DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

23 October 2003

Thursday, 23 October 2003

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The Assembly met at 10.30 am.

(Quorum formed.)

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

Petitions

The following petitions were lodged for presentation.

Platypus (Ngunnawal) shopping centre

By **Mr Cornwell**, *from 232 residents:*

> To The Speaker and the members of the Legislative Assembly for the Australian Capital Territory
>
> The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that the MOTOR VEHICLE PARKING ARRANGEMENTS at the Platypus (Ngunnawal) Shopping Centre is in need of an urgent upgrade. This is due to the lack of adequate parking for vehicles that park at this Centre; thereby affecting both Customers and Merchants. There is also a need for the installation of a MAIL (post) BOX at this Shopping Centre.
>
> Your petitioners therefore request the Assembly to call on the Minister for Urban Services, to take all the necessary steps to have motor vehicle parking arrangements expanded. Also requests the Minister to make representations to Australia Post to have a mail (post) box installed at the Platypus (Ngunnawal) Shopping Centre.

Garran shopping centre

By **Mr Cornwell**, *from 101 residents:*

> To The Speaker and the members of the Legislative Assembly for the Australian Capital Territory
>
> The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that there is an URGENT need to evaluate the VEHICLE PARKING ARRANGEMENTS at the Garran Shopping Centre.
>
> Your petitioners therefore request that the Assembly call on the Minister for Urban Services to direct the Department's Traffic Engineers to undertake a full assessment of vehicle parking arrangements, present and future, at this Shopping Centre. The current lack of vehicle parking spaces has been caused by the introduction of a Medical Centre, at the GARRAN SHOPPING CENTRE.

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

Legal Affairs—Standing Committee
Report No 7

MR STEFANIAK (10.33): Pursuant to order, I present the following report:

> Legal Affairs—Standing Committee—Report No 7—*Changing the term of Assembly Members from three years to four years*, dated 14 October 2003.

This includes a dissenting report, together with a copy of the relevant extracts of the minutes of proceedings, and I seek leave to move a motion authorising the report for publication.

Leave granted.

MR STEFANIAK: I move:

> That the report be authorised for publication.

Question resolved in the affirmative.

MR STEFANIAK: I move:

> That the report be noted.

Firstly, I thank my colleagues on the committee, John Hargreaves, deputy chair, and Kerrie Tucker, together with our hardworking secretary, Judith Henderson, for this report. It is a report that was done in a fairly short timeframe. I also thank the 13 people who put in written submissions and the eight people who appeared before our committee, the first hearing of which was somewhat lively, which was good. I was a bit disappointed that of the 40 people to whom we sent out invitations to make submissions and appear only about 21 either appeared or made submissions on this most important issue.

It is an issue, however, that has been around for quite some time, as can be seen from the report itself. Professor Pettit conducted a lengthy inquiry back in 1997 to review the governance of the ACT, and that became known as the Pettit review. One of its recommendations was to extend the fixed term of members from three years to four. It is worth noting that that report, which was a major report of which we took cognisance, stated:

> While no one sought a change to the fixed term arrangement, the majority of those who addressed the issue suggested that, as in a majority of comparable Australian jurisdictions, the term could be extended with benefit to four years. We agree. A four-year term would mean a saving in electoral costs; it would enable new MLAs to learn the ways of the Assembly and make their mark before facing an election; and it would make it possible for the Executive to take a longer-term view in forming their policies. While there is a greater possibility of a change in government in the course of a four-year period, as was suggested to us, we believe that this is not so serious a danger as to undermine the case for extending the period.

What I think they meant there was a change of government within the term of the Assembly. We have not seen that in the last three, although, of course, we saw it with some regularity, as you will recall, Mr Speaker, in the First Assembly.

Another committee looked into the matter and reported in June 1999. It recommended that the Assembly remain at three years. The Liberal government at the time supported an extension of the term to four years. It considered that the Pettit review indicated that there was sufficient community support to increase the length of the term. The then Labor opposition and the crossbench member on that committee felt it should stay at three years and felt it was unnecessary then to increase the term. Since then, of course, the Labor Party has changed its mind on this issue. I suppose some might say that you get a different view in government; but at any rate it certainly has changed its mind.

Since then, in 2002 this Standing Committee on Legal Affairs has looked into the size of the Assembly. A majority of that committee also suggested four-year terms, although the main thrust of that inquiry was, in fact, the size of the Assembly. And now, of course, we have this review.

So that is basically the history of it. A lot of work has been done before. It is important to note what has occurred in the other states. The Commonwealth, of course, has three-year terms and does not have a fixed election date. New South Wales has a four-year term, and has had since 1981, and has a fixed election date. Victoria has had a four-year term since 1984 and has a fixed election date. Queensland has a three-year term and does not have a fixed election date. Western Australia has had a four-year term since 1987 and does not have a fixed election date. South Australia has had a four-year term since 1985 and I understand has a fixed election date. Tasmania has had a four-year term since 1972 with no fixed election date. The ACT at present has a three-year term with a fixed election date and the Northern Territory has since its inception had a four-year term and does not have a fixed election date. So the situation is that, apart from us, Queensland and the Commonwealth, everyone else has four-year terms and has had since those times.

A number of items were raised during this debate to effectively summarise the pros and cons. The pros for a four-year term included that the majority of lower houses in Australia have four-year terms and one of them, the Northern Territory, is a unicameral parliament like ours. It was stated that longer terms result in better policies, facilitate longer-term planning and implementation of policies by the government, enhance business confidence, enhance the standard of political debate and result in cost savings due to fewer elections. Evidence before the committee indicated that we would save $125,000 a year by having a four-year term.

The Canberra Property Owners Association appeared at the hearing and indicated that they certainly favoured four-year terms because that would enhance business confidence. They said that the election cycle is such that prior to an election being held the government goes into election mode and a lot of things tend to come to a stop; then after the election not much happens for a while as the new government has to find its feet. It is interesting to note that, when a Queensland committee looked into four-year parliamentary terms, a similar point was made in support of a four-year term by the Queensland Chamber of Commerce in relation to business confidence.

The cons, the arguments against a four-year term, included a loss of voter sovereignty—with a particularly unpopular government people had to wait an extra year to toss it out—that it could be inappropriate for a unicameral parliament as there was no upper house to scrutinise, and that there were insufficient safeguards for the parliamentary process because of the extra year. There was an opinion that there could be poorer decision making, which is interesting because there was a counterargument that there would be better decision making with four-year terms. Another argument against a four-year term was that it does not necessarily facilitate long-term government planning, although again a converse argument was put that four-year terms facilitated long-term government planning. So those were the arguments that were put to us.

I must say that this is not an issue that seems to grab people in the electorate. It was suggested to the committee anecdotally that most people probably think it is a good idea. But, although I think it would be true to say that the majority of the submissions were very much in favour of four-year terms, it was a bit disappointing that we did not have more people appear before the committee.

It is also interesting and very appropriate to note—this was mentioned several times by people before the committee—that from 1998 to October 2001 we in fact had a term of three years and eight months, and the world did not seem to come to an end; no-one in the community seemed to think that that term, which was very close to a four-year term, caused any problems. That is probably a fairly telling argument in favour of a four-year term, as well as community attitudes and the fact that virtually every other Australian jurisdiction has it.

I think probably the most vexed question, and one that certainly caused me some angst, is whether this should be done by way of referendum or by simple amendment. The argument in favour of a referendum is, of course, that the people can decide. The converse arguments are that there have been previous inquiries during which there has been from the community a significant amount of support for and very little opposition to the concept of a four-year term, and we have had virtually a four-year term before with no problems, so there is no need for a referendum on something like this.

There is another argument in relation to the cost of referendums. I think there was evidence given that it would cost about a quarter of a million dollars or more. For me, that is not so important an issue. If there were a real push by a segment of the community against the concept of a four-year term, that would necessitate a referendum. But, having looked into this issue, I have not detected any opposition to it. I also note that in Tasmania, South Australia, Western Australia and Victoria amendments were simply made to their acts to go to four-year terms, without any great opposition from the community. The Northern Territory, of course, since its inception has had a four-year term. I think New South Wales was the only state to go to a referendum on the issue.

So there was consistency in how the other states went about amending their laws and there was no huge outcry from the community. Therefore, on balance, having given the matter careful consideration and given that we have had effectively a four-year term before without any significant problem, I feel it is probably more appropriate to move by way of amendment. I note that my colleague Mr Hargreaves concurs with me, although

Ms Tucker has a different view, which I respect, and she will no doubt talk about that in her dissenting report.

I commend the report to the Assembly. We have also, of course, recommended that it would be completely inappropriate—and I think the evidence before the committee backs this up—for this Assembly to try now to extend its term, as the voters of Canberra elected us to serve them for three years. However, the recommendation of the majority is that steps should be put in place to ensure that the term of the next Assembly, the Assembly starting in effectively probably late October or early November 2004, be a four-year term. This would simply mean amending section 100, I think, by changing three years to four years. That would then be in place for the next Assembly which—correct me if I am wrong—would be the Sixth Assembly. That would be far more appropriate; I certainly agree that it would be inappropriate to try to extend our term now. On that point there is also a precedent: the election date was changed from February to October in, I think, 1997 so that that could take effect for what was the Fourth Assembly which went from March 1998 through to November 2001.

I will close with those comments. I commend the report to the Assembly and once again thank everyone involved for what was a fairly quick but fairly intensive study that has led us to where we are today with this report.

MR HARGREAVES (10.45): I rise to support the comments from the chair, Mr Stefaniak, on this report to the Assembly. There are a couple of points I would like to make. This is not the first time discussion on this issue has occurred, and there has been about as much community interest in this inquiry as in previous ones. The extent of community engagement has been one of apathy. We advertised the inquiry in the media and called for public submissions. I have talked about it to community organisations, imploring people to have their say. Essentially, they voted with their feet; in fact, that was confirmed by at least two witnesses. As I recall it—but I stand to be corrected—Associate Professor Mackerras and Professor Warhurst agreed that there was extensive apathy about the suggestion. It is my view from the evidence before us that people are more interested in the increase in the size of the Assembly than they are in the length of the term of office; they see those as two quite distinct issues.

The report goes into the pros and cons, as Mr Stefaniak has said, as listed on page 5 in chapter 2.1. I would like to just underscore a couple of them. I think the issue of business confidence is actually more about business predictability and the stability of policy relating to business. Whether it be a Liberal or a Labor government in the ACT mattered not to business in this particular instance. In the information given to me, a four-year term was regarded as providing more certainty for business. Indeed, one of the people did say that retail sales dropped one year prior to an election. That really gives the business community only one year of certainty, and I know, from the grumblings in the press of late, that they are looking for more certainty.

I will not go into the cost savings; one can read that for oneself. From the perspective of a backbench member there are issues about the value of a four-year term. One is that backbench members, whether in government, in opposition or on the crossbenches, tend to be a little closer to their constituents because—with no offence to the ministry—we have the time to do that. Another issue is that we have about a 30 per cent change in the

makeup of the Assembly after each election, which I am pretty sure is due to the fact that the electorate do not get to know their member.

Although there are many upsides, one of the downsides of the Hare-Clark system is that we share an electorate. For example, I share an electorate of 100,000 people with four other members. I suppose, therefore, I am entitled to 20,000 constituents—but I do not have a clue which 20,000 they are, so I have to provide a service to all of those people. I found it difficult in my first term to get to know every part of my electorate—to know how it ticks and what are the areas of concern. An extra year would help that. Four years is also plenty of time for voters to make a decision on whether their member is a good member or a bad member.

Another aspect of backbenchers' work in this Assembly that is particularly relevant is committee work. Very valuable reports come out of committee inquiries but their recommendations are never implemented. We have seen this happen on many occasions; Ms Tucker has suffered from this with committees that she has chaired. The report on children at risk is one that springs instantly to mind. The reason the recommendations from that report were not enacted or proceeded with related to the time that the government of the day had to be held accountable for not picking up on those recommendations. An election intervened and it fell over, which meant that a lot of the issues that Ms Tucker was dealing with, which were very valid, had to be picked up again recently by the inquiry that I chaired.

What happens is that, if you are unfortunate enough to kick off your inquiry in year two of a three-year term—the same thing could happen in year three of a four-year term, I acknowledge—by the time you have concluded your significant inquiry the government of the day has no time to implement the changes that have been recommended. It has not got a hope of doing so before the election. So there is not the time to hold any government of the day accountable for what it has said it would do in response to a committee's report. We have to remember that in a lot of cases those recommendations involve budget funding, so the government's implementation strategy is linked to the budget cycle. That is the significant issue and that is why recommendations fall over. It is not that the government of the day does not want to pick up the recommendations and run with them; it is because it kicks into a budget cycle, and if that budget cycle happens to be after an election or close to the next one there is no time to examine the implementation phase because the money does not flow to the agency to enable them to get on and do it in the first place. A four-year term will make that a bit better.

We should also consider that the committee system here is, in addition to being a conduit for the community to talk to its parliament, in a sense a system of review. The committee system, if participated in honestly and with integrity, can act as a mini house of review for the Assembly. It has the ability to be an accountability agent. Members need to have experience in committee work to be able to do that job properly. Three years, I have to tell you, is not enough. I do not think that I was qualified after the first three years. I certainly felt a lot more comfortable after the ensuing eight months, and when I came into my second term here I was very comfortable with the process. But I do not reckon I had my act together on what the role of committees was until at least halfway through the second year of office. I think that is a particularly valid point.

There will be phantoms and horrors that people will throw up about a four-year term. To those on the conservative side who say, "Oh, no, we can't have a Labor Party government in place for too long," I remind them that the Northern Territory parliament had four-year terms from its inception, it was an awful long time before the Labor Party came into office in the Northern Territory, and the wheels did not fall off the territory during that time. Now there is a Labor government in the Northern Territory. Their parliament, in common with ours, is unicameral and very small, serving a relatively small population.

A comparison with Tasmania is interesting because they also have the Hare-Clark system, although they do not have five electorates as we do and, unlike us, they have an upper house. I remind those people of the minor party persuasion who say, "Oh no, you can't have a majority government because that is bad for sovereignty" that majority government is not the regular feature, although it happens occasionally, under the Hare-Clark system. The wheels have not fallen off Tasmania. Tasmania is not a bankrupt state; its citizens live a fairly reasonable lifestyle, thank you very much. It has a majority government at the moment, which seems to be functioning okay, and I think it has five Tasmanian Greens members. So four-year terms certainly do not work against proportional representation. It means that Tasmanians have the blessed benefit of five Greens for four years instead of three and—who knows?—for their sins they may even have another five next election.

I agree with the chair of the committee on the issue of a referendum: we do not need to spend the first two years of savings on a referendum to come up with the inevitable. We heard evidence that the probability was that 60 per cent of people would say yes to four-year terms, because they really do not care. The savings of $125,000 a year would be a lot better spent on other things. We have had no shortage of suggestions on how money can be spent in this town—on affordable housing, addressing poverty and a whole stack of things. To suggest that we blow $250,000 in one year on a referendum that we do not really need borders on the irresponsible.

In answer to those who talk about a conflict of interest, I would like to underscore something Mr Stefaniak said. If this Assembly were to change the law now to extend the term of the Fifth Assembly to four years, we would be absolutely guilty of conflict of interest; that accusation would be valid. If, on the other hand, we have the four-year term commencing from the next election—remembering that that election is 12 months away—there is no conflict of interest. As I said earlier, 30 per cent of members in this place change every election. The voters have got 12 months to say, "John Hargreaves, you were pushing this thing and we don't like what you have done, so you're on your bike." They've got plenty of time to say that and plenty of time to consider it. There is no conflict of interest because we are all on notice. There is no such thing as a safe seat under Hare-Clark. So I reject any notion of conflict of interest if we make the change start from the next election.

We have to remember that the election in 2004 is the ultimate referendum on all of us. If voters want to take it out on us for doing something, they will vote us out. If they think we should be returned for four years, they will vote us back in. The electoral commissioner will be telling people for 12 months, in his education program about the change, that they are going to be electing people for four years, not three.

What is also interesting to me is that those people who oppose this, and those people who have proposed that we go to referendum, have not proposed any change to the legislation to remove the power that the Assembly has to extend its term. In none of the evidence that we have had has anybody suggested that we should change the legislation so that if we want to extend the term it should be by referendum. That is my memory of it; if anyone did suggest it, it would have been only one. The call for a referendum is a red herring and I reject it.

I commend this report. I will wind up by just noting Ms Tucker's dissenting report. I think it is terrific that she has put in a dissenting report; members should do so if they do not agree with the majority view. However, I think there is in it an overconcentration on the connection with the size of the electorates. I have read it twice—just to make sure I did not get it wrong the first time—and she is saying that there should be three electorates of seven people. My understanding is that she said that, if we had three electorates of seven people, we could have a four-year term and this place would be political paradise. I do not see the connection. We put the case for increasing the numbers last time. It could have happened but it did not. I think the two are disconnected. I would like to see both of them up; I think both arguments are valid. From my own perspective, I do not like the idea of three electorates of seven members, because I think that seven members are too many for one electorate. That is a choice. So I do not see that nexus; I think that is just possibly trying to advantage a political party. I do not blame Ms Tucker for doing that, but the best of British luck and Christmas presents to her for that one. *[Extension of time granted]*.

I would like to congratulate our committee secretary for the work that went into producing this report. It is an excellent gathering together of information and I would also like to record appreciation to all of those people who did come forward and give evidence.

MS TUCKER (11.01): It was interesting listening to the comments from my colleagues and I think Mr Stefaniak, and Mr Hargreaves to a degree, gave a reasonable summary of the arguments. I have dissented from the majority recommendations of this report, and the main arguments that I have put are that there does need to be a referendum and that I have a concern about this unless there is a change in the number of members in the Assembly, but more particularly the arrangement of electorates. Mr Hargreaves just challenged that and said that he did not think there was a connection. But on page 9 of the report you will see that the ACT government noted in its submission:

> The possible perception that by extending the term of the Legislative Assembly there would be a reduction in the Assembly's accountability to the electorate is certainly diminished in the ACT by the fact that in the ACT there is little prospect of a single party holding an overall majority. Consequently, the government of the day would continue to be accountable to the Assembly and is dependent upon the support of either the cross bench or the Opposition.

So the ACT government itself has put that argument up. The point that I am making is that I agree that accountability of government to the electorate is certainly related not only to the length of term of office but to the electoral system. As we know, a government that has a majority is basically capable of doing what it likes in a parliament because these days there is such a strict party discipline imposed by the major parties,

though not the Democrats, and probably not the Greens either were they to be in a situation of having a number of members in this place. I note that federally there is a capacity for a conscience vote. So, if the Greens and the Democrats were major parties, there would be the capacity for backbenchers to hold the executive and cabinet accountable in the way that was originally designed to occur under the notion of responsible government that we talked about a bit yesterday. But that is obviously not the case now, so there is definitely a relationship between the sovereignty of voters and the nature of the electoral system as well as the length of the term. That is why I have made that link. The Greens are not saying that we are absolutely opposed to four-year terms—I need to make that clear—but we are saying that it does need to be accompanied with this electoral reform as well as a referendum.

On the question of a referendum, I think there is the perception of a conflict of interest, as I explained in my dissenting report, even though this particular proposal is that it would not occur until after this term has finished and, as Mr Hargreaves has pointed out, there is a turnover of members. Nothing is certain in politics, but it is most likely that people who are here now will still be here after the election, and I think it is not healthy in a democracy for a parliament to be able to, at whim, just increase the length of term of members. That is a question that should go to the people, really as a measure of respect for the community, because there is definitely some loss of accountability by extending the term and we need to know that the community is comfortable with that certain loss of sovereignty that will occur.

The argument has been put that it is going to save money to have fewer elections. I do not think that is a convincing argument because it raises the question: what price democracy? So the price issue cannot be seen as a very important one in this debate. I would be concerned if it was.

I am not convinced by the arguments that the extension of the term will allow a government or parliamentarians, as Mr Hargreaves said, time to get to know their electorates or convince the electorate that they are doing a good job or otherwise, or that it would give government a better chance of introducing longer-term policies. I think the addition of one year is not going to make much difference to the paradigm shift that is actually required in the view of the Greens. It is asserted in research that any kind of long-term social policy would take at least about 15 years to show results, and results in terms of environmental protection can take much longer. In fact, the Greens have a check question for policy, which is: will people thank us in 100 years for what we do today? That is a very long-term approach that we think is necessary. Adding one year to an electoral term I do not think is going to influence that. I would suggest that, even if we add one year, we will still see the electoral cycle fundamentally determining what government does. Adding one year is not going to make a significant difference to outcomes for the community now or in the long term.

I concede that an extension might make some policy work easier—that it would give some advantage; I am not saying that there would be no advantages—but what I am saying is that in the view of the Greens that does not justify extending the term at this point, unless we ensure as much as possible that the electoral system will allow diversity of voices within parliament and a real reflection of the community's view on who should be in government. That is not just about diversity of voices in the parliament; it is also

about the electorate having the capacity to express its preference between the major parties, which obviously is constrained in five-member electorates where you can have a significant difference in vote between the two major parties but the seats will be the same; each major party will still get two seats. So there is a strong argument that, if you increase the term of the Assembly, you must ensure that as much as possible the community's preference is expressed at the time of the election.

I also briefly remind members that the major parties did support this before. When the committee looked at the appropriateness of the size of the Legislative Assembly, there was a recommendation that the government consider increasing the term. I dissented from that view at that point because I said that I did not think that the committee had even looked at that issue—and we had not—and that there was need for further debate before I would support it. We have had the opportunity to have that further debate here and, while accepting some of the arguments, I am not able to support the majority recommendations of the committee, for the reasons I have just explained.

MS DUNDAS (11.09): I would like to use this opportunity to put on the record the opposition of the ACT Democrats to the proposal to change the term of the Assembly to four years as outlined by the majority of the committee in this report.

It is always the case that in a relatively new electoral system there is continued debate about how best to adapt the system to the particular needs of a specific jurisdiction. But this proposal for four-year terms has been debated and rejected multiple times by the Assembly in the past. It has been interesting to watch the about-face by the ACT Labor Party on this issue since coming to government, considering they were so vigorously opposed to the idea when they were in opposition. The ACT Democrats are prepared to make the case for retaining the existing system of three-year terms for the Legislative Assembly.

The first point to make is that the ACT government is not the same as a state government. The ACT system of government does not have the same number of checks and balances as in other jurisdictions. We have no upper house, no vice-regal assent and no separate level of local government. We have adopted a system that combines both state and local government duties that would be separately elected in other jurisdictions and we have a far wider range of duties than in state governments because we also take on local responsibilities.

In other jurisdictions voters have the opportunity to vote not only in state elections every few years but also at local government elections. We need to keep in mind that here in the ACT we have rolled local and state responsibilities into one, meaning that our voters have only one opportunity—instead of the rest of Australia's two—to make a judgment on the issues that are important to them in each electoral cycle.

We have a small population and cover a small geographic area. By any measure the ACT government is much closer to the people of Canberra than is any state government to its voters, and that also applies for the ACT parliament and all members here. Our three-year term reflects the unique system of representation we have.

I would like to put forward the viewpoint that elections provide an essential and welcome interaction between the Assembly and the people of the ACT. Many members

have stood in this chamber and lamented that many in the ACT community are disengaged, uninterested or uninformed of the work that we do here in the Assembly. The proposal to move to four-year terms will only make this worse. Elections engage the public interest in the political system and frequent elections enhance the continuity of public debate between election cycles. Elections should not be viewed as some sort of impediment to good governance. As Alfred E. Smith famously said:

> All the ills of democracy can be cured by more democracy.

This proposal put forward by the majority of the Legal Affairs Committee is not about more democracy. It is, I believe, about less democracy. It is about reducing the opportunities of the people of Canberra to choose their representatives and to change their government. And it is about keeping people in positions of power and privilege for longer periods of time.

The arguments that have been put forward to increase the length of the Assembly to four years are not very strong. As the government admitted itself in its submission, four of the seven supposed benefits are essentially unprovable. These include encouraging governments to introduce longer-term policies, enhancing business confidence, enhancing the representative function of members and raising the standard of political debate. I think the term of the Fourth Assembly demonstrates the falsehood of these unprovable theories. The last Assembly was nearly four years long—and do members really believe that the last Assembly was a model of stability, long-term planning and a higher standard of representation and debate? That is not my impression of what happened in the last Assembly.

In fact the length of the term of the Assembly probably has little to do with improving government outcomes. If we want to improve these outcomes, then let us get together and talk about the issues and work out strategies to fix them. This might involve more communication, more information and greater involvement of MLAs at earlier levels of decision making. Changing the length of term will probably have only marginal, if any, effect.

The other issue that seems to be pushed is the question of cost. We now have evidence that this proposal will save about $125,000 a year. That is about 65c for every voter. Given the recent $140 million surplus and the ACT government's spending totalling over $2 billion, I wonder what impact we really can expect from an extra $125,000. What are you going to give the people of Canberra in return for reducing elections by 25 per cent? And, as Ms Tucker has already said, we really need to be questioning what price we put on democracy.

Equally, government members have brought up a number of issues that I believe are best solved by other means. The issue of committees is a case in point. I agree that there need to be improvements in the way committee reports are implemented and how we produce changes in policy by committee work. But the issue here is how the communication channels are working. Where is the reporting of decisions that are implemented? Where is the commitment of government to carry committee recommendations between assemblies? We have already had debate in the term of the Fifth Assembly about how we can move this forwards. These are the initiatives that will improve the implementation of

committee inquiry recommendations. The argument for an extension of term in relation to committee reports is, I believe, a red herring.

I take issue with the idea that the turnover of members in this Assembly is some sort of problem that needs to be rectified. If every member was always re-elected, this would be a very strange form of democracy. The whole point of an electoral system is to have some sort of changeover in the membership of the Assembly, or at least to have the opportunity for that changeover. This is how members of parliaments change, this is how governments change and it is how policy changes. Our electoral system is designed to allow the people of Canberra to choose who they want to represent them. The fact that the membership changes from Assembly to Assembly is a strength, not a weakness, and it is often said that we get the governments that we deserve.

The worst part of this proposal is that it once again lowers the respect for Assembly members in the eyes of the community. This proposal reinforces all the prejudices of the community about politicians simply acting in their own interests and protecting their own positions of power in contempt of the wishes of the people. I believe, and the ACT Democrats believe, that this proposal is essentially antidemocratic, and I call on members of the Assembly to oppose it. I thank Ms Tucker, as a member of the Standing Committee on Legal Affairs, for putting in a dissenting report and I hope that members of the Assembly will carefully consider what it is they would be doing by increasing the length of the term of this Assembly to four years.

Question resolved in the affirmative.

Statute Law Amendment Bill 2003 (No 2)

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

Title read by clerk.

MR WOOD (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for Police and Emergency Services and Minister for Arts and Heritage) (11.17): I move:

> That this bill be agreed to in principle.

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

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

The enhancement of the ACT statute book through the technical amendments program is also a process of modernisation. For example, laws need to be kept up to date to reflect ongoing technological and societal change. Also, as the ACT statute book has been created from various jurisdictional sources over a long period, it reflects the various drafting practices, language usage, printing formats and styles throughout the years. It is important to maintain a minimum level of consistency in presentation and cohesion between legislation coming from different sources at different times so that better access to and understanding of the law is achieved.

Statute law amendment bills deal with four kinds of matters. Schedule 1 provides for minor, non-controversial amendments proposed by government agencies. Schedule 2 contains amendments of the Legislation Act 2001 proposed by the Parliamentary Counsel to ensure the overall structure of the statute book is cohesive and consistent and is developed to reflect best practice. Schedule 3 contains technical amendments proposed by the Parliamentary Counsel to correct minor typographical or clerical errors, improve grammar or syntax, omit redundant provisions, include explanatory notes or otherwise update or improve the form of the legislation. Schedule 4 repeals redundant legislation.

The bill contains a large number of minor amendments and has detailed explanatory notes, so it is not useful for me to go through them now. I would like briefly to mention several matters in the bill.

First, an amendment of the Building and Construction Industry Training Levy Act 1999 ensures that the actions of the Building and Construction Industry Training Fund Board for the period 1 November 2002 to 18 July 2003 are not invalid because the notification and tabling requirements under the Legislation Act were not satisfied for all of the appointments made to the board during that period. The members were reappointed by an instrument of appointment beginning on 19 July 2003.

Second, the bill includes amendments of the commencement provisions of the Legislation Act. New section 75A makes it clear what retrospective commencement means, and new section 75B states that a retrospective commencement of a legislative provision requires a clear indication. These provisions are complemented by revised section 76(2) which makes it clear that a statutory instrument may not provide for the retrospective commencement of a prejudicial provision of the instrument, unless under the authority of an act.

The amendments of the commencement provisions clarify, rather than alter, the operation of the provisions. To assist users of the legislation register to know what the law is at any time, the register provides information about when a law or instrument, or a particular version of a law or instrument, became effective or ceased to be effective. In the absence of a general rule about retrospective commencements, it can be difficult to work out whether a retrospective commencement of a registrable instrument is intended or a registrable instrument is simply notified later than the time that was envisaged. If it is simply notified late, the instrument will commence on the day after its notification day. By requiring a clear indication if a retrospective commencement is intended, the amendment will enable questions of that kind to be decided more easily and with greater certainty. It would also assist in ensuring greater transparency in the operation of statutory instruments.

Third, schedule 4 repeals the Institute for the Study of Man and Society Incorporation Act 1968. The act provides for the incorporation of an institute known as the Institute for the Study of Man and Society to promote the understanding and study of society. The incorporation was part of the preparatory work for the institute undertaken in the late 1960s and early 1970s. I understand that, although enough funds were raised for a building on land granted to the institute by the former National Capital Development Authority, there were insufficient funds for ongoing costs and the land was surrendered. The institute never became a reality and the act has no ongoing operation.

Finally, schedule 4 repeals a number of registrable instruments which are spent but are not repealed by the automatic repeal provision of the Legislation Act 2001 because, for example, of a substantive provision in the instrument. The instruments will be retained on the legislation register but moved to the repealed part of the register. The removal of the spent instruments from the current instruments part of the legislation register will assist users to find the current law more easily by removing unnecessary clutter.

In addition to the explanatory notes in the bill, the Parliamentary Counsel is also available to provide any further information or explanation that members would like about any of the amendments or repeals in the bill.

The bill, while minor and technical in nature, is another important building block in the development of a modernised and accessible ACT statute book that is second to none in Australia. I commend the bill to the Assembly.

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

Australian Crime Commission (ACT) Bill 2003

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

Title read by clerk.

MR WOOD (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for Police and Emergency Services, and Minister for Arts and Heritage) (11.26): I move:

> That this bill be agreed to in principle.

Mr Speaker, I am pleased to introduce the Australian Crime Commission (ACT) Bill 2003 into this Assembly. This bill complements the Australian Crime Commission Act 2002 of the Commonwealth and provides for the operation of the Australian Crime Commission in the ACT under territory law.

The Australian Crime Commission replaced the National Crime Authority and combines the investigative functions of the National Crime Authority with the criminal intelligence functions of the former Office of Strategic Crime Assessment and the former Australian Bureau of Criminal Intelligence.

The Australian Crime Commission Act 2002 of the Commonwealth is a result of the creation by the Commonwealth government of a new national framework to deal with transnational crime and terrorism. In a meeting between state and territory leaders in 2002 it was agreed that effective cooperation between jurisdictions was necessary to build on arrangements that would respond quickly and effectively to global law enforcement challenges and criminal activity in a transnational arena. Complementary state and territory legislation is necessary to provide for the operation of the Australian Crime Commission under state and territory law.

The Australian Crime Commission's functions include the collection and analysis of criminal intelligence in a coordinated manner, conducting investigations of criminal activity of national significance, the exercise of coercive powers and setting national criminal law priorities.

There are a number of benefits for ACT residents in the creation of a bill providing for the operation of the Australian Crime Commission in the ACT. The bill includes provisions for the commission to undertake investigations in relation to criminal activity that relates to territory offences irrespective of whether those offences have a federal basis. This is important for the ACT as it will assist us in investigating and combating territorial as well as national crime.

In providing for the operation of the Australian Crime Commission, the bill maintains the powers that were available to the former National Crime Authority and includes provision for those powers to be used for the Australian Crime Commission's investigative and criminal intelligence roles.

Furthermore, there are stiff penalties for contravening provisions of the bill to facilitate the effective performance of the commission's functions. The penalties set out in the territory bill reflect the current penalty policy in the ACT, while maintaining uniformity as close as possible with the Commonwealth and other jurisdictions. They have been matched closely with Commonwealth penalties, or in some instances are higher as a result of the application of the standard penalty formula in the ACT.

The government was concerned that in no case should penalties be lower than those in other jurisdictions lest the ACT be regarded as a "soft" target for organised crime groups. There is also the option for certain offence proceedings to be conducted summarily under the provisions of the Crimes Act 1900, consistent with the approach taken in the Commonwealth act.

Provisions have been included in the bill that allow officers of the Australian Crime Commission to pursue organised crime within ACT borders without being hampered by legal limitations. This is an important step in the development of state, territorial and federal policing arrangements and will assist in the flow of criminal activity and intelligence information to ACT local police, thereby supporting our police in the investigation of local offences.

Finally, the bill in allowing the introduction of the Australian Crime Commission in the territory will assist the AFP in its operations through the distribution and sharing of

intelligence information gathered by the commission. The representation of the Chief Police Officer of the ACT on the board of the Australian Crime Commission will ensure that the territory's needs are reflected in the Australian Crime Commission's national intelligence priorities.

Organised crime is increasingly becoming more sophisticated, entrepreneurial and hidden in nature. It is critical for an effective national response that the states and territories work with the Commonwealth in the fight against such crime. Through the introduction of the Australian Crime Commission (ACT) Bill, the ACT will be assisting in an integrated and nationwide response. This is an important step. This is an acknowledgment by the ACT that it is not a stand-alone island within the policing network and that contemporary policing requires law enforcement agencies to carry out investigations that extend beyond jurisdictions.

This bill largely mirrors uniform state and territory legislation that is based on the Commonwealth act to ensure that the Australian Crime Commission can conduct investigations and intelligence operations into Commonwealth, state and territory offences as seamlessly as possible.

Part 1 of the bill deals with preliminary matters such as the commencement of the act and alerts readers to the object of the act, which is to provide for the operation of the Australian Crime Commission in the ACT.

Part 2 of the bill outlines the functions and responsibilities of the commission, the board, and the intergovernmental committee under territory law, including conducting investigations and intelligence operations in relation to relevant criminal activity.

Part 3 of the bill provides for the commission's examination powers, such as summoning witnesses and taking evidence, to be exercised by examiners, who will be independent statutory officers appointed under the Commonwealth act.

Part 4 of the bill sets out the provisions relating to the issuing of warrants and provides for the investigatory powers of the commission, including search powers under warrant and examination powers which are exercisable for both its investigatory and criminal intelligence functions.

Part 5 of the bill deals with the exercise of the functions of the Australian Crime Commission within the territory and ensures the commission's special powers are used appropriately. The board may determine certain operations and investigations to be special operations or investigations, which invoke special power, such as calling witnesses, taking evidence and obtaining documents.

Part 6 of the bill contains general administrative arrangements to enable the commission to undertake its investigations. It also creates offences for failure to comply with the act to facilitate the operations of the commission. These offences include failing to attend an examination or to answer questions, and failing to produce documents or things when required to do so by a summons. The offences in the bill will be similar to the offences contained in the Commonwealth act and existing state and territory National Crime Authority legislation.

Part 7 of the bill contains transitional provisions to ensure that the transition from the National Crime Authority to the Australian Crime Commission is as seamless as possible. This part repeals the existing National Crime Authority (Territory Provisions) Act 1991, and makes consequential amendments to related legislation. There is no direct financial cost to the territory in implementing the bill.

This bill will result in greater cooperation and flow of information between intelligence gathering agencies and policing agencies. The government recognises that this is an important step in combating organised global crime. Organised criminal activity is not hindered by national or international boundaries. Tackling organised crime in Australia requires collaboration between state, territory and Commonwealth law enforcement agencies.

I commend the bill to the Assembly.

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

Independent Competition and Regulatory Commission Amendment Bill 2003

Mr Quinlan presented the bill and its explanatory statement.

Title read by clerk.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, and Minister for Sport, Racing and Gaming) (11.36): I move:

> That this bill be agreed to in principle.

Mr Speaker, the Independent Competition and Regulatory Commission Amendment Bill will allow certain fees and charges affecting the cost of providing a utility or regulated service to be passed on in full to the consumers of the service without having to first go through the Independent Competition and Regulatory Commission, the ICRC. These fees and charges will be declared by disallowable instrument.

Under the Independent Competition and Regulatory Commission Act 1997, the ICRC's objectives are to:

- promote effective competition in the interests of consumers;
- facilitate an appropriate balance between efficiency and environmental and social considerations; and
- ensure non-discriminatory access to monopoly and near-monopoly infrastructure.

One of the key functions of the ICRC is to determine the price path for regulated services. In setting the price path, the ICRC is required to have regard to the social and environmental impacts of its decision and to ensure that the price charged is equitable and transparent. Under the current act, all costs are currently considered in the ICRC

price determination and it is at the discretion of the commission as to whether these costs are passed on.

Mr Speaker, I would like to stress that this bill has not been developed in response to any action or decision taken by the commission. The government is pleased that the commission's determinations have been soundly based, taking into account relevant matters raised during the consultation process and government policies. This measure is seeking to address a potential and unintentional consequence of the current act.

This bill will ensure that the charges determined by government will automatically be factored into the price charged to consumers. The role of the ICRC is to examine whether the costs incurred by the utility in order to provide a good or service should be passed on to the consumer or not, and this role should be rightly maintained.

However, the government does not consider that it is appropriate for the commission to consider whether a government fee should be passed on to the consumer. An example of a government fee could be a charge based on a cost incurred by government, rather than the utility, in the provision of a service—for example, the water abstraction charge. Alternatively, it could be a fee that the government has decided to add to the provision of a good or service in order to implement government policy—for example, an environmental levy. Under a disallowable instrument, the fee can be debated by the Legislative Assembly.

If the commission has the power to block the fee from being passed on to the consumer, it could have the unintentional consequence of giving the commission the power to determine whether a government policy is implemented or not.

A new section 4C will allow the Treasurer to declare that a statutory fee affects the cost of providing a utility or regulated service and that this fee may be passed on in full to the consumer of the service. The bill stipulates that it is not the function of the commission to investigate the amount of the statutory fee as part of its price determination for the utility. However, at the same time, the government appreciates and will continue to seek advice from the ICRC in regard to the appropriateness of certain charges and their levels as requested from time to time.

The bill is designed to ensure that a fee declared under section 4C can be passed on in all circumstances. Regardless of whether the commission is making a price direction in a regulated industry, deciding whether to consent to a variation, or deciding to vary a price direction, the statutory fee can be passed on in full to the consumer of the utility service if determined by the government.

I commend the bill to the Assembly.

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

Grant of a further rural lease
Disallowable instrument DI2003-254

MRS DUNNE (11.41): Mr Speaker, I seek leave to amend my motion.

Leave granted.

MRS DUNNE: I move:

> That Disallowable Instrument DI2003-254, Land (Planning and Environment) Determination of Matters to be taken into Consideration—Grant of a Further Rural Lease—2003, be amended as follows:
>
> (1) Schedule 1 Maximum Rural Lease Term Plan be amended: Blocks 181, 1125, 1171, 1187 Weston Creek and Blocks 181, 1491, 1492, 1493, 1495, 1587 and part 179 Belconnen be amended to 99 year leases.
>
> (2) Schedule 2, page 1 be amended:
>
> (a) After the words 'Belconnen—All excluding Blocks 50', add 181, 1491, 1492, 1493, 1495, 1587 and part 179.
>
> (b) After the words 'Weston Creek—All', add the words 'excluding Blocks 181, 1125, 1171, 1187'.

MRS DUNNE: Mr Speaker, before I address the substantive issue I would like to address the amendment and explain its provenance. Yesterday afternoon at about half past five the Minister for Planning rang me to discuss this matter, which was originally a disallowance motion. I pay tribute to the Minister for Planning for taking the time to point out the technical difficulties that would have arisen if we had proceeded with the disallowance motion today. I also thank him for offering his staff to assist me with the motion that is before us today.

I drafted a motion, which appears on the notice paper, but in discussion with officers this morning we discovered that some of the block numbers that relate to the motion had been inadvertently omitted. The amendment inserts some block numbers so as to ensure that we are all talking about the one piece of land. I do apologise to members for any confusion. The amendment conveys my intention and I thank the minister for his cooperation. He could have sat mum and he did not, and I pay tribute to him for that.

It is, however, sad that we have to come into this place today and attempt to amend this disallowable instrument. It is sad that we have to come here and have an argument about whether, as legislators, we should treat people in the ACT justly and that we should treat them all equally. It is sad and unfortunate that after probably eight years of discussion about rural leases and people's right to tenure we should be in here today discussing the question of whether it is proper to acquire people's property on just terms.

Mr Speaker, what disallowable instrument 254 does, with the stroke of administrative pen, is deprive a small number of our fellow citizens of rights that the rest of us take for granted. If our house were to be acquired by the government for the building of a road or for some other public purpose, we would expect just treatment. We would expect to be able to relocate our home and our lives without loss. But the government, through disallowable instrument 254, is seeking to treat a small number of rural lessees in a way that is different from the rest of the ACT community.

