses across all ACT agencies and between those agencies and their New South Wales cousins. Answers that were supplied to questions asked about this matter at estimates committee hearings were very vague. We therefore call on the government to focus its funding, to expedite outstanding operational communications needs and to fast-track the acquisition process. We invite the government to come back to the Assembly, if necessary, to seek further authority to fast-track these most important issues. The government has a responsibility to the Canberra community to do that.

I refer to the government's education and information program. The government's new initiative—its information booklet—appears to be quite useful. However, no specific supplementary information is provided for each vulnerable suburb, illustrating threat areas or dangerous fire approaches around the fringes and internal green areas. Information could also have been provided about relevant evacuation routes for each suburb after taking into account different fire scenarios. We call on the government to redirect funding from this Appropriation Bill to meet that vital need.

We are not confident that sufficient funding and resources have been set aside for bushfire education in schools—yet another vital program to assist in bushfire prevention. We are not confident that this government is determined to ramp up regular school bushfire education. Funding has been allocated for the acquisition of new medium-size tankers, but insufficient funding appears to have been allocated for light tankers. Additionally, specific funding must be identified for the enhancement of the RAFT capability.

The Minister for Police and Emergency Services must confirm whether the downgraded air surveillance allocation—the allocation in this budget is less than the allocation in previous budgets—has been reinstated. Does the minister intend to increase the air surveillance and early interdiction water bombing capability? During the estimates committee hearings these questions, along with a number of others, clearly were not answered. Our early interdiction capability has to be upgraded. The important early suppression of fire outbreaks is a major weakness in the ACT bushfire emergency system. All those capabilities, which fall into the early interdiction capability, must attract priority.

During the estimates committee hearings I was not confident that sufficient funding had been earmarked to improve urgently needed upgrades to tracks, and the bridges on those tracks, around the bushland fringe. We now know that there was a major problem in the recent past, certainly on the western side of the Murrumbidgee, for all types of emergency vehicles gaining access into our parks and rural areas. I assume that the same obstacles still exist in bushland and fringe park areas across the city. (*Extension of time granted*.) We call on the minister to ensure that sufficient funding is available for that purpose.

We readily accept that this Appropriation Bill is necessary. It contains some good recommendations and initiatives. However, the government's proposed program appears

to be a little haphazard. In some vital areas there is a breathtaking lack of urgency on critical issues. We call on the government to address those issues—in particular, outstanding communication systems issues that have been slowly and bureaucratically dealt with over a period of two to three years but that still need finalisation.

Paradoxically, in some areas of this appropriation and implementation exercise there has been undue haste and decision making without proper analysis and consultation with vital stakeholders. By and large, we welcome a number of good initiatives and we will support their implementation by the government. Some initiatives, in particular, the CFUs program, fall well short of urgent requirements. I encourage the government to address those shortfalls and I wish it well in its implementation of these programs.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, and Minister for Sport, Racing and Gaming) (12.06), in reply: I thank members for their general support for the bill. I would like to address a couple of points that were made in debate. Some members complained about the fact that this government had introduced more than one Appropriation Bill and that its legislation could have been better planned. It is a matter of commonsense that governments introduce more than one Appropriation Bill if it is within budget, in particular, for issues such as EBAs when negotiations are taking place and when they do not include their budgetary limit in the first Appropriation Bill and therefore have no room to bargain.

Mrs Cross, who made that point, tried to say that it was bad planning on the part of this government. I dismissed her contribution because I believe that she just wanted to criticise the government for something. I wish to address a couple of the points that were made about community groups and, in particular, FaBRIC. As I advised members at the estimates committee hearings, over the years I have been involved with a number of groups of a similar nature, including FaBRIC. Those community organisations, which have a limited amount of resources, have the unenviable job of providing a certain level of services because there is and always will be demand at the margin. If there were no demand at the margin I believe we would have found the perfect world.

As I said earlier, I know of a number of organisations that have gone through that process. I liken their job to trying to land a jumbo on a footpath. They have to anticipate fluctuations in the demand for their services and somehow supply those services with limited resources. Their major task is to manage their resources and to ensure that they prioritise them for the optimal benefit for the community. Committees should be a little wary about accepting the demands or requests of community organisations and passing them on. We know that there will be unmet demand, or that there will be demand at the margin.

Mr Pratt asked me earlier how the government was able to pick a man for a job when it had not yet set up the organisation. I hope that we pick someone who has the capacity or the flexibility to manage an organisation, regardless of the particularities of its structure. I am sure that Mr Pratt, who has been a soldier, an aide worker and an MLA, could claim that he is better equipped now to deal with any issue than he was when he was a soldier. I thank all members for their support for the bill. I cannot guarantee—and I do not apologise for this fact—that it will be the last Appropriation Bill. Governments should not have to stick to their set budgets.

Most members would know that governments might not necessarily appropriate all their budgetary allocations in the first Appropriation Bill. However, they would also be aware that some of the money in this Appropriation Bill was already budgeted for. The money in an Appropriation Bill is allocated as and when necessary. I do not believe that members should have any difficulty accepting that fact. God help us if members in this place wanted to be so inflexible. We should be flexible enough to be able to accommodate any views that are put forward. As I said earlier, I thank members for their support for the bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Estimates 2003-2004 (No 2)—Select Committee
Report—government response

Debate resumed.

Question resolved in the affirmative.

Sitting suspended from 12.13 to 2.30 pm.

Ministerial arrangements

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs): Mr Speaker, as members may be aware, Mr Wood is absent from the Assembly today. If members have questions for Mr Wood in relation to his portfolio responsibilities, I will take them.

Questions without notice
Hospital waiting lists—tabling of data

MR SMYTH: My question is to the Minister for Health, Mr Corbell. Minister, on 27 August 2003 this Assembly called on you to table information bulletins, patient activity data and waiting list figures for the previous month as soon as practicable after their preparation, and to make the information available to members. Have you implemented this motion?

MR CORBELL: Yes, I have, Mr Speaker. About two to three weeks ago, I instructed my department to implement the requirements as outlined in that motion.

MR SMYTH: Minister, when will members receive their first set of patient activity data and information bulletins?

MR CORBELL: Consistent with the motion, members will receive them as soon as is practicable.

Planning approvals—conditions

MRS DUNNE: Mr Speaker, my question, through you, is to the Minister for Planning, Mr Corbell. I refer to a decision by ACTPLA to impose conditions on the approval of a tennis court in Amaroo, which included limiting part of the court's outer mesh fence to one metre in height. Can you believe it? In the AAT Mrs Pam O'Neil couldn't believe it either. She said, when considering the matter:

> The end result of the conditions imposed was to limit the space available to the tennis court and so reduce, perhaps fatally, its functionality.

Minister, why did ACTPLA impose nonsensical and extraordinary conditions on the construction of this tennis court, or was it just a double fault?

MR CORBELL: I am not familiar with the details of the application, Mr Speaker. I will take the question on notice and provide the information to Mrs Dunne.

MRS DUNNE: Minister, why don't you know why ACTPLA imposed these silly conditions in this situation, considering that this has been reported considerably in the *Canberra Times* today?

MR CORBELL: I can't recall an article in the *Canberra Time*. I may have missed it, Mr Speaker. Perhaps Mrs Dunne isn't aware, but in any year there are about 5,000 to 7,000 development applications processed by the ACT Planning and Land Authority. Surely Mrs Dunne isn't suggesting I should know the details of each and every one of them.

Bushfires—removal of trees

MRS CROSS: My question is to the Minister for Environment. Minister, you mentioned yesterday that the removal of blue gum trees from various areas in the Canberra Nature Park was in the best interests of Canberrans for the protection of the urban areas against future fires. I understand that you had an expert give his opinion on this removal process and that a number of options were offered to you to deal with the nature park areas. I have been asked by constituents who live in Chapman why that particular option was chosen and why Environment ACT selected the option that seems to the residents to be the most drastic for an already devastated landscape.

MR STANHOPE: As I indicated yesterday, Environment ACT did obtain expert advice in relation to a range of issues around hazard reduction. Environment ACT did, in the context of that advice, obtain advice about the specific dangers, if any, of—or inherent in—the location of blue gum trees within a reasonable proximity to dwellings.

I tabled that advice yesterday and, for the information of members, I did read from that opinion as it related to blue gums adjacent to houses in Lyons, blue gums within both the Oakey Hill Reserve and parks that intrude from the Oakey Hill Reserve into the suburb

of Lyons. I do not have that opinion with me. It was tabled yesterday. It was quite explicit. It was from Mr John Nicholson, an acknowledged national expert in relation to issues around fire hazard and the particular danger presented by different sorts of trees.

The advice was quite stark. In that opinion, Mr Nicholson referred to his anxiety and the level of his concern and alarm at the co-location of blue gum trees and dwellings. Blue gum trees were identified by Mr Nicholson as a species with enormous potential to spray embers over significant distances in the sorts of circumstances experienced in Canberra on January 18.

In the face of the advice received by Environment ACT and on the basis of internal expertise—let's not forget that Environment ACT has within its ranks a group of highly skilled and dedicated professionals, people who have professional expertise in relation to forests, park management and, indeed, fires—the considered opinion of Environment ACT and of officers within Environment ACT, reinforced by the expert opinion of Mr John Nicholson, a national expert in relation to these issues, is that the co-location of blue gum trees and dwellings presents too great a potential risk to the lives and property of those residents and of that property to be countenanced; it simply represents too great a risk.

I have to say in relation to the debate around hazard reduction and around the attitude that has been adopted by some in relation to the devastation that we experience on 18 January that, quite frankly, I am surprised that just eight months later, in the face of four deaths, the destruction of 500 homes and a damages bill of $300 million, we are questioning the removal of trees that were identified by a nationally renowned expert and all the expertise within Environment ACT as damaging and potentially dangerous—

Mrs Cross: I rise on a point of order, Mr Speaker. The Chief Minister is getting off the subject. I asked him a specific question from residents. I did not ask him to debate whether we are making a judgment against him on the fires. We just want an answer, not waffle.

MR STANHOPE: It does surprise me that there is any doubt within the mind of anybody in this place at the actions being taken by Environment ACT in the face of their concern that to leave these trees in situ is not a reasonable thing to do in the context of the deaths, the destruction and the damage that we faced on January 18. I am determined, as I said yesterday, that we will not again face the same circumstances.

In the face of the advice that I have received from Environment ACT, on the basis of expert advice that they had, I am simply not prepared to put the lives of Canberrans or the safety of that property at risk. It is a simple and clear-cut matter for me. The advice is that the trees are dangerous. The advice is that there is nothing that can be done to make them less dangerous. The advice is that they should be removed, particularly in relation to Oakey Hill. There may be people in this place who think that it is worth taking the risk and want to take the chance, but I do not think so.

Mrs Cross: I take a point of order under standing order 62, Mr Speaker. The Chief Minister's response has become tedious and repetitious and it is really off the mark.

MR SPEAKER: Whether it is tedious and repetitious is a judgment I will have to make if it comes to that, but I think that the Chief Minister is coming to the point now.

MR STANHOPE: I have finished.

MR SPEAKER: He has finished.

Mrs Burke: I take a point of order on that point of order. Under standing order 73, the Chief Minister should sit down when a point of order is being taken.

MR SPEAKER: Thank you, Mrs Burke. Do you have a supplementary question, Mrs Cross?

MRS CROSS: Yes, thank you, Mr Speaker. Minister, could you provide for the Assembly a map indicating all the areas where the trees are earmarked for removal? Do you plan to inform the residents of the areas where these trees are going to be removed in due course?

MR STANHOPE: There is a question on the notice paper in relation to those matters, Mr Speaker. The question is out of order and I regret that I cannot answer it.

Mrs Cross: Mr Speaker, I could not hear the Chief Minister's response. He might like to speak into the microphone instead of into the air.

MR SPEAKER: The Chief Minister mentioned that there was a question of that nature on the notice paper.

Before we continue, I acknowledge the presence in the gallery of year 10 students from Canberra Girls Grammar. Welcome!

Mr Smyth: Mr Speaker, I rise to a point of order about the question that was just ruled to be out of order because of a question on the notice paper. The question on the notice paper asks for a progress report; it does not ask for a map. Mrs Cross asked specifically whether the Chief Minister would supply the Assembly with a map. I cannot see how a progress report that one member has requested contradicts the call for a map. I would ask for your guidance on this matter.

MR SPEAKER: Yesterday, Mrs Dunne raised a point of order with me about a question on the notice paper being, in effect, taken up by a question without notice in this place. That rule is applied to prevent members, if you like, gazumping the effect of questions placed on the notice paper. I think that questions which go to the substance of these issues and which are replicated on notice ought to be out of order, otherwise it would be unfair for members who have placed the questions on the notice paper. In the case of the questioner having the question on notice, it might be a different matter and I would be prepared to allow it. I do not know whether Mrs Cross asked the question on notice.

Mrs Cross: Mr Speaker, I seek clarification. I have checked the notice paper. There is no question on the notice paper that is identical to my question. If there is one, I would like the Chief Minister to advise me.

MR SPEAKER: The Chief Minister has concluded his response to the question, as far as I am aware. It is entirely up to the Chief Minister to determine how he responds to questions.

Mrs Cross: But one is not on the notice paper.

MR SPEAKER: That does not alter the fact that it is up to the Chief Minister to determine how he answers questions.

Mr Smyth: Speaking to the point of order, Mr Speaker: the question is no way asks for a map. In response to Ms Tucker's question on Tuesday, I believe, the Chief Minister read out yesterday afternoon a list of locations where activities are going to be carried out. It is my understanding that Mrs Cross has just asked for a map of those locations. If the call for a map is out of order, surely the Chief Minister's answer yesterday also should have been out of order. If you review the question on the notice paper, you will see that in no way does it ask for a map. I think that Mrs Cross has simply asked for an amplification of the answer the Chief Minister gave yesterday to Ms Tucker's question on Tuesday.

MR SPEAKER: I have not ruled on the question. The Chief Minister claimed that it was out of order.

Mr Smyth: That is true.

MR SPEAKER: I am happy to look at the question asked today and the question on notice and make a ruling, if you wish.

Mrs Cross: Yes, I do.

MR SPEAKER: It is entirely up to the Chief Minister to determine how he responds to questions put to him in this place.

Building approvals

MR CORNWELL: Mr Speaker, my question, through you, is to the Minister for Planning, Mr Corbell. I refer to a decision by ACTPLA to impose conditions on the approval of the building of a double carport by an O'Connor resident, who described the conditions imposed by ACTPLA as nonsensical, requiring either the demolition of a corner of her house or, alternatively, the removal of a significant tree—I do not know whether it was a blue gum, Chief Minister—the construction of a new driveway and the relocation of a power pole. This was reported in the *City Chronicle* of 9 September. AAT member, Dr McMichael, when he considered the matter, said, "It was extraordinary to stamp plans as approved but to subject that approval to conditions that made it impossible to construct." The relevant reference here is AAT Wickham AT03/45. Minister, why did ACTPLA impose nonsensical and extraordinary conditions on the building of this carport?

MR CORBELL: I do not know what the rationale of the Planning and Land Authority was to impose those conditions. I will take the question on notice and get the information for Mr Cornwell.

MR CORNWELL: I ask a supplementary question, Mr Speaker. Mr Minister, why didn't you know that ACTPLA had imposed these silly conditions before it went before the AAT? Do they operate independently of your responsibility?

Mr Hargreaves: A point of order, Mr Speaker. Wasn't that exactly the same question that Mrs Dunne asked and this minister—

Mrs Dunne: No it wasn't.

Mr Hargreaves: Word for word, Mr Speaker.

Mrs Dunne: No it wasn't, Mr Speaker. On the point of order: I asked about a tennis court at Amaroo.

MR SPEAKER: Thank you, Mrs Dunne.

Mr Hargreaves: Mr Speaker, my point to you is that both supplementaries were identical.

Mr Cornwell: You play hand tennis in a carport.

Mr Pratt: And you use tennis balls in tennis courts.

MR SPEAKER: Order, members! This is an interesting contest of ideas but, Mr Cornwell, I think the question has already been fully responded to. The minister has indicated that he is going to take the question on notice and get you some information.

Mr Cornwell: As long as he takes the supplementary as well, Mr Speaker, I will be happy.

MR CORBELL: Mr Cornwell asked me in his supplementary question do they operate independently of me. The answer is yes, Mr Cornwell, they do because they are a statutory authority. About six months ago this Assembly passed legislation, Mr Cornwell, which delegated responsibility for development approval from the delegate of the minister to the delegate of the authority. Mr Cornwell, if you were not paying attention or were not awake when we passed that legislation, that is not my problem.

Gungahlin college

MS DUNDAS: Mr Speaker, through you, my question is to the minister for education. Minister, I understand that the first cohort of local Gungahlin students will soon be completing year 10 and hence moving on to year 11. What plans does the ACT government have to build a college in the Gungahlin area?

MS GALLAGHER: At the moment, there are no plans to build a college in Gungahlin. We are presently building a high school; a preschool has just been finished; and the primary school will open next year. The high school will open soon after—I think the year after that. At the present time, there is sufficient capacity in colleges such as

Copland and Gininderra to cope with the number of students in the Gungahlin area needing college education.

I think this is an issue the Connors inquiry brought up. In fact, Ms Dundas has also asked me a question about a school in Dunlop. It is a similar situation, where we have capacity in schools surrounding these areas. We have to consider that when looking at establishing additional infrastructure. There is a site allocated for a college in Gungahlin but, at the moment, and for the next several years, years 11 and 12 students can be accommodated in the colleges in Copland and Gininderra. In fact, a bus service is being provided from Gungahlin to Copland College to support that transport link.

MS DUNDAS: I note that there is to be a bus service; that is commendable. However, will you be monitoring retention rates for students based in Gininderra, because of the extra distances, to make sure that those who wish to are still completing years 11 and 12? If retention rates do become significantly lower for young people in Gungahlin, will you revisit the plans for the Gungahlin College?

MS GALLAGHER: Yes, of course we will keep our eye on what is happening with students in Gungahlin. We will be doing that anyway, around a whole range of issues, and retention is one of those. If it is brought to our attention that there is a problem, we would revisit it. Certainly, though, at the moment, there are no signs that retention rates are suffering by needing to move into Copland or Gininderra Colleges. Yes, we will keep our eye on it. It is a good suggestion.

Rainwater tanks

MS TUCKER: My question is to the Minister for Planning. Minister, I congratulate you on your announcement today that solar electric installation on suburban houses will be made easier, and I am hopeful that that will address concerns that our constituents have raised, and I have raised, about the difficulty in the past of installing such equipment so that it is invisible from the street front. I commend you for that. Can you advise the Assembly whether you are similarly going to facilitate the installation of rainwater tanks on suburban houses and specifically remove the requirement that such tanks not be visible from the street?

MR CORBELL: The government has moved to significantly reduce the red tape involved in getting approval for a solar hot water system on a house. Now I can say to the Assembly that, with the implementation of the new regulations, almost all solar hot water installations will no longer need a formal development approval. That is the result of work that has occurred in the Planning and Land Authority in the last month or so.

In relation to rainwater tanks, the government has asked the planning authority to look at that issue as well. The development controls around rainwater tanks are generally the same as they were for solar hot water systems, in that they require development approval, particularly for larger tanks. In the case of someone proposing to locate one in the front yard, the planning authority is proposing to provide me with further advice on that matter. I will be looking carefully at what steps can be taken to ensure that there is, similarly, a reasonable path forward for people wanting to install rainwater tanks in their dwelling.

MS TUCKER: I have a supplementary question. In the interests of greenhouse gas and energy use reduction, can you assure the Assembly that multiunit developments will allow the provision of solar powered clothes-drying equipment—that is, clothes lines?

MR CORBELL: Normally, whether or not to provide a clothes line enclosure in a development is a commercial decision of the developer, but there are certainly no planning controls that would prohibit it. They simply need to make sure that it is appropriately shielded or enclosed by a wall, or something like that. Apart from that, it is usually a commercial decision of the developer as to whether to include a clothes line enclosure. We do not make clothes lines mandatory as part of multiunit development.

Bushfires—restoration of natural assets

MR HARGREAVES: Mr Speaker, my question, through you, is to the Minister for Environment. With the recent welcome rainfall over the ACT and increasingly warmer, sunnier days, many Canberrans are looking forward to again enjoying outdoor pursuits in the surrounding bush. Can the minister say what progress has been made in restoring our wonderful natural assets from the devastation caused by January's bushfires? What will Canberrans have to look forward to this summer?

MR STANHOPE: Thank you, Mr Hargreaves. Mr Speaker, an enormous amount of work has been undertaken since January to make our parks and nature reserves safe. Burnt trees have been cleared and continue to be cleared. We are progressively reopening sections of areas of parks as we can.

At Tidbinbilla Nature Reserve and Namadgi National Park, visitors, I am sure, will have noticed that grasses and plants in the ground are coming back quite well and that many of the eucalypts are sprouting. Animals have begun to move back into these regenerated areas, but, as I think we are all aware, many areas will take some time—indeed, years—to fully regenerate.

Mr Speaker, it is pleasing that kangaroos and wombats are present in significant numbers in both Namadgi and Tidbinbilla and can now be seen and observed. There are also several species of birds returning to those areas, particularly where the regrowth is advancing.

Members will also have followed the fortunes of Lucky, the surviving koala from the Tidbinbilla Nature Reserve. This will be the last week of Lucky's recovery at the National Zoo, and she will be returning to the Tidbinbilla reserve within a week.

I might, with some pleasure, report, Mr Speaker, on another of our environmental icons. The corroborree frog is progressing well. As members would be aware, over 300 eggs were collected in sphagnum bogs within Namadgi National Park after the fires. They were collected and transferred to a captive husbandry facility at Tidbinbilla Nature Reserve. The eggs have been progressively hatching, and the hatching was completed last week. Of the eggs that were retrieved for captive breeding, 21 have proven to be non-viable, but 323 have hatched and currently are very healthy as tadpoles. It is our great hope that the tadpoles will metamorphosise into froglets by January. That is a very good start to our attempts to restore a viable population of the northern corroborree frog

within the Namadgi National Park. We are, of course, very hopeful that we can achieve that.

This is a species, regrettably, that is lurching on the brink of extinction. It is a very sad prospect, but the captive breeding program to date has been very successful. We are hopeful that we can begin to return the northern corroborree frog to Namadgi some time next year, accepting, of course, that it continues to face some significant impediments. Essentially, global warming has been identified as a significant issue for frogs, particularly alpine frogs.

Most of the frog communities in Australia, as members may be aware also, suffer and have suffered very grievously from the introduction of a range of fungal diseases. The belief is that the northern corroborree frog has perhaps been as affected by a fungal disease as much as by anything else.

Another species that we are monitoring closely, Mr Speaker, is the smoky mouse. At this stage, it is uncertain what the immediate impact of the fires has been on the smoky mouse. However, the regrowth vegetation which will be a feature of the forest over the next three to 10 years, will, perhaps ironically, advantage the smoky mouse. It may be, as I say, in an ironic sense, the smoky mouse will to some extent be protected as a result of the form or nature of the regrowth that will occur over the next few years.

As members may be aware, Mr Speaker, 27 September will be the day of the official reopening of our parks and reserves. There will be a celebration "Spring back to our parks and reserves" held at Namadgi National Park visitors centre on Sunday, 28 September from 11.00 am to 3.00 pm. I am hopeful that many members of the Canberra community will turn out to enjoy that day and to celebrate the reopening of Namadgi National Park.

Most of our roads have been reopened, with the major exception in the vicinity of the Honeysuckle (Apollo) Road. As a result of unstable rock and rock falls, that road, whilst currently under repair by ACT Roads, is not yet reopened. But I think action has been taken to ensure that both the ring road and Flints Lookout Road will be open.

I might, just as a matter of caution, urge visitors to be very careful within our national parks and our reserves. There are still real dangers within the bushfire-affected areas as a result of the hazards that burnt trees do represent. Visitors to Namadgi and Tidbinbilla should stop off at our visitors centres to receive the information that is available there.

The Cotter Reserve recovery is proceeding well, Mr Speaker. The new bridge is under construction. The playground, which was destroyed at the Cotter—I think the largest and perhaps the most popular playground in Canberra—is currently being rebuilt and will be completed by January.

All the popular picnic areas along the Murrumbidgee River Corridor, with the exception of Cotter Avenue, will be open by the weekend, with the reopening of Pine Island, Kambah Pool and Uriarra Crossing.

In summary, Mr Speaker, slow but good progress has been made in the recovery and the rehabilitation of our parks and our nature reserves. There is still, as we know, much more

long and slow recovery, but nature, as I think we all know, moves inexorably but surely. The reserves will recover. We will monitor and assist that to the extent that we can

COAG meeting

MR PRATT: My question is to the minister for Aboriginal and Torres Strait Islander affairs, Mr Stanhope. Yesterday, in response to a question from Mr Stefaniak about criticism by Lionel Quartermaine, the acting chairman of ATSIC, of you and your Labor mates for your stunt at the COAG meeting, you said,

> In relation to that, I think it is relevant to acknowledge—but I wonder what those public servant appointees of the Commonwealth's are doing engaging in, essentially, a political stoush with heads of government from around Australia. I guess there is an issue there to be addressed as well. Talk about politicising the public service! Talk about unleashing your public servants to do your political dirty work.

In fact, of course, Mr Quartermaine was democratically elected by Aboriginal and Torres Strait Islander people to represent their interests. Why do you arrogantly consider that you should be above criticism by the acting chairman of ATSIC, who was representing the interest of his constituents, those you let down so badly in the COAG meeting?

MR SPEAKER: Before you rise, the proper title for the minister in respect of this is the Minister for Community Affairs.

MR STANHOPE: Yesterday, in response to the question that I did receive from Mr Stefaniak on this matter, I do confess that I did understand Mr Stefaniak to have been saying that the criticism—which I did also acknowledge I had not seen, and the record will show that, because I was actually not in town at the time—came from the head of the department—and I accept that I may have been wrong—and not from the acting head of ATSIC. To that extent, I apologise. I had the wrong person in mind when I made the comments that I did.

The thrust of the comments remains valid, though: that Mr Quartermaine was making comments about what he alleges the Labor heads of government, the heads of the states and territories, did or did not do in relation to a particular agenda item at COAG. The criticism I made yesterday of Mr Quartermaine, which I thought I was making of the head of the department and not the acting head of ATSIC, remains the same: Mr Quartermaine, in his criticism, was simply wrong. He misunderstood the actions that I and my Labor colleagues had taken at COAG.

Certainly, we made a significant and, I think, valid protest about the decision of the Liberal federal government to cut a billion dollars from the health budget. We did take a particular stand and take certain action in relation to that outrageous abandonment by the Liberals of the health care of the people of Australia. That determination of the Liberal Party to continue on with its ideological pursuit of the establishment of a two-tiered health system or structure for the people of Australia—a health system that, at one level, meets all the needs of those who can pay and to hell with the rest—was the reason the Labor states and territories did take a stand.

This determination by you and your federal colleagues to entrench a two-tiered system of health is something to which we think it was legitimate for us to object. As I said yesterday—

Mrs Dunne: Point of order, Mr Speaker. Under standing order 118 (b), this is not relevant to the question. Mr Stanhope is debating the health care agreement not the issue of indigenous children at risk of domestic violence.

MR SPEAKER: I took particular note of what Mr Pratt said and he did refer to what he described as a stunt by ministers. I think the Chief Minister is entitled to defend himself.

MR STANHOPE: Thank you, Mr Speaker. It was not a stunt. What the Labor leaders did was draw attention to an attitude of the Liberal Party, your Liberal colleagues, to health care in Australia. Our major concern was the reduction of health expenditure in Australia by a billion dollars—one billion dollars less for health as a result of the decisions of the Liberal Party in Australia. We thought this was a legitimate matter on which we might express an opinion or take action.

As I said yesterday, before doing that, the Labor premiers and chief ministers looked at each of the agenda items on the COAG agenda, took a position in relation to each of them, endorsed the actions incorporated in each of the other agenda items, and conveyed that endorsement to the Commonwealth. The fact that Mr Quartermaine, or anybody else, would criticise the Labor members of COAG for the stand we took, in ignorance of the decisions we had taken, justifies the criticisms I made yesterday. They were comments made in ignorance.

MR PRATT: Be that as it may, Chief Minister, as the Minister for Community Affairs, why are you so ignorant of your portfolio that you did not know who the acting chairman of ATSIC is, or how he was elected? Do you have a grip on it there, chief?

MR SPEAKER: Chief Minister, do not be provoked!