I think we have to go back in history a bit. This story goes back, to my knowledge, to before 1996. In 1996 the then minister for the environment, to whom I was an adviser, set up a rural taskforce to find an equitable solution to many of the problems of land tenure in the ACT. This issue was of considerable importance to all of the rural lessees at

the time and it captured the imagination of the people in this Assembly. The report of the taskforce was widely and enthusiastically received. The Minister for Planning was then the shadow minister for the environment and he lent his support to the initiatives of the taskforce.

Mr Speaker, in 1997, when the rural taskforce reported, every group in this Assembly supported its recommendations. We had multi-partisan support, even in the face of some resistance from the bureaucracy. Although there was this resistance, the government at that time had a responsibility to put forward a policy. There was a clear policy, which again had the support of all the parties in this place, to support wherever possible the increasing of tenure of rural leases to 99-year leases.

In 1997 we agreed, and it was eventually put into legislation in 1999, that all rural leases in the ACT would be 99 years unless they were in areas of imminent urban development. I was around at the time, Mr Speaker, and I saw the briefs. I know that at the time there were members of the bureaucracy who worked hard to persuade Mr Humphries and the Liberal government that land in the Molonglo area should not be subject to 99-year leases because one day we might want to build something there and that one day we might have to pay compensation to people to move away so that the ACT could have access to their land.

But the Liberal government, with the support of every other grouping in this parliament, decided that it was more just to provide for long-term leases and if the territory ever needed that land for any other purpose, they would have to resume it on just terms, as the Australian Constitution requires. The policy was that land in Molonglo and West Belconnen would be given a 99-year lease and if the territory ever wanted it, they would have to pay for it at some future stage.

It is worth noting, Mr Speaker, that in 1997 and 1999, when the legislation was finally passed, no-one in their wildest imagination would have thought that we would ever need or contemplate resuming land at Coppins Crossing for urban uses. This was the policy that the Liberals took to the 1998 election and this was the policy that was endorsed by the then shadow minister for the environment, Mr Corbell. It was the policy that informed the passing of legislation in 1999.

There were a few problems in its execution, some of which affect the blocks at Weston Creek and Belconnen that we are talking about today, but those difficulties are not relevant to today's debate and I ask people to put those issues aside. Suffice it to say that in 1997, when the policy was formulated and when it was confirmed by legislation, all the rural leases between Weston Creek and Belconnen through Uriarra and Coppins Crossing were designated as 99-year leases. It is immaterial whether or not the lessees took up the offer of a concessional conversion. All those leases were designated 99-year leases.

Then enter the fires, both of 2001 and 2003. Since the fires the community has decided that we should have a look at all our land use policies in fire affected areas. Things have changed and it would be irresponsible if we did not look at our land use policies. Since the fire there has been active discussion about whether some of this land burnt out in 2003 is urban capable.

And then enter Mr Corbell. The minister seems to have received advice that land around Coppins Crossing is the most suitable urban capable land. I say he "seems to have received" this advice because he has not taken this place into his confidence. All we know of his thinking is what he has done in this disallowable instrument. What he has done is excise a small number of blocks from those which were originally designated 99-year leases and turn them into 20-year leases.

With the stroke of a pen he has adversely affected the lives and the livelihood of several generations of two long-standing families of the ACT—two families who were burnt out not by one fire but by fires in two successive summers. During two successive summers disastrous bushfires moved through these people's properties. And that instrument, by a single stroke of the pen, singles out the two family holdings. It takes away their right ever to apply for a 99-year lease and substitutes only a 20-year lease— a 20-year lease which, under the current expiry arrangements, is worth next to nothing.

I ask members to consider whether this is just. I ask: is this the act of a government which is interested in social justice? I wonder what the motivation of the minister is, and I can only go to his publicly reported statements. On 9 August on *Stateline* he said that he was doing this because he had to act prudently and protect the revenues of the territory. It is interesting that really what this boils down to is sort of a role reversal. We are from the Liberal Party and we are the ones who are usually talking about fiscal rectitude. The Labor Party is the party of social justice. They are the ones who are talking about a fair go for people, planning for people—all of that rhetoric. But today it seems to be the other way around.

This minister, Mr Corbell, is concerned primarily about the revenues of the territory. The Liberal opposition is asking this place to remember that there are people involved here. Generations of people who have made a commitment to the ACT are having their rights to property resumed. I come from the party which largely built Canberra. I come from the party whose leader, Robert Gordon Menzies, promised lessees that they would receive just treatment if their land was taken over for public purposes, that if their land was taken over for urban expansion they would be compensated.

The territory is bound to just terms by the self-government act. Mr Corbell, as an agent of the Labor government, is attempting to act outside these principles. We cannot reward his greed and if we do we will set a precedent. How many other lessees, both rural and urban, will have their lives and their opportunities to maintain their property change with the stroke of an administrative pen?

Mr Corbell, as an agent of the Labor government, says he is protecting the revenues of the territory. If he succeeds in turning this land from its present use of rural to residential, the territory stands to gain hundreds of millions of dollars in land sales, land tax, rates, stamp duty—the whole lot—but there is nowhere in that hundreds of millions of dollars for a couple of millions of dollars for the farmers who will be displaced. Won't there be a little cash to spare out of this great windfall to see that the families who previously farmed this land can set up elsewhere without loss? This is what it is about, Mr Speaker. It is about allowing them to get on with their lives without loss. And isn't this what a just society should be doing? If we do anything else, we would be in breach of the

constitution and we would also be in breach of the moral law and our moral responsibility to the people of the ACT.

Apart from the moral law, I do not want to see us go down the path of attempting to resume someone's land on less than just terms because I think we will pay a very high political price if we do. I also doubt that the territory would win in the courts. In the past 20 years there have been two cases, one in the High Court case of Oldfield and one in the Supreme Court in relation to a property known as Fassifern where Dunlop now stands, and on both occasions the government lost in its attempt to resume property on unfair terms.

In the case of Fassifern I saw the briefs and I actually said to my minister at the time, "Gary, this is a problem. This is going to cause us a problem." The bureaucrats said to us, "Don't you worry, Minister, it's all above board, it's all fine, we will sort it out, everything will be fine." $1.2 million later, plus costs, we got out of that. The territory, because it was greedy, ended up paying much, much more than it would have if they had just resumed the land on just terms.

In addition to that, at this stage there is no reason for the minister to resume the land. He has stated that there is a reason. In a recent publication of the Australian Psychological Society, the chairman of the ACT division, Justine Gregg, reported on a meeting that she had with the Minister for Health and the Minister for Planning about a number of issues, including the trauma experienced by rural lessees who had had their life made more difficult by the resumption of their leases. Some of these rural lessees have never been able to access services through the recovery centre. They have had to pay large sums of money to private counsellors to have their children counselled about the trauma of the fire. This is what it was reported the minister said to the Australian Psychological Society:

> The Minister expressed concern for the recovery of these families but he explained the legal and ACT planning constraints that the Stromlo/Molonglo areas impacted by the bushfire were already zoned urban redevelopment.

The Australian Psychological Society said that the minister told them that areas of Stromlo had already been rezoned redevelopment.

I know that what has been done here already has been done by stealth and I just draw members' attention to the map in the disallowable instrument. You have to be pretty smart to even be able to read the map. I have not got my glasses on but I can just make it out. *[Extension of time granted.]* It was very informative today when I was looking at this map that an officer from the department said, "We can't read those maps. We've got big coloured ones in our office." But the people who are affected by this do not have access to the big coloured ones. They have the little black and white one on the PDF file and it is very hard to see what is actually going on. This is about stealth. This is a minister who told the Australian Psychological Society there was nothing he could do for these people because the legal and planning requirements had already changed the use of the land.

Mr Speaker, unless I have been asleep and unless the rest of us have been asleep, I do not think that is true.

Mr Corbell: No, it's not true.

MRS DUNNE: I am glad he says it is not true—

Mr Corbell: It's not true.

MRS DUNNE: I hope he goes back to the Australian Psychological Society and comes up with a better reason for why these people are being treated like this.

Apart from the issues of justice, there is the issue about what the land use is. At present there is no public purpose for ending these leases. These leases are rural—the Territory Plan says they are rural, the National Capital Plan says they are rural. Mr Corbell seems to be limiting the rights of these farmers before any decision has been made about the future land use and before it is approved.

If we go down this path of making radical changes to land use, we must have a planning review that follows the proper processes, both within the territory and within the federal sphere. Whilst this might ultimately change the land use to the benefit of the broader community, this does not justify an attempt to treat individuals in such a shabby, shoddy way.

I hope what is happening here is not victimisation but there is an air of that. As I said before, some of these people have not been able to access counselling services through the recovery centre and have had to go, at great cost to themselves, to private counsellors. Mr Corbell shakes his head, but I think he needs to find out if this is the case. These people can show me the bills that they have paid; so it seems they have been going to private counsellors for something.

On 29 January, one of these rural lessees was invited to go to Melbourne to talk about rural leasing issues after the impact of the fires. I would like members of the government to explain why, in the course of a conversation at 9.30 at night with this rural lessee, a senior member of the ACT government bureaucracy told this person, "If you speak in public about the fires, bad things will happen to you"? It is interesting, Mr Speaker, that that person, despite that warning, went to Melbourne on 11 March and spoke to farmers about the impact of the fires.

On 12 March, Mr Corbell issued a press release that said everything is wonderful for people with 99-year leases, basically except for the ones that we resume; that these leases affected by possible future urban development will be offered a short-term lease like rural lessees at Gungahlin. These are not like rural lessees at Gungahlin. Rural lessees at Gungahlin have agistment leases. These people have valid property leases where they own everything on the lease that had been issued in 1956. These are different sorts of leases. This is not an agistment lease. This is a valid 1956 lease which has a renewal clause and a withdrawal clause, and this minister would like to take it away.

I ask any members in this house who have an open mind about this issue to think very clearly and please do not act rashly to the detriment of our fellow citizens. If there are members in this place who have an open mind about what should be done today, I would ask them to think very carefully. Do not act precipitately to take away the rights. If you

are not sure whether you are taking away someone's rights, please do not act precipitately. If you agree to amend this disallowable instrument, we will revert to what the leasing situation was in July this year, and that reflects the policy endorsed by every grouping in the parliament in 1999—the Labor Party, the Greens and the then crossbenchers. If you do not agree to this amendment, you run the risk of becoming complicit in taking away people's property rights. If you are unsure whether or not you should do that, I ask you to act prudently and to vote in support of this motion.

MR CORBELL (Minister for Health and Minister for Planning) (12.02): Mr Speaker, I am going to seek to refute the significant number of allegations that Mrs Dunne has made in this debate. I will do so on the basis of fact, not assumption or conspiracy theory, as we heard in respect of some of the assertions that were made by Mrs Dunne. I am also going to seek to outline to members very clearly why the government has taken the steps it has in relation to these rural lessees.

But first, a couple of things. Mrs Dunne asserts that there is some sort of conspiracy, that the government is conspiring against the rural lessees in the Molonglo Valley, to the extent that we were even denying them counselling services. It is blatantly not the case.

If a private resident chooses to seek private counselling services, that is a decision for them, and I know that many people affected by the fires have sought that. But equally, counselling services have been made available to everyone who has attended the recovery centre. I think it is unfortunate that Mrs Dunne uses this assertion of victimisation and bias to the extent that she even suggests the recovery centre is discriminating against fire-affected people. This does not in any way add to this debate.

Mr Speaker, what the government decided following the fires in January was this: we knew that we needed to provide certainty for rural lessees, particularly those who had been affected by the fire but also those who had been affected by drought. We knew that we needed to expedite offers of long-term rural leases so those lessees knew they had long-term tenure and could seek the finance they needed from financial institutions to rebuild and put back the infrastructure that they had lost.

So the government announced two things. The government announced, first of all, that it would extend the period of time available for long-term rural leases to be offered to those who had not yet taken up the opportunity to receive them—99-year leases—and it also decided that in relation to the Molonglo Valley, given that it is a clearly identified area in the territory's planning processes now as an area of potential residential development, it would not be prudent to provide for a long-term lease if in five, 10, 15 or even 20 years time the territory needed to use that land for residential development. And that is what the government announced earlier this year.

This meant that two lessees in the Molonglo Valley were offered 20-year leases. They had previously, under the previous government, been offered a 99-year lease and they did not take up that offer. The period of offer lapsed. The lessees did not take up the offer because they are in dispute with both this government and the previous government in relation to the terms and conditions of the long-term lease. That position remains unchanged. The government then indicated to those short-term lessees that they had the opportunity to take up a 20-year lease.

I want to refute something Mrs Dunne said in the debate. She said, "Oh, these lessees own everything on their land." That is not the case. Currently, these leases are 50-year leases and they contain both territory-owned and lessee-owned improvements. The basis of the lease provides for the territory to compensate the lessee for the lessee-owned improvements. That is no different from the lease offer the territory is currently making to those lessees. We are offering them a 20-year lease on the same basis as currently exists for their existing lease of 50 years. It is worth noting to members, Mr Speaker, that in both instances these leases will expire in a couple of years time. That is why the government is making a new lease offer.

So, Mr Speaker, we are not taking away any rights. We are maintaining those lessees' existing rights. Their rights at the moment are the use of a parcel of land. Their rights in relation to compensation are compensation for lessee-owned improvements. The new leases being offered to them retain exactly the same compensation right. So let us get that issue of acquisition on unjust terms off the table now. The acquisition and the compensation requirements on both the lessee and the territory are the same in these new leases as they are in relation to the current leases. That is the situation.

Mr Speaker, what is the rationale for doing this? What is driving the government to do this? Perhaps I might give a bit of background. Members should be aware that one of the purposes of the leasehold system is to enable the effective management of land to meet public purposes. The capacity of the territory to issue a lease with certain terms and conditions recognises that, first of all, the lease is just that—it is a lease to use the land for a set period of time for a set purpose. It is not freehold, it is leasehold.

Rural leases are used—often in the past and potentially into the future—as a land bank for potential or proposed urban development. It is the basis on which Canberra was built. The capacity of the territory to issue a lease for a set period for a set use at a set rate allows us as a community to manage our land to ensure that land is available when it is needed for the community in the public interest.

We all know in this place that the government has been progressing a very extensive planning process looking at potential growth options for Canberra. One of those growth options is the development of the Molonglo Valley as an area of residential development/urban development. It is not confirmed. There have been no changes to the statutory planning framework but it is a very clear direction that is available to the territory, to this Assembly, to the broader community.

What Mrs Dunne is essentially proposing today—and this comes to the nub of the question—is this: that even though it is possible that in five, 10, 15, 20 even 25 years time land in Molonglo Valley could be used for urban development, we should grant a right, a new right, to those lessees there to use the land for 99 years. Any government has to manage both the land asset and its financial assets prudently and reasonably. This is not about making money: this is about protecting taxpayers' money from inappropriate use. How appropriate is it for a government to enter into a contract—because that is what a lease is, a contract—for 99 years knowing that it is unlikely or questionable that the contract will be able to be honoured on the part of the territory? How prudent and responsible is it to do that?

Mr Speaker, what Mrs Dunne is proposing to members today is this: enter into a contract for 99 years knowing that that contract may not be able to be honoured by the territory, and if it is not able to be honoured the territory will be obliged to pay compensation for the full unexpired period of the lease. Let me give you an example. Say a lease is issued for 99 years and the government decides after 20 years that the land is needed. The territory will have to pay compensation to the extent of 79 years worth of unused potential, unused property right. That is a significant amount of money. Mrs Dunne might think, "Oh, well, it's just a couple of million. Who cares?" But that is not prudent, that is not responsible. It is not just a matter of saying, "Oh, it's not a lot of money." It is about saying, "Should the taxpayers' money, should the public interest, knowingly subsidise a private windfall gain?

That is what the argument is about: should we knowingly provide a windfall gain or should we use the leasehold system responsibly and appropriately by issuing a contract for the land which we believe can be reasonably honoured? That is the basis of the government's decision. It is not about making money: it is about protecting the public interest. It is about protecting the public interest in terms of land being available for urban development if the territory decides that it is appropriate to do so. It is about protecting the public interest in preventing private windfall gain—preventing private windfall gain in the knowledge that the land may be required for another purpose within 99 years.

Imagine what the Auditor-General would say if the government entered into a contract with a private party to provide a particular service knowing that it may not be able to provide that service for a period of time—in fact, for well over two-thirds of the contract. That would be misrepresentation, Mr Speaker. It is not a prudent or appropriate way to behave.

Mr Speaker, Mrs Dunne made some assertions, too, in her conspiracy theories around the size of the map. When a lease offer is made to someone they get it all; they get all the documentation as it relates to their land. They get told what land it covers, where it is physically located—all the terms and conditions of the offer. They get it all. Mrs Dunne, I do not know whether you raised the issue about the size of the mapping in discussions with officers but I am sure if you had they would have provided you with a larger map.

Mrs Dunne: Oh, they did but they didn't provide the people. When this was issued there wasn't a big colour map.

MR SPEAKER: Order! Mrs Dunne.

MR CORBELL: So, Mr Speaker, again the suggestion that there is a conspiracy does not add to the debate in any way.

Mrs Dunne: I had to ask for it twice, too.

MR CORBELL: Mr Speaker, I heard Mrs Dunne in silence and I would hope she would do me the same courtesy.

MR SPEAKER: Order! Mrs Dunne.

MR CORBELL: Mr Speaker, the issue that members have to consider today is this: what is the most appropriate way of administering the leasehold so as to protect the public? At the end of the day we are here not to make decisions as they relate to individuals but to make decisions as they relate to our community overall. What is in the public interest? *[Extension of time granted.]* If members decide it is in the public interest to provide for an effective windfall gain of 70 to 80 years potentially of land value then that is the decision of this Assembly and the government will accept that. But we do not believe it is in the public interest. We do not believe it is an appropriate use of taxpayers' money.

If I can just briefly now deal with the detail of the disallowable instrument. The disallowable instrument relates to leases. Let me put it this way: there are approximately 190 rural lessees in the ACT. About 160 of those rural lessees have accepted the government's offer of a long-term rural lease. Seven rural lessees are in dispute with the government about the conditions of the long-term rural lease. Those rural lessees form the Sustainable Rural Lands Group, of which two lessees in the Molonglo Valley are members, and it is those two lessees who are affected by this decision.

Mr Speaker, I think there has been very strong support for the long-term rural leases policy. Mrs Dunne has said in her argument in favour of the disallowance today that the Labor Party supported this, too, when we were in opposition and now we do not. Well, Mrs Dunne suggests that everyone else was entitled to a 99-year lease except those in areas needed for defined urban development. The actual words were "wherever possible to 99-year leases".

It is worth pointing out to members that lessees in the Booth and Tennent districts also are not entitled to 99-year leases. Again, it is on exactly the same basis that the government is making its decision in relation to Molonglo. In Booth and Tennent they are not entitled to 99-year leases because there may be a need for a new dam—not there will be a new dam, not there will be a new dam in 20 years time; there may be a need for a new dam. And so the previous government decided not to offer a long-term lease to those lessees. It is exactly the same logic that the government is using in relation to Molonglo. There may be urban development in Molonglo and it is not appropriate to grant a long-term lease in Molonglo. It is the same logic, Mr Speaker.

When the Labor Party supported the 99-year lease policy introduced by the previous government it did so on the basis that long-term leases were granted only to those leaseholders who were not holding land needed for urban development or for other public purposes. The Labor Party has always taken the view that the capacity for the city to grow or to use land for public purposes is paramount and where lessees are not affected by those sorts of circumstances, they should have certainty. That is why we support the 99-year lease policy. But we have never supported it in relation to Tennent and Booth because of the potential for a third dam for the territory—they need to be reserved as such and the leases need to reflect that. We are taking exactly the same approach in relation to Molonglo.

Mr Speaker, that is the basis of the government's decision, that is the rationale behind the government's decision and those are the facts. Not conspiracy theory, not appeal to emotion—the facts. I would simply ask members to think carefully about the public

interest, about protecting the public interest, about responsibly administering the leasehold to the benefit of everyone in our community.

MS DUNDAS (12.22): Mr Speaker, for me this issue goes to the fairness of our rural leases system and it also goes to our system of planning in the ACT. I think the debate has got somewhat distracted by individual circumstances which draw our attention away from the bigger issues.

I would just like to respond to something that the minister said. The minister said that we should be focusing on this decision as it relates to the public interest overall and not to individuals, but the minister's own argument shows how this debate is actually focused on two individual leases. There are two lessees impacted by this decision, and to me this shows this is a piecemeal approach to dealing with rural leases across the ACT. Yes, minister, I do agree that this decision should not relate to individuals but to public interest overall and, hence, instead of dealing with two leases at a time we should be looking at the bigger overall picture.

I understand the reason government policy has changed regarding rural leases in the Molonglo Valley is that we will need the land for future urban development. However, when I checked my territory plan map this morning I found that this land was not zoned urban. In fact, I thought we were currently developing a spatial plan that was seeking to take into account broad community debate about the future land use of our city and surrounds.

Of course, we have not even seen a draft of that final plan yet. We have not heard the results of the community consultation on the spatial plan. I was under the impression that this idea was still just one option in the whole spectrum of discussions about future land use in the territory. I note that the government has adopted the same guidelines for the Molonglo Valley as it has for Gungahlin. However, the Gungahlin land is zoned residential whereas Molonglo is zoned rural.

There were other options put forward as part of the spatial plan discussions, including urban development in Kowen and west Murrumbidgee. However, these areas have had no changes to their rural lease policies. There were options that involved no new urban development outside existing areas. However, the minister has decided to change the rural lease policy that we are debating today despite the fact that, as a community, we may not wish to develop this land at all.

In fact, it has become increasingly clear that the minister has already decided that the ACT government will develop the lower Molonglo, despite the fact that we have not seen the final spatial plan. It appears that all these options and consultation processes may simply have been window dressing. It appears that the minister has already decided that he wants to develop this land and, hence, is changing land use policies to facilitate this. I think this demonstrates a lack of respect for the planning process and transparent decision-making. Why has there been so much bother put into consultation work when it is now going to be ignored?

There has been no change to the Territory Plan and this Assembly has not decided that this land will be developed in the future at all. So the argument that it needs to be protected for future use is dependent on a decision that has not yet been made.

MR SPEAKER: Order! The time being 12.26, it is 45 minutes after the commencement of Assembly business and the debate is interrupted in accordance with standing order 77. The resumption of debate is made an order of the day for the next sitting.

Suspension of standing orders

MRS DUNNE (12.26): Mr Speaker, I move:

> That so much of the standing orders be suspended as would prevent debate on Assembly Business, Notices Nos 1 and 2 , continuing after question time today.

Question resolved in the affirmative, with the concurrence of an absolute majority.

Sitting suspended from 12.28 to 2.30 pm.

Ministerial arrangements

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming): Mr Speaker, I advise the house that Mr Corbell will be 15 minutes or so late. If we could hold back on questions for him until later, otherwise I will take them.

Questions without notice

Children—mandatory abuse reporting

MR STEFANIAK: My question is to the Chief Minister. In light of the fact that I wrote to you about something else in relation to this particular matter, you probably have some awareness of it, which is good. I direct it to you, sir, because it involves at least two agencies.

On 23 June 2003, Coroner Doogan handed down her findings in relation to the death in suspicious circumstances of a six-year-old girl at Wanniassa. I will not name the girl because the coroner asked that that not be done. In her findings, Coroner Doogan said:

> The single most obvious and disturbing aspect is the disregard by many persons required by law to report a suspicion that a child has suffered a non accidental physical injury. The mandatory reporting requirement of Section 159 of the Children and Young People Act 1999 is very clear. In this little girl's case some 8 persons who were mandated to report failed to do so. This includes ambulance officers, nurses and doctors.

The DPP subsequently concluded that it would not lay charges.

Chief Minister, what have you done, and what has your government done, to ensure that the departments concerned take action against individuals who failed in their mandatory reporting duties?

MR STANHOPE: Mr Speaker, I apologise that I was momentarily late. Similarly, on behalf of my colleague, as explained by the Treasurer, Mr Corbell has been caught in traffic unexpectedly. I apologise for that.

Thank you, Mr Stefaniak, for the question. It is a very important question on a very important matter—namely, the safety of our children, the integrity of the coronial process and the integrity, of course, of the Office of the DPP and our prosecution arrangements and processes.

It is correct, Mr Speaker, as Mr Stefaniak says, that he has written to me in relation to this. Mr Stefaniak wrote to me in the context of why the DPP had not instituted action or laid charges in relation to the findings of the coronial inquest.

Mr Stefaniak: That's not the issue.

MR STANHOPE: That's not the issue. I'm just giving some background and some context. That is the matter on which Mr Stefaniak wrote to me—why it was that the Director of Public Prosecutions had not proceeded to lay charges in relation to this particular matter. From memory, Mr Speaker, I believe Mr Stefaniak urged me to direct him to do so.

In my response to Mr Stefaniak on that matter, I indicated the importance of maintaining a separation between the role of attorney and the independent—

Mr Stefaniak: That's not the point here.

MR STANHOPE: No. I just need to provide this context, Mr Stefaniak, in relation to the letter that you wrote to me. The letter that you wrote to me was in relation to the powers of the Director of Public Prosecutions and steps or actions that he had or had not taken. I responded to you that it was not for me—and I felt it was an inviolate principle that the Attorney-General not intervene in matters such as this and not intervene with the independent decision making of the Director of Public Prosecutions.

Over and above that, Mr Speaker, as Mr Stefaniak says, there is the issue of the extent to which the mandatory reporting provisions relating to suspected or alleged incidents of abuse of a child were abided by in relation to this matter. In relation to that particular issue, I will have to take some further advice. I will take up the specifics of the question in relation to the aid agencies, which Mr Stefaniak has raised in his question, with officials and provide a detailed response on that point.

MR STEFANIAK: Thank you for that, Chief Minister. I am well aware of the role of the DPP, so we need not canvass that.

MR SPEAKER: No preamble.

MR STEFANIAK: Will you, after you look into this further, direct the relevant departments to initiate disciplinary procedures against all persons who failed in their mandatory reporting duties? If not, why not?

MR STANHOPE: Mr Speaker, I have undertaken to take on notice and provide detailed information on the issue around any failings, perceived or otherwise, of those officials required to provide a mandatory report on suspicion or findings of abuse of a child. I'm not going to, in advance of the provision of that report to me or of the obtaining of advice on those issues, undertake to direct the disciplining of anybody. I think it is only appropriate that we now await the report that I have undertaken to provide to the Assembly.

Public housing

MRS BURKE: My question is to the Minister for Disability, Housing and Community Services, and for police, Mr Wood. My question concerns the continuing problems with some public housing tenants and, in particular, two recent cases in which lives were put at risk. For the benefit of members, in an incident at Northbourne flats yesterday, a mother with two young daughters had to be relocated following her neighbour's disorderly conduct. The neighbour was taken away by police and appeared before the court.

Also, in recent days, I understand that a security guard at Currong flats was involved in a vicious knife attack.

Minister, there are many other tenants living in similarly threatening environments. What are you doing to address the safety and security needs of tenants in similar positions in our community?

MR WOOD: I have upstairs a media statement by Mr Smyth, from when he was housing minister, responding to exactly that sort of issue. He reported that housing, then, as now, was doing—

Mrs Dunne: On a point of order—

MR WOOD: Do sit down.

Mrs Burke: What are you going to do, Minister?

MR WOOD: You are going to get this answer. You can jump up every five seconds if you want to, but it is the answer you are going to get.

MR SPEAKER: Order, Mr Wood! Do you have a point of order, Mrs Dunne?

MR WOOD: It is this tactic again, Mr Speaker.

Mrs Dunne: Standing order 118 (b), Mr Speaker: Mr Wood is debating the issue by referring to what the previous minister may have said or done in response to a direct question about what he would do.

MR SPEAKER: I think the minister is entitled to raise issues concerned with the administration of housing and put them into context.

MR WOOD: It is about time Mrs Dunne was able to listen to what is said by the chair.

Mrs Dunne: Point of order, Mr Speaker.

MR SPEAKER: Mr Wood, resume your seat.

Mrs Dunne: On the point of order, Mr Speaker: on other occasions you have ruled out of order answers that refer to what people have said and done in previous governments and what they have said in the media, in particular. I think, therefore, that it is reasonable to ask that the minister not refer to what a previous minister may have said in a press release, but rather confine himself to what he proposes to do in the future about the current problem.

MR SPEAKER: Order, Mrs Dunne! Mrs Dunne, it is not open to you to ask questions of a minister about previous administrations but it is open to ministers to draw into focus the relationship between the various administrations and the effect that this has had on their departmental responsibilities.

Mr Wood, I would ask you to keep to the subject matter of the question.

MR WOOD: Yes, the subject matter in question is the issue about which we all share concern, the enjoyment of their tenancy by tenants, whether in public or private housing. That is the matter.

Let me quote what Mr Smyth said on 30 August 1999: "I believe it is unfair for a few tenants to spoil life for the majority, who are model tenants." We agree with that. That is what Mr Smyth said as he was approaching these same problems and, sorry, I have to tell you, these problems are going to continue. If we can—

Mrs Burke: What are you doing? Mamma mia!

MR WOOD: Mrs Burke, I have to tell you that these problems have been dealt with, attended to and considered by all administrations and yes, we do labour with them from time to time. I can go into further detail here. I will send you a copy of this media release.

I work assiduously, as do ACT Housing officers, to resolve these difficult issues where they arise. As Mr Smyth said, it involves "a few tenants" but enough to create quite a disturbance in neighbourhoods. We do as we did yesterday: we acted very promptly because there was a situation of some danger. We acted very promptly to attend to that. I have discussed these issues with Mrs Burke and we are agreed that we must continue to battle with them. I do not have the answer so that I can rapidly click my fingers to resolve it.

We have employed more specialty officers in ACT Housing to handle difficult situations. We have convened round table discussions on particular cases of tenants who are causing trouble. We have gone to other agencies of the ACT government.

Mrs Burke: I thought you were the social libertarian, Jon. Where are you standing on this?

MR WOOD: Mrs Burke does not want to hear this.

MR SPEAKER: Order, members!

MR WOOD: We have gone to other non-government agencies—

Mr Stanhope: She cannot quite grasp it, Bill.

Members interjecting—

MR SPEAKER: Order! Resume your seat please, Mr Wood.

MR WOOD: They keep interjecting. They do not want to hear an answer, Mr Speaker.

MR SPEAKER: I am worried about you being caught in the crossfire, Mr Wood. Mr Wood, would you resume your response, please, and would members refrain from interjecting.

MR WOOD: I am not going to be caught in the crossfire. It is the broadsides that I am firing that are causing problems over there. Let's hear nothing about crossfire!

Members interjecting—

MR SPEAKER: Order, members!

MR WOOD: We continue to engage with all ACT government agencies, certainly all those that are relevant, such as the police, community services, Aboriginal liaison officers and mental health areas, to work through these issues.

We have our successes. You, perhaps, do not know about those. We acted quite properly yesterday, as we have on many other occasions when circumstances such as these have arisen. However, because of the nature of society, the problems will continue. If we have heaps of money, we can employ more people and we can build specialist places to accommodate these people.

In fact, since the opposition is beginning to announce some policies, what I wait for is the new policy on housing by the opposition, in which they will forgo their former policy of running down the number of public housing units in the ACT, making it harder for people to get accommodation.

Mr Stefaniak: On a point of order, Mr Speaker: standing order 118 (a) indicates that Mr Wood should confine himself to the subject matter. We are not talking about running down properties; we are talking about safety and security.

MR WOOD: They got rid of a thousand houses and units over a short period of time.

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

MR WOOD: I concede that is extending it a bit, Mr Speaker, but I would like to see the Liberals' policy on providing assistance to these areas that Mrs Burke is complaining about.

MRS BURKE: Minister, what are you and your government going to do to provide timely and adequate support and facilities for people with a mental health disability currently living in ACT Housing properties?

MR WOOD: I have outlined in general what is happening, as we continue to provide resources to the mental health people. I have worked assiduously in that area and this continues. I might say, it continues at a considerably higher level than it did when your lot were in government.

Mr Corbell: Three and a half million extra, recurrent, every year on mental health.

MR WOOD: Three and a half million, yes.

MR SPEAKER: Order, government members, please!

Gold Creek Homestead

MRS CROSS: My question is to the Minister for Urban Services, Mr Wood. Minister, your party promised before the last election that Gold Creek Homestead and grounds would be retained for community use. After the election a committee was formed and overseen by PALM, who were to be able to decide how the process was to be organised.

I have had complaints from constituents that the committee was formed in secret, met in secret and did not report to the public, so no-one knew what was happening. They commissioned a Totalcare report on the condition of the homestead, and this was released in December 2000 but, up to very recently, very little maintenance seems to have been done. I have been advised that the committee had disintegrated and nothing was done, so a public meeting was held on 24 June. The motions passed at the meeting were hand delivered to all of us here.

Minister, you wrote a letter dated 5 August this year saying that the Gold Creek Homestead Community Working Group had been given a copy of the December audit, but you did not mention that the committee no longer existed. You did mention, however, that Totalcare was doing minor maintenance. The community members cannot confirm this as no-one is allowed onto the property. This, of course, makes them feel cut out of the process.

Minister, will the government provide an action plan for the stabilisation of the homestead buildings and surrounds, confirm that there will be open and transparent consultation on the future use of the site, which should include suggestions already submitted by community members, and gather new input from Gungahlin and the wider community?

MR WOOD: I will give a more detailed response to the history that you have spelled out because I do not know exactly who met whom at what time. There has been a great deal of activity; in fact, I am going on site to Gold Creek some time next week to get a better picture of the spaces that are there. I have been there a number of times before, but I want to take with me the briefs and the detail I have of where we are going at this minute and survey all the circumstances on the site.

Yes, Mr Corbell committed it to be a community facility. That holds—there is no question about that. Just what form of community facility is yet to be finally determined. I will get you that detail, as indicated.

Police—levels of service

MR CORNWELL: Mr Speaker, my question, through you, is to the Minister for Police and Emergency Services, Mr Wood. I refer to comments in the *Canberra Times* of 4 October this year by Mr Martin Smith, the licensee of the Latham post office. You will recall that recently Mr Smith was stabbed in an attempted armed robbery and another gentleman who came to his assistance was stabbed to death. Mr Martin Smith said:

> The police seem to have serious management problems in Canberra. You can ring up the Belconnen police station and there's no-one there. The politicians need to allocate funds and make the police more accountable and the community needs to make the police more accountable.

Minister, is your government soft on crime and, if not, why have you failed to allocate sufficient funds to provide an adequate police service to the people of Canberra?

Mr Stanhope: Are you still bashing the police force?

MR WOOD: I can see this election theme emerging, can't you? Soft on crime; in two days we have heard it twice so I can see this emerging over a period. Indisputably, there are more police out there than when you were in government. I think that is just one measure of what is going on. Mr Pratt's motion yesterday fell in a heap because he made wide accusations without any real evidence.

However, I do have a concern about the answering of telephones. I get complaints about this and I know that others also get complaints. I indicated in the debate yesterday that I think by this time a new system has been instituted at Belconnen and will flow through to other stations where, if you ring that station number and it is not answered quickly because police are doing other things—answering people at the counter; doing all sorts of things—the call is switched through to a central area where it should be answered. I acknowledge that issue, principally around Belconnen but it is not uncommon elsewhere either; so that is a concern.

I would make one comment in respect of the very sad events around Latham post office. The police response was very rapid. You can continue to go on with the line about being soft on crime but it does not hold.

Mr Stanhope: Just keep bagging the police. Keep up bagging the police.

MR SPEAKER: Do you have a supplementary question, Mr Cornwell?

MR CORNWELL: Thank you, Mr Speaker.

Mr Stanhope: What have you got against the police, Greg?

MR CORNWELL: It would be nice if the Chief Minister concentrated a little more on Canberra instead of Iraq.

MR SPEAKER: Order!

MR CORNWELL: I have a supplementary question. Mr Wood, you mentioned that telephone facilities would be improved. Is this going to be at all stations across the ACT? You indicated Belconnen but I would like to know if it is going to be done across Canberra, and have you any idea where?

MR WOOD: I did say that I believe it has happened by now, starting at Belconnen and going across to other stations. I have just repeated what I said.

Canberra-Beijing sister city relationship

MR PRATT: My question without notice is directed to the Chief Minister. The President of China, Hu Jintao, is in Australia to discuss developing trade relationships with China. The potential for developing closer relationships and business opportunities with China is huge and bleeding obvious. Peter Costello is quoted in today's *Canberra Times* as stating:

> Developing that relationship with China will be an enormous benefit to Australia.

This morning Bob Carr said much the same thing on radio with regard to New South Wales. Due to the foresight and hard work of former Chief Minister, Mrs Carnell, Canberra became sister city with Beijing—something that the business community saw as a critical economic development opportunity. The current Chief Minister has done nothing to develop that golden opportunity for Canberra. By gratuitously insulting the Chinese ambassador the Chief Minister's contribution has only been negative. Why has he wasted this golden opportunity to develop the sister city relationship with Beijing through his inactivity, lack of political will and petulance?

MR STANHOPE: I thank Mr Pratt for his usual incisive, intelligent and direct question and for his understanding of this issue. This government is as committed as the former government to that sister city relationship. We have supported, and we will continue to support, that relationship through the Chief Minister's Department. We provide significant resources for and expend a great deal of energy and effort on our relationship with Beijing, recognising the obvious potential benefits that can be achieved through enhanced trade and business between Canberra and Beijing—or any other place in China—and between Australia and China. Those things cannot be gainsaid. I

acknowledge that China, which has the fastest growing economy in the world, is an enormous potential market for Australia, Canberra and other countries.

The role of the ACT government, through the nurturing of the sister city relationship, essentially is as a facilitator. The ACT government is not engaged in business in China and it will not, of itself, become engaged in such business. However, the ACT government is pleased to be able to assist and facilitate ACT businesses in making contacts and in doing business with Beijing and other places in China. We see our role as a facilitator and as a partner in that sister city relationship. The primary responsibility for conducting business with Beijing and China lies with businesses, business organisations and representatives in Canberra that wish to do such business. That is the message that I have often relayed directly to business organisations and leaders in Canberra.

This government strongly supports and it will continue to support its relationship with China. However, the task of conducting business, making contacts and signing those contracts is the role and responsibility of business—a factor that is understood and accepted by business. I refer to the work that we are doing and to the strategies that have developed and evolved. It is understood and accepted by all those organisations, companies and individuals that are seeking to do business in China that the primary responsibility for making the contacts, doing the deals, signing the contracts and getting the business lies with businesses that see a future for themselves in that area. That is not the function of the ACT government. However, we accept and acknowledge that we have a role to play, and we play that role.

Only two weeks ago I had dinner with the Chinese ambassador to farewell him at the conclusion of his current term. In that context we discussed a number of issues concerning the nature of our relationship. There is a broad understanding in the Canberra business community about the nature of this government's role in and its support for that relationship. This government, as a facilitator, is happy to continue to maintain its relationship with Beijing. From time to time that will involve delegations from the ACT government, including the relevant minister, being sent to China. Our relationship with Beijing is quite clear, open and transparent.

I wish to clarify one issue. Mr Pratt said earlier that I had insulted the Chinese ambassador. That is an interesting interpretation of events that were obviously reported to Mr Pratt concerning certain meetings and confidential discussions that I had concerning Falun Gong and human rights issues. I am one of those heads of government who has the gumption, courage and integrity to raise human rights issues with representatives of other nations. I have said in this place that this government supports the right of all individuals, including those practising Falun Gong, to demonstrate in this place. I had a vigorous and unambiguous exchange with the ambassador about this government's attitude to human rights, civil liberties and the rights of all individuals to demonstrate and express a view in this place. I will defend that right to the death. If Mr Pratt believes that sticking up for basic rights and civil liberties is a matter that should be brushed under the carpet in the interests of some other aspects concerning our relationship with Beijing, he will find me wanting.

MR PRATT: That is all very well, Chief Minister, but where are the results? Why are you putting forward stunts such as the phoney sister city relationship with Baghdad when

you have totally failed to grasp the golden opportunity for real and tangible benefits presented by our sister city relationship with Beijing?

MR STANHOPE: Mr Speaker, I do not pray often, but when I got up this morning I prayed for a question on Iraq and Baghdad. Thank you, Mr Pratt. I prayed for this question, Mr Pratt.

Mr Speaker, it is true, as Mr Pratt says, that I have agreed to attend and, indeed, co-host with the Australia-Iraq Friendship Society a function to determine whether there is within the Canberra community a feeling, a willingness, a capacity or the goodwill to hold out the hand of friendship to people in Iraq.

Opposition members interjecting—

MR SPEAKER: Order! The question came from the opposition benches and I trust that members of the opposition want to hear the answer. If there are any more interjections, I will start warning people.

MR STANHOPE: Yes, I have done that. I think that it is an appropriate thing for us to do. I think that it is appropriate for us as a government and as a community to determine whether we believe that there is a role that we can play. I cannot understand how anybody could gainsay or criticise that. In fact, I understand that there will be a matter of public importance debate today after question time, promoted by Mr Pratt, on issues of support for the multicultural community, and here we have Mr Pratt sneering at support that this government is providing to the Iraqi community in Canberra today.

What a double standard! In half an hour we will be debating, at Mr Pratt's instigation, a matter on support by this government of Canberra's multicultural community and here he is sneering at me for seeking to determine whether this community is prepared, particularly in the light of our part as a nation in the invasion of Iraq, to undo some of the damage and assist the people of Iraq in some way to restore that country, including the services in that country, to some extent.