MR STANHOPE: Mr Speaker, I have been provoked. I just do not know that it is possible to answer that sort of puerile nonsense. I am not sure it is a question to which I can respond. That is the point I would make. I might say, Mr Speaker—and I will conclude on this—it is not a question I can answer. I just said, by way of introduction to the answer I gave, that I conceded that, in my response yesterday, I had misunderstood.

I actually think that I put it in terms of a confession, Mr Speaker. I think I said, "I confess, Mr Speaker, that I misunderstood what Mr Stefaniak said yesterday." I think that is what I said. I said, "Mr Speaker, I must confess I misunderstood Mr Stefaniak in the comments that he made yesterday in his question." Mr Pratt now stands up and says, "On what basis are you so ignorant of your portfolio responsibilities?" I just confessed that I misunderstood, Mr Pratt!

I left the Assembly yesterday, after that long and tortuous day, thinking, "There have been some pretty bad and crook days in this Assembly in the six years that I have been in it, but there have not been all that many days when I leave this place feeling slightly embarrassed about the performance of members, feeling that the behaviour and the lack

of rigour in some way demeans the institution." I did yesterday, Mr Speaker. I hope I do not again today.

Convention centre

MRS BURKE: Mr Speaker, my question, through you, is to the Minister for Economic Development, Business and Tourism, Mr Quinlan. On 14 July, Minister, you stated in a media release on the National Convention Centre:

> We are following a competitive three-stage process. In order to be considered, companies and consortiums must compete in an expression of interest process. I will call for formal expressions of interest next month.

In other words, Minister, you promised to call for expressions of interest in August. The *Canberra Times* of 11 September 2003 stated:

> Mr Quinlan said yesterday a steering committee had been established for the convention centre project and expressions of interest would be called for at the end of September.

Minister, why have you failed to meet your commitments on this essential project and, furthermore, failed to set down a clear timeframe for completion of this vital project for our tourism industry?

MR QUINLAN: Thank you, Mrs Burke, for the question. I have to say, and I will advise this house quite happily, that I am not happy with the progress that has been made so far, I am not happy with the progress that was made in the first half of this year, and I am not happy with the progress that has been made since the decision to establish a steering committee. What I will do is assure the house that I am taking every step that I can to accelerate this process but at the same time making sure that the interests of the territory are protected and that probity in what could turn out to be a very massive project is observed.

To some extent, I suppose, with some of the matters that we have had to address and matters that I have to totally confess to have not anticipated needed doing, we may be living with the legacy of Bruce Stadium in as much as there is a hypersensitivity here in relation to probity and making sure that every i is dotted and every t is crossed. I am happy to say to this house that we will be working towards making sure we get a decent convention facility in this place, and if it takes an extra month or two it will take an extra month or two but the process will be done properly.

MRS BURKE: Mr Speaker, I ask a supplementary question. Minister, given that you are not happy with the progress, how then can people have confidence in your commitment to improve convention facilities when you consistently fail to outline a timeline and you fail to achieve the deadlines you set yourself?

MR SPEAKER: Mr Quinlan.

Mr Stanhope: How many reports were there on the Bruce Stadium? Fourteen.

Mrs Burke: Are we talking about you now, Chief Minister? You are under the spotlight.

Mr Stanhope: The Auditor-General reports on Bruce Stadium.

Mrs Burke: That's long gone.

Mr Stanhope: It's not long gone. We are still paying for it.

MR SPEAKER: Order, members!

Mr Smyth: Are we still paying for it?

Mrs Burke: Are we?

MR SPEAKER: Order, members! Mr Quinlan.

Mr Stanhope: I am sure we are.

Mrs Burke: Oh, you are not sure.

MR SPEAKER: Order, members!

Mr Stanhope: I am sure we are.

Mr Smyth: Where is it in the budget?

Mr Stanhope: We pay for it all the time.

MR SPEAKER: Order, members!

MR QUINLAN: That question is in the same category, I think, and deserves about the same description as Mr Pratt's supplementary question. There has been in recent times a whole raft of points of order raised on that side of the house. I do suggest that you lot over there read standing order 117 and structure your questions so that you are asking for factual material.

Mrs Burke: A point of order, Mr Speaker. I would ask that the minister please answer the question and stick to the subject matter, which was how can people have confidence in your commitment and timelines? What about your timelines, Minister?

Bushfires—removal of trees

MR STEFANIAK: Chief Minister, yesterday you referred to the advice received by an independent expert on the Oakey Hill blue gums, Mr Nicholson. I quote from the unabridged *Hansard*:

> I'll repeat what Mr Nicholson says "I reiterate my expression of anxiety over the fuel load under these blue gums and the dangers" he goes on to say, "of allowing those blue gums at Oakey Hill to remain in situ."

You then talk about the advice of your department.

I have a copy of the advice provided by Mr Nicholson, and neither I nor my colleagues can find any reference to the danger of allowing those blue gums at Oakey Hill to remain in situ. Where did this quote come from, or are you making it up?

MR STANHOPE: I will have to refer to the documents that I had yesterday; I do not have them with me. I certainly did not make that up. I will be happy to get back to the Assembly on that. My only memory of the matter—and I won't go further because I cannot recall—is that I read from the documents that I had in front of me.

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

Supplementary answers to questions without notice

Business continuity planning

MR QUINLAN: I took on notice a question from Mrs Cross in relation to business continuity management and would like to inform the house that the ACT government is involved in critical infrastructure assessments through the Commonwealth government-sponsored trusted information sharing network and work commissioned by the national counterterrorism committee. The ACT government is investigating the efficacy and feasibility of a whole-of-government business continuity plan.

The ACT government does have a business continuity management policy for information management systems for each agency and each agency is being required to develop a plan within that. It does have for its information an offsite backup regime which limits potential loss of information. The core infrastructure has been designed with fault tolerance and the business community in mind and includes primary and secondary data centres and redundant data links to key locations. There are a number of further backups for critical areas, such as hospitals and our central information system.

I can advise that agencies for which I have responsibility, including Actew, InTACT, ACTTAB, EPIC and Totalcare, have prepared or are in the process of preparing various plans covering the issues of business continuity. The one that probably needs the most work is actually the Department of Treasury, but it is on the job.

Electricity charges

MR QUINLAN: Mr Speaker, I took on notice a question from Mr Cornwell in relation to material Mr Dyer of the Self-Funded Retirees Association purported to get from Actew. I cannot confirm or deny his position, but I can say that the ActewAGL website clearly states that the eligibility requirement for a rebate is to be a pensioner or DVA card holder for electricity, water, sewerage and natural gas rebates, a health care card holder for an electricity rebate only, and a life support rebate card holder for electricity, water and sewerage. The information on the Commonwealth seniors health card states:

> The Commonwealth Seniors Health Card helps senior Australians with the cost of prescription medicine for those of age pension age but do not qualify for an age pension who have an income of less than $50,000 per annum per individual—

a low income self-funded retiree—

or $80,000 per annum per couple.

Two low income self-funded retirees. The brochure also states that a telephone allowance and discounted rail travel may be received. No other concessions are advised on that card.

As previously advised to you in question on notice No 880—take note, 880 so far in this Assembly—electricity rebates are only administered by ActewAGL on behalf of the government as part of the government's concession program. They run up to a maximum of a shade over $150 per annum. Gas rebates are independently provided by AGL. They are relatively tokenistic at $14 per annum. But the core rebate is, effectively, an energy rebate. Everybody gets electricity and lots of people are on electricity and gas. The Chief Minister's Department is currently coordinating a review of the ACT government concession regime. All concession issues will be addressed as part of that review.

There is apparently, from the experience of others, quite often confusion between a Commonwealth seniors health card and a health care card. Maybe there should be a different nomenclature adopted for one or other of those. It may have been that the Actew person gave the wrong information or it may have been Mr Dyer heard the information wrongly, but I would not be in a position to comment.

Tourism—funding

MR QUINLAN: Mr Speaker, I took on notice a question from Mr Smyth in relation to tourism expenditure. He quoted from the *Canberra Times* in relation to something that I said. I have here a hard copy of correspondence between my office and the *Canberra Times*. The *Canberra Times* said that the ACT government is spending about $14 million, et cetera, and Mr Smyth made some comparisons there. I think I did point out while I was on my feet at that stage that there were 101 ways of measuring the numbers.

In fact, the *Canberra Times* had asked my office by email about destination marketing. They had been advised that we were spending in the vicinity of $5½ million on destination marketing and that was the highest that had been spent on destination marketing. I have been misquoted. As is said in the trade, it happens every now and then, and it did happen. My office did, in fact, advise them by email of that number. However, the article that came up somehow slipped over to $14 million.

I can assure the house that the Australian Capital Tourism of today is focusing on destination marketing and we think that it is putting its resources in the right place, rather than on some events. While research was being gathered for this answer, I just happened to notice that the V8 car race cost us over $20 million—$20 million-plus.

Indigenous child protection workers

MS GALLAGHER In question time earlier in the week, Ms Dundas asked me a question relating to indigenous child protection and indigenous child protection workers. I took two parts of the question on notice. In relation to the number of reports of suspected child abuse or neglect in indigenous families and how many of those reports

were managed with an indigenous child protection worker, last year 121 reports were received concerning indigenous children that proceeded to appraisal visits. Of those 121 reports, 36 involved visits to the indigenous family by an indigenous child protection worker.

The other part of the question related to the retention rates for indigenous child protection workers and the retention rates for non-indigenous child protection workers. Overall, there has been a 55 per cent annual turnover rate for all child protection workers. The average duration of employment for indigenous child protection workers in the department is less than 12 months. There have been very few indigenous workers in the child protection system. In fact, last year there were three. The small numbers do have an impact on the statistics.

There are some significant issues that we are dealing with at the moment in trying to address some of the cultural sensitivities that are connected with the indigenous workers' desire to work within Family Services and they certainly have an impact on the ability to recruit and then retain indigenous staff. We are doing a number of things in order to address them. One of them is by ensuring that the indigenous workers assume more of a community development or support role, which allows them to support the family where a report has been made and can assist non-indigenous workers to understand the indigenous community in terms of child protection.

This approach has positive benefits as the indigenous workers are not involved in face-to-face child protection or removing children from the home, but they can provide a consultative role to the non-indigenous workers through the process and they are able then to support and assist the family with understanding the legal requirements and duty of care in child protection matters.

An indigenous team leader and an indigenous worker were recently employed under this policy and recruitment is under way for an additional worker. The current indigenous worker has been in the job for less than six months and the team leader has just started work, so turnover figures are not available for those positions.

Building guidelines

MR CORBELL: Mr Speaker, I have further information to provide on a question Mr Cornwell asked in question time today relating to the approval of a carport for a private dwelling. The advice I have is that ACTPLA approved the double carport, subject to its being behind the building line, which would have required moderate changes to the building itself, or relocation to another side of the block.

The proponent was not happy with this approach. ACTPLA, however, conditionally approved the application because ACTPLA believed it would be further negotiated and an acceptable outcome would be achieved. This is a common practice, as it leaves the door open to negotiate a preferred outcome on the part of all parties.

The proponent, however, chose to exercise their right to take the matter to the Administrative Appeals Tribunal. The AAT reviewed the application and took the decision that Mr Cornwell outlined in his question to me.

Answers to questions on notice
Questions Nos 878 and 885

MR CORNWELL: I rise under standing order 118A to raise a matter with the Chief Minister, who is looking after the position of the Minister for Urban Services. Questions 878 and 885 are still on the notice paper. The 30-day time limit expires today. When I came down for question time, I had not received a reply to those questions. Could you look into that for me, please?

MR STANHOPE: I thank Mr Cornwell for drawing that to our attention. I will take the matter up with the minister's office.

Question No 875

MRS DUNNE: Under standing order 118A, I seek an explanation as to why I have not received an answer to question No 875, which was placed on the notice paper on 21 August and the 30 days expired on 20 September. On 23 September, I received a letter from the Chief Minister saying that it was a very complex question and could not be answered in the time allotted. However, on 24 September, Mr Hargreaves attempted to ask a question which you ruled out of order, Mr Speaker. Given that the Chief Minister had been prepped to answer a dorothy dix question, can he now give a full explanation as to why he was not able to answer question No 875 within the allotted time?

MR STANHOPE: Mr Speaker, the letter that I wrote to Mrs Dunne explaining the delay in the provision of the answer remains current. It is a very complex and detailed question, requiring the allocation of very significant resources by the department. The departmental officers are extremely busy undertaking vital hazard reduction work. It was a long, detailed and complex question that was asked.

I do have the answer that I had prepared for Mr Hargreaves' question yesterday. I am more than happy to provide that answer to Mrs Dunne in full response to the question on notice. I undertake to do that and I will have it provided to your office this afternoon, Mrs Dunne, in full, complete and total response to your answer. You will get the answer in those terms this afternoon.

Leave of absence

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

> That leave of absence for today be given to Mr Wood.

Motion (by **Mrs Dunne**) agreed to:

> That leave of absence from 4 to 31 October 2003 be given to Mr Smyth.

Motion (by **Ms Tucker**) agreed to:

> That Ms Tucker be granted leave of absence from 2 to 13 October 2003.

Actew Corporation Ltd
Paper and statement by minister

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

> Territory Owned Corporations Act, pursuant to section 19 (3)—ACTEW Corporation Ltd—Statement of Corporate Intent—2003/04 to 2006/07.

I seek leave to make a statement on the matter.

Leave granted.

MR QUINLAN: Mr Speaker, I advise members that, since the content of the statement of corporate intent was agreed between Actew and the voting shareholders, a number of significant events and circumstances have arisen that will materially influence the financial outcomes forecast for Actew Corporation Ltd that have not been reflected in this statement.

These are as follows: stage 3 water restrictions are planned for introduction in October 2003 for the summer peak demand. Obviously, that will have an impact on the revenue of the corporation. Stage 3 water restrictions target a 40 per cent reduction in water consumption. Actew Corporation estimates that the full year impact of stage 3 water restrictions will be a $8 million reduction in profit due to lower water sales.

Actew has called for tenders to upgrade the Googong Dam water treatment plant and to build a water treatment plant at Mount Stromlo. Capital expenditure on these two projects is currently estimated at about $50 million, with completion by the end of the calendar year 2004. Increased operating costs, especially from the extended use of the Googong water treatment plant, costing around $2 million a year will be incurred.

Paper

Mr Quinlan presented the following paper:

> Australian Capital Tourism Corporation Act, pursuant to subsection 23 (8)—Australian Capital Tourism—2003-2007 Business Plan, dated 28 April 2003 and 1 May 2003.

Board of Inquiry into Disability Services
Paper and statement by minister

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

> Inquiries Act—Disability services—
> Implementation of the Government Response to the Recommendations of the

Report of the Board of Inquiry into Disability Services—Second Six Monthly report, dated September 2003.

I seek leave to make a statement.

Leave granted.

MR STANHOPE: Today it is my pleasure, on behalf of Mr Wood, to table the second six-monthly progress report on the implementation of the recommendations of the Board of Inquiry into Disability Services in the ACT. Mr Speaker, working in partnership with the disability sector, we continue to make significant progress with advancing the substantial disability reform agenda mapped out in the government's response to the recommendations of the Board of Inquiry into Disability Services.

The significant progress in implementing the reform agenda has been undertaken with the commitment and input of the many members of the various working groups established to address the key areas of access, eligibility and funding for services, service quality and standards, appropriate housing models and tenancy arrangements, a sector-wide work force strategy, and legislative reform. Importantly, these working groups have joint community and government participation and have a community member appointed as a co-chair. In total, there are over 50 community representatives on the working groups and the Disability Advisory Council.

The reform process has not been undertaken by the government and within the working groups alone. There has been direct community involvement through the work of the former Disability Reform Group and a series of public forums conducted by RPR Consulting. The channels of communication will continue to remain open and accessible to all people involved in the disability sector.

Mr Speaker, in terms of tangible reform changes and improvements, we have finalised the structure of Disability ACT into three teams: policy and planning; sector development and support; and individual support services. Disability ACT, in close cooperation with the Disability Advisory Council, has successfully launched an access to government audit kit that will enable government departments to identify and address barriers preventing people with a disability from accessing their services. All ACT departments are required to conduct audits, develop action plans and report progress against these plans in their 2004-05 annual reports.

Disability ACT has also successfully introduced long-awaited amendments to the taxi subsidy scheme which increase the subsidies available to eligible people with a disability and ensure that funding is targeted at those with the most need. Disability ACT has visited every non-government agency in the ACT with which Disability ACT has a service purchasing agreement to discuss with the service providers any problems they may be experiencing under the current agreements and reach a resolution on how those problems may be addressed. All of the 36 agreements due for renewal have been renewed, while an additional three agreements continue under their current conditions.

Disability ACT has also assisted with the initiation of six projects under the innovation grants fund following a comprehensive evaluation process involving 49 applications for funding. Disability ACT is currently piloting a number of client-focused initiatives,

including an active support model in two group homes, a needs assessment and community linking service, and a new approach for safeguarding the process for the transition of people into, out of and across services.

Mr Speaker, the achievements of the last six months are too numerous to cover in detail in a short time. These are documented in the second progress report. I would nevertheless like briefly to draw members' attention to a number of other initiatives achieved since the first report. These include: establishing a single therapy service for adults and children, now known as Therapy ACT; the development of the disability reform working group work plans for 2003-04 in the areas of housing, work force, quality, legislation, access, eligibility and funding; and the delivery of a series of workshops exploring the implication of the Disability Reform Group's vision and values statements for the future direction of disability in the ACT.

They also include: the development of a departmental information management plan with the Australian Bureau of Statistics; providing assistance in obtaining data for evidence-based planning and policy development; the signing of an agreement to accept a $50,000 digital divide grant from the Chief Minister's Department for people with disabilities; a review of opportunities for improving access to services offered and funded by the department through improved information and referral; and the commencement of work on a comprehensive caring for carers policy.

Mr Speaker, in the last 12 months we have, I believe, made commendable progress with implementing the initiatives outlined in the government's response to the board of inquiry. We are seeing a fundamental shift in our approach to the provision of disability services in the ACT—an approach built on respect for the views of people with disabilities, first and foremost, together with a commitment to community partnership.

Many challenges remain. However, people with disabilities, their families, and carers can be assured that this government will continue to vigorously implement the reforms. I submit that our processes of communication are more than adequate and cannot be justifiably criticised. I also submit that the level of extended community involvement in our strategic planning processes is unprecedented in the ACT government.

Chief Health Officer's report—2000-2002
Paper and statement by minister

MR CORBELL (Minister for Health and Minister for Planning): Mr Speaker, for the information of members, I present the following paper:

ACT Chief Health Officer's Report—2000-2002.

I ask for leave to make a statement in relation to the report.

Leave granted.

MR CORBELL: I am pleased to table the Chief Health Officer's report for 2000-2002. The Chief Health Officer's report is a biennial publication required by legislation under section 10 of the Public Health Act 1997. The report provides information on the health of the ACT population, including: trends in health status; health risk behaviours; the

national health priority areas, including cardiovascular disease, cancer, and mental health; maternal and infant health; child health; notifiable conditions; health services; and health and the environment.

Population health indicators show that the ACT population continues to experience a more favourable level of health status than the rest of Australia. Life expectancy in the ACT is higher than life expectancy nationally. All-cause mortality and infant mortality rates are lower in the ACT than nationally.

The report paints a favourable picture of the social context of children's lives in the ACT in terms of family functioning, social support and social capital. However, the ACT, like the rest of the country, has specific health issues and trends of concern, with various health inequities in vulnerable population groups.

For instance, although the ACT compares favourably with other jurisdictions, there is evidence that levels of obesity are increasing in the ACT, levels of physical activity are in decline, and there are opportunities for improvements in our diet. This is not a time for complacency. Less than a quarter of ACT children consume the recommended daily minimum quantity of vegetables required for a healthy diet. The government acknowledges these issues. The information and health needs identified in the report underpin the 2002 ACT health action plan and will be used as a map to guide future health care provision and policy in the ACT.

The Chief Health Officer's report also details a number of innovative policies, programs and health promotion initiatives to improve the health and wellbeing of people in the ACT. For example, we have a strong quality and safety plan under way in ACT Health services. We have brought all ACT public mental health services together into a single service, known as Mental Health ACT, enabling a unified approach to policy, planning and service delivery and a reduction in service duplication and competition.

The government has established an alcohol and other drugs task force to make recommendations to government on policy priorities and to develop the ACT alcohol and other drugs strategy. The government has a children's plan in development. The vision for the plan is to provide our children with the best chance to achieve their full potential.

In October 2002 an obesity seminar was held to raise greater awareness of the issue of overweight and obesity in the ACT and we have introduced a vitality campaign promoting good nutrition, physical activity and wellbeing. I encourage members to read the report, which provides baseline data for a rational and well-considered approach to the planning of health services in the ACT and an understanding of the wellbeing of our community.

Paper

Mr Corbell presented the following paper:

ACT Public Hospitals—3rd Quarter 2002-03—Service Activity Report.

Annual reports

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

Annual Reports (Government Agencies) Act, pursuant to section 14 –

ACT Building & Construction Industry Training Fund Board.
ACT Cleaning Industry Long Service Leave Board.
ACT Construction Industry Long Service Leave Board.
ACT Electoral Commission.
ACT Gambling & Racing Commission.
ACT Government Procurement Board.
ACT Health (2 Volumes).
ACT Insurance Authority.
ACT Ombudsman.
ACTEW Corporation Limited—Annual Report and Supplementary Report to Government.
ACTION Authority.
ACTTAB.
Australian International Hotel School.
Canberra Public Cemeteries Trust.
Canberra Tourism & Events Corporation.
Chief Minister's Department (2 volumes).
Commissioner for Occupational Health and Safety (including ACT WorkCover).
Commissioner for Public Administration (incorporating the State of the Service Report).
Commissioner for the Environment.
Community Advocate.
Community and Health Services Complaints Commissioner.
Cultural Facilities Corporation.
Department of Disability, Housing and Community Services (2 Volumes).
Department of Education, Youth and Family Services.
Department of Justice and Community Safety (2 Volumes).
Department of Treasury (2 Volumes).
Department of Urban Services (2 Volumes).
Director of Public Prosecutions.
Discrimination Commissioner (ACT Human Rights Office).
Exhibition Park in Canberra.
Gungahlin Development Authority.
Healthpact.
Independent Competition and Regulatory Commission.
Kingston Foreshore Development Authority.
Legal Aid Commission.
Public Trustee.
Stadiums Authority.
Totalcare.
Victims of Crime Support Program.

Mr Speaker, the papers will be delivered to members' offices during the afternoon.

Gender imbalance in the delivery of educational services
Discussion of matter of public importance

MR SPEAKER: I have received a letter from Mrs Burke proposing that a matter of public importance be submitted to the Assembly, namely:

> The gender imbalance in the delivery of educational services to children and young people in the ACT

MRS BURKE (3.42): Mr Speaker, I rise today to bring to the attention of members the gender imbalance in the delivery of educational services to children and young people in the ACT. The ACT government needs to address, as a matter of some urgency, the lack of males working in the local child-care industry. I am sure that no-one in this place would dispute the statement that employment within the child-care industry is overwhelmingly dominated by females.

I have been in contact with child-care facilities in Canberra and have found that the lack of male staff is not only heavily impacting on this sector but also flowing through to our schools. I understand that my good colleague Mr Pratt will be elaborating on this aspect for members.

Families are, naturally, cautious about who looks after their children, but it appears that males are being stigmatised, labelled and marginalised as sex fiends or paedophiles, so turning them away from a career in child care. That is a most unfortunate attitude that we need to work hard to reverse. Whilst the scarcity of men in teaching in general is having serious consequences for the status of the teaching profession, the situation appears to be much worse in early childhood education, where the number of males engaged drops dramatically.

Empirical research done by the Australian Bureau of Statistics in 1999 showed that there was a drop in the number of male teachers in primary education of 4 per cent between 1986-87 and 1997-98 and an increase of 21 per cent in the number of female teachers. In 1997-98, males constituted 30 per cent of the work force, compared with 35 per cent in 1986-87. These figures are from the labour force surveys for 1999 of the ABS.

I doubt many would argue against the statement that boys perform better in certain areas of our education system when supported by male teachers. We most certainly do have a problem whereby men who want to work in the child-care industry are often being discriminated against and effectively deterred from entering the sector.

I put it to the house that, in our quest to push a sometimes lopsided barrel of female agendas, we seem to have overlooked one important aspect: it takes two to tango. It is both necessary and otherwise impossible for it to happen any other way than for both male and female cells to join to create a baby. Why do we then somehow move along the path of saying that children can manage through their journey of life and learning without the balance of both male and female input? Given that we are made up of both male and female, we surely need both influences, not one more than the other, to ensure a balanced and rounded development.

Life is about balance, no more so than in the development of our young children. To simply and perhaps inadvertently push one gender as being better or more acceptable than the other is plain dangerous. Indeed, we are seeing the results and effects of many years of female majority influence upon our young people today. That is by no means said to downgrade or denigrate our excellent female teachers. We quite simply have to address the issue to ensure our children have an holistic upbringing.

Neither am I being critical of the important role that these women play. However, at the same time, it is hard not to argue that our young would be best educated and cared for by a better mix of both women and men. Can we really expect our young to be best cared for in these most critical and formative years in an exclusive female domain? Will that environment really help foster their realisation of their real potential? I think not.

Interestingly, I was searching the web only this morning and discovered a child-care centre located in western Sydney with 100 per cent female staff. Also, there were two casuals—and, yes, they were also female. I was very impressed with many aspects of the website, including the initiatives seeking the involvement not only of parents in some of the centre's activities, but also of siblings, grandparents, even aunts and uncles. I am all for these more recent educational practices and forms of progress.

However, just as I am concerned for the children of both sexes about the effects of the absence of a male presence within this centre's daily activities—this is not something restricted to a lack of male carers or teachers for young boys—I am also concerned for the parents and other role models in terms of the effect of this situation upon the product: the child.

It should not make a difference whether a teacher is male or female. But, like it or not, I am conscious that male teachers, in particular male early childhood teachers, are in the minority in this day and age. We need to realise as a community that men have a great deal to offer in the raising of children within the family unit, and they should not be deprived of complementing that with a career in the child-care industry. We seem to be slowly eroding away the vital role males play in society today. That is alarming to me. Of course the necessary security checks and balances need to take place before anyone, male or female, is hired in the child-care industry, but we also need to ensure that, in particular, males are not being discriminated against in the process.

Given the government's very determined commitment to leading Australia in regard to its social plan—of which I have a copy here; I am sure all members have one as well—I will read from page 2. It talks about leading Australia in education and training, improving links and transitions between home, early childhood settings and kindergarten, and improving education participation, engagement, and achievement of children and young people. That is most commendable and I support it. I would therefore like to see the ACT government directing a great deal more energy and resources, where possible, to ensuring men have every opportunity to enter the child-care sector.

A positive start, as has been done in other jurisdictions, would be a sturdy advertising campaign to attract males to the sector. However, any such campaign really needs to go well beyond advertising. It must look at changing employment practices and making teacher training more inclusive of male values and needs.

It is fair to say that for the reasons already stated employers do tend to favour the employment of women, due to equal employment opportunity policy and often an underlying fear of the school being sued should the male teacher abuse children. We also need to ensure that work force issues in the child-care industry—in particular, rates of pay, which are currently dismal—are dealt with as a priority.

Concerns have been raised with me, in particular, in regard to community perception surrounding the involvement of males in the early child-care industry. I would like to briefly outline some of those key issues. They include society as a whole being cautious as to who will look after their children—a natural concern. Men are too readily being stigmatised, negatively labelled and marginalised in our society as sex fiends, paedophiles and so on.

I believe that there is a great amount of discrimination against males entering this sector. Of course, sometimes it is right to discriminate, but men and young guys have a lot to offer in the raising of children within the family unit and should not be deprived of following this career pathway.

I had the pleasure recently of visiting a local child-care centre—Jellybeans at Isaacs. It is a centre-based child-care centre. They are fortunate, one of very few in the ACT, to have a couple of males working there. A young guy there teaches the little ones computer stuff and the director's son joins in to lend a helping hand, from maintenance to gardening to playing with the children.

Children who are from single-parent families, often with the mother raising the child, need male role models—the balance in life and all that.

Ms Gallagher: Says who?

MRS BURKE: This point has been made to me recently, particularly by mothers who are single parents with boys. I heard Ms Gallagher interject, "Says who?" To me, it makes sense that people are brought up with a balance in life. That is how we were created; that is how we were made. I am just going on the evidence I have read and the evidence that has been given.