How quickly we forget that we were part of a tripartite group that invaded that country, that we killed between 2,000 and 7,000 civilians. Isn't it interesting that nobody has the number because they did not really count? They were just a bit of the collateral damage—dead children and mothers, kids with arms and legs blown off—

Mr Cornwell: I take a point of order under standing order 118 (b), Mr Speaker. If the Chief Minister would like to formally debate this matter, we would be happy to oblige him.

MR SPEAKER: I think that you are in a bit of a bind, Mr Cornwell, because Mr Pratt did ask a question around Baghdad and so on and I think that the Chief Minister is entitled to tell the Assembly, in responding to that question, about the engagement of the government with the community on these issues.

MR STANHOPE: That is what we are responding to. It cannot be forgotten that we as a nation, in our name, went to war, that we invaded unilaterally and without the support of the United Nations—in the view of many of us, in a way that was illegal in international

law—a sovereign nation, irrespective of what you thought of the regime in that place. It was an awful regime, a repressive regime, a murderous regime, a regime that the world is better off without. Nevertheless a sovereign nation was invaded without the support of the United Nations, without the support or the coverage of international law. We did that, it was done in our name, as a result of which thousands of civilians died, tens of thousands of soldiers died. Dwell on that. Dwell on the death of those tens of thousands of soldiers—young, conscripted, probably opposed to Saddam Hussein, untrained, ill-equipped—

Mr Cornwell: Mr Speaker, I really must protest. The Chief Minister is once again debating this matter. He is debating it under standing order 118 (b), but he is debating it under the cover of question time. We would be very happy to debate him on the floor of this house at any time.

MR SPEAKER: The question asked by Mr Pratt, as I recall, drew some comparison between the relationship with Baghdad and Iraq and the relationship with Beijing and China. I think that the Chief Minister is entitled to emphasise our position in both respects.

MR STANHOPE: That is some of the background, Mr Speaker. In the context of that and in the context of the enormous damage that has been done to the infrastructure of Iraq—not just in the war but over the last 10 to 20 years under the Saddam Hussein regime, over the 10 years of the embargoes and the lack of access to goods and equipment and the lack of ability to develop the infrastructure.

Iraq has suffered enormously and the ordinary people of Iraq have suffered. They have suffered at every level. Their infrastructure has been destroyed. Their education and health systems are, essentially, non-functional. Their agriculture has taken enormous blows, and much of the country relies on it. They are deficient in almost every aspect of their infrastructure, their lives and their services.

We have within the Canberra community a group of Iraqis—actually, refugees who have established themselves here—with real concerns and connections with their homeland. They have approached the government as the Australia-Iraq Friendship Society to discuss with me the extent to which I will support them in some of the issues of concern to them as they reflect on their homeland, on their relatives and friends and on the destruction that has been wreaked in their nation, including by us.

I think we have a moral obligation as an invading nation that was part and parcel of the wreaking of that havoc, the killing and destruction of those people, the destruction of that infrastructure and those services, to see whether there is a willingness or capacity within this community to do something. If there is that level of support, the government will join the community in seeking to foster and facilitate ways in which we can assist. I am sure that we can. I am sure that from the public meeting, from the forum, we will find ways, because we do have the capacity, we do have the goodwill and we do have an understanding around our moral responsibility to Iraq to do something. It may be that the ACT government will be part and parcel of that.

Since the raising of this issue, I have been approached by a senior member of staff at the Canberra Hospital, who has indicated to me that, in circumstances and under conditions,

he would be happy to be part of a group supported by the ACT government and the Canberra community to undertake some work at a hospital in Baghdad. If there is some will and some capacity—I will discuss that with my colleagues after the meeting—I am inclined to support those initiatives.

Over and above that—I will conclude on this note, Mr Speaker—there is that other issue around the war on terror and the extent to which the war on terror, through the manner of its conduct, has within this nation and within our community in Canberra raised issues around the stirring up of bias and bigotry and the scapegoating that is an inevitable part of any war, and the extent to which there has been an inclination to connect all terrorism with Islam.

Of course, all members of the Australia-Iraq Friendship Society are Muslim. They have expressed to me their deep concern at the way in which their faith has been inextricably linked with the war on terror. They feel in their hearts that we as a nation, in much of our conversation and discourse, now automatically equate the term "Islam" with the word "terror". I see it in the reporting in our media. For instance, in Palestine—indeed, throughout the Middle East and in Indonesia—we do not have "Palestinian guerrilla fighters" or "Palestinian freedom fighters" and in Iraq we do not have "guerrillas"; we have "Islamic terrorists".

Mr Stefaniak: I rise to a point of order, Mr Speaker. Under standing order 118 (a), the answer to a question shall be concise and confined to the subject matter. The Chief Minister is now wandering around and is not confining it. He is certainly not being concise.

MR STANHOPE: I will conclude on that point, Mr Speaker. This is an issue. There is an issue in relation to the extent to which Islam and Muslims have been vilified in the war on terror and we need to be on our guard. We need as a community, and we are determined as a government, not to succumb to that and to provide all the support we can to ensure that those divisive trends, possibilities or potentialities do not occur in this community and, to the greatest extent we can, avoid them.

Road-to-wellness kits

MS DUNDAS: My question, through you, Mr Speaker, is to the Minister for Health. I understand that there are road-to-wellness kits explaining outpatient services for people with mental illnesses that are given to patients upon discharge from public hospital psychiatric units. Can you please inform the Assembly whether or not these kits are also provided to carers of people admitted to hospital for treatment of a mental illness?

MR CORBELL: I will take the question on notice and provide the information to Ms Dundas.

MS DUNDAS: Could you also then inform the Assembly what is the system in place to ensure that carers do get access to the road-to-wellness kits? Are the kits always available or are they often out of supply?

MR CORBELL: I will take the question on notice, Mr Speaker.

Children—support

MR HARGREAVES: I direct my question, through you, Mr Speaker, to the Minister for Education, Youth and Family Services. As members are no doubt aware, this week is ACT Children's Week. You can tell that by the standard of questions coming from across the chamber. Of all the areas over which any government has responsibility, no single issue can be said to be of greater importance than the actions taken to support our children.

I have received representations from several constituents regarding access to child care. There is a long wait for many parents. Could you please inform the Assembly what the government is doing to address this shortage?

MS GALLAGHER: I thank Mr Hargreaves for the question. This has been a great Children's Week, with a variety of activities happening in the community. Support for children is something that this government takes very seriously. We are demonstrating this in a variety of ways—through funding of various initiatives and also through putting together the ACT's first children's plan, which will be completed by early next year.

I think one of the biggest issues facing families with young children in the ACT is access to affordable child care. This government has recognised this pressure and has done various things to address issues in the areas where we have control. For instance, we have built a new child-care centre in Gungahlin which will provide 90 places and which is due to open in December this year.

Mr Corbell: It looks great.

MS GALLAGHER: It does. We have funded emergency child-care places in occasional care. We have expanded two centres in Gungahlin to provide 54 additional places. We have also allocated almost $1 million to expand six existing services across Canberra.

In other areas, we are supporting the LHMU's claim for wage increases for child-care workers. We are responding to the inquiry into child-care work force planning issues and are implementing recommendations in the report, specifically in regard to the training and the retaining of staff in the industry.

As a major funding partner, I have also met with the Commonwealth minister, Larry Anthony, to lobby him for extra funds for this area. I have requested additional assistance from the Commonwealth, particularly for reinstating operational grants to child-care centres, which were cut in 1996. The Commonwealth minister informed me that his funding relationship with child-care groups remained by funding the child-care benefit directly to parents. Whilst this does provide some relief to parents, it doesn't address the issues that the child-care centres themselves are facing by not having any operational subsidies to meet additional costs that the centres are incurring.

Child care and access to child care is becoming another example of the social divide in our community and is something that I am extremely concerned about. I have taken this issue to the Ministerial Council on Women, specifically around the universal access to child care for all citizens in our community. The Health and Community Services

Ministerial Council are also looking at the issue. In November I am meeting with other ministers with responsibility for child care to begin working together to look at national solutions for what I believe is becoming a major emerging social justice issue.

In addition, we have provided almost $1 million to all preschool communities in the ACT. Every preschool will get a block grant, regardless of the size of the school, and the rest of the money will be allocated on a per capita basis. I have also taken the decision not to suspend or close small preschools until further strategic work is completed to deal with the declining preschool enrolments into the future.

The ACT government is doing a number of things to address the pressure for child-care places. However, we can't solve this pressure alone. We, like all states and territories, need increased support from the Commonwealth if we are to deal with emerging child-care social divide issue seriously.

Currong flats

MS TUCKER: Mr question is to Mr Wood regarding housing. Mr Wood, I have heard from a number of sources that the Currong flats will be sold off and that there is no guarantee that all current residents will be rehoused immediately. Can you please clarify for the Assembly the short-term plans for Currong? If you are, in fact, demolishing this accommodation, how and when will you be able to accommodate those tenants who want to remain in the area who are now resident there?

Mrs Dunne: Point of order!

MR SPEAKER: Mrs Dunne, you are first after me. That seems to me to be a request to announce government policy.

MR WOOD: I will avoid that aspect of it, but I do need to give some assurances.

MR SPEAKER: Mrs Dunne?

Mrs Dunne: No, it is all right.

MR WOOD: Perhaps "simple administrative matter" is a better definition than "government policy". As we consider what to do with Currong, we have, in quite recent times, assured tenants there that, whatever circumstances arise, they will be secure in maintaining a tenancy. If there was a decision to do something different with that site, every tenant would nevertheless carry the same right that they currently have. They would carry the same right across. That right is protected. They are tenants of ACT Housing now, and they would carry that right through, no matter what the circumstances.

I understand there is a question on the notice paper about this, and I do not know how far we should go down this path. I am happy to, but I do not want to incur anybody's wrath. However, I want to make it clear that, if a tenant at Currong has approached Ms Tucker, they should not worry. They will always have that roof over their head—the same right that they have now. That does not stop other things happening if there is a disturbance and notice to remedy is given or if there is unpaid rent. Those issues might continue, but the tenants are secure with the right they have now.

MR SPEAKER: If you bear with me a minute, I will find that question on notice.

Ms Tucker: There is one on housing managers at Currong—No 1057. That is about housing managers; it is not about demolishing the building.

Mrs Dunne: That was one of the points of order I was going to raise, Mr Speaker, but decided not to.

MR SPEAKER: I take it that it is not the same question. Do you have a supplementary question, Ms Tucker?

MS TUCKER: Minister, you are saying they will be guaranteed the same rights as tenants; thank you. My question was: are you guaranteeing them the right to accommodation within the same area?

MR WOOD: I do not want to go too far into this, but I will be making a statement in the not-too-distant future. Our great care of those tenants will certainly continue. I do not think people should assume anything at this stage.

Oakey Hill trees

MRS DUNNE: Mr Speaker, my question is to the Minister for Planning, Mr Corbell. Minister, on 27 August this Assembly passed a motion:

> That the ACT Government negotiate with the owners of the site at the corner of Nettlefold Street and Coulter Drive a land swap or suitable compensation to ensure the preservation of the magnificent trees on that site.

On 23 September you were asked to report on what steps you had taken to put that motion into effect. In response to the question, you said, amongst other things:

> The government will not be initiating those discussions. The government made its position in relation to Nettlefold Street quite clear …

Subsequently, the Assembly censured you for your inaction. Minister, since 23 September, when you were censured, what have you done to put this motion into effect?

MR CORBELL: Mr Speaker, my office and I have sought to get in contact with the agent representing the lessee of the site on Nettlefold Street. My office has had a number of discussions with the agent of the lessee and the agent has indicated that they do not believe the lessee is interested in any way in a land swap and is currently preparing to commence construction activity very shortly. My office has also been seeking to get in touch with the lessee directly but to date we have not been successful in being able to do so.

MRS DUNNE: Mr Speaker, I have a supplementary question. I commend the minister for his action so far. Will he undertake to keep this Assembly informed of progress?

MR CORBELL: If there are any new developments in the matter, I am happy to keep the Assembly informed.

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

Supplementary answer to question without notice
Australian capital region industry plan

MR QUINLAN: On Tuesday, 21 October, I took a question on notice from Ms Dundas in relation to the Australian capital region industry plan. I have a response which is a couple of pages in length, so I will table it. I present the following paper:

> Australian Capital Region Industry Plan—Answer to Question taken on Notice from Ms Dundas on 20 October 2003.

Grant of a further rural lease
Disallowable instrument DI2003-254

Debate resumed.

MS DUNDAS (3.21): To pick up from where I was before the suspension of the sitting, I understand that there has been no change to the Territory Plan in relation to this matter and that this Assembly has not decided that this land will be developed in the future, so the argument that it needs to be protected for future use is dependent on a decision that has not yet been made. This is a poor planning process.

Mr Corbell: It is called the precautionary principle.

MS DUNDAS: The Assembly should not tolerate this type of backhanded decision making. The proper process should have been followed, which would have included a draft variation, a Planning and Environment Committee inquiry, a final determination and then a change to the leasehold system. I believe that the minister has gone about the process back to front and left out the important public consultation and Assembly approval before changing the rules for rural leases.

The minister has indicated that he is following the precautionary principle. Again, I indicate that he has been doing it in a very haphazard way and a very opportunistic way. If he is serious about the precautionary principle and how it applies to rural leases in the Molonglo Valley, why is he not considering all of the leases in the Molonglo Valley? Why is he not considering all of the rural leases? Why is he doing it bit by bit? Let's look at them all at once.

Another element of this argument is whether this process has resulted in equitable outcomes for our rural lessees. I believe that it has not. The argument this morning went to the complex history concerning these leases and previous arguments that have gone on. I do not want that to be the focus of this debate, but it does give rise to a system where we have this instrument before us which is inequitable, especially given that no change in the land use has been decided. I repeat that it appears to be very opportunistic.

I have talked with the relevant stakeholders, both the department and the lessees, and can understand some of the frustration with this decision by government. I am particularly concerned about the haphazard way that it has been implemented, with some blocks in the Molonglo Valley being given 99-year leases while others have been given 20-year leases, depending only on when they agreed to change over their lease or when it was due.

This system arbitrarily assigns the right to compensation for the resumption of land by the territory to some landholders but denies it to others. Where is the equity in that? I do appreciate and understand that, if the territory does ultimately decide to resume this land for development, there will be additional cost. I repeat again that this decision has not yet been made.

There is only so far into the future we can predict about land use and it is quite possible that there will be other rural leases that we may wish to resume for development. However, we should not deny rural leaseholders the certainty to invest in their properties for this reason and change all their leases. For the same reason and because it pre-empts a decision on the future of the use of the Molonglo Valley, we should not be changing the policy for some of the leases in the Molonglo Valley at this time.

Perhaps that is something we should be looking at, as I have said, in a comprehensive way when we have the information back from the spatial planning process and we have a better vision of what it is we want to do across the territory. The taking of two leases out of the entire 190 rural leases across the territory at this point in time through this disallowable instrument is, I believe, a poor planning process and an inequitable situation.

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

Mrs Dunne: Mr Speaker, I seek clarification on whether this item will have to be dealt with on the first Tuesday of the next sitting week, otherwise it will expire. Is that the understanding of the Assembly?

MR SPEAKER: I am not aware of the timing.

MR CORBELL (Minister for Health and Minister for Planning): I seek leave to make a brief statement, Mr Speaker.

Leave granted.

MR CORBELL: Mr Speaker, given that members have indicated their desire to adjourn debate on this matter for today to consider issues further, the government will need to bring this matter on for debate during executive business on the next sitting Tuesday. The government is prepared to do that, rather than allowing the automatic disallowance to take effect.

Pharmacies—establishment in supermarkets

MRS CROSS (3.27): Mr Speaker, as indicated by the amendment I have circulated, I seek leave to amend the motion standing in my name on the notice paper, relating to pharmacies in supermarkets.

Leave granted.

MRS CROSS: I move:

> That this Assembly calls on the Government to:
>
> (1) investigate the Pharmacy legislation as it stands and any related commercial legislation and determine whether there are any loopholes which may allow the establishment of pharmacies in supermarkets in the ACT; and
>
> (2) report back to the Assembly with the results of this investigation by 27 November 2003.

I thank members for granting me leave so that this amended motion can be debated today. It is very good to see the Assembly working together to achieve positive outcomes for the general community.

After discussion with a range of members, I was very happy to amend the original motion standing on the notice paper in my name. This amendment maintains the thrust of my original motion and will move the issue from an inquiry to an action situation. With the support of the government, we should be able to determine whether there are any possible loopholes in our legislation and then I will be happy to draft legislation to deal with any problems. I am very keen to protect our pharmacies.

From my discussions with other members it is apparent that the real issue is a practical one. We really need action to make sure that the Canberra community is able to continue to have the services provided by pharmacies in the local shopping centres as well as in the major town centres. I appreciate the broad support indicated by members and their interest on this issue.

We are all aware that pharmacies are a vital part of our community. They provide advice, reassurance, very important medicines and other health care products. We are also all aware of the proposal of Woolworths Ltd to open pharmacies in supermarkets. In fact, recently they have indicated that they appear to have found a loophole in the legislation in New South Wales and are pursuing their aims there.

The Premier of New South Wales, Mr Bob Carr, came out with an unequivocal stance in support of community pharmacies when he opened a recent pharmacy conference. In fact, he stated:

> Let me say that I value this industry and I give it this guarantee that we will defend its integrity and the integrity of the pharmaceutical profession against any dangerous or excessive pressures for commercialisation. That means, as we publicly stated, we're committed to the principle that pharmacies should be owned and managed by pharmacists, not by supermarkets.

I am sure that we all use pharmacies at various times and value the service that is provided. Sometimes we need the usual headache medication, sinus or hay fever tablets, or even a prescription filled. What many of us do when we enter a pharmacy is ask for advice. Professional advice is given at no charge and with concern for the health and wellbeing of the customer. This advice is invaluable as a first port of call for consumers, particularly for the elderly, and an important contact point for primary health care.

Traditional chemists provide services far beyond those of dispensing prescription drugs and selling obvious chemist products. Frequently customers seek advice from their family chemist about spots on the kids, coughs and colds or whether they should go to a hospital to have a wound stitched.

MR SPEAKER: Order, members! There are too many conversations going on.

MRS CROSS: At this time of the year it is important to make sure that any antihistamine medication is okay to use with any other medication that is being taken. Your pharmacist can give you that advice and you do not need to consult a higher medical authority. Elderly people who visit the local shopping centre chemist are able to have many questions answered and that is often enough to alleviate the anxiety caused because of ignorance about various conditions.

MR SPEAKER: Order, members!

MRS CROSS: This traditional pharmacy service and advice offered by chemists is an integral part of Canberra's suburbs. Most importantly, this advice is given free of charge. In a supermarket environment, the person left to give advice to customers is often a young and untrained shop assistant. This person is definitely not qualified to let you know whether a particular headache preparation is okay to take with blood pressure medicine. Anyone who has visited the drugstore area in the supermarkets in the United States and Canada will have experienced that situation. The shop assistants are just that: shop assistants, often very young and often just doing a short stint in the pharmacy area of the supermarket.

There is also the conflict concerning the pharmacists' efforts to encourage healthy lifestyles and promote the health and wellbeing of the community members. They try to discourage smoking and encourage healthy eating. What do supermarkets do? They make a great deal of money selling the proverbial junk food to everyone and even more money selling tobacco-related products. What sort of conflict does that present? Of course, the large supermarkets are not interested in the health and wellbeing of the community. They are interested in selling products to make money.

Granted, pharmacies are also a business and interested in making money. The difference is that the pharmacy is an important part of primary health care for our community. The pharmacy is, as I have previously said, the first port of call for the community and provides an invaluable service. We need to promote pharmacies as primary health care agents, as a good resource for all citizens and as a method of gaining immediate positive health outcomes for the general community.

I urge all members to support this amended motion and I urge the government to look at this issue as soon as possible and respond to the Assembly in a way that enables members to make sensible decisions to protect this valued community asset.

Mr Speaker, I just add to my speech that there is a mute button in front of every member's desk. If members are going to speak among themselves, they should press it so that we do not have to listen to three conversations at once.

MRS BURKE (3.33): Mr Speaker, I support Mrs Cross and congratulate her for bringing on this motion this afternoon. I really do think that she has done something very worthwhile and I hope that the government will listen to and take heed of the proposal of Mrs Cross. From the perspective of my portfolio responsibilities as the shadow Minister for Disability Services, Housing and Community Care, it would be an extremely detrimental step to have pharmacy services established in supermarkets. I could not think of anything more cold, quite frankly.

Earlier this year I had an opportunity to work with the federal Department of Health and Ageing in relation to an excellent community service in the home medicines review under the domiciliary medication management program. It is an excellent federal government initiative whereby local pharmacies are part of a scheme that involves the patient, their GP and their local pharmacist. If we do not make a stand against a giant multinational like Woolworths going down this path, initiatives such as the home medicines review program would simply collapse and many carers and patients alike would suffer as a consequence. Further, if this action were allowed to proceed, it would show that in this instance, as a society, we are putting big business over the very real and human needs of people.

In fact, I would suggest that each of us in this place, and those listening, would most certainly be affected. I am, for one, most concerned that I would lose that very personal approach from my local pharmacist. People need people. As much as we like to think we can do it through machines or automation or just grab something off a shelf and run, society today needs to get back to the place where we have that human contact. People who are sick do not need something off a shelf. They need another human being to talk with and bounce ideas off. It would be an extremely depersonalising exercise and a path we should not go down.

Together with many other people in our community, I depend upon the excellent advice I often receive from my local pharmacist. We cannot afford to lose this very important aspect of our community. So many other things are eroding our everyday life at the moment. Let's try to hold on to those things that we do count as dear and very important.

I urge the government to do all within its power to prevent Woolworths from pursuing their interest in this area. There are currently, in one capacity or another, some 700 people directly involved in employment at any one time in our pharmacies in the ACT. Our pharmacies offer many career pathways—from retail to nursing, to community care. We cannot afford to lose our local pharmacies at the expense of a cold and impersonal service, let alone the number of jobs that may end up being lost as a result of going down that path.

Mr Speaker, I would kindly suggest that Woolworths would be best served sticking to food and vegetables and leaving the vital and important area of pharmacy to those best trained and educated to deal with dispensing the pharmaceutical and health needs of our community. I fully support the motion.

MR CORBELL (Minister for Health and Minister for Planning) (3.37): The government will be supporting this proposal today. All states in Australia have legislative provisions restricting the ownership of pharmacies to pharmacists. However, previously under legislation in both the ACT and the Northern Territory, a pharmacy could be owned by a non-pharmacist provided the pharmacy, and therefore its medicines, was under the direct control and personal supervision of a registered pharmacist.

The issue of pharmacy ownership was first addressed in the national competition policy review of pharmacies dated February 2000. The review was subsequently endorsed by COAG. With respect to the ownership of pharmacies, the review recognised that, whilst there are serious restrictions on competition, the current limitations on who may own and operate a pharmacy are seen as a net benefit to the Australian community as a whole.

Recommendation 1 of that review was that, firstly, legislative restrictions on who may own and operate community pharmacies be retained and, secondly, with existing exceptions, the ownership and control of community pharmacies should continue to be confined to registered pharmacists. That was the finding of the national competition policy review of pharmacies.

The ACT government's health action plan includes a commitment to maintain a high standard of health protection for the ACT population through strategies and actions to promote the safe use of medicines in the community. Pharmacists are an important element in the strategic delivery of medicines-related health care in the ACT. They work closely with several branches of the ACT government and other health care professionals to provide a number of community-based health care programs.

These include the opioid dependency treatment program, the benzodiazepine voluntary undertaking program and the provision of rifampicin for the prevention of meningitis. They also control the inappropriate diversion of pseudoephedrine into the illegal manufacture of amphetamines. In delivering these programs the pharmacist will often be required to forfeit a sale in the interest of public safety.

There are currently 56 pharmacies providing pharmacy care across the ACT. The majority of these pharmacies are owned by pharmacists who reside in the ACT. A few of these pharmacists also have business partners who are based interstate. It is estimated that these local pharmacies employ approximately 200 pharmacists and 500 other staff on a full-time or part-time basis.

The continued ownership of pharmacies by individual pharmacists does, however, carry some risk, as it does with any industry that is comprised of a diverse group of small businesses. This risk has been managed in recent years by a number of initiatives, the most important being the quality care pharmacy program funded under an agreement between the Pharmacy Guild and the Commonwealth government.

This program is, in effect, an accreditation system to set acceptable standards for the industry and to assess the individual pharmacies against these standards. Eighty-five per cent of the pharmacies in the ACT carry QCPP accreditation, whereas 68 per cent of the Australian pharmacies are accredited. It is anticipated that 98 per cent of the ACT pharmacies will be QCPP accredited by the end of 2003.

The issue of the ownership of pharmacies by supermarkets is a complex and controversial one. Nevertheless, it is being considered by a number of large companies which are based either nationally or overseas. The ownership issue is also generating significant political and media interest.

Mrs Cross' proposal today asks the government to clarify the legislative position in relation to whether pharmacies can be established within supermarkets. The ACT government is quite happy to do that work and report to the Assembly on it. I will certainly be instructing my department to undertake this work if the motion is passed today.

MS TUCKER (3.41): The Greens also support this motion. It is a very good motion. Mr Corbell outlined clearly the social functions of pharmacies, as did Mrs Cross. We had a debate on this subject in this place when we passed the Pharmacy Amendment Bill 2001. The national competition policy review also found that it was in the public interest to be able to have what is perceived as anticompetitive behaviour in restricting pharmacies to the control of pharmacists and I think that we would all be concerned if that was, once again, under threat by multinationals or national supermarkets. It is useful for the government to scrutinise our legislation and see whether there are loopholes in it. If there are, no doubt Mrs Cross or some other member will seek to have those loopholes closed.

MS DUNDAS (3.42): I too will be supporting the motion as amended today. It will bring about a review of the legislation, which can be done quite quickly, so that we will have all the information we need about the situation in the ACT with regard to pharmacies in supermarkets. As has been said, many pharmacists provide a primary health care role whereby they are often asked to diagnose minor ailments and recommend a drug or other remedy or that the customer should perhaps visit a doctor. It is questionable whether supermarket pharmacies would be able to fulfil this primary health care role and therefore we would see a further increase in the burden on our GPs.

I think that an important question in the debate is what will happen to our pharmacies. I understand that in the last decade, for every dispensary opened in a supermarket in the United States, 1.3 independent pharmacies were forced to close their doors and that the United Kingdom government has already rejected proposals to totally deregulate the pharmaceutical retail industry. Those are interesting statistics that we need to keep in mind.

It is important that we look at the price of health care products and how we can make sure that health care products stay affordable and accessible, but whether supermarkets coming into the pharmaceuticals market would actually result in a lowering of the prices of health care products is something of which we need to be wary.

In an ever-increasing bid for market share and sales, pharmaceuticals, as with petrol and liquor, would simply become another product to stock on the shelves, without thought to the medicinal needs of the community. I think that we do need to remember that the core issue here is the provision of services and medicines to the community. A review of the legislation done quickly by the government so that the ACT Assembly can be informed of the situation in the territory in relation to supermarkets in pharmacies would be a very helpful step in this ongoing debate.

MRS CROSS (3.44), in reply: I thank all members for their support of this motion and the health minister, Mr Corbell, for coming to a compromise on it. I am very grateful to the minister for that. I thank Ms Tucker, Ms Dundas and the Liberal opposition. Above all, I thank my senior adviser, Helen Moore, who was able to work out a compromise on this motion. There was a bit of a hiccup, but we were able to resolve the issue. I extend my deep thanks to Helen for all her work on this motion.

Question resolved in the affirmative.

Motion agreed to.

Supplementary answer to question without notice
Lecturers—screening

MS GALLAGHER: Yesterday, during question time, I took on notice a question from Ms Dundas relating to the policy on volunteers in government schools. Ms Dundas asked me whether university lecturers who supervise trainee teachers in government schools are screened for relevant criminal convictions before being allowed into government schools. The answer to that is that, at the moment, university lecturers do not directly supervise trainee teachers in government schools. However, university staff are present on school premises during preservice teacher placements for assessment purposes.

The Department of Education, Youth and Family Services is currently negotiating a memorandum of understanding with the University of Canberra regarding the placement of preservice teachers and the screening issue will be addressed through that. The department is also developing a visitors to school policy and a screening of university staff will be addressed as part of that process.

The second part of the question related to whether the department had policies in place to deal with instances where a person who has contact with schoolchildren has been charged with a sexual offence but has not yet been convicted. The ACT spent convictions legislation does not make provision for employers to be provided with details and charges where there has been no conviction. Under the Public Sector Management Act, ACT government agencies are required to satisfy themselves that all potential employees are fit and proper persons.

Extensive training has been provided to teacher recruitment officers regarding a range of pre-employment checks. Besides the police criminal history check, these include referee checks and character checks with previous employers. Potential issues such as gaps in employment are identified and followed through prior to employment. Procedures are

also in place to identify instances of misconduct in other jurisdictions where there have been no criminal charges or convictions.

Employees of the Department of Education, Youth and Family Services who have contact with children and who are charged with a sexual offence are immediately suspended under the Public Sector Management Act, pending the outcome of those charges.

Bill of Rights Consultative Committee
Paper and statement by minister

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 (3.47):

> ACT Bill of Rights Consultative Committee—Report—*Towards an ACT Human Rights Act*, dated May 2003.
> ACT Bill of Rights Consultative Committee—Report—*Towards an ACT Human Rights Act*—Government Response.

I see leave to make a statement on the response.

Leave granted.

MR STANHOPE: Mr Speaker, I announced yesterday my intention to introduce into the Assembly a bill for a human rights act to protect the civil and political rights of the people of the ACT. Today, I have presented the report of the ACT Bill of Rights Consultative Committee *Towards an ACT Human Rights Act* and a detailed government response to the report.

The government believes that the protection of the rights of everyone in the ACT is fundamental to its role in running the territory. Consideration of a bill of rights for the ACT was part of the government's election platform. We made clear our commitment to introduce a bill of rights and to engage in a comprehensive process of public consultation on how this could be best achieved in a way that is appropriate for the ACT.

In April 2002, I appointed the ACT Bill of Rights Consultative Committee to inquire into a possible bill of rights for the ACT. After an extensive and exciting consultation process, the committee presented its report *Towards an ACT Human Rights Act* in May 2003. The consultation process included the taking of written and oral submissions, a series of seminars, and a process of deliberative polling. In keeping with our commitment to open debate, the report was released to the public.

I thank the chair of the committee, Professor Hilary Charlesworth, and each of the committee members—Professor Larissa Behrendt, Ms Penelope Layland and Ms Elizabeth Kelly—and my department for their dedication and expertise in bringing this report to fruition. The report is of outstanding quality and comprehensive in its consideration of the issues.

The government has carefully considered the committee's recommendations. In particular, we have had to consider what form a bill of rights should take, given the status of the ACT as a self-governing territory in a federal system. Advice was sought from legal experts about the way in which the committee's proposed model could affect the operation of government facilities and services.

Each government department was asked to consider its programs and operations in the context of the provisions proposed in the consultative committee's report. I thank them for having participated actively in the process. Encouragingly, agencies found that most of their programs were largely consistent with human rights.

I am pleased to be able to announce that the government accepts all of the recommendations of the consultative committee in full, in part or in principle.

It is our intention to base the new human rights act on the International Covenant on Civil and Political Rights, a human rights treaty to which Australia has been a signatory for over 20 years. This means that fundamental civil and political rights, such as the right to equality before the law, the right to a fair trial, freedom of movement and so forth, will be enshrined in ACT law.

The human rights act will require all ACT laws to be interpreted having regard to the civil and political rights set out in the act. Unless a territory law explicitly overrides the human right in question, an interpretation which is consistent with human rights must be adopted by ACT courts, tribunals and decision makers. This means that human rights will become part of every judicial and administrative decision.

Each piece of legislation that gives authority for administrative action will be read, as far as possible, to be consistent with the human rights protected by the act. This means that as part of the duty to act lawfully an administrative decision maker will have to take account of human rights, and the judiciary will give explicit recognition to human rights principles when applying a law and exercising judicial discretion. However, it is important to understand that the human rights act will not override or make invalid existing law. The courts are not being given the power to declare a law invalid.

We, as elected representatives of the community and members of the Assembly, have a responsibility to consider human rights each time we consider the passage of legislation. The government therefore accepts the committee's recommendation that government bills should be developed consistent with fundamental rights. The human rights act will require that all government bills be checked for consistency with fundamental human rights and, if it is necessary to depart from those standards, the government will explain why it is necessary to do so to the Assembly. This is not unique to the ACT; it is the approach adopted in New Zealand and in the United Kingdom.

The human rights act will not be an entrenched law and it will not limit the power of this Assembly to pass legislation that is not consistent with particular rights, but it will mean that the proposed legislation can be openly judged against a consistent and transparent guideline. The Scrutiny of Bills Committee will have a responsibility under the act to report to the Assembly about human rights issues raised by bills presented to the Assembly. This includes both government and non-government bills.

A human rights commissioner will be established. To avoid proliferation of new institutions, we accept the committee's recommendation to extend the functions of the Discrimination Commissioner. The Discrimination Commissioner will be called the human rights commissioner to reflect her broader functions.

The human rights commissioner will have the power to review territory law but, in keeping with the committee's recommendations, the human rights act will not create a new complaint mechanism as this would conflict with the role of the courts and tribunals. Through education programs, the commissioner will work to ensure that everyone in our community is aware of human rights. Through this process, we will build a stronger, fairer community.

There are two areas in which the government will depart from the committee's recommendations. First, we accept in principle the committee's recommendation that economic, social and cultural rights should be given the same status as civil and political rights. But, having considered the unique position of the ACT, the government has decided not to incorporate economic, social and cultural rights directly into the law at this time, as proposed by the committee.

Nevertheless, this does not mean that we do not consider these rights to be just as important as civil and political rights. We are committed to incorporating economic, social and cultural rights into government policy and planning, and will explore ways in which that can be achieved. At this stage, we have decided to take a more cautious approach because of the constitutional and service delivery arrangements in our jurisdiction. There are features of territory government which are unique and which limit our capacity to have full and total control over such matters.

The ACT is also committed to a number of intergovernmental agreements. These agreements require the ACT government to act in a particular way or to use a certain set of guidelines in determining how services are to be provided. Agreements in the areas of health, education and housing most specifically fall into this category. In addition, some services are provided by Commonwealth agencies. The Commonwealth Ombudsman and the Commonwealth Privacy Commissioner provide services to the ACT that are complementary to their Commonwealth functions.

Secondly, the bill will not provide a new right of action in the courts, which was also recommended by the committee; nor is the Supreme Court being given a power to make a specific declaration of inconsistency. This is because questions of statutory interpretation can already be brought before the courts and tribunals in the course of existing actions, such as judicial and merit review.

Although there is no new right of action to the Supreme Court, the court will still be performing its important role as a court of appeal on questions of law. We expect that the court will, as part of the normal decision making process, form an opinion on whether a law is consistent or inconsistent with rights set out in the legislation. In this way the Assembly will be alerted to any problems in the law.

Let me stress that the government's model will ensure that human rights are taken into account when developing and interpreting all ACT laws. In this way, human rights

considerations will flow up through the policy development process, through the legal system and into all areas of the law.

Finally, let me acknowledge that there are those who do not believe that human rights need legislative protection. Many opponents of the human rights act for the ACT believe that fundamental human rights are protected by the common law and in existing statutes. I respect everyone's right to express an opinion but, in my view, this misunderstands the purpose of a human rights act.

This government has sought to improve protection of rights through a variety of legislative measures. A bill of rights is part of the commitment. It is a statement of our commitment as a community to the fundamental values that are part of our culture and our democratic system of government. It will set out in a clear and transparent way the principles that govern how we relate to each other. This is not a radical step; it is just a simple matter of good governance.

In concluding, I quote Lord Irvine in his speech at Durham University in November 2002, marking the second anniversary of the UK Human Rights Act:

> One commentator asked recently why the Human Rights Act is still disliked. It is a good question. Is it that Parliament has explicitly recognised the role played by the judiciary in our constitution? Surely not. In giving greater responsibility to our Judges, we are merely confirming that ours is a society governed by the rule of law. Is it that the Act has given rise to an uncontrollable flood of absurd or mischievous litigation? It cannot be—because it has not. Or is it simply that individual decisions have been unpopular? Perhaps—because in almost all litigation, there must be a winner and a loser. We ask our Judges to decide many difficult cases. Some are between private citizens. Some are criminal appeals. Others are against Ministers; and of these, some are lost and some are won. That is neither avoidable nor unconstitutional. It is simply proof that "be you ever so high, the law is above you".

A human rights act for the ACT, like the Human Rights Act in the United Kingdom, is part of our constitutional heritage—from Magna Carta through to the 1688 Bill of Rights. In our contemporary and multicultural society, human rights are the inheritance of everyone in our community. Australia has played a proud role in contributing to the development of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. A human rights act for the ACT carries on that tradition.

In Australia, individuals can already take a case to the UN Human Rights Committee if they believe that their rights under the ICCPR have been violated, but they cannot have those rights adjudicated in an Australian court. A human rights act for the ACT is an exciting step towards bringing rights home for the people of the ACT. As Lord Irvine further said about the UK Human Rights Act:

> …the Act represents one small manageable step for our Courts, but it is a major leap for our constitution and our culture. It has transformed our system of law into one of positive rights, responsibilities and freedoms, where before we had only the freedom to do what was not prohibited. It has corrected a 50-year long anomaly, by which British people had rights but could only access them in Europe, not at home. In doing so, it has moved public decision-making in this country up a gear, by harnessing it to a set of fundamental standards. And it has breathed new life into the

> relationship between Parliament, Government and the Judiciary, so that all three are working together to ensure that a culture of respect for human rights becomes embedded across the whole of our society.

This is a significant but measured step forward, one of which we can all be extremely proud. I commend the report and the government's response to the Assembly. Mr Speaker, I move:

> That the Assembly takes note of the papers.

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

Paper

Mr Quinlan presented the following paper:

> 2002-03 Capital Works Program—Progress Report—June quarter.

Gambling and Racing Commission—community contributions
Paper and statement by minister

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

> ACT Gambling and Racing Commission—Report—Community Contribution—2002-2003, dated 16 September 2003.

I seek leave to make a statement.

Leave granted.

MR QUINLAN: Mr Speaker, I have presented the sixth report on community contributions made by gaming machine licensees. This report is for the period 1 July 2002 to 30 June 2003. Amendments to the Gaming Machine Act 1987 which were effected from 1 June 2001 introduced a requirement that club licensees make a minimum level of contribution of 5 per cent of net gaming machine revenue in respect of 2000-01 and 6 per cent for 2001-02, increasing to 7 per cent for 2002-03. In addition, club licensees must contribute an amount equal to the total provided to registered political parties, associated entities and members of the Legislative Assembly and candidates.

The legislation outlines broad issues that the community contributions must meet to be eligible and identifies some types of contribution that are not eligible. Guidelines have been issued to assist licensees to comply with the legislation. A further amendment to the act which commenced on 14 June 2002 introduced an incentive for clubs to consider contributing to women's sport. Applicable from the 2001-02 reporting period, for every $3 contributed the club's contribution will be calculated as $4.

The commission's report provides information on three main aspects of contribution—legislative compliance by licensees, the extent of community contribution as a share of

gaming machine revenue, and the level of contributions in each reporting category. The report includes data on both club and hotel gaming machine licensee contributions.

In the reporting period 2002-03 the club industry had a gross gaming machine revenue of $182.5 million, an increase of around 5 per cent on the previous year. After tax and subtracting 15 per cent of gross gaming machine revenue representing clubs' gaming machine operating costs, net gaming machine revenue received by all clubs was calculated at $110.2 million. It is on the net gaming machine revenue figure that clubs are required to pay their mandatory 7 per cent community contributions.

Mr Speaker, the commission's report outlines that the total value of community contributions from clubs in 2002-03 was $15.8 million, a 20.4 per cent increase on last year's contributions of $13.1 million. I might note that maybe the bushfire and bushfire appeals had something to do with that. Of this total, general sport and recreation received $9 million, while the amounts received in other categories were as follows: community infrastructure, $2.77 million; non-profit activities, $2.13 million; welfare safety and social services, $1.3 million; women's sport, $290,000; and charitable organisations, $270,000. Eleven clubs of the 50 reporting entities declared contributions in excess of 20 per cent of net gaming revenue and 36 clubs declared contributions of between 7 and 20 per cent of net gaming machine revenue.

The hotel group had gross gaming machine revenue in 2002-03 of $339,021, an increase of $22,134 on the previous year. The six hotel licensees contributed a total of $53,329 or 15.7 per cent of their gross gaming revenue to community groups. The increase in hotel gaming machine profits in 2002-03 is reflected in the level of contributions of $53,329, which was $26,306 higher than 2001-02.

Mr Speaker, I must point out that the commission's report notes that most gaming licensees made significant contributions in cash and in kind to assist the community during and after the Canberra bushfire crisis. That is very commendable and should be recognised by the Assembly and the broader community.

The commission's report contains comprehensive data on the activity of the gaming machine industry in the ACT. This information will be useful in any debate on future gaming machine operations.

Gambling and Racing Commission—gaming machines
Review—government response

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, and Minister for Sport, Racing and Gaming) (4.04): Mr Speaker, for the information of members, I present the following paper:

> ACT Gambling and Racing Commission—Review of the Gaming Machine Act 1987—Government Response.