I have looked at some New Zealand experiences on this issue; in particular, an article by Sarah Farquhar published in the *Otago Daily Times* in New Zealand on 4 August 1999 and titled "The Male Teacher Debate". This research on men in early childhood teaching was published nationally in 1997.

She identified fear of accusation of sex abuse and the social stigma attached to being a man in a women's field as leading factors scaring men off becoming teachers. In a subsequent paper, Ms Farquhar also proposed that these factors were probably causes for the decline of men's participation in primary teaching and questioned whether the teaching profession should be allowed to continue its movement towards becoming a women-only profession.

We have now travelled down a very dangerous road. I believe that the writing is on the wall. We should do something to redress the situation and turn the tide. It is tantamount

to child abuse for a teacher not to cuddle a hurt child because of the teacher's fear or school policy about touching.

There is an emerging need to examine and review the no touch and sexual abuse reporting policies and practices in our child-care centres and other educational institutions for young children. Guidelines and training for employers, pre-service teacher trainers and female teachers on things such as handling parents' questions about teacher gender and providing better support for male teachers must become the norm if we are to reverse this very concerning trend of males not entering the child-care and teaching professions. Initially, granted, some families may be a little reserved, but barriers can be removed, as was shown in the western Sydney child-care centre by engaging families in its programs, an integrated approach. I know that the government is interested in that type and style of education.

I believe that males can and do make a difference by working alongside parents, community groups and professional teachers. They must be given greater opportunities. As one male teacher said, "I believe that by being open with people and professional in our approach to relationships and our teaching, people will see that males have a lot to offer in all areas of education." Mr Deputy Speaker, I ask for the support of members.

MR PRATT (3.55): Mr Deputy Speaker, I would like to support Mrs Burke's comments about the necessity for more male role models in the teaching profession. I point to the very clear indications of declining boys' performances. We know that, over 12 years, there has been a steady trend in the growing gap between the performances of boys and girls, with the girls doing much better. There was a time when there needed to be a focus on bringing girls' educational standards up to the level of those of boys. Society needed to address that problem, and society did that extremely effectively. Somewhere in the process, another gap has occurred, and it is now time to address this.

We also know that there is a 4 per cent gap in the performance rate between girls and boys, up to year 12, and we know that a successful attainment at year 12, and going on to university, illustrates a performance gap of about 11 per cent. These are not just blips on the radar; they have been constant trends, and something needs to be done. We also know that there is a massive imbalance between the bad behaviour—men acting badly and boys acting badly—rates of boys and girls; so we have to ask ourselves: for the disengaged and badly-acting students, why is there something like a factor of 500 per cent? Why is there a ratio of something like 5:1—boys to girls?

Clearly, we must also recognise the problem where some boys and some girls from certain family backgrounds are having difficulty at school because of problems at home. I might say that my colleague, Mrs Burke, illustrated very clearly that this is an important factor in addressing these issues.

Against that background, I would like to focus today on more male role models in primary schools and high schools in the ACT. As at 30 June 2003, there were 3,054 full-time equivalent teachers employed by the Department of Education, Youth and Family Services. I thank Ms Gallagher for her answer to my question on notice, which revealed that number.

Mr Deputy Speaker, of the 3,054 full-time equivalent teachers, 2,310 are female and only 744 are male. In addition, there are 981 female and only 290 male casual teacher registrations. This equates to 24 per cent of all teachers employed as full-time equivalent teachers by the department being male. It also equates to 29 per cent of all teachers registered as casual by the department being male. Therefore, being generous, only approximately one-third of the teachers employed in the ACT by the department are male.

It is important to stress here that there are a number of good reasons why a strong proportion of teachers are females—why females have moved into that work force—and nobody is criticising that. I should add that our female teachers are the best teachers in the country. They are very good teachers.

Mr Hargreaves: They are brilliant!

MR PRATT: They are brilliant, as Mr Hargreaves has so eloquently stressed. It is very important that we recognise that. It is also important to note that many of our female teachers say that in certain primary schools, where they see something like a 15 per cent occupation of those schools by male teachers, they would like to see more male teachers. Many female teachers I have spoken to talk about the need to see a redressing of the balance. They are concerned that they and their colleagues cannot encourage boys, as they get up into the junior high school years, to think about a teaching career. All teachers recognise, really, that there needs to be a rebalancing in the ranks of teachers.

Mr Deputy Speaker, I will go on to look at the attitudes that seem to dominate this debate. I must say I am deeply concerned that educationalists around the country, and several of those here in the ACT—and quite apparently the ACT education department, have given overdue consideration to the June 2002 Dr Andrew J Martin report commissioned by the ACT education department titled *Improving the education outcome of boys*. Martin took at worst a hostile—and, at best, an ambivalent—approach to the nation-wide and community-wide concerns expressed about boys' education. The report was very strong on the view that boys' needs may be assessed sufficiently within the gender equity framework, which tends to dominate and drive—

Ms Gallagher: He is an expert, Steve.

MR PRATT: Yes, he is an expert. You bet! The gender equity task force did not have in its five terms of reference any strategies relevant to social values, culture, family and home life, mentoring or male role models. These are two vehicles addressing the concerns of boys' education. They did not have between them those types of terms of reference.

I find it astounding that the Martin report and the gender equity task force that Martin so happily deferred to were both thunderously silent on male role models, mentoring and teacher gender issues when addressing boys' education issues. I cannot explain why that might be the case; if they are professional review bodies why they would not take into consideration all the relevant factors when trying to determine whether there was or was not a gap in the performance between boys' and girls' education. Yet we find that they have not dared to look at those issues.

My concern, as shadow education minister, is that the ACT education department is perhaps giving undue prominence to Martin and the gender equity task force on the matter of boys' education. I would seek to encourage the government to take closer note of a number of excellent studies into education which have identified strong trend patterns of falling boys' performance and increasing disengagement by some boys, especially in the later primary and junior high school years. These reports also highlight their concerns about the dearth of male teachers.

Let me quote from some of these. Ian Lillico has travelled nationally and internationally in pursuit of this very important issue. Ian Lillico, who is a headmaster of a school in Western Australia and who has travelled to the US, the UK and Canada, has found that, in the western Anglo-Saxon world, the same trends appear. Right across all of these nations there is a growing gap. Also reflected is a parallel pattern of a decline in the number of male teachers.

Let me look at one of these areas. Lillico quotes Steve Biddulph, who did the reports *Raising boys*, *Manhood*, and *The secret of happy children*. Lillico states:

> Steve Biddulph … believes that boys learn teachers and not subjects. Girls are able to connect directly with subjects—

because they are tidier—

> but a boy can only connect with a subject via the teacher. This is indeed a simplistic statement but on talking with boys throughout Australia and New Zealand and overseas, their parents and others—

Lillico says he firmly believes—

> it is true for the vast majority of boys, particularly from ages 11 to 16. This has major ramifications for schools and our system, but it reinforces that the teacher is paramount to successful learning for students, particularly boys.
>
> The background to this phenomenon is based on the need for boys in their puberty years to believe that a teacher cares for them as a person, before they will allow them to impart knowledge or skills to them.

Then he and Biddulph go on to talk about a number of other issues:

> This has always been the case …

That has always been the case for boys. He goes on to say:

> … The same applies even more directly to discipline.

I am going to talk about the cane now, but I do not want anybody to get too excited about this. I am not proposing use of the cane, and neither is Lillico. Nevertheless, in talking about discipline and the cane, he goes on to make the following comments:

> The approach to boys' discipline has been masked by the threat of the cane or corporal punishment until the last two decades. During the corporal punishment era that spanned many centuries, it was a given fact that a boy would behave for a teacher or get the cane. Many teachers were feared, loathed …

We do not want to see that coming back, by the way.

> … or both, but the fear of physical punishment or reality of it, kept most boys in check.

That was not a problem for girls, of course, although it might be for my daughter, when she gets a bit older! The article continues:

> It is believed that the removal of corporal punishment has been a factor in the deterioration of boys' behaviour in schools as is attested to by the boys themselves! A breakdown in respect for authority in society generally, has also meant that a teacher now must prove himself/herself before they will receive a student's respect.

The cane has gone, corporal punishment has gone, and it is so much harder now for teachers—males and females—to gain that respect, so they can move on to the next phase of teaching those kids. If it is hard for males, it is a damn sight harder for female teachers. This is the problem. Perhaps it goes to the heart of the issue that five times as many boys as girls are the disengaged and those responsible for disruptions—and thumb their noses.

Ms Gallagher: That is because the teachers can't manage them, is it—because they are girls? That is what you just said.

MR PRATT: I did not say that, Ms Gallagher! Mr Deputy Speaker, I rest my case that this is the background to it. I think this clearly illustrates the problems that schools now face. This is why—especially primary schools, where we need to engage with little boys from ages eight through to 12 and get them sorted out—there needs to be a rebalance in the structure of the gender make-up in schools.

I am sure the government is trying to do that. Katy and I have spoken about this before. I would like to encourage them to do a great deal more about it. I would like to encourage the government to lean much more heavily on the department, which I think has its head stuck in the sand, as it gives undue prominence to the Martin report and not much else. We need to recruit male teachers, we need to undertake more programs in high schools where we encourage young men to look at teaching as a career. Our little boys—and our little girls—in primary school need good male and good female role models. I stress that they need good female role models as well, but they do need both.

Against that background, I support Mrs Burke's very wise motion. I encourage the government to take note of what Mrs Burke is saying here today, to see if it can do something about it.

MS GALLAGHER (Minister for Education, Youth and Family Services, Minister for Women and Minister for Industrial Relations) (4.09): After listening to those two

speeches, there is probably one area on which we are all in agreement—that is that we would all like more male teachers in child care and in schools.

This is not something peculiar to the ACT—it is something every jurisdiction around Australia is looking at. The statistics Mr Pratt read out are reflected in every other state and territory and in every other country. In looking for solutions in both those speeches, if we could solve it in the ACT, we would be in a great position, because we would then be able to solve this very complex issue nationally and internationally.

It is outside of the education system. If you look at the human services industry as a whole, you will see the same statistics. The gender imbalance exists for reasons that not everyone understands. However, it is certainly due to the nature of the work, the difficulty of the job and the wages attracted to it.

I refer to some of the comments made by Mrs Burke. I always enjoy working with Mrs Burke and, for the most part, agree with her. However, some of the arguments she is running in this MPI have disappointed me. She has made comments about men being discriminated against.

People have choices about their employment options. I worked in child care for a number of years and the child care centres sought males to work in their centres. However, in large part, men do not apply for jobs in those centres, so I do not know how they are discriminated against.

Are we discriminating against them by not forcing men into these jobs? Perhaps we should impose a quota and say, "In order to be licensed, you must have five blokes working in your centre"—because that is going to deliver it. Discrimination is just not going on. If there are centres in the ACT that are discriminating against men, then I would like to know about it. There is legislation in place to stop that sort of discrimination.

In respect of some of the lines Mrs Burke was running, about men being sex fiends and paedophiles, and that that is turning them away from careers in child care, I think that is way down the list. I believe it is the nature of the job, and the wages. Men do not choose to study for three years, get a qualification and, after eight years in the job, earn $40,000. It is well established that women make choices about the jobs they choose, for different reasons from men. She runs the line of the answer being that we need to deal with this sex fiend and paedophile perception problem, and that that will encourage men into the jobs, but that is simply not the case.

Mrs Burke: Read the research, Minister. There are pages and pages of it!

MS GALLAGHER: I have read the research and I have worked in the area. I understand the issue—and it is not about sex fiends and paedophiles. There are enough policies and procedures in child-care centres to make sure that, if those unfortunate perceptions do exist, they are dealt with appropriately.

You are perpetuating this by putting out media releases saying this is the problem—that the reason men do not choose these jobs is because they might be seen as sex fiends or paedophiles. There is also the view that children from single-parent families, where the

mother raises the child, need male role models in their lives. I am a single parent, and I choose my role models based on the people, not the gender. It is too simplistic to say that they need male role models. They need good role models. They do not necessarily need to be male, and they do not necessarily need to be female.

In relation to the schools, we are doing a number of things and several things are being done nationally. Locally, we advertise through our recruitment campaigns for teachers, and target men on our web site. We have young male teachers who are enjoying their work in ACT government schools.

It is a little harder in relation to employment in child care. We do not employ childcare workers—the centres do that. With the shortage of childcare workers at the moment, I think they would take anyone. I do not think gender is an issue in child care, but there are very low numbers of men choosing to study early childhood education in the ACT.

I do not think an advertising campaign is going to help, because the issues about child care are the nature of the work, the wages and the career path. Unless you solve those, you are not going to attract men into the jobs. We are doing that. We are supporting the wages claim by the LHMU in the Industrial Relations Commission. We are looking at ways to retain staff in child care through streamlining traineeships and opportunities at CIT.

In areas the ACT government has control of, we are looking at addressing the work force issues which exist for childcare workers, and to get potential childcare workers interested in coming into the industry. This is not targeted at men, though. It is targeted at childcare workers, although it may be men who choose a career in child care—and that will be fine. We take the view that you deal with the work force issues, rather than saying that we must solve the problem of gender imbalance. There are more serious problems in respect of work force issues in child care and early childhood than the fact that there are simply not enough blokes in it.

Mrs Burke: You sound a bit anti-men, Ms Gallagher!

MS GALLAGHER: I am not anti-men, Mrs Burke! I was concerned at a number of other comments made by Mrs Burke and Mr Pratt. It is almost as if a view exists that children in the ACT are not getting adequate provision of educational services through child care, or through the schools—that something is missing; that they are not getting the best model because there are not enough blokes in the system.

I dispute that. As I said before, I have worked in the child-care industry. Our children get extremely good service here in our child-care centres. The centres are of an extremely high standard. That is based on the professionalism of the staff, not their gender. The fact is that they are providing services to our children which I would argue are the best in the country.

That is seen in our schools as well. When it comes to recruitment to positions within government schools, where we have control over the positions, people are appointed in line with the Public Sector Management Act. Again, they are appointed on merit, not on gender.

If a man applies for a job and wins the job on merit, he has the job. There are a lot less men applying for these jobs. That has an impact on the number of men who get the jobs in the end—but they win the jobs on merit. We do not say, "This school over here has no men, so we will need to find a man to put in that school." We say, "Which is the best teacher to go into that school? Which is the best teacher for the children in that school, and for that whole school community?"

Those decisions are not, and should not be, made on gender. There is legislation surrounding the principles for employment in the public service. Again, the public service is a non-discriminatory employer.

To wrap up, I am disappointed with the MPI—it is very simplistic: no solutions have been offered, although people have had a bit of a rant about the fact that kids are not getting what they should be getting because we do not have enough men in the area. We are addressing work force issues in child care, and we undertake target campaigns for teacher recruitment. We like to employ male teachers, if they win positions on merit, and we look at other targeted forms of recruitment.

As I said, those decisions are based on merit, and they are based on the best interests of the children. I believe the system we have here is the best in the country. Whilst I would like to see more young men choosing a career in this area—as I would like to see in the entire human services industry—I am not sure the ACT government can do any more than it is already doing. We are addressing the work force issues, which are not based simply on the issue of gender.

MRS CROSS (4.18): I congratulate Mrs Burke for raising this matter of great public importance. I believe we are all aware of the imbalance which has developed in the educational services area.

For many years—a long time ago—the teaching profession was the domain of male teachers. The profession was seen to be a very important one and the teacher was seen as a person of status in the community. In fact, many countries around the world still regard that status highly. The junior primary and pre-school areas were seen to be the domain of female teachers but, in primary and secondary schools, males tended to dominate.

There was a major change in the latter part of the last century. I am aware that there are many reasons for the development of the imbalance, but I believe there are two main ones. This will undoubtedly go to the speeches of both the minister and Mrs Burke.

Firstly, we have had cases of alleged paedophilia and misuse of power by a number of male teachers. There was a great deal of media hype associated with having men in charge of children. There were definite cases of abuse which needed to be dealt with, and a definite need to make people—children in particular—aware of what was acceptable behaviour by teachers. Students in schools were made aware that they did indeed have rights—the most important being their right to be safe in that environment.

As with most situations, when there is a dramatic move to change behaviours and rights in a certain environment, there was a backlash, which we now have to manage. I believe that backlash has manifested itself in the lack of interest shown by males in a teaching

career. There is a fear that males are sitting ducks in schools, as they can be accused of abuse. Unfortunately, even an accusation is dealt with as meaning the person is guilty.

Any accusation of abuse against a teacher is devastating for the future career of that person. Whilst this may be appropriate if the accusation is accurate, it is upsetting that in this area, as a society, we seem to have lost our ideal of "innocent until proven guilty".

We need to get the message through to males that they need not worry, and that teaching is a wonderful profession. We need males in our schools to provide balance, appropriate role models, mentoring—especially for adolescent boys—and, of course, a male perspective on the academic curriculum. If they approach the job in the way it is expected and the way they have been trained, then they will make a positive contribution to the education system.

The second of the main reasons for the gender imbalance is that of status and pay. Along with many others, I have noticed that, over the years, occupations which become womanised—meaning that many more women move into these occupations—tend to be slowly downgraded in status and remuneration.

This does not mean the pay is reduced. It simply means that other professions or occupations move faster with pay rises—with the end result being that the female-type occupations inevitably end up with a relatively lesser pay level. Many men still believe they are worth more money than women. I have often heard young men say that they would not go into teaching, as the pay is lousy. The minister alluded to that earlier.

There is the other problem of the status of teachers in the community. These days, teachers are often blamed for all of society's ills. Teachers have enormous responsibility for the general education of students. Whenever there is a problem, there are calls for improvements in the education system. There is a constant smattering of blame, and teachers wear the guilt this causes. As a result, a profession that was once held in high esteem by the community is now often viewed in a negative light, which is a great pity.

I have friends who say that, at social occasions, they are embarrassed to admit they are teachers. This is disgraceful and totally unwarranted. This adds to the major problem of encouraging males into the teaching area. We, as a community, need to work together to help upgrade the teaching profession.

I understand from the minister's comments that there are many efforts being made within the education system to do that. We need to fund education appropriately, and I understand that is being done. We need to publicise teaching in a positive light and, most importantly, we need to thank our teachers for their efforts and the contributions they have made. Hopefully, with a more positive approach by the community to teachers, more males will consider entering the profession. For a really great education system, this is what we need and want.

From my experiences, having lived in Europe and worked in Asia, it was a real contrast for me to see—not only growing up but also in my adult life—the diametrically opposed opinions of the teaching profession in those countries, how things became in Australia and how it is today.

In all the overseas countries in which I have worked—I cannot think of an exception—teachers are regarded extremely highly. They are respected not only by the students but also by the families. It is almost a reverent form of behaviour. It was nice to see the people spending a third of a child's day with them afforded the respect and acknowledgment they deserved in each of those communities. It is a little similar to how the military is treated in many of those countries versus how it is treated in this one, and how we try to find the negative things in professions, rather than the positive.

I am encouraged by what the minister has said. I am encouraged that the government has many initiatives, but I would like to commend Mrs Burke on the MPI because this is important. I remember that, during the campaign, one of the issues we were dealing with was the problem of boys' education—that the problem was the gender imbalance in schools, and that there were many troubled male teenagers because they lacked a male role model in the school environment.

We cannot be all things to all people, and no situation is perfect. I have friends who are single parents—both men and women—and they do an exceptional job. From watching our own education minister, I think she should be commended. She is an outstanding mum and has one of the most beautiful little girls I have ever met. I am proud to sit next to her in this chamber. I know that, in a perfect world, people would like to have a mum and a dad, but that is not always possible. I married into a situation where that was not possible for my husband and his children. It was difficult.

I would like us to look at this MPI, because the merits and sentiment of it are positive. I think there are a number of solutions to this problem. I am encouraged that we are all here debating it today. I am encouraged by the minister's commitment to this area, and I am heartened by Mrs Burke's commitment to this area. I commend the MPI to the Assembly.

MR STEFANIAK (4.26): This is a very timely MPI, because there is a significant problem. Mrs Cross was saying that, many years ago, there were a lot more male teachers—even at primary school level—and that that was never so much the case in kindergarten and with infants. That is true. Having gone through the state school system—as did the current minister—I can certainly attest to that.

When I went to primary school about 40 years ago, in years 3 and 4 I had female teachers and in years 5 and 6 I had male teachers—a mix of about 50-50. In those days, the principal would invariably be a male. The ratio now is that something like 12 per cent of our primary school teachers are males.

I believe there is a lot that can be done. I recall the issue very well when I was minister. I recall encouraging the department—and pushing the department—to pull out all stops to try to recruit good young male teachers. I clearly recall, back in either 1999 or 2000, looking at figures which showed that 60 per cent of the applicants for teaching positions in the ACT were female and 40 per cent were male.

I was a bit disconcerted that the percentages of those hired were 62 per cent females and 38 per cent males. It was explained to me that it is done on merit. Maybe one thing the department—and the minister—needs to look at is what happened in the 1970s. There

was a small affirmative action campaign then, in certain areas, to get more women into the work force.

I am talking about the jiggling around, where a greater emphasis will be placed on getting men in. I do not think that is too hard. For example, on those figures, 45 per cent of the new hire figures would be male as opposed to 55 per cent female, even though the applications were 40-60. I think that could be done without compromising standards—and that would help.

I do not know what the current minister is doing, but I certainly recall a lot of effort being put in by senior teachers in the department. They were going around to the secondary colleges, trying to encourage students to become teachers—and there was an emphasis on trying to get good young men in.

At one of the groups I addressed here in the Assembly, it was disappointing that only three out of about 100 students in year 12 wanted to be teachers. Nevertheless, I was very pleased to see that two out of those three were young men. In talking to them later, all three applicants were very impressive—and the two young men certainly were.

There is a range of strategies the department needs to push, to try to overcome the imbalance we have at present. As both Mr Pratt and Mrs Burke say, it is a fact that it is preferable, in this day and age, for us to get as many good men into the profession as possible.

Many wonderful people come from single-parent families. It is just as important for people in single male families to have good female role models at school as it is for those in single female families to have good male role models. It depends on the family. I, too, have seen Ms Gallagher and her daughter. Before we met, my wife brought up three young children by herself, and did a fantastic job.

It is true to say that it is good to have a lot of male teachers, especially at the primary school level. Many teachers have spoken to me about this over the years. For a large number of reasons, it is not a desirable situation for a kid to go all the way through school up until, say, year 7 before having a male teacher.

Mr Pratt passed me a note about feminisation of the curriculum, which is an interesting point. Whilst no-one is saying there is anything nefarious or strange about that, I suppose it is potentially a fact that, if there are no males there, the female teachers might have a certain subconscious slant, which is fine. However, with more males there, the balance might be different.

For example, there could be too much emphasis on things like the arts. I know that, when we mandated a certain amount of time for physical education, it concerned many female teachers until they did the training courses. After that, many were incredibly enthusiastic. There may be something there. It is obviously far better if we do have a better gender balance in schools.

Turning to discipline, there might be a point there. Nevertheless, I recall some ferocious female teachers who you would never cross. There was one in particular in year 7—I became a good friend of the family—whom no-one crossed. She was a black belt in

karate and a brown belt in judo. About 5 foot tall, Mrs Hillier was a charming woman, a brilliant teacher, fluent in a few languages—and you would never cross her. Conversely, I have known male teachers whose discipline has been absolutely shocking. I suppose one cannot stereotype in that regard. A number of teachers say that a good balance in a school helps in all sorts of ways.

I think this is a very good motion. It is important that, first and foremost, we encourage good young people of whatever gender—and, might I say, in these days good older people too. Let us not forget that there are a few people coming into teaching in their 50s and 60s. Ms Gallagher might be starting to meet them now—I certainly did. Maybe that is a way to get a few more men in. Some people who come into teaching have retired from another career. They have wonderful qualifications, excellent skills, and slot naturally into being brilliant teachers.

I had the pleasure of meeting a couple of teachers who came in in their 50s—one male and one female. They were incredibly valued by their school because of the great skills they possessed, the way they related to the kids and the way they brought their life experiences to bear. It was excellent. There are a number of avenues the government needs to look at to ensure we get the best people for the job—and utilise those for certain areas where we need a greater gender balance than is presently the case.

I commend Mrs Burke for bringing on this motion. It is timely. I believe there are measures we can adopt. People denigrate the teaching profession. Despite that, one thing which has always impressed me about teaching is that it is one of the few professions where, if you do a good job, 10, 20 or 30 years down the track, you will have lots of people bumping into you in the street saying, "Hello"—Ms so-and-so or Mr so-and-so—"you taught me in X. Thanks for what you did."

That I think is worth heaps. Teaching is one of the professions where you can really get satisfaction if you do your job well. For a lot of young people, that is not a bad selling point. It is something which resonates with many young people. Those are the points I wish to make on this timely debate.

MS TUCKER (4.34): I will make just a few comments on the important question of gender imbalance. We would all like to see something closer to gender balance in education, on the boards of major companies, in the armed forces, in ITC industry and in the community sector.

It has been argued that, if we substantially increase the salaries and improve the working conditions of everyone in the education work force, then more men would be interested in working in that field. While the Greens are all in favour of improving resources, conditions, and status for all of our most essential human services, such as those who work in the front line of health and education, I do not think we should do that merely because it would attract more men. We should ensure that the importance of the work is reflected in, among other things, the pay they earn. It is as simple as that.

One of the consequences of a market economy such as ours is that many people earn a very high income to enable them to look after only themselves, while others, on whom others depend, lead considerably harder lives. While a number of us aspire to changing that arrangement, that is probably a project for the long haul.

There is no evidence that gender balance is at the heart of delivering high quality education outcomes for our young people. Dr Andrew J Martin, in his paper prepared for the ACT Education Department—*Improving the educational outcomes of boys*—made the point that students were more concerned with how the teacher taught than whether they were male or female. The points made include the following:

> … a good relationship between student and teacher, the teacher's enjoyment of teaching and working with young people, the teacher striking a good balance between asserting authority and being relaxed and tolerant, injecting and permitting humour in the classroom, providing boys—

and all students, by implication—

> with choices, making schoolwork interesting and/or relevant, and a youthful teaching style (irrespective of the teacher's age), providing variety in content and methods, and respecting boys' opinions and perspectives.

Dr Martin said there was a view that having more male teachers in schools would be beneficial to all students, because it would provide a more balanced gender construction of teaching and learning, and provide students with greater diversity.

The point was made in a New South Wales review, however, that a school's staffing structure often reflects the gender inequalities in the wider community, and that more senior representation of female teachers needs to take place where possible. I will quote from the report of the Australian Secondary Principals Association. It reads:

> … men tend to be clustered into roles that emphasize authority and discipline whilst women predominate in areas of nurturance and support. Schools are often giving boys and girls mixed messages about appropriate gender attitudes and behaviour.

The point about men and young people is about building positive relationships in and around middle school years. The key requirement for young people, in learning how to live together and in learning how to learn, is the quality of the relationships they have with a number of adults—male and female. They can be in school, extension programs or more widely in the community.

The changing shape of employment in our contemporary society is worth considering in this context. The amount of low-skilled and entry-level employment is diminishing, particularly in areas which have traditionally appealed to boys. We are seeing an ongoing problem of structural unemployment—even at a time when the economy is growing very strongly, as it is at present. Calling for a more enthusiastic marketing campaign to attract boys to be employees in the child-care sector is not really going to change that situation. The basic issue in gender balance is that many more women than men train as teachers and childcare workers.

I do not know about talking up the positive role men play, although I have no difficulty supporting the view that men can and do make a great contribution to the development of children in our society.

MS DUNDAS (4.38): I would like to point out that, while it is unarguable that there are more female classroom teachers than male classroom teachers, women are under-represented in positions of leadership and administrative responsibility. Even though, in the ACT, we have a female minister for education and a female head of the department, it is a fact that women are concentrated in the lowest-paid sectors of the teaching industry. They are over-represented in teaching jobs, with the lowest security—be they casual, contract or relief teachers.

To suggest that the lack of male teachers impacts on the education of students is a fallacy, as is the proposition that boys will achieve better outcomes with male teachers. The Human Rights and Equal Opportunity Commission found, earlier this year, that there is insufficient evidence that the gender imbalance in the primary teaching profession will have adverse social or educational effects, will detrimentally affect school culture or the education of boys enrolled as students in primary schools.

What impacts on the quality of education is the quality of teachers and the quality of the relationship each student establishes with his or her teacher. An excellent teacher is not one determined by their gender, but rather by their ability to teach.

This includes an understanding of gender construction and its impact on students and teachers; actively and democratically involving students in their own learning; providing for a range of learning styles; being explicit about the outcomes towards which we are working; the criteria they will apply for assessment; confronting dominative, disruptive and harassing behaviour; and ensuring that all students can take an active part in class discussions, express feelings and take risks, without fear of being considered to be wrong.