I seek leave to make a statement.

Leave granted.

MR QUINLAN: Mr Speaker, on 28 October 2002, the ACT Gambling and Racing Commission presented to me as Minister for Sport, Racing and Gaming the outcomes of a review of the Gaming Machine Act. The commission's review included a wide range of recommendations that could be adopted by government to enhance the regulation and operation of gaming machines in the ACT.

I am able to announce that the government has supported the adoption of most of these recommendations and also agreed to the preparation of draft legislation to give effect to these reforms to the ACT gaming machine laws. Accordingly, Mr Speaker, I am pleased to present the government's response to the commission's review and recommendations and I commend it to the Assembly. I move:

> That the Assembly takes note of the paper.

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

Indoor air quality monitoring
Papers and statement by minister

MR CORBELL (Minister for Health and Minister for Planning) (3.06): For the information of members, I present the following papers:

> Report on Indoor Air Quality Monitoring for Environmental Tobacco Smoke in Premises with Exemptions under the ACT Smoke Free Areas (Enclosed Public Places) Act 1994, dated October 2003.
>
> Report on Indoor Air Quality Monitoring for Environmental Tobacco Smoke in Premises with Exemptions under the ACT Smoke Free Areas (Enclosed Public Places) Act 1994—Government Response, dated October 2003.

I seek leave to make a statement.

Leave granted.

MR CORBELL: Mr Speaker, earlier this year a landmark document, the first international treaty on public health, was adopted by the World Health Assembly. Known as the framework convention on tobacco control, this document recognises that the tobacco epidemic is an international one and requires serious and concerted action if we are to stop the tragic and needless onset of disease and loss of life from smoking-related diseases. The Australian government is proud to have played an active role in negotiations leading to the framework convention.

I would like to borrow a phrase from the environmental movement that I believe is especially appropriate in today's circumstances: "Think globally, act locally". State, territory and local governments have a major role in tobacco control in Australia, with the primary responsibility for developing and implementing initiatives in many of the key areas being highlighted not only in the framework convention but also in Australia's national tobacco strategy.

Among these initiatives are measures to reduce the demand for tobacco products, to control the supply of tobacco products and to provide effective protection for non-smokers from environmental tobacco smoke. The ACT government has a longstanding commitment to a comprehensive tobacco control program involving all of these areas. ACT Labor governments have been proud to play a national leadership role with a number of the ACT's legislative measures.

The two reports that I have tabled today relate to the important public health issue of passive smoking—exposure to environmental tobacco smoke, or ETS as it is known. In September of last year the Assembly passed a motion recognising the right of all workers to work in an environment free of tobacco smoke. In the context of this motion, the Assembly expressed concern about the adverse health impacts of ETS as well as concern about the limitations of ventilation systems to control tobacco smoke in premises where smoking occurs.

The Assembly called on the government to undertake an analysis of air quality in workplaces where an exemption has been granted under the Smoke Free Areas (Enclosed Public Places) Act 1994 and to table the report of that analysis, together with a government response, by the first sitting day of this year. In February of this year I advised the Assembly about unavoidable delays with the completion of the study and the preparation of the report due to the destruction of the Health Protection Service's building in Holder following the January bushfires, which seriously disrupted the work of the Environmental Health Unit and the ACT Government Analytical Laboratory, both of which were instrumental to the conduct of the study.

I would like to thank members for their patience and understanding in awaiting the delayed results of this study. I would also like to thank the staff of the Health Protection Service for undertaking the work. The valuable assistance provided by ACT WorkCover is also acknowledged.

The report of the indoor air quality analysis describes how the study was conducted and discusses the findings. The study involved recording the concentrations of airborne nicotine and small respirable suspended particles over a four-hour period in a single location in a representative sample of 58 exempt premises. Monitoring also took place in a limited number of non-exempt premises.

Although no perfect way has been found to measure ETS, which is a highly complex mix of about 4,000 ingredients including cancer causing substances, airborne nicotine and respirable particles have been widely used as ETS markers. The presence of these markers is taken to indicate the presence of tobacco smoke.

The crucial findings of the study include the detection at measurable levels of ETS in the non-smoking areas of most exempt premises, particularly licensed premises, as well as the presence of ETS in some premises adjacent to exempt premises. In short, smoke-free areas are not smoke free.

The study found that the concentrations of ETS were related to the number of people smoking in the vicinity of the monitoring. The study concluded that many non-smoking areas are not smoke free and that people in these areas may therefore be exposed to

environmental tobacco smoke. The report notes that there is no level below which ETS is considered safe in terms of its effects on health.

Mr Speaker, this is a significant study which has been developed to address Assembly concerns in relation to environmental tobacco smoke in exempt premises. It will inform the work of the government as it progresses its response to the discussion paper I released earlier this year on the phasing out of exemptions for premises in the ACT. I commend the report and the government response to the Assembly. I move:

> That the Assembly takes note of the papers.

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

Lease variations

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:

> Land (Planning and Environment) Act, pursuant to section 216A—Schedules—Leases granted, together with lease variations and change of use charges for the period 1 July 2003 to 30 September 2003.

I ask for leave to make a brief statement.

Leave granted.

MR CORBELL: Mr Speaker, section 216A of the Land (Planning and Environment) Act 1991 specifies that a statement be tabled in the Legislative Assembly outlining details of leases granted by direct grant, leases granted to community organisations, leases granted for less than market value and leases granted over public land. I have tabled for the benefit of members the schedules covering leases granted for the period 1 July 2003 to 30 September 2003. I have also tabled two other schedules relating to variations approved and change of use charges for the same period.

Under disallowable instrument No 220 of 2003 a copy of a lease direct granted and a statement setting out why the lease was granted is to be tabled in the Assembly. There have been no leases granted in this quarter under disallowable instrument No 220 of 2003. I have also tabled a copy of a lease granted under disallowable instrument No 228 of 2000, revoked by disallowable instrument No 220 of 2003, that was overlooked in the last tabling of leases in the previous quarter.

I will now make a brief statement in relation to the tabling of a lease granted to Community Housing Canberra Ltd, which applied for a direct sale of land in Gungahlin for the development of a 28-unit apartment building. Four of the apartments are to be kept by Community Housing Canberra for the provision of community housing and the remainder will be sold on the open market. The development will also incorporate some adaptable and accessible apartments for people with disabilities.

The land has been sold to Community Housing Canberra for market value. Egan's National Valuers has determined a value of $200,000. There has also been broad consultation with the community about the development of the land. The government considers that direct sale of the land is in the public interest. This project will provide an increase in housing choice for people on lower incomes whilst strengthening the community housing sector. There will also be local employment benefits generated by the development.

Papers

Mr Wood presented the following papers:

> ACT Policing Annual Report 2002-2003, including financial statements and report by the Australian National Audit Office, dated 8 October 2003.
>
> Annual Report 2002-2003—Chief Minister's Department—Corrigendum.
>
> Annual Report 2002-2003—Volume 1—Department of Treasury—Erratum.

Patient activity data
Papers

MR CORBELL (Minister for Health and Minister for Planning): I present the following papers:

> The Canberra Hospital—Information Bulletin—Patient Activity Data—September 2003.
>
> Calvary Public Hospital—Information Bulletin—Patient Activity Data—External Distribution—September 2003.

These bulletins were circulated to members when the Assembly was not sitting.

Grant of a further rural lease
Disallowable instrument DI2003-254

MR CORBELL (Minister for Health and Minister for Planning): I seek leave to correct a statement I made in the Assembly earlier today.

Leave granted.

MR CORBELL: In the Assembly earlier today, during the debate in relation to the disallowance motion proposed by Mrs Dunne, I indicated that there were only two lessees in the Molonglo Valley. In fact, there are three. All improvements on these leases are owned by the lessees. I indicated that there were some territory improvements. That is not correct. Finally, in relation to the Booth and Tennent leases, I indicated that these were not for 99 years. In fact, they are, but with a withdrawal clause which has the same effect as having a shorter lease.

Multicultural community
Discussion of matter of public importance

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

> The lack of support given to the multicultural community by the ACT Government.

MR PRATT (4.17): I would like to talk today about the lack of support given to the multicultural community by the ACT government. Over the last month, there have been a number of events and issues within the multicultural community of Canberra. I have attended these events and have seen issues relating to the multicultural community emerge for both individuals and organisations.

Unfortunately, the government—in particular the Chief Minister, not forgetting that he is also getting paid to be the Minister for Community Affairs—has not found the time to attend crucial events, and when he does, delivers divisive and ill-informed speeches that have the potential to create disharmony rather than harmony in the multicultural community.

Mr Wood: Where have you been? Get real!

MR SPEAKER: Order, Mr Wood!

Mr Wood: This is another unfounded, off-the-top-of-the-head statement, for heaven's sake!

MR SPEAKER: Order, Mr Wood! You will have a chance to respond to it in due course.

MR PRATT: Keep quiet, Mr Wood. Thank you, Mr Speaker. This harmony is much needed and is frequently lacking from our Labor government. Let me juxtapose my comment with an example. The Chief Minister's 30th anniversary of multiculturalism speech was deemed by the multicultural community to be "irrelevant", "a let-down", "highly politicised" and "ignorant". These are comments I receive from multicultural community members who contact my office looking for direction and support from the Assembly. Clearly, they are not receiving it from the government.

The Chief Minister's speech of 30 September attacked this nation and its handling of national and international affairs, predictably slagging off the federal government about war and refugee matters. This neither impressed the multicultural community nor the Canberrans in general who have heard about the speech. Why?

Firstly, because many members of the multicultural community, particularly its leaders, have a greater understanding of the harsh realities of international affairs and the deep complexities of Australia's national and international obligations—and, indeed, are more experienced and skilled in these issues than the Chief Minister and most politicians,

including members in this place and the armchair experts who bleat on about these complex and sensitive issues in the community—members of the multicultural community can see through the fraudulence of the Chief Minister's speech, as it was put down on 30 September, multicultural day.

Secondly, members of the multicultural community are deeply disturbed that on multicultural day the Minister for Community Affairs, the Chief Minister, so busily ranting on about national and international matters, neglected to talk about ACT multiculturalism, neglected to celebrate the successes and the positives of ACT multiculturalism and neglected in that speech to address the major concerns of ACT multiculturalism.

Thirdly, members of the multicultural community are very uncomfortable about the politically and ethnically divisive issues raised by the Chief Minister in that speech. The Minister for Community Affairs is supposed to be promoting harmony within the multicultural community and between it and the broader ACT community. He should not inflame passions by diving into divisive issues for gratuitous political point scoring. When these issues are raised, they quickly polarise communities across the multicultural community and often within ethnic groupings. In his speech on this occasion the Chief Minister was playing with fire and did little for harmony within the ACT.

Most importantly, his speech did not highlight any of Canberra's multicultural community achievements. Is the Chief Minister so ignorant of his own portfolio areas that he is unable to celebrate the great strengths of our multicultural community? He neglected to mention the great strides taken in recent years by both the ACT Multicultural Council and the Migrant Resource Centre and also the establishment of many ethnic clubs across Canberra, such as the Hellenic Club and the Croatia Deakin Soccer Club and the contributions they have made to the community through funding and other support.

The Chief Minister also neglected to mention the successful and highly respected Canberra Multicultural Festival, which takes place each year. He overlooked the Beijing-Canberra sister city relationship and other sister city relationships that Canberra has. Relationships that were strongly regarded by the Liberal government, and still are by the Liberal opposition, are virtually ignored by the current Labor government. The Chief Minister also neglected to mention the establishment of the ACT Ethnic Schools Association and the great work they do in the multicultural community and beyond. All of this was neglected on 30 September, Multicultural Day.

Allow me to give another example of the government's lack of support for the multicultural community in Canberra. Let's have a look at the ACT Multicultural Council AGM last month. At the last moment, the Chief Minister, who was down to speak, was unable to attend, and he sent a departmental officer to represent him. Was this because he was afraid of the reception he would have received from the majority of members of the community? Or was it because he does not consider the ACT Multicultural Council's AGM, at which he was an official speaker, as I was, to be important enough to have the support of the government?

Mr Corbell: Or maybe he was just unavoidably detained.

MR PRATT: Track record here, Mr Corbell. Track record. Or maybe it was because he has little or no care for one of his most integral portfolio areas, community affairs? I fear it is for all three reasons that the Chief Minister did not attend an extremely important event, which resulted in critical injuries for the multicultural community of Canberra—critical injuries that still have not been resolved.

Let me talk about the departmental officer who was there at the last AGM, Mr Hans Bolshoi. He is an impressive man, and I congratulate the Chief Minister for at least employing a man of this calibre to work behind the scenes. I am aware that that is the case, and Mr Bolshoi is perhaps making more yards doing something about harmony than is the case elsewhere.

This disharmony in the multicultural community cannot be afforded by the community itself and it cannot be afforded by the broader Canberra community. We need to come together as a community, which Canberra has been quite successful at in the past, and this needs to be greatly supported by the government. The broader Canberran community needs an effective and harmonious Multicultural Council.

In these troubled times, with the complexities and the challenges that this country is facing, the Canberra community looks to the Multicultural Council not only for ethnic leaders but also for experienced leaders from whom they can gain guidance and leadership. Individual ethnic groups, which may find themselves under some pressure during these difficult times, must also depend upon a viable and harmonious Multicultural Council.

The ACT Multicultural Council, and the array of ethnic communities that it represents, is not an easy organisation for people to be involved in, lead or manage. Therefore, all of the various organisations that make up and are related to the ACT Multicultural Council must represent a balanced cross-section of people from the variety of ethnic, religious and political groupings that exist in Canberra. To marginalise any of these groups is to cause unnecessary disharmony, and such marginalisation leading to disharmony will result in an ineffective council that does not successfully achieve its aims.

The minister needs at look to these issues, and we do not see much of an example of that happening. Issues such as viability, value and harmony must be addressed for a strong organisation to do its job for the multicultural community of Canberra. Therefore, the community affairs minister needs to speak publicly to the multicultural community, and to the council itself, to encourage the bringing together of all the components of the multicultural community. It needs more support from the minister. Is the government really supporting the multicultural community when it does not even bother to turn up to key multicultural events?

Last night I attended a Multicultural Council meeting, which was aimed at trying to resolve the impasse. I felt really quite sorry for them. Again, I was quite impressed by Mr Bolshoi, who came to the rescue. Mrs Cross over here also undertook a couple of initiatives to try and help dampen things down, which I thought was quite positive. Things did not progress that far last night. If the Chief Minister or a minister or an MLA from the government had turned up to witness what was occurring and provide some

sound advice—of course, without becoming politically involved; we cannot do that as MLAs—it might have gone some way to bringing back the harmony that was missing.

What is being done by this government about the multicultural centre? Zero. Plans for a multicultural centre have clearly been placed in the too-hard basket. Coming into government, the Labor Party said that they were going to run a study to identify where to put a multicultural centre and identify its scope and its cost. That study does not seem to have gone anywhere. That is a reflection of the indecisiveness of the government. As far as a lot of people in the multicultural community can see, they are being let down by the government on that issue alone, if nothing else.

The multicultural community of Canberra, particularly at this time of disharmony and uncertainty, needs a government that can support it and a minister that is culturally aware. The minister needs to talk up harmony and remind the entire Canberra community that Canberra is successful at being harmonious. That is a fact.

Reports from the multicultural community, the Muslim community in particular, indicate that attacks on them or moves to marginalise them have been few and far between. The Canberra mosque has never been attacked, according to the imam there. For the Chief Minister to stand up in this place today and claim the contrary is outrageous.

Over the past few integral months, the government has not shown support for the multicultural community. It has not shown awareness, sensitivity or diplomacy. In these challenging times, the broader ACT community looks to a viable ACT Multicultural Council to guide the rest of us. The ACT community looks to a fair dinkum minister who will encourage and not neglect the community. The multicultural community of Canberra deserves a responsible and supportive government. This is obviously not a job for the Labor government.

MR HARGREAVES (4.31): I could not agree more with Mr Pratt when he says that the multicultural community deserves a responsible and supportive government, because they have got one. I thank him very much for letting us know about that.

We have here a thinly veiled attack on the Chief Minister and an amateurish attempt to turn multiculturalism into a football and make this member look good. There have been veiled references to the troubles that the Multicultural Council have been experiencing in recent times. I pay the point Mr Pratt made about the attempts that Mrs Cross has made to resolve a lot of these issues and give public acknowledgment of that.

We have to understand the history of it. If Mr Pratt had been around this town for more than the period of a blow-in, he would know the history of the Multicultural Council, when it was the Ethnic Communities Council. He would know that it has never been a forum of plain sailing. These things occur from time to time, and they are resolved within it because the dynamic that keeps it together is greater than the dynamic that blows it apart. The assistance of Mr Pratt in blowing it apart is not appreciated by the communities with whom I associate.

When it comes to credentials for supporting the multicultural community, Mr Pratt does not deserve to stand in the Chief Minister's shadow. What he is saying about this is absolutely appalling.

It is with great pleasure that I speak in support of our contact, communication and interaction with the multicultural community in the ACT. Another thing Mr Pratt said, with which I agree, is that our multicultural community is a highly valued resource and a highly valued segment of our community. But the way Mr Pratt talks about the government's inaction and lack of communication I take as a personal insult. I have strong links with the communities in this town.

My colleague the Minister for Health and Minister for Planning will remember the distribution of shadow portfolios in 1998 when we came together as the best opposition this place had seen for a long time. We had an argument over who would get what portfolios. Basically, we were happy to accept anything, except that the Chief Minister and I had, shall we say, an animated discussion about which of us was going to look after multicultural and indigenous affairs. Because he was senior, he won. But he said to me, "I'd like you to be the shadow assisting me," and we split it.

It was this Chief Minister who put multiculturalism within the portfolio collection of the Chief Minister—not a junior minister, not a has-been minister, but the Chief Minister. That is not what I call not giving it due priority. I have represented the Chief Minister on numerous occasions at community functions. I have to say that some were more successful than others, but I have done it and I have done it with much eagerness.

Mr Pratt: And you were fantastic last night, John.

MR HARGREAVES: Mr Pratt can slag me off if he likes, Mr Deputy Speaker, but I have to tell you I have never seen the little turkey running around the place. I have not seen him at any of the places I have been to in a community setting with a multicultural flavour. I have not seen his little face at all. Perhaps he is playing I-spy somewhere. I do not know.

In the longstanding relationship I have with ethnic groups, particularly in my electorate, I have assisted them in furthering their culture, music, dance, cuisine and dress and to preserve their uniqueness within the oneness of Australian society. I have been saying that for well over 20 years. So I take it as a personal insult.

Some of the communities with whom I have a particularly close relationship in my own electorate say, "S P Ratt? I don't know who that is. Who's that?" "Who's this Mr Spratt— Mr Pratt, sorry?" They do not know you, Mr Pratt. The Lao community have never heard of you, Filipinos have never heard of you, Sri Lankans have never heard of you, Indians have never heard of you and the Thais do not want to hear about you.

Those comments were given to me unsolicited, but I have to say they were welcome even if unsolicited. All you have to do is go to some of these functions and make your face known, instead of slinking around the back doors at a meeting like this and then coming in this place and big-noting yourself. That does not work. Members who have been around this place a long time will know that I do not take insults really well. If you insult me you are going to get it back.

One of the things that I do quite regularly, and any examination of my constituent numbers will tell you the truth of this, is assist people in multicultural communities who

have language difficulties to deal with the bureaucracy, housing, community safety—that is, the police—and planning. It is hard enough if you have a good command of English to get through the maze of planning regs and rules. Imagine what happens if English is your third or fourth language. I have personally helped to create educational opportunities and employment for the kids, because kids are the future of the place.

The ACT government values feedback from the multicultural community in any of its forms. That is why the Chief Minister has the advisory council. We have undertaken considerable consultation with people from culturally and linguistically diverse backgrounds on, for example, the Canberra social plan; the young people at risk forum policy group, which the Chief Minister's Department runs; and the caring for carers policy, which the Department of Disability, Housing and Community Services runs.

When we talk about the wonderful job carers do, we forget that the carers within non-English speaking families, or where older siblings are not really conversant in the language, have a heck of a lot more difficulty than we would. This government acknowledges the work these kids and the other carers in the families do; the people opposite do not. I do not include all the people opposite, but I do include the proponent of this matter of public importance. It is indeed a matter of public importance because Mr Pratt has quite adequately exposed his own weaknesses in the issue.

Members of the Ministerial Advisory Council on Multicultural Affairs are working towards a multicultural charter proposal. They have given a seminar on delivering services to the elderly from culturally and linguistically diverse backgrounds, as well as a migrant women's forum. That does not sound to me like the government is doing nothing. It does not sound to me as though the government is abandoning this. It sounds as though the shadow ministry to do with multicultural affairs have not done their work. It sounds to me like they are just bone idol and do not know what is going on in this town. Perhaps they really ought to do their homework before they shoot their mouth off.

For the past two years, the ACT government, inclusive of all government agencies, has conducted highly successful consultation seminars on delivering services to people from culturally and linguistically diverse backgrounds in preparation for the annual multicultural action plan—that is, doing something, not sitting there carping, whinging and carrying on. We were put in government last time because the people opposite did nothing. What has happened? They brought in Mr Pratt to rescue them. I have some sad news for those opposite: you are stuck in opposition for a long time if you have people of the calibre of Mr Pratt.

Mrs Burke: He's trembling.

MR HARGREAVES: The one-term wonder over there is going to be trembling. Mr Pratt has already mentioned the multicultural centre. I do not remember that when we were in opposition. Do you, Minister? No? The bigger and better national multicultural festival of 2004? Which government, Minister, tried to kill off the Canberra Festival and the Multicultural Festival by shoving them together? I suspect it was the Liberal government. Oh dear!

MR DEPUTY SPEAKER: Order! Mr Hargreaves has the floor and he is addressing the chamber, not engaging in a dialogue across the carpet.

MR HARGREAVES: Thank you very much for your protection, Mr Deputy Speaker. It is most welcome. I do not hear them talking about migrant heritage at the Woden library. I do not hear them talking about the credit we gave to people who came to this region to help in the Snowy, the migrants we have talked about in other debates in this place.

If Mr Pratt wants to politicise multiculturalism he should be ashamed. What are his credentials to even talk about multiculturalism? His purported service overseas on an aid program? I do not think so and neither do any of the people I speak to in the electorate, who often question his motives for even being there at all. Instead of driving wedges between the various groups—

Mr Pratt: Mr Deputy Speaker, I rise on a point of order! I call on offensive words and point out that Mr Hargreaves has indicated some sort of untoward behaviour on my part whilst I was overseas, which is a total misrepresentation. I ask him to withdraw.

Mr Corbell: On the point of order, Mr Deputy Speaker, there is no point of order. Mr Pratt has not indicated which point of order Mr Hargreaves has breached.

MR DEPUTY SPEAKER: No, he hasn't, actually.

Mr Stefaniak: On the point of order, Mr Deputy Speaker, Mr Hargreaves quite clearly imputed improper motives to Mr Pratt, which is highly unparliamentary.

MR DEPUTY SPEAKER: Yes, but what were they?

Mrs Burke: Standing order 54—personal and offensive words.

Mr Stefaniak: He indicated that Mr Pratt had some improper motive in seeking the portfolio—

Mr Corbell: On the point of order, Mr Deputy Speaker. Mr Hargreaves was relating comments made by others to him. In those circumstances, I can see no assertion of any improper motive. Methinks Mr Pratt doth protest too much.

MR HARGREAVES: Mr Deputy Speaker, would you like me to repeat the words so that you can make a ruling on them?

MR DEPUTY SPEAKER: Order! I want to hear the words. Otherwise, I cannot rule on the point of order.

MR HARGREAVES: Mr Deputy Speaker, if you feel that they are inappropriate, I will withdraw them. I said, "His purported service in an overseas aid program? I do not think so and neither do any of the people I speak to in the electorate, who often question his motives for even being there at all."

Mrs Burke: That's an imputation.

MR DEPUTY SPEAKER: There is an imputation there.

Mr Pratt: On the point of order, I claim that that is an imputation—and lower than a snake's belly in a wheel rut, Mr Deputy Speaker.

MR DEPUTY SPEAKER: It is an imputation. Withdraw it, Mr Hargreaves. I will uphold the point of order.

MR HARGREAVES: In the interests of peace and tranquillity, Mr Deputy Speaker, I withdraw it.

MR DEPUTY SPEAKER: Then we can get on with the debate.

MR HARGREAVES: Instead of driving wedges between the various groups in the multicultural community in the ACT, Mr Pratt should offer to work with the government to heal any rifts and further the cause of living peacefully and respectfully with other cultural groups in the ACT. Mr Pratt has been exposed for what he is: he is lazy, he has not done his homework, he does not know what the government are doing and he is totally disconnected from the cultural community in this town.

MR STEFANIAK (4.45): I rise to support on this MPI: the lack of support given to the multicultural community by the ACT government. As somebody who has been around this place a while, I am a little amazed at how some things have panned out over the last two years. My recollection of before then is that a lot of support was given to the community by governments and oppositions, all the way back to self-government, and for very good reason.

Canberra is a truly multicultural city. There are 160 different nationalities here. At the current count, 28 per cent of persons in Canberra came from overseas. If anything, it was a little bit higher in years gone by because of the great influx of migrants post World War II. Now that those migrants are getting into second, third and fourth generation families, a lot of people have been born here.

It is a huge multicultural society, and we have benefited greatly from the proliferation of different national ethnic restaurants over the last 25 years and the rich festivals we have had over the years. A lot of money has been put into those by a number of governments, including the one Mr Hargreaves was bagging.

Governments should be wary of being divisive or superpolitical in relation to multiculturalism in Canberra. What might be seen as an attempt to back one group or section of the community against the other should be avoided at all costs. The ACT is a very tolerant society; Mr Pratt could not think of any attacks on the mosque at Yarralumla.

There have been one or two incidents involving the National Jewish Centre down at Forrest, but they may have had nothing to do with multicultural issues. We have been blessed in Canberra, since it started, with a very tolerant society. A number of members of the Greek community made a huge contribution here in the 1920s, and in the post-war period thousands of persons came from various overseas countries to our country, and there were significant waves after that.

To raise divisive issues is not effective. Governments of all persuasions should try to engender harmony within the community. Many in the community do not particularly like the Chief Minister slagging off the Prime Minister, playing politics or engaging in Howard bashing. That is not something a lot of people in the community appreciate. He might think he is being clever, but that is not something a lot of people in the multicultural community appreciate. In fact, it is counterproductive. The Prime Minister is the Prime Minister of Australia, and they are Australians as well as, in many instances, having come from overseas. That really is not appropriate. Raising divisive issues and trying to score cheap political points does not go down well in that community.

The communities are, of course, different. Within communities there are significant differences of opinion—between people who came from Vietnam in 1979-80 and people who have arrived more recently or between people who came out from Chile when Allende was the premier and those who came when Pinochet was the premier. I have had a fair bit to do with the Polish community, where the attitude of the older Poles who came out after the war and in the 1950s is significantly different from that of the younger, post-Solidarity generation of Poles.

There are huge differences within the community, which is why any politician needs to tread carefully. It is not appreciated if people get too much involved there, and it is not helpful either within the different communities or the wider multicultural community. Never having been a minister for multiculturalism—in recent times that has invariably been the role of whoever is Chief Minister—I have nevertheless had a lot to do with the communities as education minister, through the ethnic schools and through various other activities. Yes, I see Mr Hargreaves at a number of functions, and they are most enjoyable. He certainly has a great feel from them, and it is good to go to those functions with him.

Having gone to a lot of the ethnic school functions, I have noticed that the various communities seem to get on very well. But, if the government is not promoting and encouraging harmony and, for whatever reason, is trying to score cheap political points in some other area, which is not appreciated in the whole community, it is doing a disservice to the multicultural community. I would caution this government about that.

Mr Hargreaves: Give me an example, Bill.

MR STEFANIAK: I said earlier, Mr Hargreaves, that you are slagging off the Prime Minister at every possible opportunity. That is not appreciated by a hell of lot of people in the multicultural community.

Mr Stanhope: In the Liberal Party!

MR STEFANIAK: It has absolutely nothing to do with the Liberal Party; I am talking about the multicultural community. You misunderstand the community if you think that you are scoring points there. You are not. You might impress some of the people, but in general you absolutely unimpress a hell of a lot of other people.

This motion is timely. Mr Pratt raised the multicultural centre. We have been waiting for that for a while. Correct me if I am wrong, but this government was indicating that it was

going to do something about it. We have yet to see anything really occur there. A lot more can be done for our multicultural community by this current government, not the least of which being a little bit more temperate and cautious in how it deals with the community and in what it says. On that note I will conclude.

MS TUCKER (4.53): It is a bit strange that a community gets divided into the ordinary community and the multicultural community as if there were Anglo-Australians and then multicultural people. Often, when you go to multicultural events, workshops or culturally sensitive training, and so on, it is on the whole Aboriginal or non-English speaking background people who are there.

There is a tendency for us, as part of the dominant culture, to talk about the "other" when we are talking about the multicultural community. A concern has been expressed to me by people from various backgrounds in the Canberra community that there is a sense that it is up to them to learn from us, not up to us to learn from them. That is a general comment I would make. If we do not include ourselves very much in the notion of a multicultural community, then we have got a problem to begin with.

It is fine for Mr Pratt to raise this, although he is obviously using it as an opportunity to make other political points. It is important for us to work together with people from all backgrounds in our community. I embrace within the multicultural community cultures that are associated with other groups, such as the gay and lesbian community and people with a disability, because they have a different cultural experience of living in Canberra as well. In our society there is now much more opportunity for us to acknowledge the difference and experience that people have in Canberra, which are dependent on many things, not just ethnic background, language or religion.

Among the comments made by Mr Stefaniak, I would agree that, on the whole we do pretty well in terms of having a reasonably accepting community. But we have a long way to go. I know through my committee work, as well as through my relationship with many people from different backgrounds, that racism is alive and well in Canberra. It particularly shows itself in the schools, and children will be the ones who bear the brunt of it. It obviously comes from their homes; there is certainly something going on there.

After September 11, members may remember that I organised White Ribbon Day in Civic Square. That was in response to anxious calls from Muslim people—women, on the whole—who were extremely distressed about the victimisation their children were experiencing, as well as the women themselves, if they identified themselves as Muslim through their clothing.

Through the various committee inquiries I have chaired or participated in, I am well aware that Aboriginal people suffer racism in our community generally and in our schools, so I think Mr Stefaniak is painting a bit of a glossy picture there. To work with questions of racism requires strategy, public education and community education and a real focus in schools. It is through civic education that we emulate an inclusive society.

I am interested in Mr Pratt's argument that somehow Mr Stanhope has failed in promoting an inclusive society because he has criticised the Prime Minister. I think this is his argument. I am sorry if it is wrong, but he can clarify. Mr Stefaniak is also saying

that it is not appropriate to criticise the Prime Minister, and somehow that was being linked to multiculturalism. I did not quite follow that.

Mr Pratt said earlier that he was concerned that Mr Stanhope made comments about human rights in China. To somehow connect raising questions of human rights to not adopting a multicultural approach or not being inclusive is really stretching the argument. Obviously, any public figure and elected representative has the right to make comments about the fundamental principles that they support. If Mr Stanhope is concerned about the persecution of people for religious reasons—

MR DEPUTY SPEAKER: This is not necessarily within the context of this matter of public importance: the lack of support given to the multicultural community by the ACT government. Please continue.

MS TUCKER: I am not quite sure what the point was from Mr Deputy Speaker.

MR DEPUTY SPEAKER: I was just reading the matter of public importance: the lack of support given to the multicultural community by the ACT government.

MS TUCKER: If you had been listening, you would have heard me explain that arguments have been put to suggest that the Chief Minister was not supporting the multicultural community because he made certain statements. I am certainly on-topic, Mr Deputy Speaker.

Mr Pratt: That is not quite what I said.

MS TUCKER: Mr Pratt says that is not quite what he said. If that is not what he said, that is fine, and I will not attribute it to him. But I would still make that comment.

Mr Pratt: Fifty-fifty.

MS TUCKER: He says fifty-fifty. It is partly what he said, so my comments stand. It is quite appropriate that Mr Stanhope, or any member of the community or an organisation, make that sort of comment. The Chinese Embassy tried to prevent an advertisement being put in the free press of Australia about Tibet. I would say that that is an example of an attempt to oppress basic freedoms and rights in our country that we would all be very concerned about. In no way is making that comment not embracing the multicultural nature of Australia or the fact that we have many Chinese citizens in our community. We are just making a comment about an attempt to repress freedom of expression in a free society—the right to make comments about the domination of Tibet by China.

In conclusion, we are aware of a growing fundamentalism in the world at the moment, a conservatism that is—

At 5.00 pm, in accordance with standing order 74, the debate was interrupted. The motion for the adjournment of the Assembly having been put and negatived, the debate was resumed.

MS TUCKER: As I was saying, one of the key challenges for a multicultural system or an inclusive society is the shift toward fundamentalism around the world. There is

religious fundamentalism—Christian, Muslim, Hindu and Judaic; economic fundamentalism, as articulated through the WTO and similar institutions; law and order fundamentalism; and environmental fundamentalism. For us to have a pluralist society, we need to tolerate divergent views and be prepared to acknowledge the right of all faiths, beliefs and views to be expressed. For me that is a key feature of multiculturalism.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (5.01): I of course reject absolutely Mr Pratt's accusation that the government is not doing enough to support Canberra's multicultural community. It is quite obvious, from both the motion and Mr Pratt's comments, that he is completely unaware of the sheer volume of work the government does and exhibits a significant degree of ignorance about a shadow portfolio responsibility.

The government is strongly committed to supporting Canberra's multicultural community. It takes this commitment extremely seriously and has been working very hard to meet it. The government gives a number of levels of support to the multicultural community. In the first place, it is support provided on a personal level directly to representatives and members of Canberra's multicultural community by me, my staff and each of my colleagues.

Indeed, the staff of the Office of Multicultural Affairs have developed very strong working relationships with the leaders of all of our multicultural communities. The office maintains an open door policy, and it is committed to supporting Canberrans from culturally diverse backgrounds. Mr Pratt's MPI and his speech undermine and belittle the contribution that each member of the Office of Multicultural Affairs makes to multiculturalism within the ACT.

In addition to that, there is a whole range of direct financial support that my government provides to the multicultural community, a far greater level of support than has ever been provided to the multicultural community by an ACT government. Shortly after coming to power, we implemented two new grants programs specifically for the multicultural community.

We recognised, unlike the previous government, the important role that Canberra's ethnic schools play in maintaining community languages and cultural traditions. We started a grants program—$50,000 a year—specifically for ethnic schools and the work that they do. In the first year of the program, 25 schools benefited from those grants, as have 1,400 students. That is support and assistance provided by my government that was not available under the previous government. There was no grants scheme.

We also introduced a new grants scheme to support Canberra's multicultural broadcaster, to a total of $100,000 a year. We all know how important communications are to emerging communities, particularly non-English speaking background communities that are not mobile and do not have English language skills. We have introduced a grants program to deal directly with the needs of those communities. The program started in 2002, and in that year 39 broadcasters received funding. In addition to that, we have $100,000 available to make grants to multicultural community groups to assist with projects that benefit their communities.

Those three grants programs are examples of the support that we provide directly and monetarily to multicultural groups and organisations in the ACT. We also provide support to individuals, including newly arrived migrants and holders of temporary protection visas. We produce *Communicado*, a quarterly newsletter that supports the community by providing valuable advice and information, which is distributed widely in the multicultural community.

One of the most successful programs we have in place for migrants is the work experience and support program. That program provides training, work experience and continuing support for Canberrans from diverse backgrounds who are actively looking for employment. Between 50 and 75 per cent of participants in this program find employment. We also provide valuable support to migrants by assessing overseas qualifications free of charge. It is a service for which the Commonwealth government charges $145 but which we provide free of charge. In the past 18 months we have assessed 108 applications.

My fellow ministers and I attend multicultural community events as often as we can, so we get to know members of the community and hear their concerns first-hand. In that regard, I acknowledge the significant community event I attended at the Italo-Australian Club on Saturday night. I say without any malice and without any point to make that not a single member of the Liberal Party attended that event. It is likely that none of them were invited—because they are not particularly welcome—but we had a wonderful evening on Saturday. I am not suggesting that the evening was enhanced by the absence of any Liberals, but it was notable that there were no Liberals at that function.

The Office of Multicultural Affairs also takes on an advocacy role, stepping in to help members of the multicultural community whenever they need assistance. For example, the office provides access to translation services, makes its resources available and assists in resolving issues that arise at a federal level. Among those issues is the Commonwealth government's treatment of refugees.

My government has worked hard over the past two years to fill the gaps in the services the Commonwealth provides to temporary protection visa holders and Kosovar refugees. We fill those gaps by providing free public school education, including access to the introductory English centres for adults. We have also provided free childcare for refugees attending those centres.

We provide free medical treatment at ACT hospitals and medical facilities. We support refugees by providing concessions for a range of ACT government services, such as public transport and electricity, and we provide interpreting services where needed. The Commissioner for Housing has agreed to make public housing available to refugees suffering extreme hardship, by waiving the usual criterion of permanent residency for public housing.

These are just some examples of the work I and my government do for the multicultural communities of Canberra. We also take seriously our obligations to all staff of multicultural background. Last year the government established the Multicultural Staff Network to provide support and assistance for ACT public servants from culturally diverse backgrounds. We also make available cultural awareness training to all staff.

Before closing I will address the comments that Mr Pratt made about some of the difficulties the Multicultural Council is experiencing at the moment with its affairs. The ACT government is well aware of those events and is closely monitoring them. Senior officers of the Office of Multicultural Affairs have attended all those events. I have taken a deliberate decision not to, cognisant of the difficulties the community is working through.

I am aware of Mrs Cross's interest in the difficulties being faced by the Multicultural Council. It is an important peak body for multicultural communities in the ACT and one that I support fully, as does my government through funding. We are concerned about the imbroglio and about bringing those difficulties to a conclusion, and I have taken advice from my department on those matters. I have been loathe to intervene. It is a community organisation, and the government is not directly responsible for its internal operations or arrangements. It is not appropriate that the government interfere or intervene.

I am nevertheless mindful that the council receives significant funding from the ACT government—indeed, from the people of the ACT. There are issues around the extent to which a government can continue to ask the people of Canberra to fund an organisation that is experiencing the level of difficulty that the Multicultural Council is. In the context of that, I have asked the Office of Multicultural Affairs to give whatever support and advice it can to assist in resolving these issues, which over the last six weeks or so have achieved such proportions.

I have asked my office to make these suggestions, without any wish to interfere in the internal operations of the council, but it is my view that the council needs to take a step back, take a deep breath and invite the ACT Electoral Commissioner, Phillip Green, to develop a set of rules and procedures for elections. They need to invite the Electoral Commissioner to conduct elections in accordance with rules determined by him, in consultation with the members of the council, in order to bring those difficulties to a satisfactory conclusion.

I am sure that with goodwill the issues can be resolved. I do not say this with any view that they cannot be resolved, but I think everybody needs to be aware that this organisation is in receipt of considerable public funding and I cannot, in all conscience, persist in the funding of that organisation if it does not resolve its issues.

MRS CROSS (5.11): I rise to speak to Mr Pratt's MPI. I understand the sentiment that Mr Pratt was putting in this MPI, and there were many things that he said in his speech that I support. However, I did advise Mr Pratt earlier that I could not support the comment about the government not supporting the multicultural community. I understand the motivation behind it, and I will address it in my speech.

Some of the initiatives that I see the government undertake indicate otherwise—that it is a very strong supporter of the multicultural community. As I said, I agree with some of the sentiment Mr Pratt expressed in his speech, which is in regard to some of the lack of leadership in other areas. Because I have taken a personal interest in this, I am aware that the Chief Minister has been monitoring things behind the scenes and has in fact been given regular briefs on this matter. Unlike those who want to politicise this, I have

genuinely tried to bring some parties together to overcome what is a stumbling block and move forward.

I do have a little bit of a disappointment, though. I attended the lunch that Mr Pratt referred to earlier at the National Press Club, which was to celebrate 30 years of multiculturalism and hosted by my friend Al Grassby. I was one of four speakers. Of course, the three other speakers were far more important than me. I am a friend of Al, and he asked me to come along and to say a few words.

There were two federal members and our own Chief Minister. One of the things that I admire about the Chief Minister, from my observations of him over the last three years, is that I have never seen one iota of racial prejudice in him. I cannot say the same of others in this place, which is why I was a little disappointed when the Chief Minister—on a day of celebration and talking about the successful integration, assimilation and acceptance of over 200 ethnic groups in this country, which has made Australia the most successful multicultural country in the world—used the occasion to condemn the federal government's position on the war in Iraq.

He used it to once again mention a possible sister city relationship with Baghdad, and he also referred to our moral obligation to Iraq. I am not going to use this speech to insult this man, because as I said I have never seen in him an iota of racial prejudice, but I do have some comments to make on the condemnation he expressed that day of the federal government.

Mr Stanhope has said, not only today but on other occasions, that tens of thousands of Iraqi soldiers have been killed. That figure surprised me, and I wondered where he got it from. If you follow developments, you will know that most Iraqi soldiers simply left the battlefield because they were not willing to fight for the vicious dictator Saddam Hussein. As far as civilian loss is concerned, there was nothing like the number of civilian casualties either. Making up figures is not an honest way to go about speeches.