Teachers need to encourage students to compete against themselves, rather than against others, and allow students to have a degree of control over the pace and direction of their learning—as well as encouraging students to support each other in their learning. This is what we require from good teachers. Research suggests that male teachers are less likely to implement gender-inclusive strategies, and are also less attentive to the needs of at-risk boys. This itself needs to be addressed, as opposed to simply trying to address the perceived gender imbalance.

It is important to recognise that gender is only one element in providing diversity among teachers. We need more indigenous teachers, more young teachers, more ethnic teachers and more disabled teachers. In these times of teacher shortages, quite simply, we need more teachers. We should have the best and most suitable teachers—and the ability to teach should be the primary consideration.

If we were to start paying teachers what they are worth; improve conditions; reduce class sizes; put money towards professional development and training; treat them with the respect they deserve; and give them decent and clear paths for promotion and pay increases, then we as a society might be able to attract more teachers and also a more diverse teaching work force. That is what we are all aiming for today.

MR SPEAKER: The discussion is concluded.

Health Amendment Bill 2003
Detail stage

Debate resumed from 23 September 2003.

Clause 1 agreed to.

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

Clause 4.

MR CORBELL (Minister for Health and Minister for Planning) (4.42): I seek leave to move together amendments 1 to 3 circulated in my name.

Leave granted.

MR CORBELL: I move amendments 1 to 3 *[see schedule 1 at page 3760]*.

Mr Speaker, these amendments make changes to the respective clauses to allow for an organisation which is not incorporated to be a potential bargaining agent under the provisions of the bill. This is a result of concerns raised with me by the Visiting Medical Officers Association, which is not an incorporated body and is currently taking action in the Industrial Relations Commission to have itself designated, effectively, as a union or registered organisation.

Under the provisions of the Workplace Relations Act, it is not possible for a body which is not incorporated to be recognised as a registered organisation for the purposes of that act. This change recognises the circumstances of the VMOA and does not preclude it from being a negotiating agent, pending the conclusion of its submission to the Industrial Relations Commission.

MS TUCKER (4.43): The Greens will be supporting the amendments. I understand that they are being moved because the VMOA is not an incorporated body and the amendments will allow it to be a negotiating agent.

MRS CROSS (4.44): Mr Speaker, I am pleased to see that the government has provided amendments after consultation with the major stakeholders. The amendments do add positively to the bill and, I gather, do deal with some of the complaints made by the various groups.

I hope that this bill will provide a reasonable negotiating base for the employment of visiting medical officers for the ACT hospital system. I trust that there will be no walkouts by doctors and that there will be no excessive additions to the waiting lists or the waiting times for surgery during the negotiating period. I hope that the minister will be able to assure the members of this Assembly that this new method of negotiating will be beneficial for people in the ACT and not cause undue stress and discomfort. I will be supporting the bill with the government's amendments.

MS DUNDAS (4.45): The ACT Democrats will be supporting not only these amendments but also the other amendments to be moved by the government, because they will improve the original bill. There has been a lot of work done in a very short timeframe to try to improve the original bill. The first three amendments that we are debating are quite simple in nature and clarify that we are talking about an entity as opposed to a corporation, which, as has been said, the VMOs were looking for and are therefore worthy of support.

Amendments agreed to.

MR CORBELL (Minister for Health and Minister for Planning) (4.45): I move amendment No 4 circulated in my name *[see schedule 1 at page 3760]*.

Mr Speaker, this amendment to clause 4 provides that a negotiating period which is determined by the minister after 31 December this year must not be shorter than three months, unless the partes to the negotiations agree to a shorter negotiating period. Again, this is a response by the government to concerns raised particularly by the AMA in this case but also by other doctor organisations and VMOs individually that the government may seek to create a very short negotiating period for any future agreement. They are concerned that they may face the prospect of being railroaded.

Whilst I do not think that that is a legitimate concern; nevertheless, it is an issue on which the government wants to reassure VMOs and the organisations and the government is proposing this amendment to provide that in any future negotiations there will be a minimum time for the negotiations to permit bargaining agents to deal with their members, seek advice from their members and be prepared to finalise a negotiation within a reasonable period.

Questions will probably be asked in this debate as to why the government is not proposing this period for the purposes of the current agreement, given that the current contracts expire on 28 November. The reason for that is that, first of all, there already has been an extension to the contract period and the government does not want to be in a position to see the contracts expanded over a lengthy period of time, given the work that is already under way.

The government will be in a position to provide both an offer and a draft contract to VMOs very shortly after the passage of this bill and that will allow negotiations to commence in a timely way. Given that the existing contracts will expire on 28 November, the provision of a three-month bargaining period in this instance could prolong the settlement of the negotiations and would not be in the best interests of the territory. Given that, Mr Speaker, I commend this amendment to members.

MR SMYTH (Leader of the Opposition) (4.48): Mr Speaker, the minister's speech was an indictment of his own inactivity. He said that the government does not want to see another extension occur. The question that really has to be asked is: why was there an extension from May to November in the first place? It was because the government did nothing about it. You have to ask yourself why we are here today, on 25 September, putting in place legislation that will govern how negotiations are to take place that, by the minister's own timeframe, he wants done by 28 November, two months away.

How important are these sorts of negotiations? They are that important that after the first round they should not be done in less than three months. It is illogical of the minister to stand before us and say that on this side of the end of the year it is okay to go short and on the other side of the end of the year it is okay to go long. If things are to be negotiated correctly and properly to achieve a good health outcome for ordinary Canberrans, let's do the negotiations properly. The government stands by its own activity in this time and groups of ordinary Canberrans should not be penalised because the government did not get its act together.

Why was this bill only tabled in August? Why are we only debating it now? It is because the government did not do its work. I think that this clause gives too much power to the minister—in particular, given that these contracts, when they are negotiated, will be the model contracts for the next five, six, seven, eight or nine years, and if we get it wrong to start with we will be back here at some time in the future fixing up Mr Corbell's mess. It is his mess; he is the minister. It is a mess he inherited from the previous Health Minister, Mr Stanhope, who also did not pay enough attention to the health portfolio. He should have been doing this work before he handed over the portfolio to Mr Corbell.

Members, I would ask that you do not pass this amendment. That would then give me the opportunity to move amendment No 1 circulated in my name, which sets the standard period at three months unless the parties agree. It would be good if the government, VMOs, the AMA and other doctor groups could come together and agree on a short timeframe, because you would then have a great starting point for negotiations; you would have consensus on how long it would take.

If you pass the minister's amendment, you are saying that the minister has the whip hand. The minister, because of his own inactivity and the laziness of the government in not having this matter before us much earlier, will punish others who will not have time to organise their skills. Let's face it: if we pass this amendment and this bill becomes law next week, there will be about seven weeks in which a group of VMOs will have to get organised, get the 50 requisite signatures, find an agent to represent them, come to the government and say, "Here's a group of 50 VMOs that represent at least three of the following categories and we would like to start negotiating with you. What's the first offer?"

Who in his or her right mind would think that that is going to happen in six or seven weeks and happen properly, without all sorts of silly tactics going on? It is illogical in the extreme to insist that the contracts that set the way in which VMOs will operate in our hospital for the next four, five, six, seven, eight or nine years has to be done so quickly. If it has to be done that quickly, if it is so important that it has to be in place on 28 November, why wasn't it in place for May when the contracts first expired and were extended?

The minister must have known that the contracts would expire in May. Why didn't we see this bill in June so that we could have debated it in August? Why were we only seeing it in August? Why are we seeing it now for debate in September? I would ask members to reject the amendment and give me an opportunity to put the case for the amendment I have circulated in my name.

MS DUNDAS (4.52): When I said earlier that I would be supporting all of the government amendments, I did mean it; but I believe that Mr Smyth has put forward a better amendment to this clause than the one proposed by the government. We are talking about a timeframe for negotiation. I think that it is important that we have the timeframe specified in legislation, which is why I am happy with what the government is doing, but I am concerned about the reference to 31 December 2003.

I do not think that the public interest will be served by having a rushed contract negotiation period. The three-month period is usually provided for in negotiations for a reason. I think that the period should be shortened only by agreement between the parties. It would be possible for the government to negotiate bridging arrangements to cover the VMOs whose contracts expire before negotiation or arbitration on replacement contracts has concluded. I believe that it is the fault of the government that we have been left until so late in this year with the establishment of a new framework for contract negotiations. I do not think that the VMOs should suffer as a result of that.

Whilst I am glad that we are putting in a minimum period for negotiations, I would like to see it applied to all of the contracts and not those being negotiated after 31 December 2003. As to the negotiations that will be coming up in November, the contracts can be extended or the parties might agree that they want to shorten the negotiation period for that set of contracts. Those options are available if we put in place a new framework now and not wait until 31 December.

MR CORBELL (Minister for Health and Minister for Planning) (4.54): Mr Speaker, it certainly would be in Mr Smyth's interests to create and paint a picture of disregard, a mess, chaos and all the things that he suggested in his speech. I am sure that any shadow Minister for Health would welcome an industrial dispute, but that is not in the best interests of the territory.

Let me try to put in some context what the government is doing here. The government is establishing a framework for negotiation which has not existed before in the ACT. It is a considerable piece of policy work to achieve that and it is something which has not been in place before in the ACT.

The approach that the government is proposing through this bill is the sort of approach which has been in place in New South Wales for a number of decades and the parties there manage to achieve a more orderly renegotiation of contracts without the widespread disruption experienced repeatedly in the ACT both before and since self-government. That is the reason for the timing now. This is not a minor change; it is a major change to the policy setting and it has required work for that change to be at the point where the Assembly can debate it today.

Mr Speaker, in relation to the point that Mr Smyth makes and in relation to the point that Ms Dundas makes, it is certainly the view of at least one doctor organisation that I have spoken to—that is, the AMA—that they are happy with only having this clause apply post-December. They appreciate that they need to see the negotiations dealt with in a timely way once this legislation has been passed. The VMOA has not expressed an opinion, but the AMA in discussion with me has not raised any concern about this clause

only applying to contracts and negotiations that occur post-December this year. So it is worth making that point.

Ms Dundas claimed that the contracts can be extended. Yes, they can be extended past 28 November, but they can be extended only by agreement. If the government is in dispute with a number of doctors, not necessarily all of them, those doctors may choose not to renew. That is their right and they may do that as a bargaining position. That has happened before and it may happen again.

For that reason, we believe that it is appropriate to be able to conclude the negotiations in a more timely way, if possible. That does not rule out the prospect of a longer negotiating period, but it means that we can achieve a shorter negotiation if all parties are happy. Acceptance of the proposition put by the Liberal Party would mean that it would be inevitable that negotiations would occur past 28 November. That would mean that there would be the serious prospect—I hope it will not occur—of some doctors not renewing their contracts as a bargaining position and putting pressure on the public hospital system.

Mr Smyth: It's your fault for not doing your work earlier.

MR CORBELL: Mr Smyth thinks that I should be punished for that. That is a political position, Mr Smyth, but I do not want to punish people in the public hospital system who need access to specialists and need access to surgery.

If the negotiations take longer, they take longer, and we will deal with that if and when it arrives. But I do not want this Assembly to say that you cannot achieve a negotiation within three months, which is what Mr Smyth is saying. Mr Smyth is saying that there must be a minimum period of three months. That precludes the government's capacity to achieve resolution within three months. That is my concern with Mr Smyth's amendment. That is why we believe that it is appropriate to continue on the course of action that I am proposing.

Mr Smyth: Read the amendment properly.

MR CORBELL: Mr Smyth interjects. Yes, Mr Smyth's amendment does say that there can be a shorter period by agreement. It does say that, but it gives significant bargaining power—

Mr Smyth: You have to have all the power. That's what it is about, isn't it? You have to have all the power.

MR CORBELL: It gives significant bargaining power to the VMOs, knowing that their contracts expire on 28 November.

Mr Smyth: But that is not their fault; it is your fault.

MR CORBELL: Again, Mr Smyth seeks to make political capital out of this situation, which will be to the detriment of the public hospital system. Some VMOs may choose not to renew their contracts, knowing that there is a minimum three-month negotiation

period, and that will have an impact on public hospital service provision. I am not ruling out that that might happen if we are unable to conclude negotiations within three months.

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

MR CORBELL I am not ruling out that that may not occur, but I am saying that we should not put ourselves in the situation of basically almost guaranteeing that it will occur because VMOs will know that their contracts expire on 28 November and they can hold out until the end of the minimum three-month period.

That is the proposition Mr Smyth is putting to the Assembly. Given that most doctors, certainly the major doctor organisation that I have spoken to, have not raised this issue—indeed, the VMOA has not raised this issue either—about a shorter period potentially for this round, I think that it is unreasonable for Mr Smyth to try to play politics with it, which simply guarantees that we will have potential withdrawal of service. I do not think that that is in anyone's interest. For that reason, Mr Smyth's amendment cannot be supported and members should instead support the government.

MR SMYTH (Leader of the Opposition) (5.02): Mr Speaker, I take great exception to what the minister has just said. Apparently it is my fault that he has been inactive, apparently I seek political gain because I want to ensure that there is a reasonable bargaining period to get these contracts right and apparently, because nobody else has raised it, it is not important.

I am seeking to ensure that these contracts will work and are not railroaded through so that we actually set up a system that might encourage other doctors to come to the ACT. My fear is that, if Mr Corbell's amendment gets up, we will have a minister who will ride roughshod over the existing VMOs and potentially scare away other doctors that might come here because they will adjudge the system as one that does not work, a system that will not let them be the doctors they want to be to deliver to the people of Canberra the services that they need.

If we do not get the first round of contracts right, that is the impression that we will give. Mr Corbell's argument is that, because there is no time left, we should not have this amendment. If there is no time left, he should resign as minister, because he has failed in his duty as minister to ensure the continuing ongoing good operations of the ACT health system. If he has not left enough time for that to occur, he is at fault, not the Assembly, not I and not the VMOs. He had a wake-up call on 28 May when the contracts first expired and he has had six months to fix them; the extension was for six months. Because of his inactivity, because of the laziness of the government, because of his inability to come up with amendments earlier, people will be disadvantaged. Ultimately, the people of Canberra will be disadvantaged if we have slipshod contracts.

Mr Corbell says that the system that he is putting in place is the system that has been operating for, I think he said, 20 years or so in New South Wales. How hard would it be to duplicate that system and bring it to the ACT? I put it to you, Mr Speaker, that it would not be particularly hard at all. We have vague excuses for his lack of action and

we have an opportunity for the minister to ask this Assembly to endorse his bullyboy activities about the VMOs.

The VMOs are ordinary Canberrans—they are taxpayers, they are ratepayers, they are voters—and they deserve to have a fair system to serve them. Why should the VMOs accept a system different from anybody else's system? Why should the first run at the system be less than will be given to the system after 31 December? That is illogical. Indeed, I think that it will lead to a bad outcome. It is the minister's fault that time has run out; he has been the inactive one.

I asked some weeks ago about where the VMO draft contracts were at. The government could not tell me. They have not been shown because they cannot be written until this work is done. This work is only being done today and the Assembly is being asked to endorse his inactivity because the minister could not get off his hands and do something much earlier in the year. He knew in May. He must have known before May. He must have had briefs as the incoming minister—I am sure that he had briefs as the incoming minister—in December that said that the VMO contracts were coming up and that he needed to start working on them. But no, what does he do? He sits on his hands. It is pathetic.

We should not be endorsing a system that disenfranchises the rights of individuals to negotiate fair and equitable conditions for themselves and, at the same time, deliver better conditions of service for the people of the ACT through the hospital system. What we are doing today could set a dangerous precedent. If this amendment gets up, it will mean that the minister can come back here at any time he wants and say that he needs a short timeframe because he has run out of time or because somebody might bargain harder as he has not done his work—disadvantage everybody else, but do not disadvantage the minister or the government.

The minister should not be rewarded with this amendment because of his inactivity. This amendment should go down. My amendment, which he misrepresents, does allow for a shorter negotiating period; it could occur. Negotiate seems to be a word that is foreign to the minister or he is afraid of. It is not a big call to say to people, "We need to do this quickly as the contracts are about to expire. How about it?" Negotiate. It is not hard to do. The amendment should go down.

MS TUCKER (5.07): I agree with Mr Smyth that the timing here is unfortunate. Why have we been put in this situation? I think that that is regrettable. I am concerned about Mr Smyth's argument. I was taking notes while listening to the arguments of Mr Corbell and Mr Smyth. Mr Smyth stressed over and again that the current situation is the fault of Mr Corbell and is due to his inability, laziness, lack of action, et cetera, but I do not think that that is what the decision here is about. I do not have a problem with Mr Smyth making those comments—one would expect that—but I do have concerns about the timing.

I would not put the timing situation down to laziness or use the other language that Mr Smyth used, but I think that the timing is a problem. I would say that we are faced with a situation where a decision has to be made right now on the ground of community interest. I hear Mr Smyth's argument that the arrangements being made for the VMOs in special circumstances are particularly unfair to them. This bill is a special piece of

legislation for the VMOs and I have already made comment on that. This situation is unique in lots of ways.

Mr Smyth asked who in his or her right mind would think it would be possible to manage this process in seven weeks. As I was led to understand by the minister, and I do not recall being told otherwise by the AMA or the VMOs, there has not been huge concern expressed about the possibility of this work being done in seven weeks. However, it could take longer. That would still be possible anyway under Mr Corbell's amendment. All we are really doing here is specifying a minimum period. I believe that most of the VMOs are wanting to work with this proposal in good faith. That has certainly been my experience of VMOs.

Mr Smyth made the point that, through negotiation, they could still agree to do that. I just think that it is really important that we make it absolutely possible to deal with this matter before 28 November. I am prepared to say that I think that the potential for widespread disruption to the health service because of an industrial campaign should be avoided as much as possible. Whilst I accept that there is an unfortunate situation in terms of timing, my considered view is that the community interest is best served at this point, looking at the history in the ACT of these sorts of questions, by supporting what Mr Corbell is proposing.

Question put:

> That **Mr Corbell's** amendment be agreed to.

The Assembly voted—

Ayes 8		Noes 5	
Mr Berry	Mr Hargreaves	Ms Dundas	Mr Stefaniak
Mr Corbell	Mr Quinlan	Mrs Dunne	
Mrs Cross	Mr Stanhope	Mr Pratt	
Ms Gallagher	Ms Tucker	Mr Smyth	

Question so resolved in the affirmative.

Amendment agreed to.

MR CORBELL (Minister for Health and Minister for Planning) (5.15): Mr Speaker, I seek leave to move together amendments 5 to 22 circulated in my name.

Leave granted.

MR CORBELL: I move amendments 5 to 22 circulated in my name *[see schedule 1 at page 3760]*.

Mr Speaker, these amendments simply continue the process the Assembly agreed to with my first amendments, that is, to provide for unincorporated associations to be potential bargaining agents.

MR SMYTH (Leader of the Opposition) (5.16): The amendments go a little bit further than the minister outlined. Amendment 20 and amendment 22 are different from the original pieces. Amendment 20 puts in place an executive offer, which we do agree to. Amendment 22 changes proposed new section 33G (2) and includes the concept of mediation, which all parties would agree to, so the Liberal Party will be supporting amendments 5 to 22.

MS DUNDAS (5.17): The ACT Democrats also will be supporting these amendments. We think that it is quite important that amendment 22 be inserted in proposed new section 33G, which makes it quite clear that we are talking about going to arbitration only if the matter is not resolved by mediation beforehand. I guess that was an oversight in the original piece of legislation put forward to us, but I think it is very important in setting up this arbitration system and having a debate about how it will work that we recognise that the arbitration system should kick in only after negotiation has been tried. Hopefully, we will never have to use the arbitration system we are setting up today, that things will work through negotiation, but it is important that we make quite clear that we are working for a negotiated outcome, a mediated outcome, before we sit down with an arbitrator.

Amendments agreed to.

MR SMYTH (Leader of the Opposition) (5.18): Mr Speaker, I move amendment No 2 circulated in my name [*see schedule 2 at page 3765]*.

This amendment inserts after the paragraph that we have just amended the principle that the arbitrator must have appropriate experience in determining conditions of employment. That might be a statement of the obvious at this point, but if my further amendment gets up it will set the way in which the process of arbitration will be carried out. I think it is important that we have that principle established, particularly if it comes down to negotiation over who should be the arbitrator. This amendment makes clear that the experience that we require first and foremost is in determining conditions of employment, not in some other area.

MS DUNDAS (5.19): Members might have noticed that this amendment is very similar to an amendment which I have circulated and which I will be moving next. The issue, though, is that my amendment would be going into a different section. Mr Smyth's amendment sits in with the provision that the matter being decided by arbitration must be decided by the appropriate arbitrator, whereas I have chosen to put it under section 33G (5), which talks about the principles and rules of the arbitration and says that the principles and rules must include a requirement that the arbitrator has appropriate experience. I am talking about making sure that the arbitrator has appropriate experience in determining conditions of employment. I guess we could have both of these amendments in the legislation, although it would make the legislation quite wordy, but I think my amendment is the more sensible one, because I think it is in the right section. That is all I have to say about that.

MR CORBELL (Minister for Health and Minister for Planning) (5.20): Mr Speaker, the government will not be supporting Mr Smyth's amendment. It will, however, be supporting the alternative approach proposed by Ms Dundas with an amendment.

I foreshadow an amendment to Ms Dundas' amendment which addresses the issue in a more appropriate manner.

MS TUCKER (5.21): I will not support this amendment. I understand that the crossbench members have agreed to support the government's amendment to Ms Dundas' amendment and that would need to happen with this amendment, too. I am not quite sure of the argument for having have it in two places, but you would have to amend this amendment as well. I will not support Mr Smyth's amendment, but it will still get into the legislation in an amended form.

Amendment negatived

MS DUNDAS (5.21): I move amendment No 1 circulated in my name *[see schedule 3 at page 3766]*.

Mr Speaker, this amendment is a simple one. We have already briefly had a discussion about what it does. The government bill provides for the appointment of an arbitrator to resolve a deadlock in negotiations regarding the VMOs' working conditions and my amendment makes it a requirement for the appointed arbitrator to have experience in determining conditions of employment.

The ACT VMO association was concerned that the wording in the original bill, which required appropriate experience, could result in an arbitrator being appointed who had extensive experience in arbitration but not in arbitrating employment matters. This is a minor amendment to address those concerns.

The Australian Industrial Relations Commission has assured me that there are many people with such expertise in the private sector who are able and willing to act as arbitrators in circumstances such as these, but I know that the government has foreshadowed an amendment to my amendment to change the wording to say that the relevant experience would be "including determining industrial awards". I do not have any difficulty with the subsequent wording and I am glad that we were able to work between the officers to get this right and make this legislation a little bit better.

MR SMYTH (Leader of the Opposition) (5.23): Mr Speaker, I would urge members not to support Ms Dundas' amendment so that I would get to move my amendment No 3. If members look at the system that I would prefer to set up what they will see that it would take out of the hands of the minister some of the power that is being concentrated through these amendments to the Health Act.

In the existing section 33G (3) the minister is not only a player in this event but also the rule writer and the umpire. I think anyone with any sense of Australian fair play would not like to see that happen. The current section 33G (3) says that the arbitration must be conducted under the Commercial Arbitration Act 1986 and in accordance with the principles and rules determined in writing by the minister. The minister is going to be at the negotiations, he is now writing the rules and he will probably be interpreting the rules.

The reason I talk to it at this point is that, if members go ahead with Ms Dundas' amendment, my amendment No 3 cannot be moved and we would then have a system set

up that is run by the minister for the minister and playing with the minister, instead of the system of arbitration that we all know in this country, which should be independent. I believe that independence goes with this.

The provision does say that the principles and rules determined in writing by the minister will be a notifiable instrument. We will be told what they are, but we will not have the opportunity to vet them. That is why I am saying that, if you were to reject Ms Dundas' amendment and go with my amendment No 3, you would have a much simpler system. It would be a much more elegant system in that its simplicity would mean that if you wanted to make it complex and you wanted to bring in the Commercial Arbitration Act and everything that flows from that you could, but it would be good if people could sit down around a table in a room and negotiate amongst themselves a much quicker and more equitable outcome.

As you can see from the statement of principles that I have put forward, section 33G (5) as it currently stands puts efficiency first, effectiveness second and quality of health service third. I think that the quality of health service must be up front, but it should also be efficient and effective. I think that we are sending the wrong message. The system is too prescriptive. It is a system that I think will become process driven. It is a system that concentrates way too much power in the minister's hands and it is a system that effectively cuts the Assembly out of scrutiny because, even though the instrument will be notified, our opportunity to have a say in it will be very much limited.

I would ask members not to vote for this amendment. It is an interesting bill. It is a bill that allows some VMOs to collectivise so that they can be worked over together in a group. That is what will happen simply because the minister will end up with all the power. That is not negotiation.

MR CORBELL (Minister for Health and Minister for Planning) (5.26): I move the amendment circulated in my name to Ms Dundas' amendment No 1 *[see schedule 4 at page 3766]*.

Mr Speaker, the government will be supporting Ms Dundas' amendment as amended by the amendment I have just moved to her amendment. My amendment proposes that the issue of having an arbitrator experienced in determining conditions of employment be deleted and, instead, experience in determining industrial awards be included.

The purpose of that is that VMOs, as members should understand, are not employees; they are contractors. The amendment clarifies that situation and avoids the inclusion in the bill of language which would suggest that there is some kind of employment relationship when, clearly, there is not. I am pleased that there has been some agreement between the government and the crossbenchers on this issue and I thank the crossbench members for their support and cooperation on that.

Mr Speaker, in reply to Mr Smyth's assertions, again we see Mr Smyth trying to talk up the prospect of confrontation. That may be very much in his political interest, but it is not in the public interest. That is exactly why the government is proposing the approach that it is proposing today—to achieve an outcome which is in the public interest, which respects the rights of VMOs but also respects the right of the territory to negotiate in a

fair, equitable and just way. That approach will be enshrined by this bill if it is passed today.

Mr Smyth should do his homework. If he had, he would have known that the arbitrator is the one who makes the decision when you have arbitration. Mr Smyth said that I would be the umpire. He was quite wrong. The arbitration act provides for the arbitrator to make decisions. It is the arbitrator's role to interpret the rules and the principles and it is the arbitrator's role to finally determine the matter. Mr Speaker, it is the arbitrator agreed by both parties who will be the decision maker. Mr Smyth should do some homework before he makes the sort of silly assertion which he made earlier in the debate on this amendment.

Mr Smyth: You should read your act.

Mrs Burke: Yes. We don't know what you are going to be doing. It is scary.

MS TUCKER (5.29): The debate on this amendment is linked to Mr Smyth's amendment, as he has explained. Mr Smyth has expressed concern about the process under the government's amendments—in particular, the notifiable instrument as to the principles that will be followed to guide arbitration. I heard Mrs Burke just say or imply that that would be an undue influence on the process.

Mrs Burke: Did I?

MS TUCKER: Mrs Burke, I thought you were saying that you thought that the minister would write the rules and that there was a problem with that. Did you not say that?

Mrs Burke: No, I did not.

MR SPEAKER: Direct your comments through me, Ms Tucker.

MS TUCKER: Sorry. Forget everything I just said about what you said, Mrs Burke. Obviously, I misheard you. I thought you were worried about the minister having too much power. I am glad that you are not worried about that.

Mrs Burke: I am. Don't twist my words.

MS TUCKER: Oh, you are. The draft principles I have seen so far, which I understand are being worked on with the VMOs, are basically about procedural fairness. They are much more specific in some ways than would be the case under the Commercial Arbitration Act in that these process issues have been added.

For example, the arbitration must be conducted in a fair and reasonable manner, having regard to the principles of equity and the need to ensure the provision of efficient and effective health services in the public interest. The appointed arbitrator must have appropriate experience. The arbitrator may, subject to the Commercial Arbitration Act 1986, determine the procedure for the arbitration. The arbitrator is not bound by the rules of evidence and may inquire into and inform himself or herself on any matter in such a manner as he or she thinks fit, subject to the rules of procedural fairness.

Basically, the whole thing is about procedural fairness, but I understand that there is concern—I can see how there could be concern—that another set of principles could be written later by a minister who is less concerned than Mr Corbell about procedural fairness. I understand that there is an amendment from Mr Corbell which says that these principles have to be fair and reasonable. At a briefing, I asked what that means legally. "Fair and reasonable" matches the term used in case law in National Mutual Life Association of Australia Ltd v Jevtovic. In this case, the judge adopted the *Shorter Oxford Dictionary* definition of the terms "just", "unbiased", "equitable" and "impartial". That is an important principle, understood to have meaning in law, that will guide any future writing on principles. From my perspective, I am still comfortable with what is happening at this point with the government's amendment.

Mr Corbell's amendment to **Ms Dundas's** proposed amendment agreed to.

Question put:

> That **Ms Dundas's** amendment, as amended, be agreed to.

The Assembly voted—

Ayes 9		Noes 4
Mr Berry	Mr Hargreaves	Mrs Dunne
Mr Corbell	Mr Quinlan	Mr Pratt
Mrs Cross	Mr Stanhope	Mr Smyth
Ms Dundas	Ms Tucker	Mr Stefaniak
Ms Gallagher		

Question so resolved in the affirmative.

Ms Dundas's amendment, as amended, agreed to.

MR CORBELL (Minister for Health and Minister for Planning) (5.36): I move amendment 24 circulated in my name *[see schedule 1 at page 3760]*.

This amendment proposes the insertion of the words "must be fair and reasonable" in proposed new section 33G (5) (c). As Ms Tucker outlined in her speech on the previous amendment, this provision requires a minister to make rules and principles in relation to arbitration which, amongst other things, must be fair and reasonable. As she outlined in her speech, the notion of what is fair and reasonable has been defined by the courts and is essentially a reference to being unbiased, just, equitable and a number of other words along those lines. I do not have the exact definition in front of me, but Ms Tucker read it out in speaking to the previous amendment.

The importance of this amendment is that it is, again, a response by the government to concerns raised by the VMOA and the AMA that the minister may seek to make rules and principles which are unfair towards VMOs. In response, the government has proposed this amendment, on the advice of both the Government Solicitor and the Parliamentary Counsel's Office, effectively to enshrine in the act the requirement that the

minister can only make rules and principles which are fair and reasonable, consistent with the definition of that term as defined by the courts.

MS DUNDAS (5.38): Mr Speaker, the government's amendment to require that the terms governing arbitration must be fair and reasonable goes a long way towards dealing with the VMOs' concerns that the arbitration process could be weighted too heavily in the government's favour. It is not normal for arbitrated settlements between contractual parties to be governed by the terms set by only one of the parties. It is more normal for the parties to negotiate terms of arbitration between them.

This amendment gives affected parties a right to go to the Supreme Court under the Administrative Decisions (Judicial Review) Act if the minister in the future creates an unfair set of rules to govern arbitration. Under the original set of words, there seemed to be very little in the way of a check on these new powers that we are giving to the government, so I am quite happy to see the government putting forward this amendment and I hope that the Assembly will support it today.

Amendment agreed to.

Clause 4, as amended, agreed to.

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

Bill, as amended, agreed to.

Order of business

Ordered that order of the day No 3, executive business, relating to the Financial Management Amendment Bill 2003 (No 2), be postponed until the next day of sitting.

Animal and Plant Diseases Amendment Bill 2003
Detail stage

Clause 1.

Debate resumed from 28 August 2003.

MR STANHOPE (Chief Minister, Attorney General, Minister for Environment and Minister for Community Affairs) (5.41): Mr Speaker, debate on the Animal and Plant Diseases Amendment Bill was adjourned on the last occasion it came before the Assembly. At that time there was discussion taking place about amendments proposed by Ms Tucker. Those amendments related to the extent to which the relevant acts should require information to be provided to the media in the event of an emergency animal or plant disease quarantine declaration.

I noted on that occasion that there was a need to have further discussions about the proposed amendments and members did agree to adjourn debate on the bill to allow those discussions to take place. That has occurred. The government now proposes to move a number of amendments that give effect to principles agreed in discussions by the government with Ms Tucker and the Greens and with the Liberal Party.

The position that has been discussed is that when the minister makes a declaration under the animal and plant diseases act that commences before it is notified notice of that declaration will now be required to be given to a daily newspaper circulating in the ACT, to both ABC radio and television, and to each commercial television and radio station broadcasting in the ACT. The proposed amendments use terminology that is taken from the Commonwealth Broadcasting Services Act 1992 and will give sufficient clarity and certainty for the smooth operation of these provisions.

It should also be noted that the relevant procedure manual requires the appointment of a liaison officer whose specific function is the dissemination of information. This officer is requested to contact affected individuals and advise them of the evolving situation in relation to any quarantine declaration.

I thank members for their participation in the discussions and for what I understand to be their agreement to the raft of amendments which are to be proposed. I believe that those amendments have been circulated.

Clause 1 agreed to.

Remainder of bill, by leave, taken as a whole.

MR STANHOPE (Chief Minister, Attorney General, Minister for Environment and Minister for Community Affairs) (5.44): I seek leave to move together the 12 amendments circulated by me.

Leave granted.

MR STANHOPE: I move amendments 1 to 12 circulated in my name *[see schedule 5 at page 3767]*.

MS TUCKER (5.45): The government's amendments have arisen from concerns my office raised when we began the debate on this bill in August. This bill, in essence, is designed to allow for prompt commencement of a quarantine declaration. Among other steps, one of the key triggers under this bill for an immediate declaration is to advise TV and radio stations.

Whilst one would imagine that, as the presentation speech said, more would need to be done by government to advise people of the quarantine declaration, whatever the legal procedure, it would seem to be inadequate to require government simply to notify a TV or radio station. Instances of people tuned to national radio or pay TV during the January fires and then being surprised by an emergency in their own backyard spring to mind.

In that context, in the August sitting I was exploring more comprehensive media notification requirements. When the view was put that I was being unrealistic by specifying media such as subscription broadcasting, my office contacted Foxtel and was assured that, despite their national reach, a crawler giving emergency information for the ACT would be quite simple to add to the signal.

The real issue in regard to media notification in this bill, however, is its role as an element of the legal procedure. It was suggested that if the tasks were too wide-ranging or open-ended, the status of an emergency declaration, or any subsequent requirements or penalties, would be too easily open to legal challenge. Consequently, I have negotiated a compromise position that requires government to notify the key electronic media and the daily press and I will be supporting Mr Stanhope's amendments and not moving my own.

The need to have an effective media strategy in all emergencies remains. At one end of the spectrum, the example of the fires highlights the need to have the capacity to intervene in any media, as necessary. I would hope that the protocols have already been confirmed or established with the relevant local and national media outlets.

We floated the idea of having a note in the legislation referring to the comprehensive media strategy that government would need to undertake in such emergency situations. It would be helpful to learn how government has addressed the issue. The minister has made mention of that strategy in his speech, I believe. It is a strategy whose details we would like to see tabled in the Assembly.

It is not just the major emergencies that raise these questions. In the in-principle stage of this debate, I raised the issue of bee diseases. Whilst there are only a few rural lessees with livestock and they can all be contacted directly by government, we do not know how many hives there are in suburban Canberra and we cannot contact all beekeepers. If any bee diseases got a foothold in the ACT, given the lack of regulation and supervision covering hives here, New South Wales apiarists would be very concerned if we did not have at the very least a strategy in place that would alert all suburban beekeepers of the situation and any action they may need to take. I intend to pursue that further.

MS DUNDAS (5.48): I will be brief in speaking to these amendments. I believe that they widen the government's responsibility to inform the media in the event that one of the instruments to declare a disease or quarantine area is used before it is able to be notified on the legislation register. This issue was raised in the McLeod report and I am happy to support the increased responsibility of governments to inform the community when they are declaring emergency situations.

The importance of government communication with the people of Canberra cannot be understated during times of crisis like the declaration of quarantine and other disease control measures. Recommendation 43 of the McLeod report states:

> Well-defined, well-practised processes should be developed to support the delivery of information to the public. This includes improving the alert mechanisms for residents prior to an emerging danger period.

The implementation of disease control measures is similar to an emergency situation, such as a bushfire, and I believe that it is appropriate to clarify in legislation that the government has a duty to extensively inform the community of emergency measures in times of adversity and how that communication should take place. Hence, I am supportive of the amendments.

MRS DUNNE (5.49): The Liberal opposition will be supporting these amendments, but I have to put on the record that they have been brought about by a storm in a teacup. There has been a general misunderstanding in this place of what is meant by this provision. It is not a media strategy; it is a commencement trigger. The media strategy is elsewhere in the emergency management plan. Members, quite rightly, may have concerns about the media strategy in the emergency management plan, but we are not debating the media strategy today.

We ended up adjourning the debate on this bill in August because, on reflection, Ms Tucker's amendments were far too complex. I would have been quite happy for the provision to have stayed the way it was in the bill originally drafted because it is only a trigger. In fact, it is a much more onerous trigger in many ways than the normal trigger for a commencement for a disallowable instrument, because we do not normally tell the media when we have made a disallowable instrument.

Most people do not know that the legislation register exists. Therefore, it is alien and unavailable to them. We are doing here something which is much more onerous and, in a sense, I have doubts about whether it should be done, because if we are facing Newcastle disease, foot and mouth disease or something like wheat streak mosaic virus, we need to act quickly, and that is what this will enable us to do.

Mr Speaker, this is not the media strategy. Can we get it right? We have been through several iterations of amendments and at one stage we were going to have an enormously complicated process with regulations that would name all the media outlets in the ACT, which I said that I would not agree to. That would place too much responsibility on officials because, if it goes out of date, the whole system would become unworkable. We are trying here to make the notification system workable so that we can respond to a situation that might arise—Lord help us if it does—if we ever have an outbreak of foot and mouth disease or a whole lot of other diseases, such as Newcastle disease, and we need to act responsibly.

We need to say again that this is not a media strategy. We also need to say to the Chief Minister that on this occasion, as on any other occasion when we activate the emergency management plan, there should be a media strategy, but that has been addressed by Mr McLeod in another context. I hope, seeing that the Chief Minister has said that he is taking on the recommendations of Mr McLeod, that they are modifying the media strategy so that it does work better.

We are in support of this recommendation that creates a trigger for the commencement of a disallowable instrument.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (5.52): I take the opportunity to thank the members who participated in the preparation of these amendments. It was a very constructive process, Mr Speaker, and I thank Mrs Dunne, Ms Tucker and Ms Dundas for their support and assistance in the way in which these amendments were developed.

The government has negotiated these amendments and is accepting of them. That was not our preferred position. To some extent, Mrs Dunne has touched on some of the

feelings and views that the government held initially in relation to this matter; but we believe, to the extent that we have negotiated these amendments, that a compromise has been reached. It is a compromise which my officials and I are happy to work with. Once again I thank members, acknowledging that Mrs Dunne does make some comments with which I have some sympathy. Nevertheless, we have arrived at a compromise position with which the government is happy. I thank members for their support in the way in which this particular matter has been dealt with.

Amendments agreed to.

Remainder of bill, as amended, agreed to.

Bill, as amended, agreed to.

Long Service Leave Legislation Amendment Bill 2003

Debate resumed from 21 August 2003, on motion by **Ms Gallagher**:

> That this bill be agreed to in principle.

MR PRATT (5.54): Mr Speaker, we will support the bill. We do not have anything that we need to raise or argue. With that in mind, I will dispatch it forthwith and sit down.

MS TUCKER (5.54): The Greens will be supporting this bill. The bill changes some entitlements in terms of pro rata payments in situations of redundancy and the preservation of public holidays when they occur during long service leave. In the first instance, the bill adjusts the pro rata entitlement under the Long Service Leave Act so that, if people are made redundant, their pro rata long service leave entitlement kicks in after five years, rather than seven years. The accountancy standards require employers to cover long service leave entitlements from five years in any event, so it ought not to be an impost on them.

This provision echoes the situation in New South Wales. While other states more generally offer pro rata leave on redundancy after seven years, a shift nationally to a five-year standard is being mooted. It is worth pointing out that ACT employees, even after 10 years service, are only entitled to 8½ weeks pay in any event, whereas many of the other states offer 13 weeks, so it is not as if ACT employees are getting an easy ride here.

The other provision in this bill ensures that the Long Service Leave Act and the building and construction industry and cleaning industry schemes are all adjusted to mirror New South Wales provisions which reimburse employees their public holiday benefits if they take long service leave over a period that includes public holidays. Clearly, if you took 8½ weeks off over March and April it would include Easter. Under the existing system, you would thus get long service leave of only about eight weeks. Given that arrangement, most employees presently take their leave in the second half of the year and in the end that is inconvenient for employers as much as it is for employees. All things considered, it seems reasonable to allow public holidays to be added to long service leave, rather than being consumed by it.

MS DUNDAS (5.56): The ACT Democrats are glad to give their support to this bill. Employment for life is a concept alien to most modern workers. Once almost all jobs were permanent, but that is now the exception rather than the rule. We know that most young workers will have more than one employer in their lifetime and are likely to be retrenched more than once. In such an environment, it is only fair to reduce the minimum period of service to earn an entitlement to be paid out for accrued long service leave following retrenchment.

Of course, where an employee leaves a job voluntarily or an employee is sacked for misconduct, there will be no additional cost to the employer. This change mainly affects employers who sack workers who have given at least five years of competent service. The provision requiring payment to be made to the estate of a deceased employee who gave at least five year's service will be an additional impost on employers, but it is unlikely to prove to be a large additional cost.

The provision adding an extra day's leave for each public holiday falling within the leave period is a sensible change. To avoid being penalised under the existing act, employees had often carefully chosen the start and end dates for leave to avoid losing public holidays. This change means that broken leave periods will no longer be necessary to avoid losing these leave days. I doubt that there will be any noticeable rise in cost for employers as a result of this change.

This bill is to be commended for bringing the ACT law on long service leave into line with New South Wales in the areas of entitlements upon retrenchment and additional leave to cover public holidays. It makes sense for workers' entitlements to be the same in Canberra as in Queanbeyan, particularly as some workers have jobs on both sides of the border.

I know that the minister is undergoing consultations on long service leave at the moment and this is not the only discussion of long service leave that we will be having in this place as there will be more in the near future. Even though this piece of legislation is quite simple, I think that any further debate we have on long service leave will be a little bit more complicated and will need to be considered quite carefully in terms of what we are asking employers to do as well as what we are giving employees. Finding a balance will be the challenge.

MS GALLAGHER (Minister for Education, Youth and Family Services, Minister for Women and Minister for Industrial Relations) (5.59), in reply: I will be very brief as well. I thank members for their support for this simple but important piece of legislation. I think the fact that it enhances the current conditions is very important. It also brings Canberra workers into line with Queanbeyan workers, which is quite sensible and is something that has broad community support from my discussions with employer and employee representatives. It is nice to see that community support being reflected in the comments of other members today. I have to say that Mr Pratt's speech was perhaps the best speech I have heard from him. It was supportive of the government's agenda and took, I reckon, less than 10 seconds, which was fantastic.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Adjournment

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

> That the Assembly do now adjourn.

Mr Tom Duncan

MR SMYTH (Leader of the Opposition) (6.00): Mr Speaker, I rise to speak this evening on the momentous occasion of the accession of one Thomas Duncan to the position of clerk of the house of the ACT. The pleasing thing about this is that, except for his first five years, Mr Duncan is well and truly a home-grown Canberran. It is great to see that Australia truly is the land of opportunity and that an immigrant from America can come to the ACT and end up as clerk of the house.

I have to admit that I have known Mr Duncan for many years and I might be audacious and claim that I have probably known him longer than anybody else in the place. Although I would not say Mr Duncan was following in my footsteps, he was a year below me at Marist College at Pearce and I am sure the school will be very pleased that a graduate of the college has done so well.

Right from the start, Mr Duncan was destined for great things. He received his tertiary education at the Australian National University. Having left school, he graduated as a bachelor of economics in 1983 and in 1987 he received a bachelor of letters degree in political science at the Australian National University.

He was not idle because, during that time as well, from about 1981, he was also working in the Department of Defence, of all places. He started as the ministerials office clerk class 1. He has come a long way since then. Since then, he has been an estimates officer, also in the army, an estimates officer in the Department of Defence and, in 1985, he moved to become a parliamentary officer class 5 in the Department of the House of Representatives resource management office. He looked after the senior officers.

All of Tom's training led him along a career path that brought him to this place, because after that he was a committee secretary for the Standing Committee on Expenditure, the votes officer for the bills and papers office, and a subcommittee secretary for the Joint Committee on Public Accounts. He was then the parliamentary officer, research and projects, as we would all know, in the office of the clerk at the New South Wales Legislative Assembly, a position to which he went on secondment from this place.

On behalf of the Liberal Party, Mr Duncan, I wish to say that it is a delight to see that somebody who has a deep grounding in the ACT and a firm grounding in the workings

of the ACT Legislative Assembly has risen through the ranks and is now the clerk of the ACT Assembly. Tom, we congratulate you.

Internet—use at schools
Belconnen Australian Rules Football Club

MR STEFANIAK (6.03): I add my congratulations to you, Tom.

I rise for two purposes. The first is a rather disturbing incident in a school which a constituent brought to my attention. I think he has brought it to the attention of the minister as well. I will not name the school. It concerns a year 3 class—my constituent states they were eight to 10-year-olds—which was using the internet to do its work.

Apparently, the work involved the Google website and the project was to find websites that described animals in Vietnam. The children apparently entered the words "animals" and "Vietnam" into the search engine, as one would expect, to carry out a search. Included in the websites that came up, however, was one which basically referred to young females and bestiality. The children did not look at that website. They called the teacher, who turned it off.

Apparently, the problem was that the teacher and the principal did not advise the parents of this but, when the kids got home, some of them must have discussed it with their parents because my constituent indicated the problem to me and indicated that at least one other parent had raised the matter. That other parent had apparently phoned the school and the principal and was not particularly satisfied with the response, which he or she thought was a little bit blase.

My constituent is very concerned that children were actually able to access such a website and has concerns about how the school handled it internally. Apparently, the parent who rang up was concerned that the response he or she got from the school was anger that the parents had queried what the school had done. My constituent also thought there should be at least some counselling or some explanation to the kids in the class, to address what had actually happened. I also understand that my constituent has taken it up with the minister.

I am very concerned about that. I understand that there are net filters to protect people from such things and that, in fact, this particular type of website, the Google website, has those very filters. I do not quite understand why those were not actually applied in this instance.

I can recall that, when the internet was beginning to be used in schools, one of the big concerns was that kids inadvertently might be able to access pretty horrible things such as these. I thought there were a number of steps being taken by the department and the schools just to ensure that this did not occur and to ensure that the schools did in fact use the net filters. I certainly raise that in the house as a problem.

I think it is important that the minister not only sort out that problem with the department and indeed the school concerned, to allay the fears of those parents who are obviously concerned, but that she also stresses to all schools that this can happen. Indeed, teachers

in all schools really do need to be aware of it because it has certainly greatly concerned my constituent and some other parents.

For obvious reasons, because this is going into *Hansard*, I have not read out the details of the website that came up, which was quite disgusting, and I will not. However, I want to raise this particularly worrying thing and I will certainly be chasing up the minister to ensure that that sort of situation does not happen again. I think we have been pretty lucky. It is the first time I recall hearing something like that, but I think schools should be particularly vigilant.

I also mention and congratulate a team in my electorate who took a while to get a premiership—about four or five goes—but they have gained back-to-back premierships, and that, of course, is the Belconnen Magpies, who have won their second first-grade premiership by one goal. That was a truly great result, so my congratulations to all players in the team. It is good to see a Belconnen team do well, and especially good to see that particular team win its second premiership. May they win a third, next year.

Chamber—discussion
Chief Minister
Minister for Health
Chamber—business

MRS DUNNE (6.07): I just wanted to rise, Mr Speaker, to make some comments on the interesting little session that we have just had. It was session not without its entertainments. I do not want to reflect on a ruling, Mr Speaker, but I was struck by your advice to Ms Tucker that, if she was struggling to be heard over the scrum of government members, she could assist all of us by moving a little bit to her left. Some of us would not have thought it possible for Ms Tucker to move any further to the left.

Earlier today, I thought the Chief Minister had to be awarded the deadpan award for speaking at length with a straight face while referring to the effects of the January bushfires on the smoky mouse, while all around him were collapsed in paroxysms of laughter.

The sitting cannot go by without some mention of the uncharacteristic flash of humour that we saw from the Minister for Planning yesterday. I thought it was a flash of humour, but it may have been a death wish to call a point of order in the middle of a speech being made by the Speaker.

Then there were a few embarrassments, Mr Speaker. There was the dixer that was ruled out of order—I thank you for that—because it duplicated a question already placed on the notice paper. The previous day, the government had sent a runner down to my office to say that it could not answer that question. It could not amass, in 30 days, a statement of what was being done in the ACT to reduce the bushfire hazard for this year. Perhaps it was too busy preparing the dixers.

Then we had the ludicrous spectacle of the government calling for a division on a motion to divide an amendment, losing it, and then solemnly, not once, but three times, moving to delete paragraphs and replace them with identical paragraphs, just so the government could claim that its words, and not the opposition's, went forward. Mr Speaker, I think it

is a pity that there is not a standing order against plagiarism. I will be writing to you on this matter. I will seek a ruling on whether such a thing is in order and whether we should allow it in future.

There are other standing orders about relevance that you wrote and spoke to, Mr Speaker. At one stage, when I took a point of order, you said that it was perfectly in order for the Chief Minister to give a political answer because the question had been of a political sort, and it invited a political response. I would have thought, Mr Speaker, that all questions on notice in this place were of a political nature.

Another exchange that I particularly enjoyed in question time was that occurring when Mr Smyth asked Mr Quinlan whether he stood by his statement about tourism funding, to which he answered, "No." I had to rely on my memory, but I think that is what he said—just the simple "No." There was no hedging, such as "That was the best estimate available at the time."

The thing is that, if we are talking about plagiarism, "no" has been a difficult word for the government this week. The Minister for Planning got himself into significant trouble by saying "no". As a consequence of his saying "no", we have had the first censure of a minister in this place, because he refused to comply with the instructions of the Assembly. It is not something that this Opposition does lightly. We do not employ it willy-nilly.

MR SPEAKER: It is highly disorderly to reflect on a vote of the Assembly, Mrs Dunne.

MRS DUNNE: Okay, I withdraw then.

This afternoon, Mr Speaker, we have the strange case of words attributed by the Chief Minister to an independent expert that do not appear to be the independent expert's words. Small wonder that the Chief Minister could not answer the ministerial code of conduct question, because we really do not have any ministerial code of conduct in this place.

It seems to me that, if we are serious for a moment, there is a pattern emerging here—a view that the members opposite, on the government benches, are not really accountable to the Assembly or anyone else, at least this side of the election. They do not have to comply with instructions or answer questions if they do not feel like it and, if they do not like what somebody else proposes, they can amend it and claim it was all their own work. We may have to use the next sitting as an opportunity to test this theory.

Internet—use at schools

MS GALLAGHER (Minister for Education, Youth and Family Services, Minister for Women and Minister for Industrial Relations) (6.11): I just want to comment on the issue that Mr Stefaniak raised in the adjournment debate earlier this evening, to explain the action that has been taken since the event occurred at the school.

It is very important to have on the record the fact that no website containing offensive material was accessed. A situation occurred in which a search engine was used which produced results containing offensive words, but the children involved were not provided

with any access to offensive graphics. Nonetheless, offensive text was returned in the search response.

The schools currently use a filtering service provided called Canberra Schools on the Net and that blocks all access to offensive material. This is the first reported occurrence of a problem in the last three years. Certainly, we will be querying CSN about how the incident occurred and how we can prevent such incidents happening again. We will also be querying CSN to determine whether other state education departments have reported similar incidents.

In relation to how it was dealt with at school level, the children were not upset. I guess there is always a balance to be considered—how do you discuss it with the children without inviting increased interest in the matter. However, the principal has certainly spoken to the parents who raised the issue with her on the weekend and again on Monday morning. The school has certainly addressed it.

I wanted to make sure that members knew that we were looking at it, we were taking it very seriously, and that measures have been put in place to ensure that it never happens again. I can assure members that the children did not have access to any pornographic or offensive material.

Questions on notice
Mr Tom Duncan

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, and Minister for Sport, Racing and Gaming) (6.13), in reply: Mrs Dunne referred to questions on notice. I wish to point out, first of all, that members might look at the annual report from the Assembly and the statistics on questions on notice. I also wish to point out that, during the course of the last Assembly, which went for three years and eight months, something like 403 questions on notice were asked. After less than two years in this Assembly, we are heading for the 1,000 mark.

Mrs Dunne: I think we have passed the 1,000 mark.

MR QUINLAN: We have passed the 1,000 mark. Many of them were of considerable length.

I do recall Mrs Carnell, as Chief Minister, standing up in this place to bewail the cost of the number of questions that we had asked which, looking at the statistics in the annual report, was at a fairly normal level. The number of questions coming forward now is almost five times that rate and many of those are quite lengthy questions. We are interested in open and accountable government but, if this is just a childish tactic to keep the government moving or something, it is actually wasting taxpayers' money.

I also congratulate you, Tom, on your appointment. You follow a man who is much admired in this place and who had a great deal of confidence in you. You also have something in common in relation to an association with a football team that has a big appointment on the weekend. I am wondering whether it is part of the selection criteria for the position of your deputy that that person will have to follow Collingwood. I would

like to be assured that you did follow Collingwood before you actually took the job—or was it just a price you had to pay?—because I don't know that people should adopt that position willingly.

Question resolved in the affirmative.

The Assembly adjourned at 6.15 pm until Tuesday, 21 October 2003, at 10.30 am.

Schedules of amendments

Schedule 1

Health Amendment Bill 2003

Amendments circulated by Minister for Health

1
Clause 4
Proposed new section 33A, definition of *authorised representative*
Page 2, line 14—

omit

a corporation

substitute

an entity

2
Clause 4
Proposed new section 33A, definition of *entity*
Page 2, line 16—

insert

entity means a corporation or an unincorporated association.

3
Clause 4
Proposed new section 33A, definition of *negotiating agent*
Page 2, line 17—

omit

a corporation

substitute

an entity

4
Clause 4
Proposed new section 33D (2A)
Page 4, line 5—

insert

(2A) A negotiating period determined after 31 December 2003 must not be shorter than 3 months unless the parties to the negotiations agree to a shorter negotiating period.

5
Clause 4
Proposed new section 33E (1)
Page 4, line 9—

omit

a corporation

substitute

an entity

6
Clause 4
Proposed new section 33E (2)
Page 4, line 11—

omit

a corporation

substitute

an entity

7
Clause 4
Proposed new section 33E (2) (a)
Page 4, line 13—

omit

corporation

substitute

entity

8
Clause 4
Proposed new section 33E (2) (b)
Page 4, line 21—

omit

corporation

substitute

entity

9
Clause 4
Proposed new section 33E (2) (c)
Page 4, line 22—

omit

corporation

substitute

entity

10
Clause 4
Proposed new section 33E (2) (c) (i)
Page 4, line 26—

omit

corporation or an executive officer of the corporation

substitute

entity or an executive officer of the entity

11
Clause 4
Proposed new section 33E (2) (c) (ii)
Page 5, line 1—

omit

corporation or an executive officer of the corporation

substitute

entity or an executive officer of the entity

12
Clause 4
Proposed new section 33E (2) (c) (iii)
Page 5, line 3—

omit

corporation

substitute

entity

13
Clause 4
Proposed new section 33E (2) (c) (iii)
Page 5, line 5—

omit

a corporation

substitute

an entity

14
Clause 4
Proposed new section 33E (2) (c) (iv)
Page 5, line 8—

omit

15
Clause 4
Proposed new section 33E (3)
Page 5, line 10—

omit

a corporation

substitute

an entity

16
Clause 4
Proposed new section 33E (3) (a)
Page 5, line 11—

omit

corporation, or an executive officer of the corporation,

substitute

entity or an executive officer of the entity

17
Clause 4
Proposed new section 33E (3) (b)
Page 5, line 17—

omit

corporation

substitute

entity

18
Clause 4
Proposed new section 33E (3) (c)
Page 5, line 20—

omit

corporation

substitute

entity

19
Clause 4
Proposed new section 33E (3) (d)
Page 5, line 25—

omit

corporation

substitute

entity

20
Clause 4
Proposed new section 33E (4), definition of *executive officer*
Page 6, line 10—

omit the definition, substitute

executive officer, of an entity, means a person, by whatever name called, and whether or not the person is a director of the entity, who is concerned with or takes part in the management of the entity.

21
Clause 4
Proposed new section 33F (1)
Page 6, line 15—

omit

corporation

substitute

entity

22
Clause 4
Proposed new section 33G (2)
Page 6, line 26—

omit new section 33G (2), substitute

(2) Unless resolved by mediation beforehand, the matter must be decided by arbitration.