He also said that we should not have gone to war without the blessing of the UN. What was the alternative? What would the UN have done? Would the UN have continued to sit there for another 12 years while Saddam Hussein continued to thumb his nose at them, slaughtering not only his own Iraqi people but mainly Shiites in the south and Kurds and draining the marshlands, so destroying a culture thousands of years old?

What would the UN had have done while he continued with the same old behaviour? Would it, as it did in Bosnia, have its troops stand by while thousands of Moslem men were slaughtered in Srebrenica? Would it show the same spineless ineptitude it showed in Rwanda, when it would not permit its peacekeeping commander to take actions that might have prevented the mass slaughter of hundreds and hundreds of thousands, and while Mr Annan, then responsible for peacekeeping operations, stood by wringing his hands while the rivers were gorged with blood?

Chief Minister, do you really understand what the primary role of the UN is supposed to be? Do you understand why it was established in the first place? I do not think so. It was set up primarily as a world security organisation, but it has steadily been hijacked, emasculated and sidelined. It cannot do properly what it was supposed to do, so do not

for one second imply that somehow the UN could have resolved the problem with Iraq. It wouldn't have, and it couldn't have.

But there were a few others in the world who were sickened by the continuing brutalisation of his own people by the depraved Saddam Hussein. Chief Minister, to follow your position to its logical conclusion, we should have continued to turn a blind eye to that depravity. Maybe we should have Saddam come back and make it all better again. Would that be preferable?

You do not know what has been happening in Iraq because you have not taken the time to get off your political hobbyhorse. The children are back at school learning, small business associations are being set up, local government councils in the greater Baghdad area have been set up—

MR DEPUTY SPEAKER: Order! The time for discussion has now expired.

Evidence (Miscellaneous Provisions) Amendment Bill 2003

Debate resumed from 28 August 2003, on motion by **Mr Stanhope**:

> That this bill be agreed to in principle.

MR STEFANIAK (5.17): Mr Deputy Speaker, the opposition will be supporting this bill. In the mid-1990s one of Canberra's rape crisis centre workers experienced a number of problems in relation to counselling notes at a hearing in Queanbeyan. I understand the case was before the Supreme Court of New South Wales sitting in Queanbeyan. That worker, as the attorney I think stated when he introduced this bill many months ago—debate has been adjourned a few times—was briefly jailed for contempt and held for some four hours for refusing to hand over notes. I understand the worker was one Di Lucas, who is well known for her work in the rape crisis area.

As a result of that matter a lot of action followed in New South Wales, and they enacted legislation to introduce immunity for the counselling notes of sexual offence victims. As Mr Stanhope stated, the model criminal code and the New South Wales legislation form the basis for these amendments now before the Assembly, which we support.

It should be noted that, despite advances in recent years, many victims of sexual assault still do not report the matter to police. The success rate for persons actually charged with sexual assault when the matter goes to trial is still relatively low. I still hear figures of only one in three matters succeeding in superior courts in Australia. I hope that is improving, but I still hear those figures, which is disturbing.

Whilst there have been many improvements in recent years, sexual assaults and the various justice issues around them remain a very significant problem in the criminal law area. It is particularly traumatic for victims of sexual assault to have to confront their perpetrators in court and, whilst a number of steps have been taken in recent times, especially in regard to children, a number of other problems still remain. It is a very real balancing act between the legitimate rights of the accused and the rights of the victim.

Many people in our community feel that the rights of the victim not only in this area but also in other areas are not properly recognised. The opposition is happy to support this measure because it goes some way towards ensuring that the rights of the victim—the legitimate rights of the victim—are protected. A complainant should not have to contemplate disclosing to the very person accused of sexually assaulting them in the first place, in an open court, records that contain very private aspects of their lives—aspects that may be completely irrelevant to the matter at hand.

Conversely, of course, we see no problem with the prosecution having access to any particular notes relevant to the prosecution, and these should be put before the court in terms of evidence should the prosecution wish that to occur. But there is not a justifiable reason for the defence to have detailed counselling notes on other very private matters that have no relevance whatsoever to the particular case. The records, as the attorney says, could contain thoughts and statements that may never even be shared with the closest of friends or family. The records could contain an exploration of the complainant's fears and feelings arising from the assault, and this would compound what is already a very traumatic incident by adding trauma on top of trauma.

So we are happy to see the government take this particular step. It does bring us into line with what applies across the border in New South Wales, and it is a very strong view of this opposition that the government should be as consistent as possible, especially in the criminal law jurisdiction, with that of New South Wales, a state that has adopted, to its credit, a most robust approach in its criminal justice system.

The amendments here no way restrict, as I indicated earlier, the legitimate rights of an accused to a fair trial, but they do go some way in further protecting the legitimate rights of a victim. I am pleased to see that the DPP has been properly consulted on this and is supportive of the amendments.

In relation to the other parts of the bill, I note that it does contain some housekeeping amendments that have been referred to already by the attorney.

We believe this bill strikes a reasonable balance and goes some way towards protecting the legitimate rights of victims of sexual assault, which have been neglected for too long, and we recommend the government not lose its momentum in terms of adopting sensible New South Wales criminal reforms but emulate our neighbour and back up major criminal law reforms as suggested by this opposition in the various bills before the house.

MS DUNDAS (5.21): Mr Deputy Speaker, this bill deals with the rather difficult subject of the use of counselling notes in sexual offence cases. Sexual assault is, without a doubt, a most traumatic experience physically, emotionally and mentally. For many victims, professional counselling is a vital part of recovering from the trauma. An essential part of this counselling is its confidential nature. With the possibility that counselling notes may be subpoenaed by the courts, a reluctance to seek counselling does exist in some people's eyes and there are already cases where counsellors have stopped taking notes so that they do not have to breach client confidentiality.

This amending legislation puts down laws on how counselling communications are able to be produced in court and sets quite stringent guidelines for the manner in which they are dealt with. The amendment tries to strike a balance between the right to confidentiality for the victim and the right to a fair trial for the accused. Ultimately, I believe that the amendment does reach the desired balance and so I will be supporting the bill.

Another important element of this bill is the directions a judge can give to a jury and how they are discussed. While some in the legal fraternity believe such directions can confuse the jury or increase the possibility of the trial judge making a mistake in law, I would like to highlight three sections of the bill in relation to judicial directions that I believe protect women and children and enhance their rights.

Section 70 prohibits a judge from warning or suggesting that children are an unreliable class of witness. This is in line with the 1997 Australian Law Reform Commission report *Seen and heard: priority for children in the legal process*, which reported research that found children's cognitive and recall skills have been undervalued while at the same time adult witnesses' memories can be equally fragile and susceptible to the distorting influences of suggestion and misinformation. I believe quite strongly that it is about time the law recognised this and stopped devaluing young people.

Section 71 provides for a jury warning to demonstrate that a delay in making a complaint does not necessarily indicate that the alleged offence is false. There may be good reasons why victims of sexual assault may hesitate in making an immediate complaint. This is important because there are still many in the community who do not understand the psychological and emotional barriers people have to reporting incidents of sexual assault.

Section 73 deals with the mistaken belief of consent. In relevant cases, a judge may direct a jury to consider whether mistaken belief of consent was reasonable or not. Directions like this in the Australian legal fraternity are often believed to lead to confused juries. However, this contrasts with the prevailing view in the Canadian legal system, which reinforces that women have the inherent right to exercise full control over their bodies and that their consent to sexual activity is their exclusive domain. For the courts to rule otherwise is to perpetrate women's historic repression and disadvantage. So I am pleased with the steps that sections 70, 71 and 73 are taking to deal with the issues in terms of both children's rights and women's rights in quite complex cases.

I would also like to highlight the provisions of section 43 that give the automatic right to complainants to give evidence via closed-circuit television. This is actually the status quo, but I draw attention to it in the context of a recent report by the Australian Institute of Criminology *The experiences of child complainants of sexual abuse in the criminal justice system*. This report surveyed the experiences of child complainants of sexual abuse in Western Australia, Queensland and New South Wales.

The key finding was that only 44 per cent of children in Queensland and 33 per cent of children in New South Wales would ever report sexual abuse again, compared to 64 per cent in Western Australia. The report suggested that, as a result, Western Australia had a more child-friendly justice system in terms of reporting of child sexual abuse, largely stemming from that being the only jurisdiction surveyed that had an automatic right for

children to give evidence by closed-circuit television rather than face the difficult and disturbing experiences of cross-examination in the courtroom. It is a relief to know that the ACT is among the leaders in protecting the rights of children in this sense.

I am happy to support the Evidence (Miscellaneous Provisions) Bill today. It is a bill that, despite its controversial and often quite concerning subject matter, I believe advances the rights of victims of sexual assault under the law. It is important that such stressful and emotionally difficult cases are dealt with in a very considerate manner.

MS TUCKER (5.26): The aim of this bill is to make sexual assault trials less of an ordeal for the complainant while keeping the trial fair also for the person accused. It is the first legislative product to come out of the law reform process begun 10 years ago by this Assembly's reference to the then Community Law Reform Committee.

It draws on the responses to that report, to the Model Criminal Code Officers Committee investigation and report on laws of sexual assault, and is modelled on the New South Wales provisions. In the words of a New South Wales sexual assault counsellor, it seems to draw together the best of these models.

The MCCOC have been complimented on their responsive law reform consultation, particularly for the way that the inquiry reshaped its scope to include evidence on the basis of the responses received. I am pleased that the government in the end decided to put off debate on this bill until this sitting. This has allowed community groups who had contributed to its review and to the government response the time to review the results, and has given members a more reasonable length of time to digest the scrutiny of bills committee report and the government's response to it. I am going to apologise in advance because, given this background and the extensive scrutiny of bills committee report, this will not be a brief speech.

The bill's main effects will be to allow adult complainants in sexual assault trials to give their evidence by audiovisual link, as is currently allowed for children; to allow the court to make the decision to close to the public while the complainant is giving evidence; to limit access to counsellors' notes about the complainant entirely from preliminary criminal hearings and to allow their use in criminal hearings only if the court is convinced that the notes contain relevant material that cannot be derived in any other way.

The bill also draws together in the one place, within the Evidence (Miscellaneous Provisions) Act, these new rules, along with the rules already in existence which were previously located in the Evidence Act proper. An example of one of the rules brought across is the prohibition on publication of the complainant's identity.

The scrutiny of bills committee raised quite a number of issues for consideration by members. I am satisfied, having considered the arguments, the government response, various submissions, and some of the research work and thinking that has gone into the topic, that this bill is a step forward, and it probably avoids the problem of setting up unfair trials.

I will start with some comments on why there is a need to change the rules of evidence, in this case to facilitate the fair hearing of cases of sexual assault. The vast majority of

cases of sexual assault are perpetrated by men. Nationally, of the reported cases in 2001, 81 per cent of victims were women. By far the highest rate of sexual assault is perpetrated on males and females under the age of 19, particularly adolescent girls and very young boys. Measures of reported sexual assaults do not reflect the true amount of assaults occurring in our community.

Rapes are one of the most under-reported crimes. Rape trials also have a high drop-out rate, because of the trauma of the process. The majority of women do not seek help and do not tell anyone. A majority of survivors do not take their cases to court.

It is true of crime in general that only a small proportion of cases make it to court. But the problem with sexual assault is not generally the difficulty of finding the perpetrator; it is a problem of the cultural and personal shame leading to not reporting and choosing not to go ahead with prosecution because of the trauma of trials. That is the main motivation for reform of the laws here: to make the trials less of an ordeal, without compromising the fairness of trials for people accused of sexual assault and so ensure that more perpetrators are formally brought to account in our justice system.

Of course, enabling prosecutions is by no means the only work that needs to be done. Prevention is always the best way to reduce crime. One brief example is: the House of Representatives Standing Committee on Employment, Education and Training in 1994 noted the importance of early education, addressing of the link between learned masculinity and violence, and the importance of learning at an early age to deal with the issues of power and control in any attempt to eliminate violence based on gender.

Although rape has been recognised as a crime for a long time, there have been severely restricted interpretations of what counts as rape as it was understood by the privileged men in power within a society that largely accepted without question the power imbalance between men and women—to the extent that women were regarded as the property of men, inferior to men in many ways and incapable of many things. While feminism over the past 150 years has developed general awareness of this, and values, views and laws have changed to bring us much closer to equal, imbalances remain.

It was in living memory that rape in marriage was recognised as a crime, recognising that women continue to be thinking, choosing humans after committing to marriage. There are many changes to be pleased about. Sexual violence, however, is where the patriarchal power play is at its most crude and abhorrent.

In reviews of judicial attitudes on various aspects of sexual assault evidence and trials, it is clear that some of those attitudes are alive and well. It is in this context, and in the realisation of rape as an expression of power, that a lot of attention has been given to how to change conditions in sexual assault trials to remove some of that power imbalance.

On creating a preference for complainant evidence by audiovisual link where possible in new section 43, the scrutiny of bills committee report raised a number of issues. The first is the danger that, by allowing complainant evidence to be given remotely, there will be an underlying message communicated to a jury that the complainant is truly the victim of assault by the accused. The second issue raised is more general—that there is an inherent value in the accuser facing the accused in public if caught. This is on the assumption that

the truth will out in the face-to-face setting and that the experience of confronting is likely to flush out the false accuser. The problems for this assumption are:

- the court is not today an environment conducive to developing understanding in the way that, for example in a restorative justice conference, both accuser and the accused are supported and the main emphasis is on their validity as human beings, with a wrong to right. In a court, the main emphasis is on the fight, on dragging down the opponent. In rape trials in particular, this re-creates the power imbalance that exists in sexual assault, and the attempt to undermine credibility too often draws on shameful stereotypes of women and cultural values ascribed to a woman's responsibility for "her honour".

- sexual assault still involves a lot of shame, and still women, as well as men, have in their socialisation some lingering notions of there being two types of women—the Madonna/whore complex. This is a cultural shame in a woman being raped. There is often still a lingering idea that somehow a victim of sexual assault "asked for it" and that she is tainted. We do not go as far in this country as taking that as evidence of adultery and do not go as far as punishing a woman's adultery by stoning. But this is part of a similar-gendered attitude to sexual relationships and to sexual morality.

- for male victims of sexual assault, who are also in the vast majority of cases assaulted by a male whom they know, there is also shame steeped in the cultural homophobia which also leads to unacceptably high rates of suicide among young gay people.

- a face-off in these circumstances is often not in the interests of justice and it is questionable that it achieves much in the way of false accusations.

By making evidence by audiovisual link the standard mode, this bill, I believe, removes much of the problem of implying guilt. If the use of audiovisual evidence were decided in each case, then there would be an implicit message that this is a true accuser or, conversely, this is not a true accuser.

Secondly, by the standard warning at section 46, the jury is freshly reminded that this is standard, not a judgment on the merits of a particular case. The evidence is still given inside of the court and the person giving evidence can see the courtroom. The evidence is still recorded and is still subject to cross-examination. By creating some physical space and so removing one aspect of reliving the physical event for people who were sexually assaulted, the person giving evidence is likely to be more in control of their emotions and more able to give clear evidence.

The problem of revictimising a possible victim of sexual assault is not a light matter. If the effectiveness of cross-examination relies on a deep personal humiliation and shaming, surely it is not likely to produce good evidence. As I mentioned earlier, this is a consideration that our courts must grapple with for victims of all crimes, and looking at more restorative models is one way to go more generally. In the case of rape trials, the use of audiovisual is a method that had been tried and developed and I believe it could be an important improvement to these trials.

I would also like to respond to the scrutiny of bills committee report's comments on the "rape shield" provisions in division 4.4, which is about prohibiting evidence related to

the complainant's general sexual reputation. Most of this is a restatement of provisions currently in the Evidence Act. The new phrasing comes from the MCCOC recommendation. Around the world a range of versions have been trialled since the 1970s.

The simple analogy here is that in a robbery trial there is no relevance ascribed to robbed persons having spent lots of money or having even given money away to different people. The idea that evidence of a high level of sexual activity diminishes the justice of calling a rape a rape is a product of the very objectionable notion that I described earlier of women being regarded as either a Madonna or a whore. The notion identified in this model is that, if a woman has sex with more than one man, she is not discriminating, is a bad woman, and will not mind whom she has sex with. Therefore, the notion of the right to a choice is undermined or done away with.

This is an unacceptable story and argument to be made in a trial. It is based on a particular puritan and anti-woman belief system that ought not be at the heart of our society today. If you accept that in each possible sexual encounter each participant has the fundamental right to consent or not, then it is difficult to see the possible evidentiary value in a general history of sexual activity. It is merely another means of humiliation. In cases where the accusation of rape is true, the accused, having forced sexual acts on the complainant, is then allowed to drag out more intimate information in public.

This protection is important in paving the way for more victims of rape to feel more able to bring their accusations to the criminal system so that there will be some formal consequence for more rapists. As the Model Criminal Code Officers Committee put it, "evidence of reputation, even if relevant and therefore admissible, is too far removed from evidence of actual events or circumstances for its admission to be justified in any circumstances"; that is, they believe that it is reasonable to rule out that category of evidence on general sexual reputation because it is nearly impossible to imagine how it could validly have a bearing on consent or the other circumstances of a particular sexual incident.

On the other hand, the damage done in allowing the prospect of that evidence to be brought up—that the accuser's own sexual reputation can be judged according to someone else's standards—has put people off bringing their assault to the criminal justice system.

However, this bill does allow some evidence of sexual activity. In 51 (2), the exception given allows evidence of specific sexual activities of the complainant with an accused person in the sexual offence proceeding. This allows some evidence to suggest that there was some kind of ongoing sexual relationship. The danger in allowing this evidence is that it will also be used to allude to the old and outdated idea that a woman becomes the sexual property of the man she is attached to; that there is one eternal "yes" implied. It may be that something in the relationship built up an understood language, and this may be seen as relevant evidence in understanding whether it was reasonable for the accused person to believe that consent was given.

This version of the rape shield allows the court discretion but requires the reasons for the leave to be written. This is a means of ensuring some accountability.

The problem still arises in practice. In 1997 the Canadian Department of Justice investigated the effects in actual cases and commented:

> … individual judges are still left to their own personal understandings of these issues in interpreting the facts presented to them. … Although the legislation tries to exclude evidence that would allow the jury to dismiss the complainant's versions of events on the basis of myths and stereotypes, these myths and stereotypes still appear to be operative in the minds of many judges. In other words, judges appear to be admitting evidence of such trifling probative value that it is difficult to contemplate any other basis for their interpretation of how this evidence is even relevant. It seems apparent that until judges are more carefully educated as to why certain "myths" exist, and how they might affect juries, that they will continue to admit any evidence they feel may have some link to the issue before the court.

We will see how this provision is used, and it would be useful for the government to monitor this.

So to the counsellors' notes provisions. The two main arguments for seeing counsellors' notes as relevant evidence are generally: firstly, for the complainant it can be used to establish that they sought assistance, thus boosting the credibility of their claim; and, secondly, for the accused there may be something disclosed in the counselling session that indicates that the circumstances were not as are now being described in court.

The two main arguments against the availability of the notes are that, firstly, a therapeutic relationship is only valuable as far as it is safe emotionally and mentally. It is hard to imagine a less safe circumstance than for the person who assaulted you to be able to trawl through the notes on your exploration of your pain, grief and the harm suffered. That that could happen undermines the safety.

Secondly, what is said and what is noted down by the counsellor in a counselling relationship is not actually part of the event that allegedly occurred. A professional counsellor might be regarded as an expert witness and their credibility can be questioned on the basis of their experience, perhaps training and so on, but this does not need to extend to the notes taken in the safety of that relationship.

This bill does not go as far as extending the equivalent of legal professional privilege to counselling notes. That may in fact better represent their relationship, but it is not the approach taken here.

Feedback from services for victims of sexual assault in Victoria, which seems to have similar legislation regarding counselling notes, is that there are still problems in that it is still distressing for the women as the notes are still being read by the magistrate; thus it is a breach of the confidentiality of notes and still a breach of the counselling relationship.

It also creates a lengthy system, makes it a two-step process and extends the length of trials. *(Extension of time granted.)* However, the services, considering the interests of the people they assist, still believe that this is a step forward, though clearly not perfect.

The scrutiny of bills committee report asks whether the Assembly wishes to "deprive the accused of the chance to test the prosecution evidence or call evidence". I do not on

balance agree that this is the situation in the case of counsellors' notes. As in the case of legal professional privilege, if there is a serious accusation of professional misconduct to the extent of colluding in a crime of misleading the court, then that privilege can of course be breached. I think there is a strong argument that, similarly, the details of the actual exchange in the counselling sessions should not be open for public scrutiny unless there is a specific allegation of misconduct.

It is of course in no-one's interests to have an unfair trial. Bronnit and McSherry argue that the case for privilege and safety of counselling notes is so strong that, if there is a serious allegation of an unfair trial resulting from the privilege, the trial should be suspended. The compromise offered in this bill, and which I understand the sexual assault support services and Women's Legal Service see as a step in the right direction, is that notes may be admitted only in the criminal trial and not in the preliminary hearing. The court decides, on specific application, whether there is a legitimate forensic purpose.

Section 62 lists the matters to be considered in deciding whether part or all of the protective confidence is legitimately needed for a fair trial, and includes considering the effect of disclosure on the public interest of having effective counselling, and the question of whether there is other evidence of a similar or greater probative value available about the matters to which the evidence relates.

Bronnit and McSherry point out that expert evidence on the public interest value of sexual assault counselling may be necessary for some courts to fully understand the matters they weigh up. Education on gender issues for the judiciary is controversial but arguably necessary, along with cultural education.

I do not agree that exclusion of counselling notes from evidence means prima facie that there is a denial of a fair trial. Court discretion in the absence of awareness of the rape mythologies, and their exploration in counselling, can be unfair to the complainant. The operation of this provision will need to be watched. The government will change the language in section 55 (1) in response to the scrutiny of bills committee's concerns that using the term "victim" implies an acceptance that the alleged assault happened.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (5.44), in reply: Mr Speaker, as I indicated in my presentation speech, the bill's main purpose is to introduce immunity for the counselling communications of sexual offence complainants. This is very important legislation. It will provide certainty and allow a complainant to feel confident that their counselling notes will not be wantonly used in a trial.

In the interests, though, of a fair trial, the provisions ensure that counselling communications can be admitted into evidence if there is a legitimate forensic purpose. The immunity will apply to any counselling communications relating to a person who becomes a sexual offence complainant. Counselling notes should not have a different status according to whether they relate to a sexual offence or not.

This legislation is an important step for the territory. The ACT will be the fifth jurisdiction in Australia to enact protection for counselling notes. New South Wales was the first, enacting provisions that are similar to those adopted by the Model Criminal

Code Officers Committee. Victoria, South Australia and Tasmania have also privileged counselling notes.

The other provisions of this bill are no less important. The updated evidentiary provisions proposed will provide a more coherent set of rules for sexual offence proceedings.

I will just quickly outline what the other divisions do. Division 4 (2) transfers the closed court provisions and prohibition on publishing the complainant's identity from the Evidence Act 1971. Division 4 (3) transfers the closed-circuit provisions from part 2 of the Evidence (Miscellaneous Provisions) Act 1991, and division 4 (4) transfers and updates the provisions in part 10A of the Evidence Act 1971 concerning a complainant's sexual reputation and activities. Division 4 (6) updates the warnings and directions required to be given in a sexual offence proceeding. This bill will protect sexual offence complainants from unnecessary humiliation and distress after the most traumatic of offences.

Later in the debate, the government will be moving a number of amendments. These amendments rise out of the scrutiny of bills committee report. The first amendment will replace the proposed section 53 to address a possible ambiguity identified by the committee, and amendments 2 to 5 are technical in nature, removing the term "victim" as appropriate. I will move those at the appropriate time.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (5.47): I seek leave to move amendments 1 to 5 circulated in my name together.

Leave granted.

MR STANHOPE: I move amendments 1 to 5 circulated in my name, together with a supplementary explanatory statement to them *[see schedule1 at page 4072]*.

The scrutiny of bills committee's report gave rise to two proposed government amendments. On page 11 of the report the committee suggests that subclause 53 (1) of the bill might be read in a way to displace the general rule in section 103 of the Evidence Act 1995 on the admissibility of evidence to challenge a witness's credibility. If the committee's suggestion is correct, subclause 53 (1) could have the unintended result of making it easier, rather than harder, to cross-examine complainants in sexual offence trials on their past sexual history.

This was not the intention, and accordingly it is proposed to introduce an amendment to make it clear that section 103 of the Evidence Act is not displaced, and that in sexual

offence trials a more stringent rule will apply for allowing evidence on the past sexual history of complainants.

The committee also made the point, at page 20 of its report, that the use of the term "victim" in division 4 (5) of the bill, the protection of counselling communications, is inappropriate. It has been agreed that the term is not appropriate for use in clauses 55 and 65 of the bill, and accordingly it is proposed to move an amendment to remove that word.

Clause 62 also uses the term "victim", but in that context it is considered appropriate because the reference is to victims of sexual offences generally, not to a particular person.

That is the basis of the amendments that have been moved, Mr Speaker. They are being moved further to the very detailed and welcome advice from the scrutiny of bills committee, and I commend them to the Assembly.

Amendments agreed to.

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

Bill, as amended, agreed to.

Victims of Crime (Financial Assistance) Amendment Bill 2003

Debate resumed from 28 August 2003, on motion by **Mr Stanhope**:

> That this bill be agreed to in principle.

Reference to committee

MS TUCKER (5.50): I ask for leave to move a motion concerning the Victims of Crime (Financial Assistance) Amendment Bill.

> Leave granted.

MS TUCKER: I move:

> That notwithstanding the provisions of standing order 174 –
>
> 1) the Victims of Crime (Financial Assistance) Amendment Bill 2003 be referred the Standing Committee on Legal Affairs for inquiry and report; and
>
> 2) on the Committee presenting its report to the Assembly resumption of debate on the question "That this Bill be agreed to in principle" be set down as an order of the day for the next sitting.

I think the chair has been consulted about this and members are aware of it.

Mr Hargreaves: Didn't beat a path to my door.

MS TUCKER: Am I being told I can't speak now?

MR SPEAKER: Yes, you can speak now.

MS TUCKER: Okay, it is just that Mr Hargreaves is making comments. I know what he is saying, and I apologise to Mr Hargreaves.

MR SPEAKER: Order, members!

MS TUCKER: While we support the government's intentions in amending this legislation to address some of the extremely disturbing aspects of it that were introduced in the last Assembly, we also believe it would be a good opportunity to look at the broader issue of support for victims of crime. The notion of restorative justice, for example, has been brought up recently by people representing victims of crime. I think it would be a good opportunity for the Legal Affairs Committee to look at it.

MR STEFANIAK (5.52): I think it is a good idea for something like this to go to the committee. The current act as it stands has been in force for nearly three years. There are a number of groups who will want to have a say on both this bill and general issues. I have heard a number of representations and some concerns over the past few months about how the victims of crime co-ordination unit operates. No doubt, there are a number of groups who want to make comments on the issue of victims.

It is a crucially important issue, and it is important at this stage that we get it right. I fully support sending it to my committee, and I understand there is general agreement on that. We hope to be able to report back to the Assembly no later than May next year. That would give ample time for us to have a full inquiry and for every group that needs to make representations to do so.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (5.53): Obviously, the government would prefer to have seen the bill debated and passed. Whilst not supporting the reference of the matter to the committee, we will not object to it and we will participate fully. We agree that there are some positives in looking at some of the issues, which are relevant and current, but I do not accept some of the concerns that have been expressed about aspects of the government's legislative passage. As I say, the government's preferred position would have been for that bill to be debated and passed, but we will fully support the inquiry, which will now be conducted. I look forward to positive outcomes from it.

Question resolved in the affirmative.

Adjournment

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

> That the Assembly do now adjourn.

Multicultural Affairs

MRS CROSS (5.55): I want to continue my speech on the MPI that Mr Pratt brought forward today. As I said, I do not agree that the ACT government has not provided adequate support to the multicultural community. Indeed, its support up to date has been quite good and, from what I have seen so far from the Chief Minister, his support of the community has also been quite good. My concerns related to a speech that he made at the National Press Club on the 30th anniversary of multiculturalism in Australia, at a function hosted by my friend Al Grassby. I will continue from where I left off.

The children of Iraq are back at school learning. Small business associations are being set up. Local government councils have been set up and are attending to a wide range of everyday matters. The government council is forging ahead in the development of a constitution and preparations for later elections. Specialist advisory groups have been widely established. Oil revenue is being acquired for development, despite the actions of some saboteurs—saboteurs who have no future in Iraq and who want it to fail and go back to what it was.

The Chief Minister either does not know what positive things are happening or does not want to know because it will interfere with another political agenda. It is important for us all to keep in mind that Iraq has wealth, whereas Dili is very poor. It is a pity that the Chief Minister used that occasion to condemn the federal government rather than to highlight the positives of the last 30 years, particularly all the good that has come out of multiculturalism and the fact that its benefits will continue.

He referred to our moral obligation to Iraq. Perhaps he has been suffering from selective morality or selective memory. I found his comments, particularly on the war and the sister city relationship, a little insulting. The speech from our leader, which I was looking forward to hearing, instead of fostering harmony in a multicultural community and talking about the positives, caused disharmony and friction in the audience.

The audience did not all agree with the sentiment. They were looking forward to hearing a speech that promoted the positives of multiculturalism in the last 30 years. The speech was seen by some as divisive, and it is a pity that the occasion was used as a political football to condemn the federal government rather than highlight what the ethnic groups in this country have been contributing for many centuries.

I believe that this Chief Minister does care about the multicultural community; I have seen it in his actions during the last three years. I do not believe he possesses an iota of racial prejudice, which goes strongly in his favour. But it is important that events that are hosted to celebrate multiculturalism are used to promote harmony and not friction, particularly when a federal issue, one that has divided the country somewhat, is used as a hobbyhorse by this Chief Minister.

I support the Chief Minister's position of expressing to various ambassadors his views on and concerns about human rights, particularly the Falun Gong situation. Having lived in China for many years, I believe that we have an obligation to tell the Chinese that we feel that the way they have handled the Falun Gong issue is inappropriate. The Chinese are not going to stop trade relations with us if we do that. In fact, if it is done in a

civilised manner, they will understand that we have our own approach to things. That is something I know.

The sister city relationship issue has caused me great concern, given that it was the Chief Minister's Department that partly funded a visit by Mr Bruce Sinclair last year—when I took my study trip to East Timor. We were both there for the same reasons. My trip was funded through my study leave; his was partly funded by Engineers Australia and the Chief Minister's Department.

We both prepared reports, the ultimate point being to develop the sister city relationship with the ACT. Our moral obligation is to East Timor—and it is decades old—not to Baghdad.

MR SPEAKER: The member's time has expired.

Mrs Cross: Can I have an extension?

MR SPEAKER: Not in the adjournment debate—not routinely, anyway.

Mrs Cross: I've said most of it.

MR SPEAKER: You can ask for an extension. It is up to members.

MRS CROSS: *[Extension of time granted.]* If we are to use the reason of moral obligation, our moral obligation for decades has been to East Timor. East Timor is a very poor country. East Timor does not have the rich natural resources of Iraq. Recently, Xanana Gusmao came out and asked us—not in a begging way, but in a soft, pleading way—to offer help to restructure their country in the health area and the education area.

They are the very things the Chief Minister referred to earlier today as the reasons he felt there should be a sister city relationship between Canberra and Baghdad. Let's explore that in the future if we need to. There are other very wealthy countries at the moment that are helping Baghdad rebuild. Our immediate moral obligation is to our nearest neighbour, a country that is very poor. It is a pity to use Baghdad to score political brownie points rather than prioritise where the need is far greater, which is East Timor.

I applaud the government's assistance via grants to the multicultural community. The former Chief Minister, Kate Carnell, who was loved and admired in the multicultural community, started the Office of Multicultural Affairs. It has been run quite well by Mr Nic Manikis and assisted most recently now by Mr Hans Bolshoi. I must applaud Mr Bolshoi's tactful and diplomatic way of approaching the Multicultural Council's two attempts at an AGM recently.

I will end by saying that in a perfect world the major parties would stop using this issue to snipe and score political points against each other and instead work together in a proactive manner to address the problems that the Multicultural Council is suffering at the moment. It comes down to a matter of balance. Mr Pratt, as the opposition multicultural spokesperson, has good intentions in this regard. I have tried very hard for many months, and I believe the Chief Minister is also genuinely concerned about the

Multicultural Council. I know that he is being regularly briefed. I am looking forward to the Chief Minister taking a little bit more of a proactive role in addressing this problem.

MR SPEAKER: By way of explanation, the adjournment debate is limited to half an hour, so it sometimes only allows for six speakers. It has not been the routine to extend time, but it is open to the house to do so at any time. You have been the subject of their generosity, Mrs Cross.

Mrs Cross: I thank the house.

Skate park in Civic
Greens senators—protest
Trees in Nettlefold Street, Belconnen

MR STEFANIAK (6.03): I will take my five minutes and seek to be brief. First, I will point out to Mr Wood and Mr Corbell a lack of consultation in relation to the skate park at Civic. Matt Chamberlain and a group of skaters who regularly use the park spoke to the public servant involved back in June and indicated their interest in what was occurring. They were concerned that they were not involved in any consultation whatsoever. They were not even contacted in relation to the plans for that park.

After some pressure the minister indicated only recently that, within 12 months of the skateboard park being demolished on 9 or 10 November, an interim park will be put up and a new skateboard park, which will replace the original one, will actually be installed. I am concerned about the complete lack of consultation by government departments with the users of this park, and I want to make that point known.

I have two other points, Mr Speaker. I was appalled to see Senator Bob Brown and Senator Nettle carry on and be expelled from parliament. I thought it was particularly poor taste of them. The President of the United States handled it very well by retorting "I love free speech". That defused a very embarrassing situation for Australia. There are other ways of making protests, and what those senators did was in very poor taste.

Finally, I have been emailed a five-page document by the people who support the Nettleford trees, correcting inaccuracies about what they say PALM, the department involved, told their minister in relation to the actual number of remnant trees. There are a number of figures here. It is not a particularly contentious document, apart from it having a go at PALM for giving wrong information. They are not slagging off any individual; they are just making a series of points in relation to stats. Rather than attempting to read part of it into *Hansard*, I seek members' leave to table it.

Leave granted.

National Women's Media Centre

MS DUNDAS (6.05): I rise to bring the house's attention to a very sad event that took place this week. It is the end of an era for a women's media group. The National Women's Media Centre, which operated for quite a while in Australia, has now had to cease operations.

It was receiving funding from the federal government until the reforms that took place in 2000, when a lot of women's organisations were defunded. Whilst it did survive after the loss of funding, the sad passing away of Helen Leonard, who was the National Women's Media Centre co-ordinator and who put a lot of passion into the centre, meant that it has no longer been able to continue.

The National Women's Media Centre made huge progress in advancing the status of women in the media and was also instrumental in the establishment of Women's History Month, which we still celebrate. It raised awareness of the way women and girls are portrayed in the media. It also sought to bring to the attention of those who work in the media that there are women out there who know a lot about the issues that are up for public debate and that, when seeking comment on issues in the media, they should try to find those women and use them as commentators, as opposed to always falling back on the normal processes, which were to defer to men.

The current co-ordinator of the National Women's Media Centre made it quite clear that the National Women's Media Centre has not ceased to exist because there is no more need for it. There is still a lot of need to promote the issues around how women and girls are portrayed in the media, and there is a long way to go before all women and girls are treated with respect by the advertising and news media. That is a very important point.

I will quote from Jane Singleton, a journalist and public affairs consultant, who raised the issue of the employment of women in the media. She said:

> Equity inside the media matters as well as on the outside. It affects the fabric of information and the information upon which we base our life decisions. A fair and open media industry is one of the foundations of a functioning democracy. …
>
> Young women are 80 to 90 per cent of media students but occupy less than 10 per cent of senior positions in the media. There is a lot of work to do to see what goes wrong and how to fix it.

I put on the record my deepest respect and support for the work that the National Women's Media Centre did over its years. I am sad to see it go. That does not mean there is not a lot of work to be done. Even though in the ACT Assembly we have more women in parliament than most other places around Australia and the world, women in this place do sometimes get treated differently by the media. We are referred to by what it is we wear, and other aspects. I do not see discussion flowing about the suits and ties that the blokes wear.

We have a long way to go before women are equal in their representation in the media and as people who report as part of the media. I thought that the house should know about the end of an era for a women's media group. Whilst it has now ceased to function, its resources are still being held at two libraries: the Jessie Street National Women's Library in Sydney and the Fryer Library Collection at the University of Queensland Library. The National Women's Media Centre website, which was so much a part of what Helen did in her time, can be accessed at www.pandora.nla.gov.au and has been archived by the National Library as part of their ongoing commitment to archive parts of Australia's history.

Occupational health and safety awards

MRS BURKE (6.10): I would like to bring to the house's attention today the ACT Occupational Health and Safety Awards 2003, held this lunchtime. The event has grown. It has gone from strength to strength, and the room was packed today. I want to give credit and praise to Jocelyn Plovits, the ACT Commissioner, and her team, who did a brilliant job.

I would like to congratulate the sponsors, without whom such awards are not possible. It is a great opportunity to break down barriers between business and the ACT WorkCover body itself, who for some years were seen as waving the big stick. That approach has gone. Nowadays they are a fantastic organisation doing a brilliant job.

I would like to offer sincere congratulations to OzHelp. They won the Occupation Health and Safety Excellence Award. For those who do not know, OzHelp came about through the dogged determination of a mother over the death of her son. It came into existence through a need and desire of the building and construction industry to provide support for new apprentices and trainees. This desire was expressed in the form of an approach to VYNE, a Calvary Health Care program, made by the CFMEU and the MBA of the ACT, asking for assistance.

OzHelp is a new project, whose main aim is to build resilience and enhance the wellbeing of apprentices and trainees in the building and construction industry. I congratulate them again. They are going from strength to strength. I would encourage all businesses to avail themselves of the fantastic service that ACT WorkCover offers, going from door to door. I commend it the Assembly.

Greens senators—protest
Rugby World Cup match

MRS DUNNE (6.12): I rise today to cover a number of issues—firstly, to continue the theme of my colleague Mr Stefaniak: the shameful behaviour of the Greens in the parliament today. It is interesting that this great advocate of free speech, Bob Brown, can do what he likes when he is a stranger in another part of his parliament, but he does not afford the same courtesy to other people who might criticise him on the public record. In that case, his recourse is to solicitors' letters and threatening people with defamation action. This is pretty much standard for what has happened today.

There is reporting, generally, of the very rowdy, and what have been described by superintendent Bob Gilliland as consistently violent protests, against the visit of George Bush today. Mr Stanhope has lodged his own protest at the visit of Mr Bush while at the same time receiving the hospitality of the parliament to visit with Mr Bush. There is an irony in that. At one time, we are supporting people who have been consistently violent, throwing metal bars, having a number of arrests, breaking through barriers and generally causing havoc—at the same time availing themselves of the hospitality of the Prime Minister.

On another issue of hospitality I was stunned the other day to see that Mr Stanhope was outraged by the fact that he was delayed getting to Canberra Stadium to watch the

Italy vs Tonga match. I went to the Italy vs Tonga match, and I did what most sensible Canberrans did: I took into account how long it might take. I was quite surprised because I got to the stadium a lot earlier than I expected. We had planned the time. We turned off Ginninderra Drive into Haydon Drive, and from Haydon Drive to parking our car took us five minutes. Then we walked in and bought our beer and the hot, fat footy snacks and we were there with plenty of time to take in the colour and movement of the Italian cheer squad, with their whistles and clappers in front of us.

I am surprised that Mr Stanhope could not do what most Canberrans do and leave home early. He lives in Kaleen. When most Kaleen residents I know want to go to the football, they walk across the road and do not have to worry about the traffic. I was surprised that the Chief Minister would make a fuss about such a thing in a fortnight of festivities and celebrations around the World Cup and that we would have this jarring note from the leader of the ACT community. I am sure it sends a message to the Italians, Tongans, Welsh and all the other supporters in town what a whingeing mob Australians can be. I think that is a very sour note.

Canberra-Baghdad sister city relationship

MR PRATT (6.15): I rise to take up the ridiculous issue put forward by the Chief Minister during question time today: the Baghdad sister city relationship. On this side of the house we believe that is a political stunt and that the sister city relationship issue is an unnecessary diversion from the fundamentally important issue of ACT multiculturalism.

We believe we have to focus our energies and resources regarding the sister city relationship program on bedding in our Beijing relationship and, as the next priority, moving to establish one with Dili, which is in our own backyard. As Mrs Cross rightly pointed out, we have a long, historical and rather emotional connection with Timor. Whatever little this city can do to add to the Australian foreign assistance to Timor, it should do it.

The Baghdad stunt diverts from that. Mr Stanhope's premise of pulling our heartstrings to justify a Baghdad adventure is fundamentally flawed. It is also misrepresentative and mischievous. I grant that, emotionally, he cares for Baghdad and the cause, but I still think that his fundamental concern is to get stuck into Mr Howard. In the process, does he realise that he is humiliating our country?

When a Chief Minister gets up and says the things ours has said, he is stepping down to a particular level. To accuse our country of undertaking a dishonest intervention in Iraq is part of this whole stunt process. The Chief Minister claims that the damage in Baghdad resulted largely from the war. That is mischievous and misrepresentative. Most of the damage in Iraq developed over about 14 years, during UN sanctions and during a time when Saddam spent all the money he ever got on weapons—not only weapons of mass destruction but also conventional weapons—at the expense of infrastructure. To say that the whole place collapsed as a result of Western intervention is absolutely fallacious.