23
Clause 4
Proposed new section 33G (5) (b)
Page 7, line 9—

omit

experience.

substitute

experience; and

24
Clause 4
Proposed new section 33G (5) (c)
Page 7, line 9—

insert

(c) must be fair and reasonable.

Schedule 2

Health Amendment Bill 2003

Amendments circulated by Mr Smyth

2
Clause 4
Proposed new section 33G (2A)
Page 6, line 26—

insert

(2A) The arbitrator must have appropriate experience in determining conditions of employment.

3
Clause 4
Proposed new section 33G (3) to (6)
Page 6, line 27—

omit proposed new section 33G (3) to (6), substitute

(3) The arbitration must be conducted under the Commercial Arbitration Act 1986.
(4) The arbitrator must conduct the arbitration proceeding having regard to the objective of improving the quality, efficiency and effectiveness of health services, and other public interest considerations.

Schedule 3

Health Amendment Bill 2003

Amendment circulated by Ms Dundas

1
Clause 4
Proposed new section 33G (5) (b)
Page 7, line 8

omit proposed new section 33G (5) (b), substitute

(b) must include a requirement that the arbitrator has appropriate experience in determining conditions of employment.

Schedule 4

Health Amendment Bill 2003

Amendment circulated by the Minister for Health to Ms Dundas' amendment

1
Amendment 1
Clause 4
Proposed new section 33G (5) (b)

omit

in determining conditions of employment.

substitute

, including in determining industrial awards.

Schedule 5

Animal and Plant Diseases Amendment Bill 2003

Amendment circulated by Minister for Environment

1
Proposed new clause 3A
Page 3, line 3—

insert

3A Definitions for Act
Section 4, new definition of *required media*

insert

required media means—

(a) a daily newspaper circulating generally in the ACT; and
(b) all national or commercial broadcasting services within the meaning of the *Broadcasting Services Act 1992* (Cwlth) broadcasting in the ACT.

2
Clause 4
Proposed new section 12 (5)
Page 3, line 21—

omit proposed new section 12 (5), substitute

(5) If a declaration commences before it is notified under the Legislation Act, the Minister must give notice of the declaration to the required media as soon as possible after the declaration is made.

3
Clause 5
Proposed new section 14 (7)
Page 4, line 18—

omit proposed new section 14 (7), substitute

(7) If a declaration commences before it is notified under the Legislation Act, the Minister must give notice of the declaration to the required media as soon as possible after the declaration is made.

4
Clause 6
Proposed new section 15 (7)
Page 5, line 10—

omit proposed new section 15 (7), substitute

(7) If a declaration commences before it is notified under the Legislation Act, the Minister must give notice of the declaration to the required media as soon as possible after the declaration is made.

5
Clause 7
Proposed new section 21 (5)
Page 6, line 1—

omit proposed new section 21 (5), substitute

(5) If a declaration commences before it is notified under the Legislation Act, the Minister must give notice of the declaration to the required media as soon as possible after the declaration is made.

6
Clause 8
Proposed new section 23 (7)
Page 6, line 22—

omit proposed new section 23 (7), substitute

(7) If a declaration commences before it is notified under the Legislation Act, the Minister must give notice of the declaration to the required media as soon as possible after the declaration is made.

7
Clause 11
Proposed new section 5 (6)
Page 8, line 10—

omit proposed new section 5 (6), substitute

(6) If a declaration commences before it is notified under the Legislation Act, the Minister must give notice of the declaration to the required media as soon as possible after the declaration is made.

8
Clause 12
Proposed new section 7 (6)
Page 9, line 1—

omit proposed new section 7 (6), substitute

(6) If a declaration commences before it is notified under the Legislation Act, the Minister must give notice of the declaration to the required media as soon as possible after the declaration is made.

9
Clause 13
Proposed new section 8 (7)
Page 9, line 23—

omit proposed new section 8 (7), substitute

(7) If a prohibition commences before it is notified under the Legislation Act, the Minister must give notice of the prohibition to the required media as soon as possible after the prohibition is made.

10
Clause 14
Proposed new section 10 (7)
Page 10, line 22—

omit proposed new section 10 (7), substitute

(7) If a declaration commences before it is notified under the Legislation Act, the Minister must give notice of the declaration to the required media as soon as possible after the declaration is made.

11
Clause 16
Proposed new section 12 (7)
Page 12, line 1—

omit proposed new section 12 (7), substitute

(7) If a declaration commences before it is notified under the Legislation Act, the Minister must give notice of the declaration to the required media as soon as possible after the declaration is made.

12
Proposed new clause 24
Page 17, line 28—

insert

24 Dictionary, new definition of *required media*

insert

required media means—

(a) a daily newspaper circulating generally in the ACT; and
(b) all national or commercial broadcasting services within the meaning of the Broadcasting Services Act 1992 (Cwlth) broadcasting in the ACT.

Answers to questions

Planning—appeals
(Question No 821)

Mr Cornwell asked the Minister for Planning, upon notice:

In relation to the ACT Administrative Appeals Tribunal Decision 24 of 7 May 2003, can you please advise why:

(1) Only sketch plans were ever provided to PALM;

(2) No landscape plans were ever provided, even at the time of the hearing, as accepted by Mr Streatfeild (paragraph 41) in direct contravention of the HQSD process;

(3) The plans had showed, incorrectly, winter shadowing only, not summer shadowing, yet shadowing was a major negative impact of the proposed development;

(4) The hard stand car parking spaces at the front of the house were not compliant with the Territory Plan;

(5) Only one of the five car parking spaces had been provided with a turning bay, even though during the hearing evidence was given that the bay was insufficient;

(6) The designs were so badly done, there was doubt that the roof could fit within the space allowed;

(7) By definition, the pre-application consultation was flawed, with sketchy, incomplete and quite inaccurate plans being presented to neighbours.

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

(1) The plans provided to ACTPLA (formally PALM) for the Development Application were not sketches in the normal sense of the word. They were properly drafted plans by a reputable designer representing the development as applied for by the applicants. The plans provided sufficient information to assess the merits of the proposal. The plans did not contain the structural specifications, as this level of detail is not required until the building approval stage. The AAT's decision did not indicate any concerns by the Tribunal in this regard.

(2) A landscape intentions plan was provided with the Development Application and this in combination with other information submitted with the application was deemed to be adequate to make a decision on the development application. The Commissioner for Land and Planning had imposed a condition on the approval to require a revised integrated site plan and landscape plan showing the existing and proposed landscaping on the block including species names. A revised landscape plan was provided to PALM in response to this condition. As the matter went to the Administrative Appeals Tribunal the revised landscape plan was not approved.

(3) The provision of shadow diagrams for the winter solstice, being the 21st of June, at 9am, 12 noon and 3pm is generally considered adequate to determine the worst potential impact of a development overshadowing a neighbouring property. It is not normally

considered necessary to require shadow diagrams for the summer solstice particularly when such proposals are compliant with performance measure setbacks. In this case the proposal satisfies all of the performance measures of the Territory Plan in relation to building height and setback and the overshadowing effects of the building are within the normal range allowed under the performance standards of the Territory Plan. However the effect on the amenity of the neighbouring resident particularly for their front porch in the late summer afternoons was considered by the Administrative Appeals Tribunal to be unacceptable, contrary to the view taken by both PALM and the former Commissioner for Land and Planning.

(4) The Territory Plan is a performance based document and while a development proposal may not meet an 'acceptable standard' it may nevertheless be considered for approval in terms of whether it meets the related performance criterion. The location of vehicle parking behind the front building line is a performance measure and therefore may still be considered supportable subject to it meeting the performance criterion. The Commissioner for Land and Planning considered the provision of one car parking space forward of the front building line was supportable. The Tribunal also found that this parking space was consistent with the performance criteria and objectives.

(5) The Commissioner for land and Planning determined that a turning bay was necessary for only one of the car parking spaces. Evidence was given during the hearing that the turning bay could be redesigned to comply with the required radius. The Tribunal concluded that failure to meet this performance measure did not require rejection of the proposal.

(6) The plans provided with the application did not provide full details of the roof construction and this level of detail is not typically considered necessary at the development application stage. Evidence was provided during the hearing demonstrating that the building could be constructed substantially in accordance with the approved plans. Any slight increase in height of the roof due to structural requirements could be compensated by increasing the depth of cut into the ground.

(7) In accordance with the pre application processes as set out in "Designing for High Quality and Sustainability" (Planning and Land Management, June 2001), the development proposal is to be presented to neighbours who may be affected at the earliest possible opportunity so that the proponents are aware of the neighbours concerns within the design process. This often involves plans that are at a preliminary stage. Neighbours are able to comment further on the final plans submitted with the development application, through the public notification process.

Children—foster care (Question No 826)

Mrs Burke asked the Minister for Education, Youth and Family Services, upon notice, on 19 August 2003:

In relation to foster care:

(1) As at 1 August 2003, how many children were awaiting placement in foster care;

(2) What is the current average waiting time for placement in foster care for children;

(3) Where are children awaiting foster care housed during the period in which a permanent placement is being organised;

(4) How many children had to be removed from foster care in (a) 2001-02 and (b) 2002-03.

(5) For what reasons did these children have to be removed;

(6) How many foster parents resigned or otherwise indicated they would not be taking on foster care children anymore in (a) 2001-02 and (b) 2002-03;

(7) What were the reasons that these people resigned;

(8) What strategies are being developed/implemented by the Government to address the circumstances covered in paragraphs 4, 5, 6 and 7 respectively.

Ms Gallagher: The answer to Mrs Burke's question is:

(1) 7 children were registered on the placement panel as at 1 August 2003. These children were awaiting 'suitable' out of home care arrangements, ie. they may be in short term – temporary foster care or temporary residential care.

(2) Information indicating the current average waiting time for placement in foster care for children is not kept by the Department. The waiting time for suitable placement can vary considerably depending on the needs and complexities surrounding the children awaiting a placement. It can also depend on the availability of a suitable long term foster care arrangement that is appropriate for both the child and carer. This needs careful consideration to reduce the likelihood of placement breakdowns and ensure best outcomes.

(3) Children that are awaiting suitable placement are housed with suitable short term foster carers, or residential settings that are coordinated by the non-government agencies until arrangements are made for suitable long term care.

(4) (a) There were 27 incidents of children that had to be removed from foster care in the 2001-2002 period.
(b) There were 44 incidents of children that had to be removed from foster care in the 2002-2003 period.

(5) The reasons for removal of these children were various and included:

- Critical incident;
- Unplanned move to another placement;
- Youth Justice detention order;
- Carer changed program;
- Child/young persons request;
- Conflict – Child/Young person and carer;
- Conflict – Child/Young Person and Residential Unit;
- Conflict – Other.

(6) Information is not kept by the Department on the number of foster parents who resigned or otherwise indicated they would not be taking on foster care children any more in (a) 2001-02 or (b) 2002-03.

(7) Many foster parents do not continue looking after children for a multiple range of reasons. These reasons are provided to the non government agencies that coordinate foster care placements and are not provided to Family Services as a matter of cause.

(8) The department is currently in the process of a range of strategies that will assist with addressing the circumstances covered in the previous paragraphs. Developments such as:

- Review of special appraisals;
- Review of the Children and Young People Act 1999;
- Statement of Commitment to Carers;
- Foster carer survey;
- Foster care promotion campaign;
- National foster care plan;
- Vision Forum.

Additionally, Family Services routinely works with stakeholders in the sector including the Foster Care Association, Non-Government Foster Care Agencies and CREATE through the Substitute Care Committee and the Practice Partnership Group.

Firefighters (Question No 828)

Mrs Dunne asked the Minister for Police and Emergency Services, upon notice, on Tuesday, 19 August 2003:

In relation to firefighting:

(1) How many fire unit captains and deputy captains are on the ACT Government payroll as firefighters;

(2) What are the qualifications of each captain and deputy captain;

(3) In each case, when were they last upgraded;

(4) What provision exists for ongoing training and upgrading of firefighting skills.

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

(1) Each departmental brigade has a captain and a number of deputy captains on the ACT Government payroll. There are two departmental bushfire brigades. Therefore, there are two Captains and 14 Deputy Captains.

(2) The ACT Bushfire Service (ACTBS) officer qualifications are defined by a policy decision in 1999 by the then ACT Bushfire Council and align with the National Training Qualifications Framework (NTQF) approved by the Australian National Training Authority.

The types of training departmental officers are required to undertake include:

- Divisional Controller
- Operations Officer
- Logistics Officer
- Planning Officer
- Response to wildfire
- Incident Control System Introduction
- Advanced fire weather training
- Development of incident control strategies
- Working in a team
- Communicating in the workplace
- Following defined Occupational Health and Safety practices and procedures
- Operating communications systems and equipment
- First Aid
- Leadership, command, and supervision qualifications
- Control and coordination qualifications
- Various qualifications associated with working around and with aircraft
- Driving vehicles under operational conditions

Not all current officers have completed all of these training requirements, as curriculum for some is not yet available and the ACTBS is still in the process of completing its Recognition of Current Competency requirements. Also, the ACTBS is still in the transition period from the previous training framework to the NTQF.

(3) Training is offered to all ACTBS officers and crew throughout each year. Often members who have previously qualified in a specific skill elect to attend the training again as a refresher. Alternatively, the skills used during normal brigade operations and training is sufficient to ensure that they are maintaining their competence. The ACT Bushfire Council policy requirement is that if an officer has not attended an incident for two years that officer must undergo a skills maintenance program before the commencement of the next bushfire season.

(4) Officers are provided with a number of opportunities for training and upgrading their skills. Brigades organise and conduct training throughout the year. The Emergency Services Bureau also organises and conducts training. Additionally, brigade officers may attend and are provided opportunities to undertake training conducted by other fire agencies around Australia.

The Emergency Services Bureau sponsors a number of people to attend national conferences and workshops that are conducted for members of the various fire and other emergency service agencies around Australia. The Emergency Services Bureau also supports and promotes a mentor system whereby during emergency responses, an officer is assigned to another officer with more experience to assist with and to learn about fire management.

Workplace injuries
(Question No 835)

Mr Pratt asked the Minister for Industrial Relations, upon notice, on 20 August 2003:

(1) How many workplace injuries were reported during 2002-03 and how does this figure compare to (a) 2001-02 and (b) 2000-01;

(2) What is the breakdown of workplace fatalities by industry during 2002-03;

(3) How many workplace fatalities occurred during 2002-03 and how does this figure compare to (a) 2001-02 and (b) 2000-01;

(4) How many legal cases relating to workplace safety issues were finalised during 2002-03;

(5) What was the outcome of each of the legal cases finalised during 2002-03;

(6) How much did WorkCover spend on workplace compliance during 2002-03;

(7) How much did WorkCover spend on legal cases during 2002-03 and how does this figure compare to (a) 2001-02 and (b) 2000-01;

(8) As at 30 June 2003, how many legal cases did WorkCover have in train during 2002-03;

(9) What proportion of these cases do you anticipate will be finalised during 2003-04;

(10) How many legal cases will ACT WorkCover undertake as a result of the recent ACT fireworks season;

(11) How much did ACT WorkCover spend on prosecuting fireworks related cases during 2002-03 and how does this figure compare to (a) 2001-02 and (b) 2000-01;

(12) How much did ACT WorkCover spend on compliance issues related to the ACT fireworks industry during 2002-03 and how does this figure compare to (a) 2001-02 and (b) 2000-01.

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

(1) How many workplace injuries were reported during 2002-03 and how does this figure compare to (a) 2001-02 and (b) 2000-01?

ACT employers must report work related injuries under *the Occupational Health and Safety Act 1989* and the *Workers Compensation Act 1951.* While the coverage of each of the Acts is different the information collected is complementary; nationally workers compensation data has demonstrated over time that it is a reliable proxy measure of occupational health and safety injuries.

While workers compensation data is a reliable proxy measure there is a time delay in the data collection, which requires regular review and updating as additional data becomes available. Recent changes to the Workers Compensation Act, which regulates the private sector, have changed the way in which workplace injuries are reported to employers and insurers. The changes in reporting requirements may have increased the number of injury reports in the private sector workers compensation scheme.

NB. *The ACT private sector workers compensation scheme does not cover the self-employed or other persons who are not within the scope of the Workers Compensation Act.*

ACT workers compensation insurers are required to provide a monthly update of all claims with a lodgement date in that month to WorkCover. This information must be supplied

within fourteen days of the end of the previous month. However, the monthly update does not capture injuries where the injury date is earlier than the claim lodgement date. For example, if an injury was to occur on 30 June the injury date is in June. However, if the claim is not made until the next day (1 July) then the injury has a lodgement date in July and this information would not be sent to WorkCover until the subsequent monthly update.

A further complication in workers compensation data is the delay in claim lodgement. The absence of claims development in the most recent injury year means that the most recent year will usually show a lower level of claims than the older injury years. The data below shows the claims lodged in each year with a common extraction date for each injury year and a second column with the claims lodged as at 31 August 2003.

Workers compensation data for public sector workers is collected by COMCARE under the *Safety Rehabilitation and Compensation Act 1988.*

ACT Private Sector Workers Compensation Claims
Accepted claims

Financial Year	At 31/08	Actual as at date	As at 31 August 2003
2000-01	2,657	31/08/2001	3,208
2001-02	3,059	31/08/2002	3,176
2002-03	3,395	31/08/2003	3,395

ACT Public Sector Workers Compensation Claims
Accepted claims

Financial Year	At 31/08	Actual as at date	As at 31 August 2003
2000-01	773	31/08/2001	3,208
2001-02	758	31/08/2002	3,176
2002-03	782	31/08/2003	3,395

Reported injuries are as at 31 August in each of the injury years reported.

The date is included to show the date at which successfully loaded insurers data has been extracted. The data is subject to regular review and revision as further data is successfully loaded.

(2) What is the breakdown of workplace fatalities by industry during 2002-03?

There is significant ambiguity in the definition of workplace fatalities. The ambiguity arises from the lack of a nationally agreed consistent definition of a workplace fatality as outlined below. The National Occupational Health and Safety Commission and the Commonwealth Department of Workplace Relations have been working together with all Australian jurisdictions to develop better data and collection systems in relation to fatalities including improved definitions however, at this time the only reliable data remains the number of compensated fatalities recorded by the workers compensation schemes.

The ACT private sector workers compensation scheme and the Comcare scheme that covers ACT Public Sector employees record compensated fatalities in the ACT. A compensated fatality is one in which a claim for compensation has been successfully made by the dependants of a dead worker. However, in some cases the dead worker will have no dependents and therefore no one to make a claim for compensation for that worker. Additionally a worker may die as the

result of a workplace injury caused by a disease, however, unless the employment substantially contributed to the death of the worker the dependants will not be compensated for the death.

The current national consensus is that compensated fatalities represent the most reliable indicator of the number and extent of work related fatalities. This is the data set used in the Comparative Performance Monitoring Report of Australian and New Zealand Occupational Health and Safety and Workers' Compensation Schemes produced annually by the Workplace Relations Ministers' Council.

Preliminary information shows that during 2002-03, three fatalities at workplaces were recorded. These occurred in the Transport, Construction and Property and Business industry sectors.

One fatality was a truck driver who was killed when his truck overturned on a express-way.

One fatality appears to have resulted from an electrocution.

For one fatality the Coroner found that the death of a cleaner at a supermarket was from natural causes.

This preliminary information will be finalised in the CPM Report to be issued in 2004 after the full analysis of data post December 2003.

(3) How many workplace fatalities occurred during 2002-03 and how does this figure compare to (a) 2001-02 and (b) 2000-01?

Injury year	Compensated fatalities
2000/2001	2
2001/2002	3
2002/2003	3*

*Final data to be confirmed in the CPM Report in 2004

(4) How many legal cases relating to workplace safety issues were finalised during 2002-03?

Three workplace safety cases were finalised in the Magistrates Court.

(5) What was the outcome of each of the legal cases finalised during 2002-03?

There were two cases under *the Occupational Health and Safety Act 1989.*

In the first case the defendant was found guilty of one charge relating to the fall from height of a construction worker.

The defendant was fined $1,000.

In the second case the defendant was found guilty on two charges relating to an electric shock and amputation of a worker's fingers whilst using sawmill equipment.

The defendant was fined a total of $2,250.

There was one case under the *Gas Safety Act 2000*

The defendant was found guilty on eight charges of installing gas appliances when not licensed to install gas appliances.

The defendant was fined a total of $2,050.

(6) How much did WorkCover spend on workplace compliance during 2002-03?

To meet the objectives of *the Occupational Health and Safety Act 1989* ACT WorkCover is required to undertake strategies to:

- secure the health, safety and welfare of employees at work;
- protect persons at or near workplaces from risks to health or safety arising out of the activities of employees at work;
- promote an occupational environment for employees that is adapted to their health and safety needs; and
- foster a co-operative consultative relationship between employers and employees on the health, safety and welfare of employees at work.

These activities plus those relevant to associated safety law mean that workplace compliance is a broad task. The compliance continuum is outlined on page eight of WorkCover's Strategic Plan 2002-04 and includes increasing safety awareness through promotion activities, the provision of information and the provision of relevant education and advice to encourage the highest possible levels of voluntary compliance. In addition written directions, notices and investigations for the provision of briefs of evidence to the Director of Public Prosecutions are all part of the delivery of enforced compliance services. Effective compliance requires the full range of voluntary and enforced compliance activities.

WorkCover's total budget for 2002-03 was $7.3m of which $5.5m focused on workplace compliance. Services related to workers compensation compliance and corporate services have been excluded from the calculation of workplace compliance expenditure. The calculation of workplace compliance expenditure has included salaries, and proportion of accommodation costs, IT services, use of vehicles and specific projects costs to ensure the full cost of workplace compliance is recorded.

(7) How much did WorkCover spend on legal cases during 2002-03 and how does this figure compare to (a) 2001-02 and (b) 2000-01?

The following table sets out the total legal costs arising from regulating the legislation administered through WorkCover:

Type of Costs	2000-01	2001-02	2002-03
Dept of Justice and Community Safety costs on behalf of WorkCover	$86,889.10	$145,562.30	$183,926.70
WorkCover costs	$100,657.96	$375,547.72	$244,279.69
Total Costs	$187,547.06	$521,110.02	$428,206.39

These figures do not include legal costs for the Nominal Insurer under the *Workers Compensation Act 1951* or the Workers Compensation Supplementation Fund under the *Workers Compensation Supplementation Fund Act 1980.*

The expenses incurred by the Department of Justice and Community Services on behalf of ACT WorkCover are reflected in ACT WorkCover's annual report's as resources received free of charge, that is, a non-cash item. Actual expenses by the Department of Justice and Community Safety are reflected in the financial statements of that Department's annual reports.

(8) As at 30 June 2003, how many legal cases did WorkCover have in train during 2002 03?

Under the *Occupational Health and Safety Act 1989* three briefs of evidence were prepared for the Director of Public Prosecutions consideration. Summonses have been issued in relation to all three cases. All of theses cases are related to safety on construction sites.

Under the *Workers Compensation Act 1951* two briefs of evidence were prepared for the Director of Public Prosecutions consideration.

Under the *Dangerous Goods Act 1975* there were seven Magistrates Court matters, held over from the previous two years, pending appeals in related Supreme Court and ACT Appeals Court cases.

(9) What proportion of these cases do you anticipate will be finalised during 2003-04?

The timing of the legal or court processes referred to in Question 8 cannot be predicted. As cases are finalised they are reported in ACT WorkCover's Annual Report.

(10) How many legal cases will ACT WorkCover undertake as a result of the recent ACT fireworks season.

There are currently seventeen incidents under active investigation.

It is too early to predict how many of the current investigations will be developed into briefs of evidence for the consideration of the Director of Public Prosecutions.

(11) How much did ACT WorkCover spend on prosecuting fireworks related cases during 2002-03 and how does this figure compare to (a) 2001-02 and (b) 2000-01

Information available from WorkCover shows the following direct costs:

Type of Costs	2000-01	2001-02	2002-03
Supplies and Services Costs	$223,000	$618,000	$1,077,000*
Estimated Staff Costs	$200,000	$200,000	$200,000**
Total Costs	$423,000	$818,000	$1,277,000

* Includes costs associated with disposal of 41 tonnes of fireworks forfeited to the Territory in legal cases. This quantity had been previously reported as an estimated 37 tonnes, formal weighing processes have determined the final weight as 41 tonnes.

**Whilst the salary costs increased across the financial years the proportional administrative costs per staff member reduced meaning that the estimates staff costs remained similar.

(12) How much did ACT WorkCover spend on compliance issues related to the ACT fireworks industry during 2002-03 and how does this figure compare to (a) 2001-02 and (b) 2000-01.

Compliance includes education, advice and information as well as other enforcement action such as written directions and record audits.

Compliance issues related to the fireworks industry required the following expenditure (including the costs outlined in (11) above):

Fireworks Industry Compliance Costs	2000-01	2001-02	2002-03
Estimated staff costs - compliance	$50,000	$50,000	$50,000
Total Prosecution Costs (from (11) above)	$423,000	$818,000	$1,277,000
Total Compliance Costs	$473,000	$858,000	$1, 327, 000

Bushfire fuel management plan (Question No 843)

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on Wednesday, 20 August 2003:

In relation to the Bushfire Fuel Management Plan:

(1) Was the Bushfire Fuel Management Plan revised and re-issued by 30 June 2002, in accordance with the legislation enacted in December 1996;

(2) On 30 June 2002, were all ACT national parks, nature reserves, urban open spaces, horse paddocks, unleased rural land and plantation forests revised and their fuel management plans updated in the parent document, the Bushfire Fuel Management Plan;

(3) Was the $100,000 funding allocated in Budget Paper 3, 2000-2001 page 137, identified for public use infrastructure and blackberry control, fully utilised, if so, where;

(4) Can the Government please provide a breakdown of the expenditure of the $100,000.

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

(1) The Bushfire Fuel Management Plan was revised and re-issued by June 2002. To allow for the 2002/2004 Bushfire Fuel Management Plan to include consideration of fuel management factors arising from the Christmas 2001 bushfires, the Minister accepted a recommendation to extend the 2000/02 plan for a further six months. In accordance with the legislation, the Minister agreed on 13 March 2002 to accept the existing 2000/02 plan as the plan for the following six months and a new Forward reflecting this decision was issued. Public consultation was not necessary as there had been public consultation for the 2000/02 plan and public consultation was due to be conducted for the draft 2002/04 plan. The 2002/04 Bushfire Fuel Management Plan was issued in November 2002.

(2) In relation to the number of other open spaces you referred to, the fuel management plans were updated in June 2002 and were subsequently incorporated into the Bushfire Fuel Management Plan 2002/04 which was released in November 2002.

(3) I am advised by ACT Forests that due to their electronic and paper records being destroyed in the fires no specific breakdown of the $100,000 expenditure is available.

(4) I understand that the $100,000 was fully utilised. A significant amount of the funding was spent on the weed control program, in particular, blackberry control in the Kowen and Uriarra areas. Part of the funds were spent on improvements to Deeks Forest Park, Woods Reserve and Blue Range.

Emergency management plan (Question No 844)

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on Wednesday, 20 August 2003:

In relation to the ACT Emergency Management Plan:

(1) When was the ACT Emergency Management Plan last revisited;

(2) Were the lessons of the December 2001 bushfires taken into consideration and written into a revision of the Plan;

(3) Was the execution of the ACT's emergency response to the 8 January 2003 bushfire outbreak and the subsequent fighting of the fire through to, and beyond, 18 January 2003, in accordance with the requirements of the ACT Emergency Management Plan;

(4) Were the bushfire preventative measures laid down in the ACT Emergency Management Plan adhered to in the year leading up to 18 January 2003.

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

(1) The ACT Emergency Plan was last formally revised in the year 2000 as part of the preparations for the Olympic Games in Sydney but the Emergency Management Committee (EMC) meets every six weeks and does review updates from time to time. Some aspects of the Plan were being revised following the 2001 fires, most notably the updating of the media annex. This was being revised to reflect the broader community information requirements prior to the 2003 fires.

(2) An EMC action list, incorporating 24 items, was developed following the December 2001 bushfires. This action list is monitored and updated at every EMC meeting and the majority of the action items are now completed. The outstanding issues are being progressed at present.

(3) The 2003 fires were fought in accordance with primarily the *Bushfire Act 1936* but then on the Declaration of the Emergency the arrangements were under the *Emergency Management Act 1999*. The McLeod Inquiry Report had identified a number of areas for review of the *Emergency Management Act 1999* as a result of the fires.

(4) There are no bushfire preventative matters in the ACT Emergency Plan. The Plan is an overarching "all hazards, all agencies" outlined coordination plan for response to emergency events, and does not include preventative measures for specific hazards. The Bushfire Fuel Management Plan outlines the fuel management preventative measures and various community events did contain advice on the then impending severity of the 2002/03 season.

Home and community care funding (Question No 848)

Mr Cornwell asked the Minister for Health, upon notice:

In relation to Home and Community Care (HACC), Handy Help and Home Help funding:

(1) How much funding has been provided via HAAC to the Handy Help program for (a) 2002-03 (b) 2001-02 and (c) 2000-01;

(2) How much funding has been provided via HACC to the Home Help program for the years at (1) above

(3) What specific services do both the Handy Help and Home Help programs provide, and who is able to access these services;

(4) Are there any charges to the user of the Handy Help and Home Help services and if so, what are those charges and how are they applied.

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

(1) Handy Help ACT Inc received funding;

a.	In 2002-03	$641,684
b.	In 2001-02	$570,262
c.	In 2000-01	$498,320

(2) Home Help Service ACT Inc received funding:

a.	In 2002-03	$2,239,905
b.	In 2001-02	$1,973,599
c.	In 2000-01	$1,755,114

Both Handy Help and Home Help provide basic support services to allow people to continue to live at home for a much longer period rather than being in residential care. However, the services provided by these agencies are very different.

Services provided by Handy Help include home maintenance (lawn mowing and spring cleaning) and home modifications.

Services provided by Home Help include domestic assistance (similar to regular house cleaning, eg, vacuuming, cleaning the toilet and shower) and personal care (eg. assistance with showering and dressing).

Both services are funded under the HACC program so access to these services is for the target population as defined by the "National Program Guidelines for the HACC Program". That is:

> *persons living in the community who, in the absence of basic maintenance and support services provided or to be provided within the scope of the Program, are at risk of premature or inappropriate long term residential care, including:*
>
> *(i) older and frail persons, with moderate, severe or profound disabilities;*
> *(ii) younger persons with moderate, severe or profound disabilities; and*
> *(iii) the carers of persons (as above)*

(4) Both Handy Help and Home Help services have client co-payments for the services they

provide. These fees policies have been developed in accordance with the "National Program Guidelines for the HACC Program". A copy of the fees schedules of these two organisations is attached. (*Attachments are available at the Chamber Support Office.*)

Canberra Hospital—staff assaults (Question No 849)

Mr Cornwell asked the Minister for Police and Emergency Services, upon notice, on Wednesday, 20 August 2003:

In relation to assaults on medical staff employed at The Canberra Hospital:

(1) How many reported acts of assault, abuse, other criminal acts or offensive behaviour have been committed against nursing or other staff by patients, visitors or others at The Canberra Hospital in (a) 2000 (b) 2001 (c) 2002 (d) 2003;

(2) What is the average number of reported incidents on a (a) daily basis and (b) monthly basis for each of the years at (1) above;

(3) Have any of the reported incidents at (1) above resulted in criminal convictions, and if so, how many;

(4) Have any surveys been conducted on staff at The Canberra Hospital to ascertain the level and frequency of assault, abuse, other criminal acts and offensive behaviour that may have gone unreported;

(5) Could figures also be provided for the reported assaults, abuse, other criminal acts and offensive behaviour against both patients at, and visitors to, The Canberra Hospital for the years listed at (1) above;

(6) Are there arrangements in place at The Canberra Hospital to encourage staff, visitors and patients to report assaults, abuse, other criminal acts and offensive behaviour, and if so, what are those arrangements.

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

(1) Acts of assault, abuse, other criminal acts or offensive behaviour committed against nursing or other staff by patients, visitors or others at the Canberra Hospital are recorded in Accident/Incident Reports in accordance with the *Occupational Health and Safety (OH&S) Act 1989*. The number of incidents reported in 2000, 2001 and 2002 and between 1 January and 20 June 2003 are set as follows:

(a) 2000 - 79
(b) 2001 - 51
(c) 2002 - 59
(d) 2003 - 49 (Jan-Jun)

(2) (a) Average daily no. of reported incidents

2000	2001	2002	2003
0.22	0.14	0.16	0.27 (Jan-Jun)

(b) Average monthly no. of reported incidents

2000	2001	2002	2003
6.58	4.25	4.92	8.17 (Jan-Jun)

(3) For the following years there were a number of charges laid for assault at the Canberra Hospital location.

(a) 2000 - 41
(b) 2001 - 23
(c) 2002 - 9
(d) 2003 - 16 (figures for 1/1/03 to 24/8/03)

Given the time consuming nature of the task, ACT Policing cannot provide details on the number of criminal convictions resulting from these charges. This information is held by the courts.

(4) Surveys of this type have not been conducted.

(5) ACT Policing collects offence data for Canberra Hospital; however, there are a number of limitations on the figures. When recording incidents on the computer system, officers do not have to fill in the common place name 'Canberra Hospital', although they must record the location of any incident. Given this, there may be instances where incidents are recorded in the computer system but are not associated with the common name 'Canberra Hospital' field. It would be too resource intensive and time consuming to examine every individual report to identify those assaults and related offences occurring at Canberra Hospital where the officer has not used the common field. Further, this data includes all incidents within and outside Canberra Hospital and may include offences against staff as well as other people. For example, a car park assault between two visitors will be included.

Given these stipulations, the number of assault offences (sexual and non-sexual) occurring in the Canberra Hospital grounds or buildings were:

(a) 2000 - 34
(b) 2001 - 29
(c) 2002 - 29
(d) 2003 - 22 (figures for 1/1/03 to 24/8/03)

ACT Health has provided data from the Australian Incident Monitoring System (AIMS) reports, which can identify specific incidents involving patients and visitors. All reported incidents involved Mental Health Service patients or their visitors. AIMS was implemented in September 2001 and staff education is resulting in increased numbers of reports over time.

	2000	2001	2002	2003
AIMS	N/A	2	6	41 (Jan-Aug)

(6) Staff are encouraged by supervisors, managers and educators to report all incidents and accidents involving the potential of injury or actual injury to staff on the ACT Government Accident/Incident Report form. The form is available to staff in hard copy in all departments or through the Injury Prevention and Management Unit. The form is also available in electronic form on the Canberra Hospital intranet site.

Information on AIMS reporting is available to staff through managers, education sessions and the Canberra Hospital intranet site. Staff are encouraged to report events that cause or have the potential to cause harm to patients, visitors and staff.

Public Service—salary packages (Question No 853)

Mr Smyth asked the Chief Minister, upon notice, on 21 August 2003:

In relation to the use by ACT public servants of salary packaging arrangements:

(1) For how long has a comprehensive range of salary packaging options been available to ACT public servants;

(2) What items are available for salary packaging;

(3) How many ACT public servants availed themselves of options for salary packaging in the financial year 2002-03;

(4) In the financial year 2002-03 how many ACT public servants salary packaged the purchase of:

a. additional superannuation;
b. motor vehicles;
c. portable computers;
d. mobile phones; and
e. other items.

(5) For each of the Government departments and agencies, how many ACT public servants used salary packaging arrangements in the financial year 2002-03;

(6) How many ACT public servants at the below levels have used salary packaging arrangements in the financial year 2002-03:

a. SES;
b. SOG; and
c. ASO

(7) What information is provided to ACT public servants about salary packaging arrangements and how is that information disseminated;

(8) When will the review of salary packaging arrangements be completed.

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

(1) A comprehensive range of salary packaging options has been available to ACT public servants since 1998.

(2) The menu of items currently available for salary packaging by ACT public servants is contained in the *ACT Public Service Salary Packaging Policy and Procedures* available online at www.psm.act.gov.au.

(3) The number of ACT public servants who availed themselves of options for salary packaging in the 2002-03 financial year was 3,092.

(4) Details of the specific items that are salary packaged by ACT public servants is not ordinarily provided to, or compiled by, Government departments/agencies.

(5) The number of ACT public servants that used salary packaging arrangements in the 2002-03 financial year by Government department/agency is as follows:

a.	ACT Health	2,154
b.	Calvary Hospital	416
c.	Disability, Housing and Community Services	13
d.	Education, Youth and Family Services	267
e.	Canberra Institute of Technology	51
f.	Justice and Community Safety	57
g.	Urban Services	70
h.	Chief Minister's Department	30
i.	Treasury	19
j.	INTACT	6
k.	Legislative Assembly	5
l.	ACTION	3
m.	ACT Workcover	1

(6) The number of ACT public servants that used salary packaging arrangements in the 2002-03 financial year by salary level is as follows:

a.	SES	143
b.	SOG	871
c.	ASO	2,078

(7) At a whole of Government level, the *ACT Public Service Salary Packaging Policy and Procedures* is available to ACT public servants online.

At an agency level, information is provided to ACT public servants about the availability of salary packaging, the policies and procedures that apply, and on the salary packaging providers. This information is provided in hard-copy, electronically and verbally.

(8) A *Review of Salary Packaging Administration Services across the ACT Public Service* was completed in October 2002. An inter-agency reference group has been established to consider the review findings and future arrangements.

Public relations appointment (Question No 873)

Mr Smyth asked the Minister for Health, upon notice:

In relation to public relations and media related services:

(1) When was the current Acting Manager, Communications and Marketing appointed;

(2) When, and in what media, was the position advertised;

(3) I understand that the permanent Manager is deemed to be on leave without pay while working in a different position, when did the permanent Manager leave and how long are they expected to be away;

(4) Is the Acting Manager a permanent/ongoing member of the ACT Public Service (ACTPS) or the Australian Public Service, if not how are they able to act in a temporary position within the ACTPS;

(5) Was a merit selection process used to appoint the Acting Manager;

(6) Did the Acting Manager apply for the job, if so was the application in writing;

(7) Was the appointment of the Acting Manager made at the request of the Minister for Health or his office;

(8) Was the appointment of the Acting Manager made at the request of the Chief Minister or his office;

(9) Was the appointment of the Acting Manager made at the request of any other member of the ACT Executive or their offices.

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

(1) The current occupant was employed on a temporary contract with effect from 17 February 2003 as a Senior Public Affairs Officer Grade 2 position,

(2) The position has yet to be advertised. The position was originally filled on a temporary basis in February 2003 at short notice. The original temporary contract was extended to allow continuity of the Communications and Marketing function during the transition between Chief Executives in ACT Health. The position will be advertised for temporary filling by the end of September 2003, whilst the permanent incumbent decides whether or not to return.

(3) The previous occupant of the position of Manager, Communications and Marketing is on Leave Without Pay, the period of which is yet to be finalised.

(4) The current manager is not a permanent member of ACTPS or the Australian Public Service. The current Manager Communications and Marketing is employed on a short-term temporary contract.

(5) At the time of the vacancy occurring the then Chief Executive sought a number of expressions of interest to temporarily fill the position of Manager Communications and Marketing. On the basis of those who expressed interest in the position the current incumbent was determined to be the most suitable on the basis of the specialist skills required for the position.

(6) The current incumbent along with others provided a CV in writing.

(7) No.

(8) No.

(9) No.

Bushfire Fuel Management Plan (Question No 875)

Mrs Dunne asked the Minister for the Environment, upon notice:

In relation to the Bushfire Management Plan (BFMP):

(1) What areas were scheduled for remedial action under the BFMP in preparation for the 2003-04 bushfire season by:

(a) fuel reduction burns;
(b) hand clearing;
(c) removal of dead wood;
(d) slashing/mowing;
(e) other means;

(2) How much has already been done in accordance with the BFMP for;

(a) fuel reduction burns;
(b) hand clearing;
(c) removal of dead wood;
(d) slashing/mowing;
(e) other means;

(3) As a consequence of the January 2003 Bushfires what areas have been added to the tasks to be undertaken in preparation for the 2003-04 bushfire season by:

(a) fuel reduction burns;
(b) hand clearing;
(c) removal of dead wood;
(d) slashing/mowing;
(e) other means;

(4) How much of this work has already been done.

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

(1) The response to the QON is contained within the attached excel spreadsheet.

(2) The response to the QON is contained within the attached excel spreadsheet.

(3) The response to the QON is contained within the attached excel spreadsheet.

(4) The response to the QON is contained within the attached excel spreadsheet.

(*The attached spreadsheet is available at the Chamber Support Office*.)

Police force—staff (Question No 878)

Mr Cornwell asked the Minister for Police and Emergency Services, upon notice, on Tuesday, 26 August 2003:

What was the total strength of the ACT Police force and the ACT population in the following years:

(1) 1998-1999
(2) 1999-2000
(3) 2000-2001
(4) 2001-2002
(5) 2002-2003

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

	Total Strength	ACT Population
1998-1999	696	309,295
1999-2000	686	310,993
2000-2001	775	314,171
2001-2002	782	319,317
2002-2003	799	321,819

ACT Policing staff (including sworn and unsworn members) and specific figures for the ACT population are presented in the table above for the years 1998-1999 to 2002-2003. These data are derived from information collected as part of the reporting requirements for the Productivity Commission's annual *Report on Government Services*. Data includes those staff working directly within the ACT Business Unit of the Australian Federal Police and a proportion of staff funded by the ACT Government for the provision of associated enabling services including Information Technology and forensic support services. It excludes Commonwealth funded staff working within ACT Policing.

The figure is calculated as an average as at the beginning and end of the financial year.

ACT Policing has adjusted the figures for the years prior to 2000-2001 in response to changes in the method of calculating staffing and financial expenditure from 2000-2001. Following a review of its accounting process, ACT Policing adopted a new methodology that more closely aligns ACT Policing data collection to that in other states.

This change, however, also resulted in the published data from 2000-2001 on staffing and expenditure not being directly comparable to data for previous years. Adjusted data has been provided for the years prior to 2000-2001 in order that the figures for the ACT may be compared before and after this date.

Water leak—Canberra College (Question No 881)

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

In relation to:

(1) What action was taken by Canberra Connect after an original telephone report at 1630 hrs on 27 July. Which agency, if any, was contacted, when was it reported and by what means, and what was the response;

(2) Given the nature of the problem and the well-publicised water conservation message being put out by Government, what follow-up action was taken by Canberra Connect to ensure that the report was actioned expeditiously, assuming that Canberra Connect actually passed on the report to someone on 27 July;

(3) What briefing material from ACT Government agencies is available to Canberra Connect to enable them to carry out their function properly and is it regularly reviewed to ensure that contact, particularly after hours, is able to be made in such a manner to ensure action is taken;

(4) In this case, was there any briefing material available to the operator at Canberra Connect that might suggest that leaking water during a time of water restrictions, Government statements on water conservation and general public concern about water management, should have high priority action. If not, why not;

(5) During this period of water restrictions, does ACTEW have the legal authority to turn off the water supply to any entity where there is clearly a wastage problem, as was the case in this instance, and, if so, why wasn't Canberra Connect made aware of that, assuming that they did not contact ACTEW after the original report on 27 July;

(6) If indeed, Canberra Connect did pass on the report to ACTEW, why was it not actioned immediately;

(7) Why was ACTEW's emergency water telephone number not properly monitored by staff to ensure that any caller not interested in the report of the Mawson main repair could speak to an ACTEW staff member about any other emergency;

(8) Why did the ACTEW emergency repair person re-direct the telephone call to Canberra Connect and not to other ACTEW staff to investigate and resolve the problem;

(9) What disciplinary action do you propose to take against any and all ACT Government staff who failed to respond adequately to the report on 27 July;

(10) What action do you propose to take against Canberra College for allowing so much water to go to waste; after all Monday 28 July was a working/school day;

(11) What penalty do you propose to impose on Canberra College for the wasted water. Does it have a satisfactory or effective maintenance policy or plan in action to monitor its utility usage;

(12) Is it appropriate for educational institutions to continue to manage their administrative functions individually or should a more central, specifically trained and tasked organisation take over those non educational responsibilities within the system of schools, colleges, TAFE's etc in the ACT;

(13) How much money has been spent on media advertisements including television ads to advise on water restrictions and the need to conserve water.

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

(1) Upon receiving the call Telstra (who provide an out of hours service to Canberra Connect), notified Spotless Services by telephone at 1640 hrs on Sunday 27 July to advise them of the water wastage situation. As the leak was reported as being on an oval,

Telstra followed procedures and sent a fax of the report to Canberra Urban Parks and Places (CUPP), rather than Totalcare Property Services or ACTEW AGL, advising of the situation.

(2) It is not the responsibility of Canberra Connect to ensure that the complaint is actioned. Canberra Connect is responsible for ensuring the call is logged and then re-directed to the appropriate service provider. It is then the responsibility of the service provider to ensure the work is carried out.

(3) Canberra Connect is supplied with set processes and procedures from each agency. If processes or procedures change, then agencies will notify Canberra Connect. Canberra Connect will then advise Telstra when changes to work processes have occurred for after hours service.

(4) Canberra Connect staff are well briefed on water issues, and ensure that all matters in relation to water usage are given a high priority.

(5) I am advised that under the Utilities (Water Restrictions) Regulations 2002, authorised persons may enter any part of a premises if the authorised person believes on reasonable grounds that water has been used, or is being used in contravention of a water restriction. In this case there was no contravention of the water restrictions scheme. Under the restrictions scheme, ovals and sports fields are not limited to the hours and days on which they can operate sprinkler systems but are required to show a reduction in water use as required by the stage of restrictions that are in place at that time.

(6) ACTEW has advised that it has no record of receiving a report from Canberra Connect. However, I am advised that on Monday 28 July 2003 an anonymous telephone call about a sprinkler on the Canberra College oval was received by the Manager of the ACTEW Drought Management Taskforce. This matter was immediately referred to the Department of Urban Services. I understand that the complaint was then passed to the Canberra College.

(7) ActewAGL are operators of the after hours and emergency call centre for utility services and has an automated message system to enable the filtering of customer calls. The system is used for known faults to advise customers in affected areas that ActewAGL is aware of a problem or fault and is attending to it. ActewAGL has found this method the most efficient way of advising customers of large area problems. ActewAGL has advised that the message recording on Monday 29 July 2003 was inadvertently not reviewed. I am advised that changes to work procedures should ensure messages are checked each morning at the change of shift.

(8) The call was redirected to Canberra Connect as responsibility for the watering and maintenance of ovals and sporting fields rests with the relevant Government agency, not ACTEW or ActewAGL.

(9) The Department of Education, Youth & Family Services after hours contact officer was not contacted about the matter on 27 July 2003. Inter-agency coordination arrangements have been stressed to ensure this does not re-occur and that water wastage matters are given priority.

The janitor, who resides on site at Canberra College (Weston Campus), on returning to his residence on Sunday evening 27 July 2003 and becoming aware of the problem immediately took action to turn off the sprinklers and reported the problem to the department's irrigation maintenance contractor. The janitor was able to completely turn

off all but two sprinklers. These were not repaired until the following afternoon when the school irrigation maintenance contractor was able to attend. In the circumstances no disciplinary action is required against any departmental staff.

ACT Government staff will continue to be provided with up to date information on all water matters, and will regularly review processes and procedures for reporting and actioning water wastage occurrences.

(10) Vandalism to the irrigation control box and the control valves caused the irrigation system to malfunction. I am satisfied that the school and their contractors repaired the damage as soon as practicable and I do not propose to take the matter further.

(11) As there was no contravention of the water restrictions scheme, neither ACTEW, nor ActewAGL have powers to impose penalties or fines against Canberra College. Ovals and sports fields are not limited to the hours and days on which they can operate sprinkler systems but are required to show a reduction in water use. Under stage 2 water restrictions, water use reduction of 25 percent is a targeted average across the ACT Government and all agencies across the ACT are expected to be actively working to achieve this target.

On the whole Canberra College has an effective maintenance regime in place for its irrigation system and is aware of the requirement to reduce water consumption in line with current water restrictions.

(12) The incident was the result of vandalism on a weekend and a lapse in inter-agency coordination arrangements for incidents of this nature. In this instance, school management reacted responsibly when it became aware of the problem. As mentioned in response to question 9, action has been taken to ensure that the after hours agency contacted gives priority to fixing the problem.

(13) Since the introduction of voluntary water restrictions and the subsequent introduction of stage 1 and 2 mandatory water restrictions, ACTEW has spent $435,525 on a communications program to raise awareness and educate the community about water management and usage. The program was a key strategy outlined in ACTEW's 2003 Statement of Corporate Intent and the Government's 2003-2004 Budget.

Skate parks
(Question No 884)

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

In relation to skate parks:

(1) How many skate parks are there in Canberra for youth to utilise and what are their locations;

(2) Are there any plans in the current Budget framework to establish more skate parks in Canberra, if so, where and when, if not, why not;

(3) How much did it cost to establish the skate parks in (a) Gungahlin and (b) Tuggeranong;

(4) Has the Government received any complaints from residents about skateboarders in areas like Civic and the danger they pose not only to themselves but pedestrians in the area, if so, how many complaints and how have these complaints been actioned;

(5) Are there currently any penalties for skateboarders who use public property like park benches, artworks, ramps or stairs as alternate skate parks;

(6) Is the government covered by public liability insurance if a skateboarder is injured while using public property as an alternate skate park, if not, why not;

(7) Is the government covered by public liability insurance if a local resident is injured by the actions of a skateboarder in a public place, if not, why not.

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

(1) Major skate parks are at Tuggeranong, Woden/Weston, City, Belconnen and Gungahlin, total five.

Minor skate facilities are at Kambah, Fadden, Richardson and Charnwood, total four.

Mini ramp facilities area at Rivett, Stirling, Telopea Park, Campbell, Dickson and Holt, total six.

(2) Major skate parks and district parks provide for populations of between 25,000 to 50,000 people. There are no plans to construct such additional facilities until there is an increase in population in the various Canberra Districts.

(3) The cost of the Gungahlin skate park, which was constructed as an integral part of the Yerrabi Pond District Park was approximately $250,000 and the Tuggeranong skate park was $700,000.

(4) On 4 September 2003 City Management of Urban Services received its first recorded complaint of skateboarders in Civic. There are currently no penalties for skateboarders who use public property like park benches, artworks, ramps or stairs as alternatives to skate parks. These are generally designed and constructed of materials that withstand skating. The complainent requested no-skatings signs be erected. The complainant was provided with the above information and advised that the current policy of the Department is to limit the amount of signage within the public areas of Civic.

(5) I am not aware of any penalties for skateboarders who use public property like park benches, artworks, ramps or stairs as alternatives to skate parks. These are generally designed and constructed of materials that withstand skateboarding.

(6) In the event that a skateboarder was injured while using public property the Government's public liability insurance would provide cover if the Government was found to be negligent.

(7) In the event that a local resident is injured by a skateboarder using a public place the Government's public liability insurance would provide cover if the Government was found to be negligent.

Waste disposal—refrigerators (Question No 885)

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

In relation to disposal of refrigerators at tip sites:

(1) In recent times there has been quite a large number of fridges and freezers located at the Waste Transfer Station at Mitchell. What is the correct process that should be followed by tip workers when disposing of fridges and freezers dumped at tip sites;

(2) Whose responsibility is it to de-gas fridges and freezers at tip sites;

(3) Is degassing carried out before fridges and freezers are disposed of or destroyed on the tip site, if not, why not;

(4) Have there been any cases where a fridge or freezer has not been degassed before it is disposed of or destroyed on the tip site;

(5) Is there any evidence to show that any R12 (ozone depleting substance) has been released into the atmosphere due to the failure to degas fridges or freezers at tip sites before they are destroyed.

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

(1) Fridges and freezers are directed to the metal recycling area.

(2) Domestic fridges and freezers are generally discarded due to the fact that the refrigeration unit has ceased to function, usually due to the loss of the gases. For this reason, discarded domestic fridges and freezers are exempt from the requirements of the Environment Protection Act 1997 regulating release of ozone depleting substances Regulation. However, it is recommended by Environment ACT that the persons disposing of fridges and freezers have an authorised refrigeration mechanic drain any refrigerant before disposal or destruction.

(3) Degassing is not carried out at the tip site. This is because fridges and freezers are directed to the metal recycling area. In addition discarded domestic fridges and freezers are exempt from the requirements of the Environment Protection Act 1997 regulating release of ozone depleting substances. Where degassing is required, it is the responsibility of the persons disposing of the equipment to have an authorised refrigeration mechanic drain any refrigerant before disposal or destruction.

(4) The overwhelming majority of fridges and freezers are not disposed of at ACT Landfills. Most fridges and freezers are recycled through the metal recycling industry.

(5) The overwhelming majority of fridges and freezers are not disposed of at ACT Landfills. Most fridges and freezers are recycled through the metal recycling industry.

Road repairs
(Question No 886)

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

In relation to your media release of 7 March 2003 that 32 000 square metres of asphalt road repairs were to be undertaken and completed by end June 2003:

(1) If the reduction from 90 lane kilometres of territorial road maintenance to 52 lane kilometres is due to 'transferring part of the funding to other urgent works on community path maintenance, municipal roads maintenance, and other programs' what specifically are the 'other programs'.

(2) What is the total value of funding which has been transferred from territorial road maintenance to each of the other three categories of works listed at (1) above;

(3) How many lane kilometres and/or square metres (whichever is applicable) of maintenance for each of the three categories of works listed at (1) above were achieved for the amount of funding transferred from territorial road maintenance;

(4) Has the additional 820 square metres of community path maintenance which was achieved above the target of 18 000 been totally funded from the funds transferred from territorial road maintenance;

(5) Has the additional 1 lane kilometre of municipal road maintenance which was achieved above the target of 20 kilometres been totally funded from the funds transferred from territorial road maintenance;

(6) Does the amount of $6 168 759 shown as the cost of territorial roads maintenance include the funds transferred to the other three categories of works listed at (1) above.

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

(1) The other programs are the Acton tunnel maintenance and street light maintenance;

(2) $631,295 has been re-allocated from original budget for territorial roads maintenance as follows:

- $360,700 to planned community path maintenance,
- $187,300 to planned municipal road maintenance, and
- $83,295 to Acton tunnel and street light maintenance.

(3) The 2002/03 cost for municipal planned maintenance is $1,247,300 as against the original $1,060,000 budget. A quantity of 21 lane km was achieved for the $1,247,300. Therefore, an additional 3 lane km approximately was achieved for the additional $187,300.

The 2002/03 cost for community path planned maintenance is $1,625,700 as against the original $1,265,000 budget. A quantity of 18,820 square metres was achieved for the $1,625,700. Therefore, an additional 4,175 square metres was achieved for the additional $360,700.

(4) The additional 820 square metres of community path maintenance is not a direct result of the total $360,700 transferred from territorial road maintenance. The output quantities are

based on estimates for unit cost at the time of budget preparations. The final unit cost reflects variations over the financial year due to labour and material increases, market supply and demand, additional preparation and other planned works not included in the output quantity. For example, driveway repairs, kerb and gutter repairs and pram crossing replacements.

(5) Similarly to (4) above, the additional 1 lane km of municipal road maintenance is not a direct result of the total $187,300 transferred from territorial road maintenance. The output quantities are based on estimates for unit cost at the time of budget preparations. The final unit cost reflects variations over the financial year due to labour and material increases, market supply and demand, additional preparation and other planned works not included in the output quantity.

(6) The $6,168,759 shown as the cost of territorial roads maintenance does not include the funds transferred to the other three categories of works listed at (1) above.

Emergency accommodation hotline (Question No 888)

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

In relation to the emergency accommodation hotline:

(1) In this service's first six months of operation how many telephone calls were received;

(2) How many of these telephone calls were from (a) males and (b) females;

(3) How many of the callers in categories (a) and (b) above had children that also required accommodation (please indicate for each separately);

(4) Of those telephone calls how many people required emergency accommodation and how many of those were accommodated within 12 hours of the call;

(5) What is the average length of time to find emergency accommodation via the hotline;

(6) What is the average length of time a person who telephones the hotline has been homeless for;

(7) Who are the emergency accommodation providers;

(8) How much of the $205,000 allocated to this program has been expended to date (please provide breakdown of expenditure);

(9) Is there any time during the last six months that the hotline has not been in operation, if so, when, and for how long;

(10) In your press statement promoting this service you state 'An Emergency Accommodation Fund has been established alongside the service to help pay for the cost of accommodation if it needs to be purchased':

(a) what is the status of this fund;
(b) has it been used, if so, how;
(c) how much money has been collected via this fund.

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

(1) The required quarterly reports to June 30 2003 indicate that Lifeline received a total of 1033 calls during this period (ie to 30 June 2003).

(2) A gender breakdown is not recorded for how many calls were received, but data for how many males, females and couples actually seeking emergency accommodation is: males 170, females, 205 and couples 52.

(3) Of the above persons seeking emergency accommodation 14 males, 90 females and 28 couples were accompanied by children.

(4) A total of 736 people required accommodation and of these 205 persons were referred to emergency accommodation by Lifeline.