Mr Stanhope failed, in his criticism of Australia's intervention, to mention that, as a result of the Western coalition intervention, the minimum 4,000 Iraqi deaths per month, which was part of a 25-year program, have now abated. I stress that that is the minimum number. There are UN experts who say that 69,000 Iraqis died every year over the last

25 years, not counting the major massacres, such as in al-Anfal, where 100,000 Kurds were taken away and murdered. To say that an intervention was hardly justified is to entirely miss the point.

Mr Wood: That was never the reason for going there. Remember the weapons of mass destruction?

MR PRATT: Yes it was, Mr Wood. It was one of the three objectives. I will get to weapons of mass destruction in a moment. Baghdad is still a dangerous place, but it is safer than it was. The claim of 10,000 dead soldiers is absolutely erroneous. It is now known that a few thousand—Republican Guard soldiers, who fought to the bitter end because they thought that they were going to a higher place—made up the death toll.

Most conscripts fled the battlefield and went home. That is all they ever wanted to do. To say that we have a massive problem of scapegoating in the community is, again, erroneous. Yes, there are racial incidents in schools. But to talk about scapegoating, as you did today, is to overdo the issue, and to overdo these things is to be divisive. I would simply say that the Chief Minister quite overdid these issues today, which is out of order.

Question resolved in the affirmative.

The Assembly adjourned at 6.20 pm until Tuesday, 18 November 2003, at 10.30 am.

Schedule of amendments

Schedule 1
Evidence (Miscellaneous Provisions) Amendment Bill 2003
Amendments moved by the Attorney-General

1
Clause 4
Proposed new section 53
Page 11, line 13—

omit proposed new section 53, substitute

53 Decision to give leave under s 51

(1) The court must not give leave under section 51 (General immunity of evidence of complainant's sexual activities) unless satisfied that the evidence—

(a) has substantial relevance to the facts in issue; or

(b) is a proper matter for cross-examination about credit.

(2) Evidence (***sexual activity evidence***) that relates to, or tends to establish, the fact that the complainant was accustomed to engage in sexual activities is not to be regarded as having a substantial relevance to the facts in issue because of any inference it may raise about general disposition.

(3) Sexual activity evidence is not to be regarded as being a proper matter for cross-examination about credit unless the evidence, if accepted, would be likely to substantially impair confidence in the reliability of the complainant's evidence.

(4) If the court gives leave under section 51, it must give written reasons for its decision.

(5) In this section:

proper matter for cross-examination about credit—evidence is a ***proper matter for cross-examination about credit*** if the credibility rule under the *Evidence Act 1995* (Cwlth), section 102 does not apply to the evidence because of that Act, section 103 (Exception: cross-examination as to credibility).

2
Clause 4
Proposed new section 55 (1)
Page 14, line 15—

omit

victim of a sexual offence

substitute

person against whom a sexual offence was, or is alleged to have been, committed

3
Clause 4
Proposed new section 55 (5), definition of *victim*
Page 16, line 12—

omit

4
Clause 4
Proposed new section 65 (1) (a)
Page 23, line 18—

omit

victim of a sexual offence

substitute

person against whom a sexual offence was, or is alleged to have been, committed

5
Clause 4
Proposed new section 65 (2)
Page 23, line 21—

omit

Answers to questions

Microsoft products
(Question No 917)

Ms Dundas asked the Treasurer, upon notice:

In relation to Microsoft products over the financial year 2002-03:

(1) How much did ACT Government departments spend on Microsoft licence fees;

(2) How much did School Education, within the Department of Education, Youth and Family Services, spend on Microsoft licence fees;

(3) How much did Territory-owned corporations spend on Microsoft licence fees;

(4) What percentage of total software spending by Territory entities was spent buying software developed or modified in the ACT;

(5) How much did Territory entities spend on IT support relating to use of Microsoft products.

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

(1) InTACT paid $2,293,368 for the annual renewal of ACT Government Microsoft Licensing for the period 1 July 2002 to 30 June 2003.

(2) The costs attributable to Public Schools from this amount for 2002-2003 was $47,000.

(3) ACTEW's spending on Microsoft license fees was $264,171.60 in 2002-2003. The great majority of staff in other Territory Owned Corporations are covered under the whole of government contract with Microsoft.

(4) This information is not readily available. The identification of the information would be excessively time consuming and resource intensive.

(5) As far as InTACT is aware there was no money paid to Microsoft on IT support relating to the use of Microsoft products for 2002-03, additional to that paid via license fees.

Superannuation Provision Account
(Question No 918)

Mr Smyth asked the Treasurer, upon notice:

In relation to the analysis of the status and performance of the Superannuation Provision Account (SPA), as set out in Budget Paper No. 3:

(1) In Table 7.2.1, what proportion of Current Investments comprises funds from the SPA;

(2) In Table 7.2.1, what proportion of Non Current Investments comprises funds from the SPA;

(3) What is the difference between 'Current Investments' and 'Non Current Investments';

(4) Why are the amounts for Superannuation Investments in Table 7.2.1 different from the amounts for SPA Assets in Table 7.3.2;

(5) In relation to asset allocation strategies, what is the difference between 'Strategic Asset Allocation' and what is described as the 'new investment configuration';

(6) What has been the outcome of the implementation of the new investment configuration during 2002-03;

(7) What will be the consequences for the SPA of the continuing implementation of the new investment configuration during 2003-04.

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

(1) Estimated SPA current investments are outlined in Budget Paper No. 4 2003-2004, pg 120.

(2) Estimated SPA non current investments are outlined in Budget Paper No. 4 2003-2004, pg 120.

(3) Marketable securities and other investments that are held primarily for trading purposes are categorised as current investment assets, if they are expected to be realised within twelve months of the reporting date, otherwise they are categorised as non current assets.

Cash equivalents means highly liquid investments with short periods to maturity which are readily convertible to cash on hand at the investor's option and are subject to insignificant risk of changes in value, and borrowings which are integral to the cash management function and which are not subject to a term facility.

(4) Table 7.3.2 outlines the estimated total assets of the SPA. Table 7.2.1 outlines the investment assets of the General Government Sector. SPA investment assets are total estimated assets less estimated receivables.

(5) The Strategic Asset Allocation (SAA) refers to the long-term asset allocation exposure percentages that the SPA will manage to. These asset allocation exposures will give the SPA the highest probability of achieving the long term investment return objectives within risk tolerances.

The investment configuration refers to the actual structure of the SPA investment portfolio that will be utilised to achieve and maintain the SAA. This includes, for example, the number of external professional fund managers utilised for each asset class, their investment style, and the mix between active and passive management.

(6) During 2002-03 the planning and structure for the new investment configuration was finalised.

(7) During 2003-04 the new manager and investment service appointments to support the investment configuration will be finalised.

The outcomes from this process for the Territory will be the appointment of leading asset class specific fund managers to improve investment performance, increased flexibility and control of the substantial investment assets, better diversification of the investment

portfolio, management and administration cost efficiencies, the ability to hedge international currency exposures and a strong platform to support the future growth in funds under management for the Territory.

Private equity investments (Question No 919)

Mr Smyth asked the Treasurer, upon notice:

In relation to the commentary in Budget Paper No. 3 on the asset allocation strategy for the Superannuation Provision Account, reference is made to Private Equity investments:

(1) What is meant by 'Private Equity investments';

(2) What assessment process will be put in place to evaluate possible Private Equity investments;

(3) Will Private Equity investments be sought in any specific industries;

(4) Will Private Equity investments be sought only in Australia;

(5) Will the investments in Private Equity ventures be short term or long term;

(6) If any of these investments are long term, will there be any implications for the ACT Government, such as requiring the provision of management expertise for the ventures.

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

(1) Private equity is a generic term for investments in non-public equity securities. Under the umbrella of private equity investments are specialty sectors such as venture capital, growth/expansion, recovery/turnaround, and fund of funds.

Private equity investments seek to provide investors with portfolio diversification, through low correlations with the public markets, and higher returns to compensate for lesser liquidity.

(2) For these private equity investments, the SPA will be investing via a number of funds of funds. This will entail the Territory evaluating and appointing professional wholesale external fund of funds private equity managers, with the assistance of the Territory's asset consultant, through normal procurement processes and procedures. These types of funds are available to large institutional/wholesale investors such as superannuation funds, insurance companies etc.

Fund of funds products offer the Territory:

- Access to a range of investment capital funds without having to meet the often high minimum capital requirements of individual funds;
- Diversification, making it possible to reduce portfolio risk while improving the stability of returns due to geographic distribution by sector and by development phases; and

- Proven management and administration expertise in private equity investment.

(3) No

(4) No

(5) Private equity investments, by their nature, are long term investments, due to the lower levels of liquidity, and the time taken to draw down the committed investment funds.

(6) The SPA does not manage any investments in-house. Management of the Territory's investment assets are outsourced to external wholesale professional fund managers with expertise in the chosen asset class and proven performance track records. By the nature of the fund of funds product, the management expertise needed is already in place.

Private equity investments—PTE agencies (Question No 920)

Mr Smyth asked the Treasurer, upon notice:

In relation to the analysis of the status and performance of the ACT Government investments, as set out in Budget Paper No. 3:

(1) In Table 7.2.1, why are investments held on behalf of PTE Agencies;

(2) In table 7.2.1, what is the reason for the increase in investments held on behalf of PTE agencies, during 2003-04, from $20.2 million to $59 million;

(3) In Table 7.2.1, why did PTE investments not fall from $29.7 million to $4.2 million as postulated in the 2002-03 Budget;

(4) In Table 7.2.1, what is the reason for the reduction of nearly $43 million in cash.

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

(1) This is explained under the heading General Government Investment Portfolio on page 187 of Budget Paper No.3.

(2) The amount of funds estimated to be held on investment for PTE's by the CFU is determined by individual PTE's in preparing their budget estimates. The breakdown of the estimates provided in table 7.2.1 are:

PTE Agency	**Est Outcome 30/6/03 ($'000)**	**Est Outcome 30/6/04 ($'000)**
ACT Forests	0	46 000
ACT Housing	16 192	9 950
ACTION Authority	4 000	3 045
Total	**20 192**	**58 995**

Information regarding the movement of the investment balance for each individual PTE agency is provided in Budget Paper No. 4.

- ACT Forests – Page 211
- ACT Housing - Page 237
- ACTION Authority – Page 415

(3) PTE's individual circumstances determine the level of funds available for investment. Explanations for budget variations are provided in Agencies annual reports.

(4) The cash amount represents the amount of funds retained as cash at bank as opposed to held in investments at a point in time. Main reason for the reduction in cash over 2003-04 is an increased allocation of cash to investments.

Charities Bill 2003 (Question No 921)

Mr Smyth asked the Minister for Health, upon notice:

In relation to the release of the exposure draft of the proposed Charities Bill 2003 by the Federal Government:

(1) Has the ACT Government undertaken an analysis of this proposed Bill in the context of any possible impact on public hospitals and similar organisations operating in the ACT;

(2) In particular, is the ACT Government aware of any potentially adverse impact of the provisions in this proposed Bill on employee benefits;

(3) If an analysis of this exposure draft has been made, what has been the outcome;

(4) If an analysis of the implications of the exposure draft has not been undertaken, why not.

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

(1) The Charities Definition inquiry and its potential impact on public hospitals was examined by the Australian Health Ministers' Advisory Council (AHMAC) Tax Implementation Working Group on which the ACT is represented;

(2) No potentially adverse impact in anticipated as the Commonwealth Treasurer's press release dated 29 August 2002 and titled 'Government Response to Charities Definition Inquiry' advises that the employees of public hospitals will continue to be subject to the $17,000 capped fringe benefits tax exemption, whether or not those public hospitals are public benevolent institutions;

(3) As advised in the Commonwealth Treasurer's press release, the proposed Charities Bill 2003 will not impact on public hospitals;

(4) Not applicable.

Child abuse and neglect (Question No 922)

Mr Cornwell asked the Minister for Education, Youth and Family services, upon notice, on 23 September 2003:

In relation to child abuse and neglect:

(1) How many reports of abuse and neglect were reported in the following years:
(a) 2002-2003,
(b) 2001-2002, and
(c) 2000-2001;

(2) For (a), (b), (c) above:
(a) How many of these reports were for physical abuse, sexual abuse and neglect;
(b) How many of these reports were investigated;
(c) How many of these reports have resulted in prosecution or in consideration of prosecution for child abuse;
(d) How many children have been removed from the care of the alleged abuser as a result of abuse or neglect;
(e) What percentage of reports of abuse and neglect came from:
(i) doctors;
(ii) nurses;
(iii) other health professionals;
(iv) teachers;
(v) other education workers;
(vi) childcare workers;
(vii) social and community workers;
(viii) police;
(ix) relatives; and
(x) other members of the community.

Ms Gallagher: The answer to Mr Cornwell's question is as follows:

(1) (a) 2126 notifications received.
(b) 801 notifications received.
(c) 794 notifications received.

(2) (a) Of the total number of reports received, the number for physical abuse, sexual abuse and neglect for 2000-2001, 2001-2002 and 2002-2003 are:

Abuse	**2000-2001**	**2001-2002**	**2002-2003**
Physical	230	231	485
Neglect	176	153	442
Sexual	87	90	218

The 2002-2003 figure is significantly higher than previous years, due to a new policy for handling reports. Previously some reports were handled as 'consultations', however, as of 27 January 2003, all reports received relating to the wellbeing of children/young people are handled as reports of concern.

(b) 2002-2003 1249 investigations. This figure has also been affected by the policy change for handling reports discussed in (2) (a).

2001-2002 650 investigations
2000-2001 684 investigations

(c) This question cannot be accurately answered with Family Services data, as Family Services has no business need to keep records of prosecutions. All serious allegations are passed onto the police.

(d) This question is best answered by looking at care and protection order statistics:

2002-2003	149 children were admitted to care and protection orders, there were 288 children on orders at 30 June 2003.
2001-2002	164 children were admitted to care and protection orders, there was a total of 261 children on orders at 30 June 2002.
2000-2001	There were 159 children admitted to care and protection orders, there were 219 children on orders at 30 June 2001.

(e) (i) – (x)

reporter	2000-2001	2001-2002	2002-2003
Medical practitioner – mandated	2%	3%	1%
Hospital/other personnel – mandated	5%	7%	8%
School personnel – mandated	15%	13%	14%
Child care personnel – mandated	2%	2%	1%
Social worker – mandated	2%	1%	2%
Non government organisation	16%	11%	12%
Police	9%	13%	16%
Relatives	10%	9%	7%
All other reporters including friend/neighbour	39%	41%	39%

While nurses are the majority of hospital/other personnel - mandated, this count could also include hospital social workers and public servants. Non government organisation will include non government 'community workers'.

Traffic control systems (Question No 923)

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

In relation to traffic control systems:

(1) What contingency plans do you have in place for when traffic lights don't work because of a power shortage as happened in Belconnen on the morning of 2 September;

(2) How often, if ever, is this plan tested;

(3) How long did it take to activate this plan on the morning of 2 September in Belconnen;

(4) How long did it take to clear up traffic in Belconnen after the incident on 2 September;

(5) On average, how many incidents are there of traffic lights 'going out' due to power shortages, per year.

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

(1) When a set of traffic lights is down because of a power failure; the standard operating procedures are:
- the AFP are informed and attend to control traffic movements at the location;
- ACTEWAGL is advised to rectify the problem;
- If the power failure is not rectified quickly, the traffic lights would be connected to, and ran off, a generator (eg as was done at some locations after the bushfires in January).

(2) The same procedures are used every time there is a power failure.

(3) The above procedures were activated within a couple of minutes after the outage occurred.

(4) The lights were out for approx 30 minutes. Once the lights were brought back on line, the traffic started to flow more freely and was back to normal conditions in about another 30 minutes.

(5) Out of 206 sets of traffic lights in the ACT, 35 single isolated sets of traffic lights were down due to power supply outages over the past 12 months. On average, the duration of a power failure lasted anywhere between two minutes to two hours (except during the bushfires).

Waste storage (Question No 925)

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

In relation to waste storage on unleased Territory land:

(1) What is the process for the issuing of permits for storage of waste on unleased Territory land;

(2) What are the charges for these permits from 1st August 2003 and what were the charges for the previous year;

(3) How long are the permits valid for;

(4) How many of these permits have been issued in (a) 2002 and (b) 2003;

(5) What are the penalties that apply to a breach of the permit requirements for storage of waste on unleased Territory land;

(6) How many breaches and/or prosecutions have there been in relation to the storage of waste on unleased Territory land in the years at (4) above;

(7) What are the penalties that apply in relation to such breaches;

(8) Who is responsible for providing the waste receptacles and how are these waste receptacles emptied;

(9) What proportion of the waste under these arrangements is recycled.

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

(1) Permits to store commercial waste on unleased Territory land are issued to waste and recycling service providers only after a waste assessment has been conducted by an officer from ACT NOWaste in company with a representative of the service provider and the business requiring the service, and only if there is no option available to store within lease boundaries.

(2) The charges from 1 August 2003 are:

For waste receptacles an administration fee of $27.50 per annum is charged, plus an annual charge per square metre of land used based on determined land values. The rates vary according to the area and are $225 in the City Centre, $175 in Town Centres and $125 in all other commercial and industrial areas. All these charges include GST. For a recycling receptacle only an administration fee of $27.50 (incl GST) per annum applies. The previous year's charges comprised administration fees only being $27.50 (incl GST) per annum for each garbage and recycling receptacle.

(3) Permits are issues for one year at a time.

(4) (a) There were 276 permits issued in 2002
(b) There were 127 permits issued in 2003

(5) The penalty is termination of the permit and consequent removal of the receptacle under the *Roads and Public Places Act 1937*.

(6) There have been no known permit breaches or prosecutions in 2002 or 2003.

(7) The penalty is termination of the permit and consequent removal of the receptacle under the *Roads and Public Places Act 1937*.

(8) The receptacles are provided by waste and recycling collection companies. They are emptied by a variety of vehicles including front-lift and rear-lift trucks.

(9) Approximately 20% of receptacles on unleased Territory land are for recycling purposes.

Motor vehicles—wreck removals (Question No 926)

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

In relation to recent media reports of wrecks of motor vehicles in ACT front yards and upon nature strips:

(1) Who is responsible for such vehicles upon nature strips and under what circumstances can they be removed without owner's permission;

(2) What control does the government have to require owners of such vehicles—or other debris—to remove them from front yards.

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

(1) The City Rangers respond to reports of unregistered vehicles being stored or abandoned on public land, including nature strips. If the current or last known owner can be located, they are given seven days to remove the vehicle. If the vehicle has not been removed after that time, or in the case where an owner cannot be located, the vehicle is removed by a contractor. In the case where an owner has been located but has not removed the vehicle, the cost of removal by contractor is passed on to the owner.

(2) The ACT Planning and Land Authority (ACTPLA) has the authority to issue orders for the clean up of leased land. To enforce an order, ACTPLA also has the authority to clean up land, including the removal of derelict motor vehicles, and to charge the costs of the clean up to the owner or occupier of the land, and/or prosecute the offender in the Courts. Under stronger compliance powers that commenced on 1 September 2003, ACTPLA can now issue Rectification notices with a timeframe of 7 days to complete works and, where this notice is not complied with, an infringement notice can be issued imposing a fine of not less than $1,000. A Rectification notice can also allow the costs of a clean up to be applied as an encumbrance on the title to the land where the lessee is the offender and is unable to pay.

Water restrictions (Question No 927)

Mr Cornwell asked the Treasurer, upon notice:

Concerning penalties for breaching water restrictions, upon notice, effective 1 October 2003:

(1) Will penalties be imposed upon:

(a) Public schools;
(b) Parkland administrators;
(c) Public housing tenants;

(2) In the event water restrictions are breached by private tenants who is responsible for paying the fine, the tenant or the landlord.

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

(1) (a) & (b) The Government has developed strategies to achieve the mandatory 40% reduction in water usage for public schools, urban parkland and sportsgrounds under Stage 3 of the water restrictions scheme. It should be noted that in complying with the Government's policy to reduce water usage under Stage 3 restrictions, watering times are not restricted to the hours and days as stipulated for private gardens. Agencies will be required to demonstrate that these savings are being achieved.

(c) In relation to public housing tenants, the Utilities (Water Restrictions) Regulations 2002 stipulate that the occupier of the premises is responsible for any contravention of the water restrictions. The Housing Trust tenant would therefore be responsible for payment of any fine.

In accordance with the Regulations an offence against these regulations is a strict liability offence and penalties may be applied. In the event of non-compliance, the maximum penalty is $1000 for an individual and $5000 for a corporation.

(2) As stated above for public housing tenants, the Regulations stipulate that the occupier of the premises is responsible for any contravention of the water restrictions. The tenant of a privately owned property would therefore be responsible for payment of any fine for contravention of water restrictions issued during their tenancy agreement.

However in the case of a residential complex governed and managed by a body corporate and which comprises owner occupiers and tenants, where a breach of the water restrictions has occurred, the responsibility for paying any fines rests with the body corporate.

Streetlights—hours of use (Question No 929)

Mr Cornwell asked the Treasurer, upon notice:

In relation to lights in the large parking area behind the Civic Swimming Pool complex and directly opposite the National Convention Centre along Constitution Avenue (Section 6 Block 62):

(1) Why were all of the lights that overhang the entire car park turned on in the middle of the day on Wednesday 3 September 2003;

(2) For how long were these lights on during daylight hours;

(3) Has this occurred in this parking area previously;

(4) What is the cost per hour for having these lights on during daylight hours;

(5) How many lights in total are there within this parking area.

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

(1) Urban Services streetlight maintenance contractor, ActewAGL Distribution provides daily streetlight repairs during normal working hours. To enable this work to be carried out effectively, streetlight circuits are turned on during daylight hours for a number of reasons. For example:
   (a) Lights reported out are confirmed by switching the streetlight circuit on before they are repaired.
   (b) Repaired streetlights and associated control points, cables, fuses and photo electric cells are checked to see if they are functioning correctly.
   (c) Patrols and testing are carried out with the streetlight circuit on to identify potential problems or to trace intermittent faults etc.

(2) There have been a number of intermittent faults in the streetlight network around Constitution Avenue. Over recent months ActewAGL Distribution have been actively pursuing and rectifying streetlight problems in the general area. To enable ActewAGL Distribution to carry out this type of work the lights may be left on for up to three hours at a time. This time frame depends on the complexity of the fault.

(3) Urban Services has no record of any actual faults occurring at the swimming pool car park lights. There is evidence of street lighting issues in the general vicinity.

(4) Street lights are not metered in the normal manner of having an electricity meter connected to every installation. The use of electricity for street lighting is determined by the sunrise, sunset times of each day of the year (minus a short 18 minute per day start up time) and the individual wattage of each light. As a consequence, any energy used by a streetlight light during daylight hours is borne by the Energy Retailer or Distributor not Urban Services. If Urban Services were charged for these particular car park lights when they were on during the day it would cost approximately $0.34 per hour at current day rate charges.

(5) There are 14 x 250W lights in the parking area adjacent to the Civic Swimming Pool fronting Constitution Avenue and Coranderrk St.

Disabled toilet facilities—clubs (Question No 930)

Mr Cornwell asked the Minister for Planning, upon notice:

In relation to disabled toilet facilities in ACT clubs:

(1) Are disabled toilets provided in all recreational, community and sporting club buildings in the ACT, and if not why not;

(2) Which are the ACT clubs, by name and location, which do not provide disabled toilet facilities;

(3) What is the current legislation in relation to the provision of disabled toilet facilities in ACT clubs;

(4) Do all club buildings in the ACT have disabled access and provision for ease of movement around club facilities for disabled patrons, if not, why not;

(5) Which are the ACT clubs, by name and location, which do not provide disabled access.

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

(1) Disabled or accessible toilets must be provided in new clubs, those undergoing significant renovation or when alterations to existing clubs include toilet facilities. Accessible toilets are a proportion of the sanitary facilities that must be provided for the public if the club includes a bar, restaurant or function room. Unless a club building is substantially altered, the requirements do not apply to parts of an existing building that are not immediately affected by building work. Not all clubs offer accessible toilet facilities, since many of them were constructed under earlier legislation.

(2) The Government does not have information on this subject though it would respond to complaints that clubs had failed to comply with their legal obligations.

(3) The Building Code of Australia (BCA) contains detailed provisions for disability access. Further the ACT Planning and Land Authority (ACTPLA) recently adopted the Interim ACT Planning Guidelines for Access and Mobility that ACTPLA believes are consistent with the Commonwealth *Disability Discrimination Act* (1992) and the ACT *Discrimination Act* (1991). Until modifications to the Building Code of Australia are introduced, compliance with this document will ensure that accessible toilets are provided.

(4) Since 1997 the BCA has required disability access to the areas in clubs that are normally used by the occupants.

The recently adopted Interim ACT Planning Guidelines for Access and Mobility set a higher standard for disability access to buildings than the current BCA. The Commonwealth and the Australian Building Codes Board are developing proposals to require greater disability access in new buildings and increase the extent to which current requirements for access apply when existing buildings are modified for other reasons.

Most ACT clubs were constructed before the current requirements came into effect and as such may not meet the current requirements for disability access. Some, however, were designed to earlier standards for disability access that applied from 1979 on.

(5) The Government does not have information on this subject though it would respond to complaints that clubs had failed to comply with their legal obligations.

Brindabella Road—landslip risk (Question No 934)

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

In relation to the landslip risk on a section of Brindabella Road between the Cotter and Uriarra Road (Urban Services Media Release dated 11 September 2003):

(1) Have protective barriers been successfully installed along this section of road, and if so, are they permanent or temporary barriers;

(2) What was the cost to the Government of attending to this problem and the installation of barriers;

(3) Is the area now safe for motorists;

(4) Are there any other sections of road in the ACT that may be threatened by landslip risk, and if so, what are those areas;

(5) How many landslips along various sections of road have occurred in the ACT in previous years and where have these occurred;

(6) Are there any particular residential areas in the ACT that may be subject to landslip risk and if so what are those areas;

(7) How many landslips have occurred in residential areas in the ACT in previous years and if so, where have these occurred;

(8) Has the risk of landslip in various areas of the ACT increased since the January 18 bushfires, and is this landslip risk linked to the loss of vegetation caused by the January 18 bushfires.

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

(1) Temporary concrete barriers were placed on 12 September 2003, in locations where slope instability posed a safety risk to road users. The barriers have been installed to prevent debris falling onto the road or passing vehicles;

(2) The cost was $4,685 for the installation of the barriers and temporary traffic management;

(3) The barriers were installed in accordance with the geotechnical consultant's recommendation to ensure safety for road users;

(4) Three other sites are currently receiving attention for landslip risk. These are:

(a) Apollo Road which is currently closed due to the landslip risk,
(b) Corin Road (above Gibraltar Falls) which has a section with temporary barriers,
(c) Paddy's River Road at Murray's Corner which has temporary barriers, and

Tenders for remedial works to the above sites have been advertised and all works are expected to be completed by February 2004.

(5) Over the past 20 years there have been numerous landslips and rock falls on roads throughout the ACT. These roads include Corin Road, Boboyan Road, Hindmarsh Drive, Morsehead Drive and Erindale Drive. The significance of these events has varied from a few large rocks to substantial quantities of debris. In all cases, geotechnical advice has been sort and rectification works completed to ensure public safety;

(6) Officers from Roads ACT are unaware of any potential landslip sites which threaten residential areas;

(7) Officers from Roads ACT are unaware of any landslips occurring in ACT residential areas in previous years; and

(8) The January 18 bushfires significantly impacted on the stability of road cuttings by destroying the vegetation and ground cover in rural areas. The subsequent rainfall events caused erosion of the denuded soils. This has led to the landslip risks that are being addressed.

Police response times
(Question No 935)

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 23 September 2003:

In relation to police response times:

(1) What was the average police response time to calls to the emergency '000' number in:
(a) 1999;
(b) 2000;
(c) 2001;
(d) 2002;
(e) 2003 (to date);

(2) What was the average police response time to calls to the '131 444' (previously '11 444') number in:
(a) 1999;
(b) 2000;
(c) 2001;
(d) 2002;
(e) 2003 (to date);

(3) Is there a priority list of offences for police responses;

(4) If so, which offences are on the list;

(5) If not, how do the police determine which calls require a more urgent response than others.

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

(1) Statistics are not specifically recorded against average response times to '000' and '131 444' (previously '11 444') calls, but are instead recorded against the priority allocated relative to the urgency of the call (a prioritised response model). These statistics are set out below.

Statistics for the financial year 1998-1999 are not available in 'average response time' format and cannot be produced.

Before 1 July, 2002 ACT Policing operated with three priority categories. Following a review these were increased to four. This was done to meet the interest of the ACT community through a more effective use of police resources.

(a) **Financial year ending 30 June 2000 (source: ACT Policing Annual Report 1999-2000);**

Incident Response Times	Average Response Time
Priority One	8 min 14 seconds
Priority Two	30 min 18 seconds
Priority Three	2 hours 15 minutes

(b) **Financial year ending 30 June 2001 (source: ACT Policing Annual Report 2000-01);**

Incident Response Times	Average Response Time
Priority One	9 min 24 seconds
Priority Two	32 min 55 seconds
Priority Three	2 hours 29 minutes

(c) **Financial year ending 30 June 2002 (source: ACT Policing Annual Report 2001-02);**

Incident Response Times	Average Response Time
Priority One	8 min 15 seconds
Priority Two	22 min 31 seconds
Priority Three	3 hours 55 minutes

(d) **Financial year ending30 June 2003 (source: ACT Policing Annual Report 2002-03);**

Incident Response Times	Average Response Time
Priority One	7 min 19 seconds
Priority Two	17 min 43 seconds
Priority Three	1 hour 3 seconds
Priority Four	6 hours 8 mins 19 secs

(2) See the response to question 1 above.

(3) Yes.

(4) The priority response model is not based on an offence classification but on incident types which are broader than offences, for example, motor vehicle accidents and includes all probable incidents. The current four level model prioritises incidents as follows:

- Priority One incidents – life threatening or time critical situations.
- Priority Two incidents – situations where the information provided indicates that time is important but not critical.
- Priority Three incidents – situations where there is no immediate danger to safety and property but where police attendance is needed without undue delay.
- Priority Four incidents – situations requiring police attendance but where time is not important.

(5) See answer to question 4.

WorkCover
(Question No 937)

Mr Pratt asked the Minister for Industrial Relations, upon notice, on 23 September 2003:

In relation to recent reports:

(1) How many reports have been prepared by ACT Workcover over the past three months;

(2) If any reports have been prepared:
(a) who were the authors of these reports;
(b) how much did each of them cost in consultancy fees, design and printing;
(c) where are they available;
(d) have any of the reports been implemented.

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

(1) ACT WorkCover has prepared seven different types of written guidance and advisory material during the stated period, which could be considered to be 'reports'.

(2) The following information is provided for each of the 'reports' prepared by ACT WorkCover:

ACT WorkCover Annual Report

(a) ACT WorkCover
(b) Consultancy fees: nil; design and printing costs: final costs are not yet available, but are expected to be in the range $8 – 10,000.00
(c) ACT WorkCover office, Act WorkCover website: http://www.workcover.act.gov.au/legpubs/publications.html#General
(d) The Annual Report was tabled in the Legislative Assembly on 25 September 2003.

ACT WorkCover newsletter August 2003, Issue 18

(a) ACT WorkCover Education and Information team
(b) Consultancy fees: nil; design costs: $2193.00, printing costs: $6273.00
(c) ACT WorkCover office, ACT WorkCover website: http://www.workcover.act.gov.au/legpubs/publications.html#General. Copies are distributed directly to approximately 20,000 workplaces
(d) Not applicable.

Hazard and information bulletins

(a) ACT WorkCover Information and Education team
(b) Consultancy fees: nil; design and printing costs: in house, not quantifiable
(c) ACT WorkCover office, ACT WorkCover web site: http://www.workcover.act.gov.au/legpubs/publications.html#General.
(d) The following hazard alerts and statistical bulletins have been published, so could be consider to have been 'implemented':

Hazard Alert 28 Storing Gas Cylinders in Restaurants
Information Bulletin 07.02 Prohibition (Ban) of Chrysotile Asbestos
Information Bulletin 01.08 ACT WorkCover Statistics Bulletins
Statistics Bulletin 01 ACT Private Sector at a Glance
Statistics Bulletin 02 Retail Trade
Statistics Bulletin 03 Property and Business Services
Statistics Bulletin 04 Construction
Statistics Bulletin 05 Accommodation, Cafes and Restaurants
Statistics Bulletin 06 Health and Community Services (Private Sector)
Statistics Bulletin 07 Manufacturing
Statistics Bulletin 08 Wholesale Trade
Statistics Bulletin 09 Transport and Storage
Statistics Bulletin 10 Education (Private Sector)

Code of practice for the Transport and Delivery of Cash

(a) ACT WorkCover Regulatory Leadership team
(b) Consultancy fees: nil; design and printing costs: in house, not quantifiable
(c) ACT WorkCover website:
http://www.workcover.act.gov.au/legpubs/publications.html#General
(d) The Code of Practice (a disallowable instrument) was approved by the Minister for Industrial Relations on 19 August 2003.

Draft Guidelines on Dealing with Workplace Bullying

(a) ACT WorkCover Workplace Safety team
(b) Consultancy fees: nil; design and printing costs: in house, not quantifiable
(c) The draft guidelines are not currently available. The guidelines will be circulated for public comment following consideration by the Occupational Health and Safety Council at its next meeting (currently scheduled for 27 November 2003).
(d) The Guidelines will not be implemented until public consultation has occurred.

Methodology for the Zero Injury Program

(a) ACT WorkCover Regulatory Leadership team
(b) Consultancy fees: nil; design and printing costs: in house, not quantifiable
(c) ACT WorkCover office
(d) The methodology supports the implementation of the Zero Injury Program, which is ongoing.

AIMS database report on workers compensation claims

(1) ACT WorkCover Regulatory Leadership team

(2) Consultancy fees: nil; design and printing costs: in house, not quantifiable

(3) ACT WorkCover office, parts of the report will also be published shortly on the ACT WorkCover website

(4) Report provided to employer and employee organisations that attended AIMS database information sessions on 19 September 2003.

Childcare
(Question No 939)

Mrs Burke asked the Minister for Education Youth and Family Services, upon notice, on 23 September 2003:

In relation to the ACT childcare industry:

(1) How many centre based child care centres are currently registered in the ACT as:
(a) private/ independent;
(b) government/community;

(2) What proportion of child care places in centre based child care centres are provided by:
(a) private/ independent;
(b) government/private;

(3) What checks and balances are in place to ensure that OH&S issues are being adhered to by the various centres within the child care industry;

(4) What checks and balances are in place to ensure that award wages, including penalty rates (as a minimum), are being paid to childcare professionals within the sector;

(5) What is the government doing to address the large turnover of staff within the sector;

(6) Does the government conduct audits of all registered child care centres in the ACT and if so, how frequently, and if not, why not.

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

(1) As at 25 September 2003 there are:
(a) 24 private; and,
(b) 67 community based or not-for-profit centre based children's services in the ACT.

(2) (a) The private sector provides 22% of places within centre based children's services.

(b) The community and not-for-profit sector provides 78% of places within centre based children's services.

(3) Requirements to ensure safety for children and staff are covered in the *ACT Conditions for Approvals in Principle and Licences.* Centres in the ACT must also comply with ACT Workcover legislation.

(4) Children's services employers are responsible for wages and conditions of services for their employees. Licence conditions for operators provide standards for the education and safety of children.

(5) The ACT Government is assisting services to address the turnover of staff in a number of ways including:
- contributing to the Community Services Ministers' Advisory Council Children's Services Sub-committee who are working on national workforce project to support the early childhood sector.
- having commissioned the ACT Childcare Workforce Planning Project released in early 2003.
- supporting services through the provision of training and staff development opportunities.

(6) Unannounced visits of services to ensure compliance are conducted throughout the year. In addition the Office of Child Care conducts audit visits to ensure compliance on selected conditions in the *ACT Conditions for Approvals in Principle and Licences.* The last audit occurred in September 2003.

Custodial grandparents
(Question No 940)

Mrs Burke asked the Attorney General, upon notice, on 23 September 2003:

In relation to grandparents raising grandchildren:

(1) How many custodial grandparents are there currently registered in the ACT;

(2) Further to (1), please provide figures showing the number of registered custodial grandparents for each year since 1998;

(3) What services and support mechanisms are available to such people;

(4) What services and support mechanisms are available to the grandchildren;

(5) What reports, if any, have been produced in the last two years for the ACT Government concerning this subject matter;

(6) Can the Minister please make copies of all such reports available;

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

(1) The statistics you require are maintained by the Family Court of Australia.

(2) See response to (1).

(3) Grandparents who are carers through Child Protection Services are supported through non-government organisations. The ACT Department of Education, Youth and Family Services funds this support.

Marymead Children and Family Centre, and Relationships Australia have recently established a program to support custodial grandparents. Consultation with consumers is currently being planned to determine needs and future direction.

(4) There is a range of government and non-government organisations that provide services to children in the ACT. There are no services that specifically target children who are being cared for by their grandparents.

(5) There have been no reports commissioned by the ACT Government in the last two years concerning this subject matter.

(6) See response to (5).

Housing—aged persons
(Question No 941)

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

In relation to security for Government accommodation where aged persons are living:

(1) Please provide a list of all ACT Housing properties currently designated as older persons complexes;

(2) In all ACT Housing properties currently tenanted by aged persons are all properties adequately secured, including door and window locks;

(3) If not, at which locations is this unsatisfactory and why. Please specify the problem(s);

(4) What is being done to rectify such problem(s);

(5) Do these dwellings meet relevant minimum safety and security standards;

(6) How many aged persons have taken advantage of the $100.00 voucher attached to a free safety and security review, as advertised in the September 2003 edition of the *Community Partners in Housing* newsletter.

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

(1) As at 31 August 2003, ACT Housing had 1,393 properties designated as older persons accommodation. These properties were located in 130 complexes in the suburbs of Ainslie, Banks, Braddon, Charnwood, Chifley, Chisholm, Cook, Deakin, Downer, Duffy, Farrer, Fisher, Florey, Flynn, Forrest, Garran, Gordon, Griffith, Hackett, Hall, Higgins, Holt, Hughes, Kaleen, Kambah, Latham, Lyneham, Lyons, Macquarie, Mawson, McKellar, Narrabundah, O'Connor, Page, Palmerston, Pearce, Reid, Rivett, Scullin, Spence, Stirling, Torrens, Turner, Wanniassa, Waramanga, Watson and Yarralumla.

(2) All properties are adequately secured although window locks are not part of Housing ACT's standards.

(3) None.

(4) Please see 3 above.

(5) Yes.

(6) This information is unknown.

Police activities—public housing complexes (Question No 942)

Mrs Burke asked the Minister for Police and Emergency Services, upon notice, on 23 September 2003:

In relation to police activities at Fraser Court, Kingston and other public housing locations:

(1) How many people have been apprehended by the Police in the last six months at Fraser Court;

(2) Further to answer to (1), please provide a breakdown distinguishing between those people apprehended being current Fraser Court residents (then) and other persons (non Fraser Court residents);

(3) What are the typical age groups of offenders;

(4) What were the reasons for these apprehensions;

(5) What, if any, sentences were handed down to these people, and how were all other matters, not before the courts, otherwise disposed of;

(6) How many Police are currently engaged in 'on the beat activities' around Canberra;

(7) In relation to multi-government agencies' activities, please specify all agencies involved in such activities and the number of personnel typically involved in any "raid" of a public housing complex.

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

(1) From 28 March 2003 to 28 September 2003 less than 10 people were apprehended at Fraser Court.

(2) Of those apprehended between 28 March to 28 September 2003, approximately 50% were residents of Fraser Court.

(3) The age profile of these offenders is similar to that of offenders apprehended in the ACT as a whole.

(4) The reasons for the apprehensions mentioned in Question (1) above included offences relating to assault, unlawful possession, theft, and crimes against justice procedures.

(5) Although ACT Policing holds some material on court sentences and resolutions of offences it would require substantial resources and time to extract this information from the ACT Policing database. The ACT Magistrates Court holds comprehensive material on sentences and legal outcomes for specific matters.

(6) It is unclear whether this question refers to the Fraser Court complex, all public housing complexes or all areas in Canberra. Beat patrols (typically defined as officers walking through areas) is a policing method that all sergeants may use. City patrol undertakes regular beat patrols. Other ACT Policing patrols may use beat patrols, according to intelligence and as determined by the Operations Committee. In deciding to use foot patrols, the committee considers the likely effects from this approach and the safety risks in the specific location.

(7) The involvement of agencies in a "raid" of a public housing complex or any housing complex involves those agencies determined to be relevant for the specific matter at hand. Relevance is assessed in light of the offenders, the nature of the offence, the type of operation and how and why it has been instigated. Representatives from the following agencies may be involved: ACT Housing, Government engaged locksmiths, ACT Fire Brigade, Urban Services, ACT Motor Registry, ACT Ambulance and possibly Centrelink and the Department of Immigration, Multicultural and Indigenous Affairs. The number of people involved in any intervention concerning public housing will vary, according to the nature and reason for the operation. Given this, ACT Policing cannot provide an indication of the number of people involved in preparing for, and executing a "raid" as the exact number will vary case by case. The number of representatives from other agencies may range up to 24. The maximum number of police officers involved in different aspects of the "raid", from planning, assessing intelligence to executing a 'raid' on site may involve as many as 60 members.