(5) Lifeline currently refers individuals to accommodation providers, who then assess whether they are able to accommodate them, therefore Lifeline is currently not privy to this information.

(6) This information is currently not recorded by Lifeline as it is not a reporting requirement.

(7) SAAP services and private accommodation providers such as motels, caravan parks, hostels and backpackers.

(8) The full year amount of the fund is $205,500 made up of $125,000 for Anglicare and $80,500 for Lifeline. A total of $153,625 was paid to the Canberra Emergency Accommodation Service (CEAS) in 2002-03 on a part-year basis. Lifeline was paid $60,375 and total of $93,250 was paid to Anglicare for administration of the emergency accommodation fund and the monies for the fund itself ($46,125 for administration and $47,125 for the fund). Anglicare have written informing the Department that the funds provided to them were fully expended as at 30 June 2003, while Lifeline have provided documentation showing that they expended $53,007 of the $60,375 to 30 June 2003. The reason for Lifeline's 12% under-expenditure is due to the delay in recruiting suitable staff.

(9) No. Although, from 29 August 2003 – 2 September 2003 the service was not fully operational as phone lines were limited due to roadwork at Barry Drive and Northbourne Avenue.

(10)(a) To date a total of $47,125 has been paid to Anglicare for the emergency accommodation fund. The Department of Disability, Housing and Community Services has agreed to supplement funding by $60,000, as part of a range of initiatives developed and endorsed by the Homelessness Advisory Group to provide immediate responses to homelessness.

(b) The fund is used for the provision of emergency accommodation in line with the primary purpose of the Canberra Emergency Accommodation Service.

(c) The fund is not a vehicle for the collection of charitable donations, but is fully funded by the ACT Government.

Southern Cross Primary School—disabled access (Question No 893)

Mr Pratt asked the Minister for Education, Youth and Family Services on 27 August 2003, upon notice:

In relation to disabled access in a local school:

(1) In response to Question on notice No 519 you said a need had been identified for amenities at a local school at a cost of $40,000. Has any work progressed further on this project;

(2) If so, what works have been undertaken and at what cost. If not, why not;

(3) The project was estimated at $40,000 is this still an accurate figure;

(4) If this project is to go ahead from where in the budget will the funds come from and what is the exact cost;

(5) Have any further sites in need of improvements for disabled access been identified within your portfolio area. If so, where are the sites identified and what works need to be undertaken.

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

(1) The new disabled facilities at Southern Cross Primary School were completed on 27 June 2003.

(2) The project included the installation of disabled toilet and shower facilities, and an access ramp. The scope of the project was expanded to include automatic entry doors into the school for disabled access. The total project cost was $60,870.

(3) The budget figure was increased to $61,000 to allow for the increased scope of works.

(4) The project was funded under the department's Minor New Works program.

(5) During 2002/03 monies were expended at the following sites:

$26,000	Duffy Primary School – Auto Entry Doors
$28,600	Calwell High School – Auto Doors/Airlock
$5,400	Tuggeranong College – New Entry Door
$12,300	Monash Primary – Ramp to classroom
$58,700	Belconnen High – Ramps
$32,000	Canberra High School – Lift Modifications
$2,000	Malkara School – Playground Modifications
$24,000	Kambah High School – Auto Doors
$42,000	Gold Creek High – Hoist to Stage

Community service orders (Question No 897)

Mr Stefaniak asked the Attorney General, upon notice, on Wednesday, 27 August 2003:

In relation to Community Service Orders (CSOs):

(1) How many CSOs have been issued by the courts for the following months;

(a) April;
(b) May;
(c) June;
(d) July;

(2) On how many occasions did people sentenced with one of these CSOs breach their obligations under it;

(3) What were the consequences of these breaches.

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

(1)(a) There were 14 new Community Service Orders issued by the Courts in the month of April;
(b) There were nine new Community Service Orders issued by the Courts in the month of May;
(c) There were 10 new Community Service Orders issued by the Courts in the month of June;
(d) There were eight new Community Service Orders issued by the Courts in the month of July.

This amounts to the making of a total of 41 new Community Service Orders by the Courts. This figure only relates to new Community Service Orders imposed by the Courts. It does not include:

- bail orders requiring offenders to complete Community Service Orders imposed prior to the specified period; and

- offenders who were before the Court during the specified period for allegations of breaches of Community Service Orders that were imposed prior to the specified period where the outcome of those proceedings included the resumption, revocation or extension of a Community Service Order that was originally imposed some time before the specified period.

(2) Of the 41 offenders sentenced to community service for the period April-July 2003 breach action has been commenced with respect to four offenders.

(3) The Court has not finally determined any of the four allegations of breaches of the Community Service Order referred to. All four offenders alleged to have breached their Community Service Orders are currently progressing through the Court. All four offenders have court appearances scheduled in the next month. Outcomes will not be known until these proceedings run their course.

Child-care facilities (Question No 898)

Mrs Burke asked the Minister for Education, Youth and Family Services, upon notice, on 27 August 2003:

In relation to childcare facilities:

(1) In your reply to Question on notice No 610 you stated '$0.9 million will be spent on expansion of the 6 child care centres, which are rescheduled to be completed by September 2003'. Where are the six locations that will be expanded;

(2) How much of the $900,000 allocated has been expended to date and on which projects;

(3) In percentage terms how much of the work has been completed at each of the six sites;

(4) Is work on schedule to be completed by September 2003. If not, why not and what is the current schedule for completion;

(5) Has the Government identified any other areas in Canberra that may require child care services or an expansion of services in addition to the six sites listed above;

(6) If so how do you plan to action the sites identified.

Ms Gallagher: The answer to Mrs Burke's question is:

(1) The 6 child care centres to be expanded are:

1. Totem Multicultural Early Childcare Centre, Georgina Crescent, Kaleen;
2. Civic Early Childcare Centre, Childers Street, City;
3. Teddy Bears Childcare Centre, Storey Street, Curtin;
4. Conder Childcare Centre, Beaumaris Street, Conder;
5. Greenway Early Childhood Centre, Greenway; and
6. Alkira Community Preschool and Child Care Centre, Charnwood.

(2) $97,424 has been spent to date and this relates to design work across all centres.

(3) Work has commenced at Teddy Bears Childcare Centre. The other 5 centres await ACT Planning and Land Authority approval of the Development Applications. In percentage terms, 10.8 % of the work has been completed across all sites measured in terms of rate of expenditure.

(4) No. Work at all sites is scheduled to be complete by end of March 2004. Work has been delayed due to extensive consultation involved, issues with finalisation and documentation and the development application process. The need to address budget issues on individual projects has also impacted on the timeframe.

(5) Until the impact of the additional childcare facilities provided under this program and by the new facility in Gungahlin is known, additional demand for child care places is difficult to determine. Specific sites requiring an expansion to childcare services, in addition to the sites listed under response (1) have not been identified to date.

(6) This is covered above in the answer to (5) above.

Water—Lake Burley Griffin
(Question No 901)

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

In relation to Lake Burley Griffin

(1) Is water from Lake Burley Griffin used to water lakeside parks, golf courses etc, including Floriade;

(2) If yes, how is this undertaken;

(3) If not, why not.

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

(1) Water is pumped from Lake Burley Griffin to water areas of Weston Park, Yarralumla Bay, Yarralumla Nursery and Nursery Bay.

Table 1 details the areas of parkland irrigated with 2nd class water.

Lakeside park	Area Irrigated (ha)
Yarralumla Bay Swimming Area, Alexandrina Drive	2
English Garden, Yarralumla Nursery	1
Nursery Bay Plant Area, Yarralumla	0.5
Weston Park Swimming Area, eastern side	1
Weston Park Swimming Area, western side	1
Weston Park, Prescott Lane	1
Black Mountain Peninsula Swimming Area and BBQ's	0.5
Total Area	7

Irrigation using 2nd class water is carried out during the growing season which usually extends from September to May.

Commonwealth Park (Floriade) is irrigated using 'Town water'. The National Capital Authority has responsibility for the maintenance of Commonwealth Park including the irrigation infrastructure.

In addition Royal Canberra Golf Club uses water from Lake Burley Griffin.

(2) Water extraction is by licensing arrangement with the National Capital Authority except for the Royal Canberra Golf Club, which has the right to use water as a condition of its lease.

(3) N/A

Fireworks
(Question No 905)

Mr Pratt asked the Minister for Industrial Relations, upon notice, on 28 August 2003:

In relation to the destruction of fireworks:

(1) In the 2003-04 Budget $345,000 was allocated this financial year for the destruction of 37 tonnes of confiscated fireworks. How much of this funding has been expended to date;

(2) How many tonnes of fireworks of the total 37 tonnes listed have been destroyed to date;

(3) Have any further tonnes of fireworks been confiscated since this funding was allocated in the Budget;

(4) If yes to (3) how many additional tonnes have been confiscated, will those fireworks be destroyed, at what cost and from where will the funds come to destroy these fireworks.

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

(1) Total expenditure to date on the destruction of fireworks is $199,398.69. $118,889.60 was spent in 2002-03, $80,509.09 has been spent this financial year.

(2) Approximately 700kg have been destroyed to date.

Twenty-five tonnes of the fireworks were subject to an appeal that was dismissed on 27 August 2003. Arrangements are now being made to commence the destruction of these fireworks.

(3) Yes.

(4) Small quantities of fireworks were surrendered to ACT WorkCover over the 2003 Queen's Birthday period. On 2 September 2003 ACT WorkCover seized approximately 15 tonnes of fireworks. These amounts are currently the subject of investigation and preparation of evidence briefs for consideration by the Director of Public Prosecutions.

(5) Destruction of fireworks cannot occur until they have been surrendered or forfeited to the Territory for destruction, either voluntarily or through an order from a court. Costs for the destruction of the fireworks will be calculated when appropriate.

Additional destruction costs will be addressed through the normal budget processes.

Notes:

(1) The final weight of the confiscated fireworks was found to be 41 tonnes rather than the 37 tonnes originally estimated. All references in future will be to 41 tonnes.

(2) The process of destruction of the fireworks involved a rigorous analysis and testing of the procedures for the safe destruction of the fireworks. This also involved the construction of purpose built facilities for the safe storage and destruction of the fireworks.

(3) The requirement to proceed with the destruction occurred toward the end of the 2002-03 financial year. A Treasurer's Advance to ACT WorkCover in June 2003, included $118,889.60 to cover the preliminary costs of uplift, transport, storage, licensing and insurance.

School sport
(Question No 906)

Mr Pratt asked the Minister for Education, Youth and Family Services, upon notice, on 28 August 2003:

In relation to school sport:

(1) In July 2000 the former Government released the *'Review of Services to School and Junior Sport 2000'*. What programs has your Government implemented to enhance and affirm support for school sport/physical education since coming to office;

(2) Since the release of that report, has a school and junior sport skilling plan been developed. If so, where can copies be obtained, if not why not;

(3) Since the release of that report, has cooperation between school and junior sport partners through the negotiation of formal service agreements taken place? If so, where can copies of the service agreements be obtained, if not why not;

(4) Since the release of that report, have specific benchmarks for participation in school sport and junior sport been established. If so, where may copies of the benchmark details be obtained, if not, why not;

(5) Since the release of that report, has a review of internal administrative structure that support school and junior sport at the ACT Department of Education, Youth and Family Services taken place in order to maximise efficiency.

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

(1) The Government provides funding to Sport and Recreation ACT who in turn fund the Active Australia Schools' Network. This network currently services 54 primary and secondary schools in developing physical activity programs, based on the Fundamental Motor Skills Program for students and professional development for teachers. There are a total of 22 individual and team sports targeted by the network to address student outcomes relating to physical activity.

In 2003 DEYFS approved funding to the ACT Outdoor Education Association to facilitate a series of professional development courses for current and intending outdoor education teachers and practitioners. These courses, including a Graduate Certificate of Education (Outdoor Education) at the University of Canberra in 2004, as well as several short specific courses, are aimed at increasing the technical and skill development of participants.

The PE and Sport Unit in the department coordinates Health and PE Week annually in conjunction with the Australian Council for Health, Physical Education and Recreation and other agencies. In 2003 the theme for Health and PE Week is 'Get into SHAPE, stay in SHAPE'. This event took place from 15-19 September, providing professional development for teachers and involving over 1000 students in a variety of physical activities, including a Sports Career Expo.

DEYFS continues to expand the Health Promoting Schools Network. In 2003 there are 85 schools that have completed training in options and strategies to address issues relating to the promotion of health and welfare of school-aged children.

(2) A National Junior Sport Framework is being completed to replace the 1994 National Junior Sport Policy. The University of Queensland is developing the framework for the Australian Sports Commission as a blueprint for national sporting organisations and their affiliates for the development of their junior sport policies. Consultations for the final draft of the framework will take place in Sydney and Melbourne in October 2003 for national sporting organisations and State and Territory Departments of Sport and Recreation.

Copies of this document when completed will be available from Sport and Recreation ACT.

DEYFS and Active Australia Schools Network provide regular opportunities for professional development for teachers to increase skills in teaching, coaching and officiating. These cover a wide range of sports and are conducted during and outside of school hours and are well supported. As community sporting organisations demand qualified officials to conduct sporting competitions, opportunities are also available to improve skills in sport-specific areas.

Sports Management groups have been established to act as advisory groups to School Sport ACT and at present there are nine management groups operating to improve communication channels between school and community sporting organisations. These are basketball, track and field, swimming, softball, cricket, touch, hockey, rugby league and rugby union. These groups play an important role in the skilling of teachers to administer and conduct competitions for students in those sports. Other sports will be considered in the future, in cooperation with School Sport ACT and local and community sporting organisations.

(3) In 2001, the department initiated a Service Purchasing Contract with the ACT Schools Sports Council Incorporated operating as School Sport ACT. This contract is reviewed annually. School Sport ACT reports six-monthly on output indicators, and quality and quantity performance indicators that relate to providing sporting opportunities for students in all ACT schools.

In 2003 School Sport ACT provided opportunities for students to participate in a range of sporting activities. These included:

- State team representation at School Sport Australia events (48 teams across 14 primary sports and 20 secondary sports)
- District or Zone representation at School Sport ACT Finals competitions (in 19 primary and 39 secondary sports)
- School representation in District or Zone competitions (in 19 primary and 39 secondary sports)
- Administration or officiating experience at School Sport Australia events (in two primary exchanges and two secondary championships held in ACT)

Copies of the Service Purchasing Contract are available from School Sport ACT and the PE and Sport unit in the department.

In addition, the department has a contract with the Lakeside Leisure Centre for the provision of qualified Austswim instructors to teach primary school students to swim as part of the 'Swim Smart' Swim and Water Safety Program. In 2003, 29 primary schools, totalling 3140 students, were involved in the Swim Start program. The present contract with the Lakeside Leisure Centre is reviewed on an annual basis.

Copies of the Agreement between the department and the Lakeside Leisure Centre are available from the department.

There are a number of effective informal school and junior sports management arrangements that contribute to improved cooperation between school and junior sporting partners. School Sport ACT, in association with the ACT Primary Schools Sports Association and the ACT Secondary Schools Sports Association, provides the forum to foster and enhance these links. The two associations conduct annual planning days to develop a comprehensive yearly sporting calendar for all ACT schools.

(4) The Department's *Health, Physical Education and Sport* Policy requires schools to meet mandatory times for students from years K – 10 in the areas of physical education and sport.

In primary schools, from Kindergarten to Year 2 these times are 20 - 30 minutes per day, and for Years 3 - 6 students 150 minutes per week. In secondary schools for Years 7 – 10 mandatory times are 150 minutes per week. In years 11 and 12 there are no mandatory times specified.

DEYFS conducted a survey of Mandatory Times for Physical Education and Sport in ACT Government Schools in 2001. A summary of the survey results is available from the PE and Sport unit in the department.

Sport and Recreation ACT have conducted surveys on participation rates for all sports and those results are available from the Chief Minister's Department.

(5) The co-location of the department PE and Sport unit with School Sport ACT and School Sport Australia at Higgins Primary School took place in May 2001. The department provides considerable financial and administrative support to School Sport ACT. This includes relief for teachers involved in ACT School Sport competitions and representative programs, and operating expenses such as accommodation, photocopying and other sundry costs.

In 2002, the PE and Sport Unit transferred to the Curriculum Initiatives Section of the department. The Unit has a major focus on the provision of professional development for teachers, especially in ACT Government primary schools. This is seen as essential to addressing student outcomes as stated in *the ACT Government Schools Plan 2002-2004* and the *School Excellence Initiative, Achieving Excellence in ACT Government Schools,* to commence in 2004.

The establishment of Sports Management Groups as mentioned in (2) has led to an increased efficiency in the administration of school and junior sport. Representatives from the department and community sporting organisations comprise these management groups and meet regularly throughout the year to share expertise and resources.

Community Advocate (Question No 910)

Mrs Burke asked the Attorney General, upon notice, on Thursday, 28 August 2003:

In relation to the Community Advocate:

(1) In light of the Gallop Report, what processes are in place to ensure that the Community Advocate is now sufficiently accountable to Government;

(2) Further to (1), what mechanisms, if any, are in place to ensure that client satisfaction surveys now form part of this accountability process.

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

(1) The findings of the Gallop Inquiry that relate to the Community Advocate were successfully challenged in the Supreme Court, which found that in commenting adversely in its Report, the Board of Inquiry failed to observe the requirements of procedural fairness. The Board's findings in respect of the Community Advocate can thus be discounted. Given the Court's finding that the Report is flawed, the Government has also tabled the Community Advocate's response to it.

It is regrettable that the Member's question has raised the false impression that these findings were valid, when the matter was settled over a year ago.

The Community Advocate is an independent statutory officer accountable to the Executive. She exercises her statutory functions free from the specific direction of government and the Assembly. These arrangements are consistent with those that apply to other independent office holders in the ACT and in other jurisdictions. In all respects and for over eleven years, she has addressed accountability requirements impeccably.

(2) In respect of the annual surveys, details of these are published in each year's annual report, and are thus an expected form of accountability. I note that the Board of Inquiry's criticism of the Office of the Community Advocate survey is based on an erroneous interpretation of the figures, so again its findings can be discounted. A high percentage of the clients of the Office of the Community Advocate by definition are unable to respond to a survey because of their profound disability. Therefore the Office of the Community Advocate relies on key stakeholders, service providers and significant people in the client's life, to complete annual surveys. The results of these quality assessments have shown the performance of the Office of the Community Advocate to be exemplary in all respects.

Job vacancies—PBI benefits (Question No 911)

Mrs Burke asked the Minister for Health, upon notice:

In relation to Department of Health and Community Care job advertisements, can the Minister explain:

(1) Why the Department of Health and Community Care is advertising job vacancies with packages which include Public Benevolent Institutions (PBI) benefits (other than those jobs classified as being eligible for PBI benefits as defined under the current Tax Act (Section 57(a)) for positions that may not be eligible for such benefits;

(2) The potential tax liability faced by the ACT Government in continuing to promote and contribute to the PBI scheme on behalf of all Health and Community Care employees receiving benefits under the scheme;

(3) How many staff currently employed in the ACT Public Service are being paid the PBI benefit and at what cost to the Government;

(4) Further to (4), what positions do such current employees hold, and where are they located.

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

(1) ACT Health advertises positions with access to the FBT exemption which were assessed in early 2000, and in the case of a small number of mental health positions in 2003, as being covered by Section 57A of the FBT Assessment Act.

(2) There is no liability because the arrangements are in accordance with Section 57A of the FBT Assessment Act as assessed by ACT Community Care in early 2000 and in the case of a small number of mental health positions assessed by 2003.

(3) Currently approximately 1,900 within ACT Health staff participate in salary sacrifice of which approximately 1885 access the FBT exemption benefit.

(4) The employees cover all occupational groups and classifications within ACT Health and are located in The Canberra Hospital, and the components of Mental Health, Community Health (Alcohol and Drug Program, Community Rehabilitation Program, Integrated Health Care Program and Child Youth and Women's Program) and Corporate Services either located at the hospital campus or connected to the delivery of hospital services.

57A Exempt benefits—public benevolent institutions and some hospitals

(1) Where the employer of an employee is a public benevolent institution, a benefit provided in respect of the employment of the employee is an exempt benefit.

(2) Where:

(a) the employer of an employee is a government body; and
(b) the duties of the employment of the employee are exclusively performed in, or in connection with:
(i) a public hospital that is a public benevolent institution; or
(ii) a public hospital that is not a hospital of the Commonwealth, a State or a Territory and is not established by a law of the Commonwealth, a State or a Territory; or
(iii) a hospital carried on by a society that is a non? profit society for the purposes of section 65J or by an association that is a non? profit association for the purposes of section 65J; a benefit provided in respect of the employment of the employee is an exempt benefit.

(3) A benefit provided in respect of the employment of an employee is an exempt benefit if the employer of the employee is a public hospital other than a hospital:
(a) of the Commonwealth, a State or a Territory; or
(b) established by a law of the Commonwealth, a State or a Territory.

(4) A benefit provided in respect of the employment of an employee is an exempt benefit if the employer of the employee is a hospital carried on by:
(a) a society that is a non-profit society for the purposes of section 65J; or
(b) an association that is a non-profit association for the purposes of section 65J.

Note: Subsection 65J(5) explains:
(a) which societies are non-profit societies for the purposes of section 65J; and
(b) which associations are non-profit associations for the purposes of section 65J.

(5) A benefit provided in respect of the employment of an employee is an exempt benefit if:
(a) the employer of the employee is a charitable institution; and
(b) the institution's principal activity is to promote the prevention or the control of diseases in human beings.

Detainees and remandees (Question No 912)

Mr Smyth asked the Attorney General, upon notice, on Thursday, 28 August 2003:

In relation to the number of detainees and remandees in the ACT:

(1) For each month from March 2003 till July 2003, how many remandees were at:

(a) Belconnen Remand Centre (BRC);
(b) Quamby; and
(c) Temporary Remand Centre in Symonston;

(2) For each month from March 2003 to July 2003 inclusive:

(a) How many prisoners have been transferred interstate;
(b) What has been the cost of transporting prisoners interstate;
(c) What has been the cost of transporting detainees in the ACT;
(d) What was the monthly cost of holding prisoners interstate;

(3) What was the operational cost of the Temporary Remand Centre (TRC) at Symonston for the period 1 March 2003 to 31 July 2003;

(4) How many staff are currently employed at the TRC and at what level salary;

(5) On how many occasions between 1 March 2003 and 31 July 2003 have cells at the Court House been used to house remandees overnight.

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

(1) (a) The average daily remandee numbers at the Belconnen Remand Centre from 1 March 2003 till 31 July 2003 were:

- March 48
- April 49
- May 44
- June 39
- July 34

(b) The average daily remandee numbers at Quamby for the same period were:

- March 10
- April 9
- May 9
- June 10
- July 12

(c) The average daily remandee numbers at the Temporary Remand Centre in Symonston for the same period were:

- March 23
- April 20
- May 21
- June 20
- July 17

(2) (a) In the five-month period from 1 March 2003 to 31 July 2003, a total of 48 sentenced prisoners were transferred interstate. The number of sentenced prisoners transferred interstate in each month were:

- March 15
- April 8
- May 8
- June 8
- July 9

(b) The cost of transporting sentenced prisoners interstate in the five-month period from 1 March 2003 to 31 July 2003 was:

- March $ 3,636
- April $ 1,377
- May $ 1,377
- June $ 1,532
- July $ 1,831

(c) The cost of transporting detainees in the ACT in the five-month period from 1 March 2003 to 31 July 2003 was:

- March $ 8,017
- April $ 7,152
- May $ 7.723
- June $ 8,934
- July $ 7,590

(d) The monthly cost of holding prisoners interstate for the five-month period from 1 March 2003 to 31 July 2003 was:

- March $ 702,259
- April $ 660,476
- May $ 655,497
- June $ 595,006
- July $ 635,334

The above figures are estimated expenditure figures only and NSW has yet to confirm the final 2002/03 costs.

(3) The operational costs of the Temporary Remand Centre in Symonston for the period from 1 March 2003 to 31 July 2003 are as follows:

• March	$ 191,153
• April	$ 187,172
• May	$ 232,807
• June	$ 418,845
• July	$ 185,248
Total to date	$1,215,225

The June figures include the Enterprise Bargaining Agreement back payment.

(4) As of 10 September 2003 there were 27.26 full-time equivalent staff at the following levels:

• Senior Officer Grade B	1	($ 75,586 – $ 85,090)
• Custodial Officer Grade 4–	1	($ 50,031 – $ 51,276)
• Custodial Officer Grade 3–	2	($ 46,326 – $ 47,773)
• Custodial Officer Grade 2–	4	($ 39,200 – $ 41,533)
• Custodial Officer Grade 1–	18.26	($ 31,949 – $ 37,264)
• Admin. Service Officer 3–	1	($ 37,632 – $ 40,615)

(5) There have been zero occasions between 1 March 2003 to 31 July 2003 where cells at the Court House have been used to house remandees overnight.

Condor—TV black spots (Question No 924)

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

In relation to Conder TV Black Spot Improvements.

(1) Have the Conder TV Black Spot improvements been completed as per the forecast completion date of mid August 2003;

(2) If not, why not, and when will the works be completed;

(3) What was the total expenditure on these improvements, or if not yet competed, the total forecast expenditure for the project once complete;

(4) If the improvements are not yet completed, what is the total actual expenditure on this project to date.

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

(1) Delays in delivery of specialist electronic equipment from overseas have delayed completion of the project.

(2) The project is now expected to be completed in mid November 2003.

(3) The total estimated cost of the project is $170,000 and a Commonwealth Grant will provide $142,202 of funding.

(4) Expenditure to the end of August 2003 was $70,000.

Woden Library
(Question No 933)

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

In relation to the Library refurbishments and further to your reply to Question on notice No 851:

(1) You indicated in your response to Mr Smyth that $540,000 has been allocated for the refurbishment of Woden Library, has work on this refurbishment started, if so, when did it begin, if not, when will it begin;

(2) What works will be involved in the $540,000 refurbishment;

(3) How will this refurbishment impact on the shopfront in the area, ie will there be any interruptions due to the library refurbishment;

(4) When is this refurbishment expected to be completed.

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

(1) The design stage of the refurbishment commenced on 5 August 2003.

(2) The refurbishment works will include; an upgrade of customer service areas, improved customer access areas for the heritage library, improved conservation / preservation needs in the heritage library, an upgrade of the public toilets, an upgrade to the children's area and improvements to the library layout.

(3) The library refurbishment will not impact the services provided by the Shopfront or have any impact on the Shopfront area.

(4) The refurbishment is expected to be complete by end June 2004.

Departmental reports
(Question No 972)

Mrs Burke asked the following Ministers, upon notice:

*970 Minister for Education, Youth and Family Services
*971 Minister for Community Affairs
*972 Minister for Disability, Housing and Community Services

In relation to the portfolio/s under your control:

(1) How many reports have been prepared by the responsible Department since 1 January 2002;

(2) Please supply a list detailing the name, author, and date of publication of each report;

(3) Further to (2), in relation to each report, if applicable, who commissioned such report, when was such report commissioned;

(4) What was the cost of each report, including consultancy fees, design, printing, and distribution (as applicable);

(5) Where may a copy of each report be made available;

(6) In relation to each report, has any report or aspect thereof been implemented; if not, why not; if so, how and when.

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

It is not clear what is meant by "reports".

I am not prepared to authorise the use of the very considerable resources that would be involved in providing the detailed information required to cover a very broad area. Information on consultancies appears in the annual reports, tabled recently.

Consultants
(Question No 1009)

Mr Smyth asked the Minister for Women, upon notice, on 25 September 2003:

In relation to consultants used in the 2002-03 financial year:

(1) What was the (a) name of the consultant (b) address of the consultant (c) cost of the consultancy and (d) service provided by the consultants;

(2) Have any consultants been used to date this financial year, if so, what was the (a) name of the consultant (b) address of the consultant (c) cost of the consultancy and (d) service provided by the consultants;

(3) Was a report prepared by the consultants in (1) and (2) and, if so, where may copies be obtained.

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

The Office for Women

In relation to consultancies for the 2002-03 year:

Name of Consultant	**Address of the Consultant**	**Cost of the Consultancy (GST exclusive)**	**Service provided by the Consultants**	**Was a report prepared by the consultants and, if so, where may copies be obtained**
NIL				

In relation to consultancies for the 2003-04 year to 25 September 2003:

Name of Consultant	**Address of the Consultant**	**Cost of the Consultancy (GST exclusive)**	**Service provided by the Consultants**	**Was a report prepared by the consultants and, if so, where may copies be obtained**
NIL				