Canberra Institute of Technology (Question No 943)

Mrs Burke asked the Minister for Education, Youth and Family Services, upon notice, on 23 September 2003:

In relation to the Canberra Institute of Technology (CIT):

(1) What office space, if any, is currently being made available to the Chief Executive Officer / Director at the various CIT campuses and at what cost;

(2) How much did these spaces cost to be refurbished for this purpose;

(3) How often are these offices utilised;

(4) What alterations have been completed to classrooms at all campuses and at what cost;

(5) Can the Minister give details of costs associated with installation of electricity saving devices in all campuses;

(6) How long will it take to repay the installation costs;

(7) How effective have the installation of 'yellow buttons' (for the assistance of the visually impaired) been in stairwells;

(8) What mechanisms are in place to ensure effective and regular communication with supporters such as employers;

(9) How does CIT measure the effectiveness of it's training programmes against industry expectations and needs;

(10) What information, if any, can the Minister provide to refute the claim by business and industry feedback reports that some CIT Assessments do not meet approved work place practices and standards;

(11) What mechanisms are in place to foster and encourage improved relationships between the University sector and the TAFE sector.

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

I am advised that in relation to the Canberra Institute of Education (CIT):

(1) Two areas are provided for office space use by the Chief Executive at the Canberra Institute of Technology.

The main office at Reid Campus (Room E109) has an associated area (Room E108) used for the combined function of a waiting area and office space for the Chief Executive's assistant, and a senior member of the Institute Directorate support staff.

A second smaller office recently established at Bruce Campus was set up in response to staff requests that the Chief Executive be more visible on campuses and that he spend some time on different campuses. This area (Room D105) comprises an office, toilet, and thoroughfare to the Executive Assistant's office (Room D104). The office (D105) at

Bruce Campus is also utilised by other staff as a meeting room when working on projects at Bruce, and by visiting lecturers.

Costs for these spaces are provided below under Question 2.

(2) Reid Campus - The total cost of renovations to the Office of the Chief Executive, including the Directorate Support Unit, the Finance Unit, the External Relations and Strategic Marketing Unit and the Institute Conference Room at Reid Campus, undertaken in 1998, was $346,169. A breakdown for each individual area is not possible. The answer to this question has previously been provided as Part 4 of Question on Notice 847.

Bruce Campus - The refurbishment of the two offices at Bruce Campus for the Chief Executive in 2002 cost approximately $12,000.

(3) Reid Campus – 80 per cent (by Chief Executive)

Bruce Campus – 20 per cent (by Chief Executive), with a variable percentage use by other staff as a meeting room when working on projects at Bruce Campus, and by visiting lecturers.

(4) For the past 12 months (1 October 2002 – 30 September 2003), a total of at least $1.85m has been spent on classrooms throughout the Institute. This includes expenditure on furnishing, maintenance, structural alterations, major items of equipment for teaching delivery, and 'smart classroom' technology.

(5) The cost for the provision and installation of energy management devices in the form of new autotransformer lighting controls to existing lighting circuits and the rationalisation of existing lighting circuits for the Reid and Bruce Campuses cost $205,000.

The installation of these energy management devices complements the ACT Government's initiatives to reduce energy costs and greenhouse emissions in Government buildings.

(6) The implementation of the energy management devices has been calculated to save $96,000 per annum on both campuses. Therefore, the payback period is expected to take a little over two years.

(7) The installation of 'yellow buttons' (for the assistance of the visually impaired) was undertaken due to new Standards requirements (AS1428.4) and the implications of the Disabilities Discrimination Act (DDA) and their possible effects on CIT properties. The 'yellow buttons' are referred to as tactile ground service indicators.

Only two incident reports relating to the tactile ground service indicators have been submitted since their installation in 2002. No injuries were listed in the reports. Unofficial comments have been received from several visually impaired people who have commented favourably on the installation of the tactile ground service indicators.

(8) The Canberra Institute of Technology has a number of mechanisms in place to ensure regular communication with key stakeholders is maintained. These include external membership of Institute committees/boards, such as the CIT Advisory Council and Program Reference Groups. Industry liaison through informal meetings between CIT Senior Managers, teaching staff and students, with employers during the management of on job training and assessment also provides avenues for comments to be provided on the performance of the Institute.

CIT staff membership of key committees and boards in the Canberra community assists in providing avenues through which stakeholders can provide feedback to the Institute (for example, Knowledge-based Economy Board, Adult and Community Education Advisory Council, Team Canberra, Board of Senior Secondary Studies, Vocational Education Training Authority, Canberra Clinical School).

(9) Responses from surveys undertaken by the National Centre for Vocational Education Research (NCVER), employer satisfaction surveys, graduate surveys, module evaluations, and feedback from industry liaison (as detailed above in Question 8) are all sources of information that the Institute takes into account in measuring the effectiveness of its training programs and improving the delivery of a client focused service to the Canberra community.

(10) CIT is unaware of claims that some CIT Assessments do not meet approved work place practices and standards. CIT would, however, address such claims immediately they are brought to its attention. CIT's education processes, including assessment practices, are audited by the ACT Accreditation and Registration Council (ARC). Satisfactory performance is a condition of continuing registration. CIT's last ARC audit was in 2002.

(11) The Institute has developed Memoranda of Understanding (MOU) with the Australian National University (ANU) and the University of Canberra (UC) to develop jointly delivered programs, provide seamless articulation pathways for CIT students wishing to progress to university studies, and provide opportunities for university graduates to enroll at CIT for the development of practical skills.

UC and CIT have two key committees to facilitate collaboration. The UC/CIT Liaison Committee comprises all senior executives of both institutions and meets twice a year. The UC/CIT Joint Status Committee meets five times a year and facilitates negotiations of joint programs, credit transfer and educational collaboration.

Dual occupancies (Question No 944)

Mrs Dunne asked the Minister for Planning, upon notice:

In relation to the building of dual occupancies and further to your reply to Question on Notice No 829:

(1) Why are the figures supplied in answer to Question on Notice No 829 for dual occupancies built in 2000-01 and 2001-02 different from the figures supplied to the Standing Committee on Planning and Environment earlier this year and published as Appendix 1 of Report No.15.

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

The statistics provided in March 2003 were prepared using different reporting parameters to those prepared in September 2003. The request for information was slightly different on each occasion and the reports had to be set up using different parameters to capture what information had been requested.

It should also be noted that the statistical information provided to the Standing Committee on Planning and Environment in March 2003 has been transposed incorrectly into Appendix 1 of Report 15 (the appendix was not prepared by ACTPLA staff) and therefore does not accurately reflect the information provided.

The development application tracking system used by ACTPLA does not have the functionality to easily provide standard reports or statistics on the numerous types of applications that are received. The initial design of the system does not allow for dealing with the complexity of the types of applications which are now lodged with ACTPLA. Unfortunately this leads to slight variations in the production of statistical reports each time they are produced. The inadequacies of the current system have been recognised and a new Development Application Workflow System is being developed to replace it. This system will have enhanced reporting capabilities to better manage data relating to development in the ACT.

Waterless toilets (Question No 947)

Mrs Dunne asked the Minister for Planning, upon notice:

In relation to waterless toilets:

(1) What planning approvals are required in the ACT to install a waterless toilet;

(2) On average, what is the length of time an applicant has to wait for such an approval to be ticked off;

(3) How many applications has the Government received for the installation of waterless toilets in the ACT;

(4) To your knowledge, how many waterless toilets have been installed in the ACT;

(5) Has the Government considered promoting the installation of waterless toilets in Canberra, if not, why not.

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

(1) There are no planning approvals required to install a waterless toilet in the ACT.

(2) Not Applicable.

(3) Under the Public Health Regulations Division 6.3 permission is required to install a waterless toilet. ACT Health is unable to confirm the number of applications received for the installation of waterless toilets or the number of installed waterless toilets in the ACT. All records were lost in the January bushfires that destroyed the Health Protection Service building.

(4) ACT Health officers have received information from other ACT Government agencies that there are at least 26 waterless toilets installed in the ACT, mainly in non-urban areas.

(5) The ACT Government is considering a range of initiatives to manage the ACT's water resources, including those to reduce water use and enable the use of recycled water.

Land release
(Question No 948)

Mrs Dunne asked the Minister for Planning, upon notice:

In relation to land release:

(1) How many new blocks were finally released in greenfields and existing urban areas as a result of the Residential Land Release Program in:

(a) 2000-2001;
(b) 2001-2002;
(c) 2002-2003;

(2) How many new blocks in greenfields and existing urban areas are planned to be released as a result of the 2003-2004 Residential Land Release Program;

(3) How many have actually been released to date;

(4) What is the program for the release of the remaining residential blocks in the 2003-2004 Residential Land Release Program.

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

(1) The following table indicates the actual land releases for the period 2000/2001 to 2002/2003. These figures exclude private redevelopments which are estimated to be 500 in 2000/2001 and 1,000 for both 2001/2002 and 2002/2003.

	Greenfields	**Established**	**Total**
2000/2001	985	223	1,208
2001/2002	970	1,081	2,051
2002/2003	773	645	1,418[1]

(2) The following table indicates the published 2003/2004 Land Release Program, excluding an estimated 1,000 private redevelopments.

	Greenfields	**Established**	**Total**
2003/2004	1,866	529	2,395[2]

(3) The total number of dwelling sites released for servicing between 1 July 2003 and 31 August 2003 was 1,621[3]. Of those, 1,145 are greenfields and 476 are in established areas. The following lists these estates.

North Watson	260
East O'Malley	116
Harrison 1	595
Kingston Foreshore – site 1	100
Wells Station [4]	350 *

Dunlop 4 – East [4]	100
Gungahlin Town Centre and surrounds[4]	100
	1,621

*Note: The release is now to be approximately 600 dwelling sites but has been counted on the basis of the 350 identified in the Land Release Program. The additional 250 sites will increase the time frame for completion.

(4) The 2003/2004 Land Release Program proposes the following releases during the remainder of the financial year (excluding the dwelling sites in (3) above).

Government Private Development

Bruce 2/3	350
Forde 2	300

Private Development

Greenway	150
Narrabundah	8
Ngunnawal	14
Forde 1	400
Macquarie	20
Kingston Foreshore	157
Total Dwelling Sites	1,399

The above figures represent the release of raw land to developers, it does not indicate the number of blocks sold to individuals. With the return of the Government to land development in July 2003, land currently being prepared for sale to individuals by the Land Development Agency has been included as land released prior to 31 August 2003. It is estimated that an additional 1,000 private redevelopments will occur in 2003/2004.

The projected number of blocks is 30 greater than the published 2003/2004 Land Release Program.

[1] The 2002/2003 Land Release Program originally included the sale of 568 dwelling sites in Harrison 1. The estate was auctioned in May, however due to the successful bidders failing to make deposit payments the estate was re-auctioned with 595 dwelling sites in August 2003. The 568 dwelling sites have not been included in the 2002/2003 figures. If the sale had proceeded as normal then 1,986 dwelling sites would have been sold in 2002/2003.

[2] The published 2003/2004 Land Release Program does not include Harrison 1. If the estate was included the total figure becomes 2,990 blocks, with greenfields being 2,461 blocks.

[3] The 595 dwelling sites in Harrison 1 have been included in the 1,621 dwelling sites released between 1 July 2003 and 31 August 2003.

[4] These estates are being sold by the Land Development Agency to individuals as serviced land. The preparation for their servicing is at or beyond the same stage as if they were sold to private sector developers. Accordingly, they are included in the released figures to ensure consistency.

ACTION bus services
(Question No 949)

Mrs Dunne asked the Minister for Planning, upon notice:

In relation to ACTION bus services:

(1) On weekdays, what proportion of passenger trips taken by public transport are taken between:

(a) 7:30 am and 9:30am
(b) 5:00pm and 7:00pm
(c) all other times.

(2) On weekends, what proportion of passenger trips taken by public transport are taken between (a), (b) and (c) above.

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

ACTION's peak period times are: 7:30am – 9:00am and 3:00pm – 6:30pm on weekdays. Saturdays, Sundays and public holidays are administered as off-peak times.

ACTION Authority's automated ticketing system is configured according to the above peak times. The following information on proportions of travel in peak and non-peak times can be provided using existing data.

1. Weekdays:

Times	**Proportion of Passenger Trips**
7:30am to 9:00am	23%
3:00pm to 6:30pm	37%
All other times	40%

2. Weekends:

Times	**Proportion of Passenger Trips**
7:30am to 9:00am	6%
3:00pm to 6:30pm	30%
All other times	64%

Emergency surgery (Question No 950)

Mrs Dunne asked the Minister for Health, upon notice:

In relation to emergency surgery:

(1) How many theatres were allocated to emergency surgery at The Canberra Hospital on 30 and 31 July and 1 August;

(2) What is the average number of theatres at The Canberra Hospital allocated to emergency surgery;

(3) What are the criteria for allocating patients to the emergency surgery list;

(4) How long does a patient wait on average for emergency surgery.

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

(1) Each day one theatre is allocated to emergency surgery. This theatre is allocated 24 hours a day. The emergency theatre is available for patients requiring surgery within 24 hours.

In addition non- elective sessions are provided to cater for patients who require surgery but do not require surgery within a 24-hour period. Non- elective theatre sessions can be accessed when the demand for emergency surgery is greater than the one allocated theatre. On 30 and 31 July and 1 August 2003 additional non-elective sessions were allocated (a session is a theatre for 4 hours in the morning or 3 hours in the afternoon). These non-elective sessions were allocated as follows:

	No. of sessions
30 July:	2
31 July:	5
1 August:	4

(2) The usual allocation is one emergency theatre available 24 hours per day plus 2 sessions per week for non-elective plastic surgery.

In addition to this is the capacity for another theatre for:

Obstetric or other life threatening emergencies; and
Cardiac emergencies.

Commencing on 1 September 2003 an additional morning session of 4 hours is allocated each weekday for orthopaedic emergency patients.

(3) Patients are prioritized according to their clinical need and the following urgency codes are used for allocating patients to the emergency and non-elective surgery lists:

Urgency	**Surgery within**
1. Life Threatening:	less than half an hour
2. Organ Threatening:	less than 2 hours
3. Non-critical but emergent:	less than 6 hours
4. Non-critical non emergent but urgent:	less than 24 hours
5. Subacute	more than 24 hours.

(4) The waiting time is dependent on the urgency category of the patient (refer to question 3) and theatre availability. Data is not available.

Bushfire memorial
(Question No 951)

Mr Stefaniak asked the Minister for Arts and Heritage, upon notice:

In relation to the Bushfire Memorial:

(1) Can the Minister advise where works are up to with this project;

(2) How much money has been spent on this project. If money has been spent, please provide a breakdown of costs and disbursements;

(3) What is the completion date for this project.

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

(1) The Government is currently consulting with the community in regard to the proposed Bushfire Memorial.

A Bushfire Memorial Community Consultation Advisory Committee, comprised of government representatives and community members most affected by the fire, has met, and consultants have subsequently been invited to tender for the Bushfire Memorial Community Consultation.

(2) To date $3768 has been spent on the project including photographic documentation of the affected suburbs in the months following the bushfire ($2,000); salvage of a number of household bricks ($500); and storage of a small quantity of fire-affected household items ($1268).

(3) We anticipate that the community consultation will be completed, or near completion, by May 2004. It is likely that the memorial will be completed by the second anniversary of the bushfire.

Belconnen Remand Centre
(Question No 952)

Mr Stefaniak asked the Attorney General, upon notice, on 23 September 2003:

In relation to the Belconnen Remand Centre:

(1) Can the Minister advise what percentage of remandees held over the last 12 months at the Belconnen Remand Centre were drug dependent;

(2) How much was spent on drug rehabilitation projects within the Remand Centre over the last two years. What were the projects and how much did each drug rehabilitation project cost.

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

(1) From the period 1 September 2002 to 31 August 2003 and based on an average daily number of 60 remandees, the estimated percentage of drug dependent remandees at the Belconnen Remand Centre varied from 85% to 90%.

(2) During the previous two financial years drug rehabilitation services delivered to remandees at the Belconnen Remand Centre were provided by the Corrections Health Program, ACT Health. The annual cost of these programs was approximately $242,000.

During this period the drug rehabilitation programs at the Belconnen Remand Centre consisted of the following programs:

- withdrawal services including support, education and medication.
- methadone maintenance
- case management, assessment, counselling, education and referral
- therapeutic groups for detainees and drug awareness program for custodial staff.

The approximate cost per annum for drug rehabilitation programs at the remand centre was:

- $90,000 for withdrawal services
- $11,000 for methadone treatment
- $130,000 for case management, assessment, counselling, education and referral services
- $10,000 for therapeutic groups and drug awareness training for staff.

These services were funded in part by ACT Health and in part by ACT Corrective Services. ACT Corrective Services purchased case management, assessment, counselling, education and referral services from ACT Health, Corrections Health Program.

As of July 2003, the purchasing arrangements which were in place between ACT Corrective Services and ACT Health ceased, and since this time ACT Corrective Services has provided the following services directly to remandees at the Belconnen Remand Centre and the Symonston Temporary Remand Centre:

- Alcohol and Other Drugs (AOD) Educational Program
- Drug Awareness Program
- Alcohol and Other Drugs (AOD) Coping Skills Program
- Counselling and Case Management at Belconnen Remand Centre

In addition to these services, ACT Health, Corrections Health Program, provides detoxification treatment, pharmacotherapies and general medical and mental health services to remandees.

Patients outside the ACT—payments (Question No 953)

Mr Smyth asked the Minister for Health, upon notice:

In relation to your reply to Question on notice No 854:

(1) Are the figures provided in your reply to (3) an average for the financial years 2001-02 and 2002-03. If so, as asked in the original question, can you now provide the figures for each year;

(2) Is the ACT losing out in terms of cross border payments from NSW if the estimated cost of services to patients outside the ACT in 2001-02 was $60 million but only $40.615 million was returned to the Territory from NSW;

(3) Why are only provisional payments made until reconciliation against actual activity for cross border residents, what data is looked at in reconciling 'actual activity' and how does this differ from the data you use to arise at the figure of $60 million for patients who live outside the ACT.

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

(1) The figures provided in the reply to (3) were the actual provisional payments for those years.

(2) The $60 million figure represents the cost of treating all patients from outside the ACT, not just NSW patients.

In addition, the payments for NSW are reduced for the approximately $7 million worth of activity annually provided by NSW for ACT residents in NSW hospitals.

In negotiating the cross border agreement in 2000, the ACT argued that the price paid by NSW was insufficient to meet ACT costs. The independent arbiter appointed to adjudicate between the ACT and NSW did not accept this argument. The government believes that what NSW pays does not meet full ACT costs.

(3) Payment is made provisionally, as determined by the 2000 arbitrated agreement. Payment on actual patient activity requires finalisation of hospital activity data in both jurisdictions. Finalising that data is a prolonged process, because of the length of time inherent in receiving, checking, correcting and publishing hospital data.

Provisional payment is made because delaying payment until actual activity data are available would leave the ACT severely under-funded until final activity could be determined.

Admitted patient care data provided to ACT Health and NSW Health by their respective hospitals is used to calculate actual activity. Reconciliation payments for that activity are based on cost weights derived for the National Hospital Cost Data Collection. Admitted patient care data and National Hospital Cost Data Collection cost weights are accepted nationally as the appropriate tools for reconciling cross border payments.

ACT public hospital activity data, and ACT public hospital cost data submitted to the National Hospital Cost Data Collection were used to estimate the costs incurred by the ACT for NSW residents.

Botox injections
(Question No 954)

Mr Smyth asked the Minister for Health, upon notice:

In relation to botox:

(1) Are there currently any facilities (a) in the ACT public health system and (b) in Canberra generally, that patients with a muscle disorder can access for botox injections;

(2) If so for (a) and or (b) where are those clinics/centres, if not, why not;

(3) Do some patients have to travel interstate for such injections;

(4) Is there a rebate scheme or assistance scheme provided by our health system that pays for interstate travel for those in the public system who need to utilise botox clinics for health reasons, if so, how can that system be utilised, if not, why not;

(5) Is the Government considering establishing a botox clinic in Canberra that can be access by public health patients who need it for health reasons, ie for muscle disorders, if not, why not.

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

(1) (a) there are currently no ACT public health facilities for patients to access botox injections for the treatment of muscle disorders and (b) there are a range of private medical specialists and clinics which use botox for cosmetic and medical treatments. In some cases these medical treatments can be claimed under the Medicare Benefits Schedule and the patient pays for the cost of the drug which may be obtained through the Pharmaceutical Benefits Scheme.

(2) (a) At present, 95% of public hospital care for ACT residents is provided in the ACT. Some highly specialised services cannot be maintained, either financially or clinically for such a small population. Public patients requiring these services are referred interstate, most commonly to Sydney.

(3) A number of patients from the ACT travel interstate to obtain botox injections for medical reasons, including muscular disorders and cerebral palsy. Medical specialists, including neurologists, may refer these patients for this type of treatment.

(4) The Interstate Patient Travel Assistance Scheme (IPTAS) provides financial assistance towards travel and accommodation costs for permanent residents of the ACT who are required to travel interstate for specialist medical treatment unavailable in the ACT. The scheme is managed by the Clinical Support Services at TCH. General Practitioners, medical specialists and social workers are the intended point of contact for patients needing to access IPTAS.

(5) Public patients can access botox injections interstate and financial support is provided under the IPTAS scheme managed from TCH. The Government is not currently considering the establishment of a botox clinic in the ACT. To date there has been no evidence of demand for this service to be established in the ACT.

Smoking—sports grounds (Question No 955)

Mr Smyth asked the Minister for Health, upon notice:

In relation to smoking around sports grounds:

The Liverpool and Hawkesbury Councils have recently announced that fines will be issued to smokers who smoke within a new 10 metre exclusion zone around sporting grounds, ovals and parks, to protect children from passive smoking. Has the ACT Government given any consideration to this proposal. If so what discussions have been held, if not, is the Government likely to consider it.

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

In relation to passive smoking in outdoor areas, important progress has been made with the support of the community and the cooperation of premises managers. For example, a non-smoking policy for the seating areas of Canberra Stadium was introduced by stadium management.

I am advised that a campaign to be introduced in the near future by Canberra Urban Parks and Places will encourage smokers to dispose of smoking material in a responsible manner. This will be important both in terms of reducing litter and reducing fire risks.

In undertaking evidence-based policy development, the Government will continue to monitor and respond to information about the health effects of passive smoking, including effects in outdoor areas.

Smoking—sports grounds (Question No 956)

Mr Smyth asked the Minister for Sport, Racing and Gaming, upon notice, on 24 September 2003:

In relation to smoking around sportsgrounds: The Liverpool and Hawkesbury Councils have recently announced that fines will be issued to smokers who smoke with a new 10 metre exclusion zone around sporting grounds, ovals and parks, to protect children from passive smoking. Has the ACT Government given any consideration to this proposal? If so what discussions have been held, if not, is the Government likely to consider it?

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

The Government has not considered the implementation of similar policy in the ACT. In undertaking evidence-based policy development, the Government will continue to monitor and respond to information about the health effects of passive smoking, including effects in outdoor areas. I understand that ACT Health will continue to monitor the initiatives to restrict smoking in certain outdoor areas that have been considered or enacted by Launceston, Liverpool, Hawkesbury and Wingecarribee Councils.

Sharps hotline
(Question No 957)

Mr Smyth asked the Minister for Health, upon notice:

In relation to the Sharps Hotline:

(1) On average, how many calls does the Sharps Hotline receive on a monthly basis;

(2) What are the majority of calls in relation to;

(3) On average, how many sharps disposal containers are distributed per month;

(4) On average, how many sharps disposal containers are returned to drop off points per month;

(5) If there is a discrepancy in the figures between (3) and (4) are there any concerns that sharps disposal containers are ending up in general rubbish;

(6) How many needle stick injuries were officially recorded in (a) 2000-01 (b) 2001-02 (c) 2002-03 and (d) to date in 2003-04.

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

In relation to the Sharps Hotline:

(1) In 2002-2003 the Sharps Hotline received 523 calls, averaging 44 per month.

(2) The majority of calls are requesting collection of syringes and related materials which have been left on public land or private premises;

(3) The Sharps Hotline is not involved in the distribution or collection of sharps disposal containers. This service operates through the needle and syringe program. The following table summarises the number of sharps disposal containers distributed per month through the needle and syringe program;

Year	Large Bins					Pack Bins	
	20 litre	35 litre	7.8 litre	2.8 litre	1.4 litre	.5 litre	Waste Bag
2000-2001	34	12	58	353	917	72,232	98
2001-2002	48	-	47	384	870	54,375	4
2002-2003	45	-	12	495	1,062	61,331	-

(4) needles, syringes and sharps disposal containers are mostly collected through the big bins located around Canberra. Material deposited in these bins is weighed rather than counted to minimize the risk of needlestick injury. Accordingly it is not possible to give a precise number of how many sharps disposal containers are returned;

(5) See (4) The weight of material returned is greater than the amount of material given out. This is because a number of community users of needles, syringes and other sharp clinical waste use the big bins for disposal of material they sourced from outside the needle and syringe program;

(6) The Sharps Hotline does not maintain official records on the number of needle stick injuries.

Health Promotion Unit (Question No 958)

Mr Smyth asked the Minister for Health, upon notice:

In relation to the Health Promotion Unit:

(1) What campaigns has the health promotion unit developed and implemented this calendar year and how much did each of those campaigns cost?;

(2) What campaigns are planned for the remainder of the calendar year?;

(3) How broadly does the health promotion unit advertise its campaigns?;

(4) How much funding did the health promotion unit receive in (a) 2002-03 and (b) 2003-04?;

(5) How many staff are employed in the health promotion unit and at what levels are they paid?

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

(1) The HPU has implemented two campaigns this year – the summer Vitality campaign and the winter Vitality campaign. The Vitality approach is a new flexible, multi-message, 'lifestyle-type' framework with the integrated message of "Eat Well, Be Active, Feel Good About Yourself – That's Vitality!"

- The summer Vitality campaign was launched at the Canberra Show to a very wide Canberra audience. HPU staff emphasized the nutrition and physical activity messages at the show and gave away show bags with fresh fruit, a bottle of water, a frisbee, a colouring-in recipe book and information about healthy choices. Other activities in the summer campaign included a celebrity chef event in the Canberra Centre and a series of community service announcements promoting healthy eating that were broadcast on WIN television. The total cost of the summer campaign was $56,200 with that cost including the production of campaign items such as signage, frisbees, water bottles, hats, stickers and children's colouring-in cookbooks which are used throughout the year, not solely on the summer campaign.

- The winter Vitality campaign activities included a nutrition forum and supermarket tours, a family picnic day as part of NAIDOC week, the development of a healthy workplace physical activity program, an article on winter health tips for older people, a stand at the Home and Leisure Show, work with the endometriosis awareness week to promote the "Feel Good About Yourself" aspect of the campaign. While some invoices are still being finalised, the estimated total cost of the winter campaign is $44,000 including sponsorship of Health and Physical Education Week, the Healthy Bones Breakfast in ACT schools, and the second annual Health and Fitness Expo. This figure is less than that for the summer campaign given that the summer

campaign costs included the production of the majority of promotional items for both campaigns.

(2) The next summer campaign is currently in development and due to be delivered December 2003 to February 2004.

- The campaign aspects of the ACT Youth Smoking Prevention Program, funded by the HPU, are being focus-tested at present with plans for campaign implementation in the first quarter of calendar year 2004.
- The Kidsafe scalds and poisonings campaigns are ongoing throughout the year.

(3) The campaigns are advertised broadly using health promotion networks, the government websites and notification on television (e.g. celebrity chef community service announcements on WIN), and the Canberra Chronicle, which is free to all households in the ACT. Campaign activities take place in all areas of the ACT and in a range of settings from schools to shopping centres to health centres.

(4) The HPU received funding of $868,000 in financial year 2002/03 and $992,000 in financial year 2003/04.

(5) The staffing for the health promotion unit includes three SOG C officers, four ASO 6 officers, one ASO 5 and one ASO 4. The Director of the Health Promotion Unit, a SOG A, also has responsibility for managing the Population Health Research Centre and the Healthpact Secretariat.

Canberra hospitals—ambulance diversions (Question No 959)

Mr Smyth asked the Minister for Police and Emergency Services, upon notice, on 24 September 2003:

In relation to ambulance diversions from Canberra Hospitals:

(1) How many times, per month, has it been necessary to divert ambulances from (a) the Calvary Hospital and (b) the Canberra Hospital between November 2001 and August 2003;

(2) For each occasion in (a) and (b) above:

(a) what length of time was each diversion;
(b) where were ambulances diverted to on each occasion;
(c) what was the cause of each diversion.

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

(1) and (2)The decision to place either The Canberra Hospital or Calvary Hospital on "ambulance bypass", and for how long, is made by an authorised medical officer at each hospital. This authorised medical officer communicates the request for "ambulance bypass" to the Ambulance Service and in turn the Ambulance Service advises the ambulance crews of the request.

Despite a hospital requesting "ambulance bypass", an ambulance will not divert to another hospital if the ambulance patient is suffering a life-threatening condition or the ambulance crew believe the patient's clinical problem is best managed by that hospital.

The ACT Ambulance Service does not maintain specific records that would enable them to identify the number of times an ambulance is diverted to an alternate hospital as a result of a hospital being on "ambulance bypass".

Megalo Access Arts—relocation (Question No 960)

Mr Stefaniak asked the Minister for Arts and Heritage, upon notice:

(1) Has the tender process to fit out Megalo's premises at Watson been completed. If so, when and where is the relocation up to. If not, why not, and when do you expect the tender to be completed and what has been the cause for this further delay;

(2) When will Megalo Access Arts be 100% relocated;

(3) How much money has been expended on this relocation since your response to Question on notice No 538 (where $22,960 had been spent);

(4) How much funding remains for this relocation.

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

(1) The tender process has been completed and all works are substantially complete with only minor items outstanding.

(2) The relocation of Megalo was completed by Monday 22 September 2003.

(3) As at 24 September 2003 an additional $191, 684 has been spent.

(4) The budget has been fully committed and all funds allocated will be spent.

Glass centre (Question No 961)

Mr Stefaniak asked the Minister for Arts and Heritage, upon notice:

In relation to the Glassworks Project and further to your reply to Question on notice No 537:

(1) Has any further work taken place relating to the business case for the Kingston Powerhouse option;

(2) Is it either likely or unlikely that the Government will proceed with the 'Kingston Powerhouse option' as discussed in your reply to Question on notice No 537;

(3) When will the Government be able to determine if the Glassworks Project will proceed;

(4) Where has the $2.842 million remaining for the original Glassworks Project been redirected to;

(5) How much of the $45,000 allocated to 'Contemporary Glass Centre Specialist Advice' in the 2003-04 Budget has been expended to date and for what purpose;

(6) Has someone been hired to provide this expert and specialist advice, if so, who and for how long is their contract. If not, why not and when will you hire the person to provide this expert advice;

(7) When do you expect to use this advice to develop a contemporary glass centre.

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

(1) The Business Case for the Glass Centre has been completed.

(2) The "Kingston Powerhouse option" is included in the Business Case, which the Government will consider soon.

(3) The decision on proceeding will be made in the context of the 2004-05 Budget process.

(4) The $2.842 million remains in the Arts budget and is allocated for the Glass Centre.

(5) No expenditure has been made against this item.

(6) No-one has been hired at this stage. Contractors will be hired when there is a Government decision to progress to the next stage of the project.

(7) It is expected that the specialist advice will be used in the period leading up to the opening of the facility.

Belconnen pool
(Question No 962)

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

In relation to the Belconnen Pool:

(1) What percentage of (a) internal and (b) external structures have been completed on the Belconnen Indoor Aquatic Centre;

(2) In total what percentage of works have been completed;

(3) Is the completion date for the project still December 2003. If not, why not and what is the new completion date;

(4) What is the current situation with plans for a licensed club in the facility and will it have poker machines;

(5) Has a fee structure been set for entry into the pool. If so what are the prices. If not, when will a fee structure be set.

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

(1) As at 25 September 2003, the following percentages were completed: (a) internal 60%, and (b) external 80%.

(2) The total percentage of works completed is approximately 68%.

(3) The project is currently on schedule for completion in early December 2003, subject to there being no additional delays due to wet weather or other such factors.

(4) The situation regarding a licensed club remains the same as when Sports Centres Australia was selected as the successful tenderer i.e. a licensed club will form a part of the tenant mix for the centre.

Whether the club includes poker machines will be the responsibility for the incoming tenant to determine, and if necessary pursue the relevant approvals and licences. Negotiations are still in progress between Sports Centres Australia and prospective club operators and a final decision is expected shortly.

(5) The fee structure was set as part of Sports Centres Australia's tender submission in March 2001. Under the terms of the tender and associated Project Agreement, these charges are capped for the first three years of operation. The attached table taken from the tender documents sets out the schedule of key charges.

[*A table attached to the reply was lodged with the Chamber Support Office.*]

Police reports (Question No 963)

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 24 September 2003:

In relation to recent reports:

(1) How many reports have been prepared by ACT Policing over the past three months;

(2) If any reports have been prepared:
(a) who were the authors of these reports;
(b) how much did each of them cost in consultancy fees, design and printing;
(c) where are they available;
(d) have any of the reports been implemented.

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

(1) No reports have been prepared by ACT Policing in the past three months.

(2) Please see the response to question 1 above.

Student numbers
(Question No 965)

Mr Pratt asked the Minister for Education, Youth and Family Services, upon notice, on 24 September 2003:

In relation to student numbers and further to your reply to Question on notice No 470:

(1) Have any of the figures changed in the response to Question on notice No 470 regarding the number of (a) government students and (b) non-government students enrolled in Canberra schools;

(2) Can the Minister provide a detailed list of the number of students at each and every government and non-government school in Canberra in primary schools, high schools and colleges;

(3) How many (a) male and (b) female teachers are currently working in government schools (broken down into individual schools);

(4) How many (a) male and (b) female teachers are currently working in non-government schools (broken down into individual schools);

(5) How many IT specialists are employed in (a) government schools and (b) non-government schools (broken down into individual schools);

(6) How many bursars are employed in (a) government schools and (b) non-government schools (broken down into individual schools).

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

(1) The student enrolment figures for government schools have changed since February 2003. The figures for February 2003 are the official figures used for school staffing and have been subjected to the department's enrolment audit process. The August 2003 figures are collected for reporting to the Australian Bureau of Statistics (ABS) and have not been subjected to the same level of audit as the previous figures.

For non-government schools, the figures supplied previously were the February 2002 census figures as the February 2003 census figures were not available. As with government schools, the August 2003 figures are collected for ABS reporting purposes.

(2) The August 2003 figures collected for ABS reporting are:

	Government Schools	**Non-Government Schools**
Primary	20,212	11,524
High	10,326	8,964
College	5,874	3,219
Special	327	

(3) In August 2003, the numbers of teachers (FTE) in government schools and school support centres were:

Government SchoolsFTE	**Female**	**Male**
Colleges	301.2	204.5
High Schools	514.8	299.6
Primary Schools	1061.9	177.3
Special Schools	62.2	9.6
School Support Centres	83.7	13.4
Working across Multiple Sites	56.1	16.8

Data Source: Pay 03/04.

These figures exclude casual teachers and teachers on long term paid and unpaid leave.

(4) For non-government schools, the numbers of teachers (FTE) for ABS reporting were:

Non Government Schools FTE	Female	Male
Independent Schools	443.4	345.6
Catholic Systemic	563.8	177.5

(5) (a) For government schools, figures on IT specialist or other speciality areas are not maintained centrally. A Skills and Qualifications database is being developed to initially collect this data on the teaching workforce. Government schools employ and contract IT professionals in a variety of ways to best suit their individual needs and IT environments. For example: IT teachers; Information Technology Officers (ITOs); school assistants; maintenance contracts with IT businesses; InTACT support; IT trainees; and "e-coaches" and IT support from Centre for Teaching and Learning Technologies.

(b) The department does not have this information for non-government schools.

(6) (a) Each government primary school (68) has an Office Manager, previously called a Bursar, and each secondary school (25) has a Registrar. Two very small primary schools have a part-time Office Manager and two K-10 schools have both a Registrar and an Office Manager.

(b) The department does not have this information for non-government schools.

School exercise programs (Question No 966)

Mr Pratt asked the Minister for Education, Youth and Family Services, upon notice, on 24 September 2003:

In relation to school exercise programs:

(1) What is the average time that each student from Years 3 to 10 spends doing physical exercise per week;

(2) What is the average time that each student from Kindergarten to Year 2 spends doing physical exercise per week;

(3) How is this physical exercise implemented and monitored by schools;

(4) Has the 'Review of Services to School and Junior Sport' been implemented;

(5) If so, how much has been implemented;

(6) If not, why not.

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

(1) Students from Year 3 to 10 spend on average 150 minutes doing physical exercise each week.

(2) Students from Kindergarten to Year 2 spend on average 20 to 30 minutes per day doing physical activity.

(3) Physical activity programs are implemented on an individual school basis and are monitored by the principal and teachers in each school. Schools develop their programs according to the ACT Department of Education, Youth and Family Services *Health and Physical Education Curriculum Framework and Health and Physical Education Curriculum Profiles.* Community sporting organisations and the PE and Sport Unit in the department are involved in the implementation of these programs to ensure student needs are being met and outcomes are achieved.

(4) Yes, many of the recommendations from the review have been implemented.

In 2002, the PE and Sport Unit transferred from Community Partnerships 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 in a wide range of sports 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.

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 on 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.

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.

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 contract with the Lakeside Leisure Centre is reviewed on an annual basis.

Sport and Recreation ACT (SRACT) has conducted surveys on participation rates for all sports and those results are available from the Chief Minister's Department.

The department and the 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.

In September 2003 the department approved funding of $41,000.00 for the provision of professional development of teachers in the area of health, physical education and sport to commence in 2004.

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)

(5) and (6) Refer to Question (4)

Student numbers (Question No 967)

Mr Pratt asked the Minister for Education, Youth and Family Services, upon notice, on 24 September 2003:

In relation to number of students in classrooms:

(1) What is the average number of students per teacher from Kindergarten to Year 12 in ACT schools in:

(a) 1999;
(b) 2000;
(c) 2001;
(d) 2002;
(e) 2003 (to date);

(2) In (1) above, how do these figures compare to the average number of students per teacher from Kindergarten to Year 12 in NSW schools in:

(a) 1999;
(b) 2000;
(c) 2001;
(d) 2002;
(e) 2003 (to date);

(3) What is the national average number of students per teacher from Kindergarten to Year 12 in:

(a) 1999;
(b) 2000;
(c) 2001;
(d) 2002;
(e) 2003 (to date).

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

(1) The ratio of students per teacher in ACT primary and secondary schools.

Year	Primary	Secondary
1999	17.1	12.3
2000	17.1	12.5
2001	16.5	12.1
2002	15.8	12.0
2003	15.2	11.9

Source: Schools Australia 1999-2002
2003 figures unpublished internal DEYFS estimates.

(2) The ratio of students per teacher in NSW primary and secondary schools.

Year	Primary	Secondary
1999	17.7	12.7
2000	17.7	12.6
2001	17.5	12.5
2002	17.5	12.5

The figures for 2003 are not available for other jurisdictions until release of the Schools Australia publication in February 2004.
Source: Schools Australia 1999-2002

(3) The national ratio of students per teacher in primary and secondary schools.

Year	Primary	Secondary
1999	17.0	12.7
2000	17.1	12.6
2001	16.7	12.5
2002	16.7	12.6

The figures for 2003 are not available for other jurisdictions until release of the Schools Australia publication in February 2004
Source: Schools Australia 1999-2002

Housing—managers (Question No 968)

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

In relation to Housing Managers of ACT Housing properties:

(1) In relation to all ACT public housing locations, please indicate how many locations have had (in each case):

(a) 3 (or more) different Housing Managers within any continuous 12 months period since October 2001;
(b) two different Housing Managers within any 12 months period since October 2001;
(c) the same Housing Manager for any period of 12 months or longer since October 2001;

In relation to (a), (b) and (c) above, please indicate the location and length of each Housing Manager's appointment;

(2) For what reasons are Housing Managers relocated;

(3) For what reasons would a Housing Manager be moved from any location within the first 3 months of their appointment to a specific location;

(4) Further to (3), has such a change occurred at any location in the last 2 years (since October 2001) and, if so, please specify the details of such location and the circumstances concerning such development;

(5) In relation to a Housing Manager removed from a particular location due to issues concerning the performance of their duties, what process is followed in such circumstances concerning such Housing Manager, including their further employment within ACT Housing, if applicable.

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

Housing Managers move positions for a wide range of reasons including promotion, extended leave, illness, higher duties, temporary incapacity and for developmental reasons. There are occasions where staff are rotated to fill gaps caused by any of the above and often temporary staff are employed to fill positions pending permanent recruitment. Housing Managers are ASO Grade 4 officers in the ACT Public Service and are subject to all the standard public service promotion, development and discipline arrangements. Therefore, any performance issues would be addressed in accordance with public service standards and procedures.

Childcare
(Question No 969)

Mrs Burke asked the Minister for Education, Youth and Family Services, upon notice on 24 September 2003:

In relation to the Childcare Industry and further to your reply to answer to Question on notice No 899:

(1) What are the two recommendations that have been implemented at no cost;

(2) What are the recommendations that preliminary work has commenced on;

(3) What are the eight recommendations that can be implemented at the local level;

(4) What negotiations are underway with the Commonwealth, training institutions and child care industry to progress the 14 main recommendations that can be implemented by those groups working together;

(5) What is the Government doing to progress as far as it possibly can the 12 main recommendations that cannot be implemented at the local government level;

(6) When will the Government finalise its response to the report and consultation process.

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

In relation to answers (1), (2) and (3) details will be provided in the Government's response to the report.

(4) Preliminary discussions have commenced with key stakeholders. Additional discussions are anticipated following the release of the Government's response.

(5) Preliminary discussions have commenced with key stakeholders. In addition, the Government is a participant to the Community Services Ministerial Advisory Council Children's Services Sub-committee and is contributing to its national workforce planning report.

(6) It is anticipated that the Government will release its response to this report early 2004.

Speeding fines—refunds (Question No 973)

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

In relation to to the refund of approximately $690 000 in speeding fines as a result of an ACT Government administrative error. Why has it taken three and a half years to discover this error and act to rectify it?

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

This administrative error has come to light recently, during a review of some sections of the road transport legislation. The Government has acted to rectify this error, which occurred when the legislation was enacted by the previous Government, as soon as it was brought to my attention.

Schools—crime prevention (Question No 974)

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 25 September 2003:

In relation to crime prevention initiatives in schools:

(1) What programs are offered to schools through ACT Policing's Crime Prevention Team;

(2) How often does the Crime Prevention Team meet with the Department of Education, Youth and Family Services to coordinate and plan these programs;

(3) Has any formal agreement been made between ACT Policing and the Department of Education, Youth and Family Services on the way police deal with incidents arising in a school environment;

(4) If so, are you in a position to release the details of that agreement;

(5) If not, why not.

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

(1) The Crime Prevention Education Team provides programs in ACT schools that focus on the delivery of education packages which have been approved and endorsed by the Department of Education, Youth and Family Services (DEYFS) as being suitable and complementary to the school curriculum. Programs include the Constable Kenny Koala Program; support work relating to student visits to the Belconnen Traffic Education Centre; and drug education through the 'Making the Difference' Drug Education resource program. A lesson plan has also been approved which relates to drink spiking and preventative measures students can employ.

(2) Presently, the Crime Prevention Education Team meets with the Department quarterly or more frequently if required. A new Memorandum of Understanding (MOU) between the Australian Federal Police (AFP) and DEYFS is in the final stages of development. The current draft states that the AFP and DEYFS will hold quarterly meetings to discuss endorsed plans, proposed amendments to those plans and new initiatives.

(3) There is a current MOU, which was signed in 2000. As indicated above, the new MOU between the AFP and DEYFS is in the final stages of development. It is anticipated it will be completed shortly. The MOU will specifically address issues relating to police response to incidents at schools, as well as school programs.

(4) The new draft MOU is incomplete and still requires agreement by all relevant parties.

(5) See response to question 4.

Police numbers (Question No 975)

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 25 September 2003:

In relation to police numbers in the ACT:

(1) In the 2001 election promises of the Labor Party, the Justice and Community Safety policy stated 'Labor will implement a program to restore the number of police officers available to at least the national average'. Has a program been developed to achieve this;

(2) If so, what are the details of the program;

(3) If not, why not;

(4) What has been the national average of police officers in 2001, 2002 and 2003 (to date);

(5) What has been the number of police officers in the ACT in 2001, 2002 and 2003 (to date);

(6) How many police officers have been employed under the Labor Government since 2001;

(7) How much money has been spent on employing police officers under the Labor Government since 2001.

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

(1) This is a long term strategy of the Labor Government which was initiated with the Government's commitment to increase police numbers by 20 during our current term of office.

(2) The Government has committed to increase the number of police in the ACT by 20 over our current term of office. Further initiatives to progress the long term strategy to increase police numbers to the national average will be developed once this commitment has been fully implemented.

(3) Not applicable.

(4) Figures for the financial years 2000-2001, 2001-2002, 2002-2003 can be found in the *2003 Report on Government Services* published by the Productivity Commission.

(5) Figures for the financial years 2000-2001, 2001-2002, 2002-2003 can be found in the *2003 Report on Government Services* published by the Productivity Commission.

(6) The 2003 *Report on Government Services* contains the total staffing figures for this period.

(7) The 2003 *Report on Government Services* contains details of Government expenditure on policing during this period.

Provisional and learner drivers (Question No 979)

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 25 September 2003:

In relation to provisional and learner drivers:

(1) How many (a) provisional and (b) learner drivers were caught with blood alcohol levels above the limit of 0.02 during (i) 2002-03 and (ii) 2001-02;

(2) In (a) and (b) above how many have lost their licenses as a result of having blood alcohol levels above the limit during 2002-03;

(3) What other penalties were enforced in (a) and (b) above as a result of breaching the conditions of their license by exceeding the permissible blood alcohol limit and how many drivers in each category incurred these penalties;

(4) How many (a) provisional and (b) learner drivers were caught speeding during (i) 2002-03 and (ii) 2001-02;

(5) In (a) and (b) above how many lost their licenses as a result of exceeding the speed limit;

(6) What other penalties were enforced for (a) and (b) above as a result of breaching the speed limit and how many drivers in this category incurred these penalties.

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

(1) The database on which statistics are recorded by ACT Policing in relation to alcohol related driving offences does not differentiate between licence type but records offences based on the prescribed content of alcohol allowable to the driver. In relation to provisional and learner licences, the prescribed content of alcohol is 0.02 in both cases. The total number of drivers in both categories with blood alcohol levels above the limit of 0.02 during 2002-03 was nine and during 2001-02 was 12.

(2) This information is not held by ACT Policing. Court result statistics are recorded by ACT Courts administration.

(3) This information is not held by ACT Policing. Court result statistics are recorded by ACT Courts administration.

(4) Available data indicates that ACT Policing issued traffic infringement notices for exceeding the speed limit to 1,379 provisional drivers and 123 learner drivers during the 2001-02 financial year. During 2002-03, the number of traffic infringement notices issued to provisional and learner drivers was 1,655 and 81 respectively.

(5) This information is not held by ACT Policing. Court result statistics are recorded by ACT Courts administration. In addition, the ACT Roads and Traffic Authority may be able to provide information relating to the number of learner and provisional drivers who have had their licences suspended due to points demerit.

(6) Please see the answer to Question 5 above.

Teachers—stress leave
(Question No 980)

Mr Pratt asked the Minister for Education, Youth and Family Services, upon notice, on 25 September 2003:

In relation to all ACT teachers:

(1) How many are currently on stress leave;

(2) How many claims have there been for stress leave in 2001, 2002 and 2003 (to date).

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

(1) As with all other departmental staff, government school teachers' leave for health related matters; caring responsibilities; and special reasons is recorded as personal leave. The department is therefore not able to identify specific medical conditions, including stress, as a reason for teachers taking personal leave.

The department does not have access to leave records for teachers in non-government schools.

(2) The number of claims for a stress related illness from government school teachers and accepted by Comcare is:

2001	13
2002	14
2003(to date)	10

The department does not have access to this information for teachers in non-government schools.

Career Education Support Service (Question No 981)

Mr Pratt asked the Minister for Education, Youth and Family Services, upon notice, on 25 September 2002:

In relation to the Career Education Support Service:

(1) Is this service up and running and available to students. If so, how can it be accessed, if not, when will it be ready to be utilised;

(2) How much of the $384,000 allocated in the 2003-04 Budget for this service has been expended to date. What is the breakdown of expenditure and what has been delivered for that expenditure.

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

(1) The recruitment process to establish the Career Education Support Services unit has commenced and interviews are scheduled to proceed before the end of October 2003. The service will be operational by December 2003.

(2) No expenditure of the 2003-04 Budget allocation has occurred to date.

School counsellors (Question No 982)

Mr Pratt asked the Minister for Education, Youth and Family Services, upon notice, on 25 September 2003:

In relation to counselling services in ACT Government schools:

(1) How many school counsellors are currently employed in the government schooling system;

(2) Does this reach the target as announced in the Budget to provide a youth worker for every government high school. If not, when will this target be met;

(3) Has the number of school counsellors increased since the injection of $215,000 for counselling services in the 2003-04 Budget;

(4) How much of the $215,000 allocated in the Budget has been spent to date. What is the breakdown of expenditure and what has been delivered for that expenditure;

(5) What counselling services are currently being provided specifically to help students cope with the aftermath of the bushfires;

(6) How many schools are still providing counselling services specifically in relation to the bushfires;

(7) What is the additional cost to the education budget for counselling services in school specifically relating to the bushfires;

(8) Will this additional expenditure mean services in other areas of schooling will not be able to be provided. If so, please detail, if not, where will the additional funds come from to pay for bushfire counselling.

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

(1) 50 full time equivalent (FTE) counsellors are currently employed in ACT government schools.

(2) The 17 youth worker positions announced in the 2003-04 Budget are in addition to existing counsellor positions. The first eight youth workers will commence at the beginning of the 2004 school year. An additional nine positions are planned for the beginning of the 2005 school year.

(3) The $215,000 announced in the 2003-04 budget is for youth worker positions in ACT government high schools, not additional counsellor positions. The number of school counsellor positions has remained at 50 FTE.

(4) None of the $215 000 has been expended to date. This funding is for the youth worker salaries for the first half of the 2004 calendar year.

(5) A range of strategies and programs has been put in place to support students, staff and parents who were affected by the bushfires. The support includes:

- Individual counselling of fire affected students using appropriate strategies such as 'Bushfire and me' developed by Dr Brett McDermott;
- Group work for students;
- Individual advice and counselling to parents and staff;
- Consultation with teachers who have fire affected students in their class;

- Advice through newsletters and staff meetings;
- Referral to appropriate agencies, for example Child and Mental Health Services and the Recovery Centre;
- Services provided by the Bushfire Recovery Centre;
- Strong support from a range of departmental staff;
- Senior counsellors continue to monitor and support schools as needed.

(6) Schools are providing counselling services to all students who need or are referred for continued support, by parents, teachers, or the student themselves. The support is individually tailored to the student and their family's needs. Complex and ongoing cases are referred to CAMHS or to the Recovery Centre.

(7) Stromlo High School was the only school that requested additional funding to employ a student welfare teacher, known to the students, to provide additional support of a counselling nature. This funding was provided by the department at a cost of approximately $6000. These costs have been accommodated within the education budget.

(8) All costs have been accommodated within the existing education budget with no financial impact on services in other areas of schooling.

RecLINK program (Question No 983)

Mr Pratt asked the Minister for Education, Youth and Family Services, upon notice, on 25 September 2003:

In relation to the RecLINK Program:

(1) How many young people are currently involved in the RecLINK program;

(2) How many of the participants are (a) Indigenous and (b) from linguistically diverse backgrounds;

(3) What activities are undertaken as part of this program;

(4) How long are the youths involved in the program;

(5) Are youth in this program assessed to discover if RecLINK is having a positive impact on their development. If so, what sort of assessment is undertaken, if not , why not;

(6) What percentage of youths involved in the program have improved themselves through RecLINK;

(7) How much of the $231,000 allocated to this program this financial year has been expended to date, what is the breakdown of expenditure and what has been delivered for that expenditure.

Ms Gallagher: The answer to Mr Pratt's questions 1-7 is:

Payments for the RecLINK program are made by the ACT Government to the Canberra Police and Citizen's Youth Club in accordance with the contractual provisions. The contract stipulates that the contract is paid in advance in four equal instalments within ten working

days of the beginning of each quarter. The value of the first two quarter payments for 2003/04 financial year is $115,500 (GST exclusive).

The contract stipulates the required outputs to be delivered for the 2003/04 financial year including: centre based sport and recreation, outreach based sport and recreation, information, referral and advocacy and case management.

RecLink, as with all contracted service providers, are required to report regularly on the delivery of the outputs and undertake acquittal processes at the end of the contract period.

In relation to the remainder of the questions, I suggest you refer these directly to the service provider, RecLink.

School libraries (Question No 984)

Mr Pratt asked the Minister for Education, Youth and Family Services, upon notice on 25 September 2003:

In relation to school libraries and the recently released report from the Australian Council for Education Research (ACER) titled 'Impact of school libraries on student achievement' which found that the library is an important but sometimes overlooked part of a school:

(1) Is the Minister aware of this report;

(2) Evidence in the ACER research shows:

(a) a strong computer network connecting the school library's resources to the classroom laboratories has an impact on student achievement;

(b) a print-rich environment leads to more reading and free voluntary reading is the best predictor of comprehension, vocabulary growth, spelling and grammatical ability and writing style;

(c) integrating information literacy into the curriculum can improve students' mastery of both content and information seeking skills;

What programs are currently in place within the school curriculum that encourages use of the school library;

(3) Is there any scope to increase the use of the library within the school curriculum. If so, will you commit to looking into this matter, if not, why not.

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

(1) Yes, I am aware of the report.

(2) The programs within the school curriculum that encourage use of the school library include:

- The specific teaching of Library research skills are integrated into class programs;

- Librarians also team teach with class teachers on specific units of work;
- Enquiry based learning, such as the High School Year 9 Exhibitions project focus on student research using libraries and other information sources;
- In primary schools teacher librarians generally teach weekly library lessons with each class;
- Information literacy skills are taught throughout primary school and at the beginning of Year 7 in high schools;
- Teacher librarians work with class teachers to assist students to select texts for Guided and Cooperative Reading programs;
- Libraries are building up resources of multi language text, to encourage ESL students to borrow books, as well as other resources recognising the need for multiliteracies;
- Many schools have book clubs, reading rooms and host author visits.

In addition schools encourage community use of school libraries through:

- Book Fairs;
- Using the library to hold parent information sessions, eg helping your child with reading, helping with projects;
- National Literacy and Numeracy Week Celebrations focussed around the library such as Bedtime Stories at Flynn Primary School;
- Flexible opening hours to allow parents to bring their children in before or after school.

(3) The Centre for Teaching and Learning Technologies has developed and piloted a highly successful information literacy professional development program in 2003. In that program teacher librarians and classroom teachers work collaboratively to design and complete a unit of work to integrate information literacy, and school library use, into the curriculum. The program will be offered to all schools in 2004.

The School Library Services provided by the Centre for Teaching and Learning Technologies support teacher librarians by:

- maintaining an email information service and holding online forums to facilitate communication between teacher librarians
- conducting professional development for teacher librarians.

The department's library supports school library use and supplements school library resources through the acquisition and loan of a broad array of curriculum resources. The department library's web presence is being expanded to further enrich the information resources available to teachers and students in our schools.

Most schools have a computer network connected to school library resources. Increasingly, students are accessing resources online. The department is developing a student digital resource centre that will be available to students later this year.

Child abuse and neglect (Question No 985)

Mr Pratt asked the Minister for Education, Youth and Family Services, upon notice, on 25 September 2003:

In relation to strengthening statutory response to children and young people at risk of abuse and neglect:

(1) $500,000 was allocated in the 2003-04 Budget for the above program, how much of that allocation has been expended to date, what is the breakdown of expenditure and what has been delivered for that expenditure;

(2) How will this actual program work and how will it physically better protect children and young people at risk of abuse and neglect.

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

(1) Expenditure to Date (21 October 2003) is: $92,618

BUDGET ALLOCATION	**TOTAL EXPENDITURE YTD**	
0.6 x PO 2 CYHPS Training Position	$ 35,868	-
1 x SPOC Senior Practitioner (NRO)	$ 71,046	$ 16,662
1 x SPOC Senior Practitioner (SRO)	$ 71,046	$ 22,110
1 x SOGB Centralised Intake Manager	$ 87,643	$ 27,273
1 x PO2 Centralised Intake Worker	$ 59,780	-
1 x PO2 Centralised Intake Worker	$ 59,780	-
1 x ASO 3 Centralised Intake Admin Worker	$ 41,833	$ 9,810
	$ 426,995	**$ 75,855**
Centralised Intake Administration Costs	**$ 12,005**	**$ 5,927**
Salary on costs (e.g. Superannuation)	**$61,000**	**$10,836**
TOTAL OF BUDGET PROPOSAL	**$ 500,000**	**$92,618**

Staff have been recruited to four positions.

A manager has been appointed to lead the new Centralised Intake Service (CIS). Interviews are currently underway to recruit staff to the unit. The new unit will provide a single contact point for the public in relation to child protection matters in the ACT. The unit is also expected to improve the consistency of intake management practices.

Senior Practitioners have been appointed to each Regional office to provide high level expertise and specialist advice to support the management of complex child protection cases.

A part-time training position has been created to strengthen the delivery of core training and to improve the collection and reporting of child protection data.

Expenditure is expected to increase significantly over the coming months with the cost of salaries for seven staff positions.

(2) This question is answered in three parts:

(a) Benefits of Centralised Intake System:

The new Centralised Intake Service will improve the consistency of intake management practices and improve the quality of decision making by separating responsibility for professional decisions regarding risk assessment from decisions regarding case management and access to resources. Decisions regarding case management and resources will be made by staff in regional offices.

(b) Benefits of Senior Practitioners:

The Senior Practitioner positions in each Regional office will provide specialist support to staff in managing complex appraisals, case management and court work.

(c) Benefits of expenditure allocated to Children and Young People System (CHYPS) Training Position:

The dedicated 0.6 position will support the delivery of Family Services' core training and improve information storage and retrieval practices, increasing the time staff have available for contact with clients and other key agencies.

Public service—stress leave (Question No 986)

Mr Pratt asked the Minister for Industrial Relations, upon notice, on 25 September 2003:

In relation to all ACT public servants:

(1) How many ACT public servants are currently on stress leave;

(2) How many claims have there been by ACT public servants for stress leave in 2001, 2002 and 2003 (to date).

Mr Stanhope: The answer to the member's question (which has been referred to me as it falls within my portfolio responsibilities) is as follows:

(1) There are currently 111 open workers compensation claims made by public servants that have been accepted by Comcare relating to psychological injuries (commonly referred to as stress injuries). However, this does not mean that there are currently 111 public servants on 'stress leave'. The public sector workers compensation database indicates that 34 of these open claims had an increase in incapacity payments during August 2003, which would be a proxy measure for the number of people who took compensated stress leave during that month.

(2) 2001: 37 workers compensation claims were accepted by Comcare relating to psychological injuries that occurred during the 2001 calendar year. 10 of these claims are still open.

2002: 55 workers compensation claims were accepted by Comcare relating to psychological injuries that occurred during the 2002 calendar year. 26 of these claims are still open.

2003: To date, 30 workers compensation claims have been accepted by Comcare relating to psychological injuries that occurred during the 2003 calendar year. 22 of these claims are still open.

Canberra Airport—maintenance hangar collapse (Question No 987)

Mr Pratt asked the Minister for Industrial Relations, upon notice, on 25 September 2003:

In relation to the collapse of the maintenance hangar at the Canberra Airport:

(1) Has ACT WorkCover completed its investigation of the incident as yet;

(2) If so, will it publish a report and will this report be tabled in the Assembly. If not, when will the report be completed and will a copy be available for interested parties;

(3) Is WorkCover liaising with the project manager, Strarch International, about obtaining a copy of the report that it is preparing;

(4) If so, what has been the outcome of the negotiations. If not, why not.

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

(1) This is a complex investigation. The Occupational Health and Safety Commissioner advises that some elements of the investigation have been completed, while others are continuing.

(2) WorkCover will not publish a report. WorkCover is required to investigate whether there have been breaches of the Occupational Health and Safety Act 1989 (OHS Act), collect evidence of any breaches and provide this to the Director of Public Prosecutions. Information collected by WorkCover during its investigation will be made available to the public during legal proceedings if individuals are charged with breaches of the OHS Act. It would be improper, and would jeopardize potential prosecutions, to provide information about WorkCover's investigations to the Legislative Assembly, just as it would be improper for the police to provide details of their investigations to the public before charges are laid.

In relation to the rebuilding process, where there are safety matters arising from the investigation that are relevant to the rebuilding, the Occupational Health and Safety Commissioner advises that these are being addressed directly with the relevant parties.

(3) A number of the parties have provided information to WorkCover as part of the investigation process. It would be inappropriate to comment on the actions or involvement of any particular party involved in the investigation.

(4) To properly discharge its regulatory functions, WorkCover cannot rely on findings of fact or law made by parties that are possibly involved in a safety incident. The collection of evidence is not a matter of 'negotiation' but is a requirement under the OHS Act. All matters requiring investigation by WorkCover are investigated by authorised WorkCover inspectors.

Supreme Court—quarterly report (Question No 988)

Mr Stefaniak asked the Attorney-General, upon notice, on 25 September 2003:

In relation to the June 2003 quarterly report regarding the Supreme Court of the Australian Capital Territory:

(1) Sixteen matters during the quarter are listed 'decline to proceed'. Please give details of why each of these sixteen matters did not proceed;

(2) Further, in relation to the quarterly report regarding the Supreme Court, two matters are listed 'permanent stay'. Please detail why a 'permanent stay' occurred in these particular matters;

(3) In relation to the matters proceeding to Hearing that were dismissed, please indicate how many of those matters were heard by Judge alone and how many by Jury. In relation to the matters dealt with by a Jury please indicate whether any of those matters were dismissed as a result of the Judge either directing the Jury to dismiss the matter, or the Judge taking the matter away from the Jury;

(4) Please give details of the offences that resulted in a custodial sentence being imposed and please list the sentence in each matter;

(5) Please also give details of each matter and the non-custodial penalty imposed in relation to all other matters that were finalized by way of a finding of guilt before the Supreme Court in the quarter;

(6) Please give details of the matters where home detention was imposed and also details of the sentence handed down in each of those matters.

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

In relation to the June 2003 quarterly report regarding the Supreme Court of the Australian Capital Territory:

(1) A Notice to Decline Further in a Prosecution is filed by the Director of Public Prosecutions. The reason for filing such a notice is not disclosed to the Court.

(2) These two matters were incorrectly coded. They should have been coded as "RM" – that is, remitted to Magistrates Court.

(3) There were no aborted trials and no trials in which the Judge directed a verdict of acquittal. Four matters finalised in the June 2003 quarter were trials by Judge alone and

four were trials by Jury. In respect of the trials by Judge alone, three accused were found guilty and one was found not guilty. In respect of the trials by Jury, three accused were found guilty and one was found guilty on two charges and not guilty on ten charges.

(4) *Custodial sentences were given for the following offences:

SCC109/01
Charges: Attempt robbery; robbery
Sentence: Attempt robbery – 6 months; robbery – 12 months, released after 7 months.

SCC42/02
Charge: Sexual intercourse without consent
Sentence: 6 years imprisonment, non-parole period 3 years.
[note: This defendant was committed on numerous charges – assault charges were placed before sexual offences on his committal sheet therefore his matter was coded under acts intended to cause injury]

SCC94/02
Charge: Possess trafficable quantity of cannabis for supply
Sentence: 3 months imprisonment.

SCC99/02
Charges: Theft x 13; false accounting; ACT Theft x 4
Sentence: 4 years imprisonment, non-parole period 18 months.

SCC136/02
Charges: Burglary x 3; possession of stolen goods; theft x 4
Sentence: 4 years imprisonment, non-parole period 12 months.

SCC34/03
Charges: Burglary x 9; theft x 4; minor theft x 4; attempt theft x 1; theft x 6; possession of housebreaking implements x 1; assault x 1
Sentence: 4 years imprisonment, non-parole period 2 years.

SCC41/03
Charges: Burglary with intent to steal x 2; theft; possess stolen property
Sentence: 5 years imprisonment, non-parole period 2 years.

SCC44/03
Charge: Armed robbery
Sentence: 3 years imprisonment, non-parole period 12 months.

(5) *Non custodial sentences were given for the following offences:

SCC50/00
Charge: 1. Possess cannabis; 2. possess stolen property
Sentence: 1. Conviction recorded, recognizance entered;
2. 208 hours of community service.

SCC206/01
Charge: Making and using false instrument
Sentence: 2 years imprisonment, suspended upon entering recognizance of $5000 to be of good behaviour for 2 years.

SCC63/02
Charge: Contravention of order
Sentence: Convicted, no further order having regard to the time that he has spent in custody.

SCC66/02
Charge: Possess stolen property x 2
Sentence: 6 months imprisonment to be served concurrently, suspended forthwith.

SCC73/02
Charge: Common assault
Sentence: 2 years imprisonment suspended on entering recognizance for 4 years.

SCC98/02
Charge: Possess stolen property
Sentence: 2 years imprisonment suspended on entering recognizance for 4 years.

SCC104/02
Charge: Act of indecency without consent
Sentence: Conviction recorded, released upon entering recognizance in sum of $1000 to be of good behaviour for 2 years.

SCC157/02
Charge: Intentionally inflict grievous bodily harm
Sentence: 12 months imprisonment suspended forthwith upon entering into a recognizance.

SCC19/03
Charge: Theft x 6
Sentence: 3 years imprisonment for each count, sentence wholly suspended, enter recognizance for 3 years.

SCC27/03
Charge: Assault occasioning actual bodily harm
Sentence: 2 years imprisonment suspended forthwith, enter recognizance $1000 to be of good behaviour for 2 years.

(6) There were no matters in which home detention was imposed as a sentence.

* Sentencing remarks are now available on the Supreme Court website at www.supremecourt.act.gov.au.

Attorney-General's portfolio—communications manager (Question No 991)

Mr Smyth asked the Attorney-General, upon notice, on 25 September 2003:

Your reply to Question on Notice No 796, paragraph (1) stated 'The position of Communications Manager was created as a new position on 16 May 2003. Previously this role was undertaken using the services of external (contracted) communications consultants on an as required basis. The creation of a permanent position on the Department's establishment is regarded as a more cost effective means of providing these services to

Government and community, the need for which was heightened by the January bushfire crisis and its aftermath':

(1) Given that your reply to Question on Notice No 856 stated that the Department spent no money on contracted communications services in 2001-02 and only $4,300 in 2002-03, how is it 'more cost effective' to have a permanent position at a cost of approximately $100,000 per annum (based on a SOG B salary plus entitlements) rather than the previous ad hoc arrangement;

(2) The answer to Question No 856, at paragraph (7), states that 'all Public Affairs Officers within the ACT Public Service were fully engaged with their own duties'. What is the basis for making this statement and how is it verified;

(3) Further to paragraph (2), is it not normally the case that all ACT public servants are 'fully engaged with their own duties' and yet temporary jobs are advertised and applied for every week. Why in the case of this position was a decision made not to advertise it despite there being a significant cohort within the ACT Public Service who could perform this job and who would, like most public servants, be able to apply for it despite being 'fully engaged with their own duties';

(4) Who made the decision to create the position;

(5) Who made the decision to appoint the acting manager;

(6) Who made the decision not to advertise the position;

(7) What involvement did the Minister for Police and Emergency Services have in the creation of the position, in the decision to appoint the acting manager and in the decision not to advertise the position;

(8) What involvement did any of the staff from the Minister for Police and Emergency Services' office have in the creation of the position, in the decision to appoint the acting manager and in the decision not to advertise the position;

(9) If, as the answer to Question No 856 implies, the acting manager did not apply for the job of Communications Manager, how was it possible for it to be determined, as stated in the answer to Question No 796, that 'the acting occupant of this position has significant expertise and experience in media liaison and communications, particularly within the ACT';

(10) Further to paragraph (9), if, as the answer to Question No 796 states, there was no merit selection process for the position, how was it possible to determine that 'the acting occupant of this position has significant expertise and experience in media liaison and communications, particularly within the ACT'.

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

(1) With the January 2003 bushfires and other issues impacting on the Department of Justice and Community Safety, it was clear when the decision was made to engage a Communications Manager, that a continuation of ad hoc/consultancy type arrangements would have proved very expensive.

(2) Normal experience would suggest that officers engaged in full time positions in other departments are not generally available to provide services to another department on a full time basis.

(3) The decision to engage the Communications Manager on a temporary basis was made having regard to the urgent need for communications/media liaison services, and the availability of the temporary appointee. The position was subsequently advertised and is in the process of being filled.

(4) The Department's Executive Director, Corporate.

(5) See response to Question 4.

(6) See response to Question 4.

(7) Nil.

(8) Nil.

(9) On the basis of the person's background and experience.

(10) See response to Question 9.

Canberra Hospital—syringe distribution (Question No 992)

Mr Smyth asked the Minister for Health, upon notice:

In relation to syringe distribution at Canberra Hospitals:

(1) How many needles were used at Canberra Hospitals in Canberra in (a) 2000-01, (b) 2001-02 and (c) 2002-03;

(2) How many of these needles were (a) 1ml, (b) 5ml and (c) other;

(3) What was the cost of syringes in the Canberra Hospital system in (a) 2000-01, (b) 2001-02 and (c) 2002-03.

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

In relation to syringe distribution at Canberra Hospitals:

In the ACT there is currently no provision of needle and syringe program services at either the Canberra Hospital or Calvary Public Hospital.

After-hours needle and syringe program services did operate for a short period in late 2001 and early 2002 at Calvary Hospital, through the Accident and Emergency Department. This service was discontinued on 18 January 2002 due to a number of incidents between clients and staff. While information is not available as to how many needles and syringes were distributed through Calvary over this period, a subsequent review of after-hours usage by this

client group revealed that an average of only five clients per night used the Calvary service between the hours of 9pm and 9am.

After this closure DIRECTIONS ACT did provided an interim service out of Calvary to ensure that clients could be provided with information and redirected to alternative needle and syringe program outlets.

(1) There are no needle and syringe program services provided from hospitals in Canberra;

(2) see (1);

(3) see (1).

Skate parks
(Question No 994)

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

In relation to skate parks in Canberra:

(1) How much did each of the skate parks in Canberra cost to construct;

(2) What are the ongoing associated costs with those skate parks?

Mr Wood: The answer to the member's question is as follows (GST inclusive):

(1) The construction costs for each of the skate parks are:

Skate Park	Construction costs
Belconnen Skate Park	$448,000
Tuggeranong Town Park Skate Park	$486,000
Weston Skate Park	$430,000
Yerrabi District Park Skate Park	$115,000*
Civic Skate Park	$254,700

*The cost of Yerrabi District Park Skate Park is less than the other skate parks, as it was constructed as part of Yerrabi District Park development and many of the landscape and facility costs were shared.

The construction costs for the other skate parks includes the construction costs for all associated improvements done at the same time, the entire, such as toilet facilities, playgrounds etc. A break down of construction costs can be located at the following web address:

http://hale/BASIS/BWWW.NSF

(2) The ongoing maintenance costs associated with each of the skate parks are:

Skate Park	Maintenance costs per annum
Belconnen Skate Park	$14,850
Tuggeranong Town Park Skate Park	$18,150
Weston Skate Park	$12,284
Yerrabi District Park Skate Park	$12,000
Civic Skate Park	$ 7,000*

*Civic Skate Park site has been sold as part of a for redevelopment, of the area and it and is to be relocated as part of the development application.

Consultants
(Question No 996)

Mr Smyth asked the Attorney General, upon notice, on 25 September 2003:

In relation to consultants use 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.

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

Consultancy Services – Attorney General – 2002-03 financial year

Name of Consultant	Address of the Consultant	Cost (GST exclusive)	Description of Consultancy	Was a report prepared by the consultants and if so, where may copies be obtained	Area of Agency Managing Consultancy
Scott Murray and Associates	79 Zig Zag Crows Nest NSW 2065	$ 5,500.00	Gungahlin Lakes Country Club - 10th hole safety report	Yes. ACTPLA (Contact Bruce Frazer)	COMLAP
GHD Pty Ltd	59 Cameron Ave Deakin, ACT 2600	$29,500.00	Paving survey	Yes. ACTPLA (Contact Trina Stiff)	COMLAP
Terry Brosnan and Asgard Capital Management	PO Box 2166Cloverlly NSW 2031	$ 1,896.92	Industrial relations advice and legal drafting services	n/a	Human Resources
Select Australia	Level 1 88-96 Bunda St Canberra ACT 2601	$10,418.26	Temporary employment services	n/a	Human Resources

Yellow Edge Consulting Pty Ltd	PO Box 4190Kingston ACT 2604	$35,940.00	Executive recruitment, career transition and coaching services	n/a	Human Resources
Ceridwen Management	PO Box 48Dickson ACT 2602	$ 9,655.00	Data analysis	Yes. Manager, Human Resource Management	Human Resources
Acumen Alliance	GPO Box 1880Canberra ACT 2601	$15,967.80	Monitoring compliance with the disclosure scheme - audit services	n/a	Electoral Commission
Software Improvements	Unit 20 National Circuit Barton ACT 2600	$34,391.54	Electronic voting and vote counting system - changes to reports, scenario analysis	n/a	Electoral Commission
Insight Business Solutions	73 Doyle Terrace Chapman ACT 2611	$104,250.00	Transition plan projects	Yes. Copy can be obtained from Business Services Unit, Policy and Regulatory Division	Policy and Regulatory Division
Issues Deliberation Australia	PO Box 19Glenelg SA 5045	$ 54,000.00	Deliberative poll on a Bill of Rights for the ACT	Copy can be obtained from Business Services Unit, Policy and Regulatory Division	Policy and Regulatory Division
People Foundations Consulting Group	PO Box 2598 Canberra City ACT 2601	$15,000.00	Consultancy services provided by George Gamkrelidze and Maureen Grear associated with JACS Policy and Regulatory Division strategy and performance management projects	n/a	Policy and Regulatory Division

O'Brien Rich Research	GPO Box 2473 Canberra ACT 2601	$ 9,090.64	Focus group for gay and lesbian bisexual transgender and intersex people in the ACT	Not applicable, consultancy services relate to conducting focus group	Policy and Regulatory Division
Elkera Pty Ltd	PO Box 5280 Chatswood West NSW 1515	$106,149.00	Public access to legislation project	n/a	Parliamentary Counsel's Office
Yellow Edge	Level 2 16 National Cct Barton ACT 2600	$ 5,875.00	Planning day for Parliamentary Counsel's Office	n/a	Parliamentary Counsel's Office
Terry Brosnan	PO Box 2166 Cloverlly NSW 2031	$ 10,681.53	EBA consulting	n/a	Corporate Services
IBM Business Consulting	PO Box 401 Pennant Hills NSW 1715	$ 40,188.60	Assessments for executive leadership development program	n/a	Corporate Services
P.A.L.M. Management	GPO Box 2913 Canberra ACT 2601	$ 7,000.00	Strategic planning	Yes. Manager, Human Resource Management	Corporate Services

Consultancy Services - Attorney-General - July to September 2003 (2003-04 financial year)

Name of Consultant	Address of the Consultant	Cost (GST exclusive)	Description of Consultancy	Was a report prepared by the consultants and if so, where may copies be obtained	Area of Agency Managing Consultancy
Project Services	GPO Box 2906 Brisbane Qld 4000	$80,067.05	Provision of services for a prison facility in ACT: Several claims for professional fees (Project Invoice Nos 7, 8 and 9).	Reports have been prepared at various stages: Refer to Manager, Prison Projects, Level 9 Eclipse House Canberra City, regarding access to reports.	Corrective Services

HSF Executive Search	17 Murray Cres Manuka ACT 2603	$ 22,700.00	Recruitment services – Emergency Services Bureau Commissioner	n/a	Corporate
IBM Business Consulting Services Pty Ltd	PO Box 401Pennant Hills NSW 1715	$ 5,000.00	Executive Leadership Development Program	n/a	Corporate
People and Strategy	GPO Box 2412Canberra ACT 2601	$ 7,160.00	Corporate renewal process consulting	n/a	Corporate
Australian Institute of Criminology	GPO Box 2944Canberra ACT 2601	$ 9,090.91	Pilot study on sexual assault and related offences data in the ACT	Yes. Copy can be obtained from Business Services Unit, Policy and Regulatory Division	Policy and Regulatory Division
Ceidwen Management Consulting	PO Box 48Dickson ACT 2602	$ 4,520.00	Research and policy consultancy (ie staff survey)	Yes. Report can be obtained from the Courts' Administrator	ACT Law Courts
Elkera Pty Ltd	PO Box 5280Chatswood West NSW 1515	$ 47,586.00	Public access to legislation project	n/a	Parliamentary Counsel's Office

Consultants
(Question No 999)

Mr Smyth asked the Treasurer, upon notice:

In relation to consultants use 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.

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

(1) See Attachment A

(2) See Attachment B

(3) Refer to Attachments A and B

ATTACHMENT A

Consultants: financial year 2002-03 - cost greater than $5,000 (GST inclusive)

(Information from Annual Report)

Name	Address	Description	Cost$	Was a Report prepared by the Consultants and, if so, where may copies be obtained
Economic Management				
EconSearch Pty Ltd	PO Box 746 Unley SA 5061	Construction of Input/Output tables for 2000/2001	$29,700	Yes – 2 copies held by Economic Analysis
Ray L Davis & Company Pty Ltd	12 Moore Street, Canberra ACT 2610	AIHS Working Party - Provision of Commercial Property Advice	$13,234	Yes – N/A as not a public report
Walter Turnbull	19-23 Moore Street, Turner, ACT 2601	Totalcare Industries Ltd – Review of Management Structure	$14,974	Yes – N/A as not a public report
Walter Turnbull	19-23 Moore Street, Turner, ACT 2601	Development of Financial Database on ACT Government Business Enterprises	$19,808	No
Walter Turnbull	19-23 Moore Street, Turner, ACT 2601	Financial advice to AIHS Working Party	$18,733	Yes – N/A as not a public report
Financial Management				
Bellewarra Investments	5 Torres Street Red Hill ACT 2603	ACT Commission of Audit	$30,140	The Commission of Audit Report (No 2) on State of the Territory's Finances, ACT Forests, ACTION & the AIHS, was tabled in the Legislative Assembly on 12 December 2002
Revenue Management				
DSI Consulting	3 Weatherburn Place Bruce ACT 2617	Payroll tax database evaluation	$16,500	No – services within branch
Isidore Pty Ltd	PO Box 76, Deakin West, ACT 2600	Provision of Analytical Subsystem using COGNOS software.	$20,460	No – services within branch
Think, Plan Perform Pty Ltd	PO Box 3945 Canberra ACT 2601	Specification of Business Requirements for the new STAX replacement Tender.	$66,995	No – services within branch

Wizard Information Services	Wizard Bldg 15 Barry Drive Turner ACT 2612	Provision of STAX Business Analysis Support	$17,589	No – services within branch
COGNOS	PO Box 328 Crows Nest NSW 1585	Demonstration services.	$6,160	No – services within branch
Procurement Support Services (vi)				
Fulton Technology P/L	25 Manuka Circle Manuka ACT 2603	Software support	$49,719	No
Kingsway Financial Assessments	Level 12 32 Martin Place Sydney NSW 2000	Prequalification financial advice/assessment	$26,324	No
Random Computing Services	PO Box 177 Civic Square ACT 2608	Software & administration support	$22,888	No
Central Financing Unit				
Barrington Corporate Finance	L17, Australia Square, 264 George Street, Sydney NSW 200	Review of Fleet Financing Facility	$56,100	Yes. Finance and Investment Group
Ernst & Young	51 Allara Street Canberra ACT 2600	GST Post Implementation Review	$20,471	Yes. Finance and Investment Group
Macquarie Risk Advisory Services	1 Martin Place, Sydney NSW 2000	Debt Portfolio Monitoring and Reporting	$52,800	Yes. Finance and Investment Group
Trudy Coad Consulting	29 Gloucester Street Prospect SA 5082	Transactional Banking	$14,735	No
Superannuation Unit				
Frontier Investment Consulting	Casselden Place, L 10, 2 Lonsdale Street, Melbourne VIC 3000	Investment Advisory Services	$225,225	Monthly investment performance reports are provided by the consultant. Reports are provided on specific issues as and when required. Investment advisory information is available from the Finance and Investment Group
Atchinson Consulting	Level 6 140 Queen Street Melbourne Vic 3000	Superannuation Advisory Services	$20,350	Yes. Finance and Investment Group
InTACT				
Acumen Alliance	PO Box 1880, Canberra, ACT	Management audit	$12,925	Yes. GM InTACT
Acumen Alliance	PO Box 1880, Canberra, ACT	Security audit services	$14,300	No
Amdocs	1390 Timberlake Manor, Parkway, Chesterfield, Missouri USA	Scoping study	$12,065	Yes. GM InTACT

Coolong Consulting	28-35 Ainslie Ave Canberra ACT	Voice benchmarking / Telco RFP Services	$25,711	No
CSC IT Solutions	PO Box 900 Crows Nest NSW 1585	Professional services	$6,743	No
D'arcy Consulting Group	PO Box 370 Mawson ACT 2607	Training / development services	$7,900	No
Deloitte Touche Tohmatsu	GPO Box 823 Canberra ACT 2601	Security audit services Business Continuity	$58,641$14,850	No
Deloitte Touche Tohmatsu	GPO Box 823 Canberra ACT 2601	Audit services	$8,800$11,242	Yes. GM InTACT.
Dimension Data	32 Lonsdale Street Braddon ACT 2612	ESS Project Management	$28,814	No
EMC Australia	Level 6 60 Miller Street North Sydney NSW 2059	ESS SAN attachment	$196,900	No.
Ernst & Young	51 Allara Street Canberra ACT 2600	Financial services	$48,950	No.
Gartner	PO Box 4186 Manuka ACT 2603	Benchmarking study	$23,000	Yes. GM InTACT
Gibson Quai	Level 11, 80 Mount Street, North Sydney NSW 2060	Tender preparation	$18,730	No.
Huntingfield Consulting	21 Fuhrman Street Evatt ACT 2617	Telco RFP evaluation services	$41,800	Yes. GM InTACT
Intersect Alliance	PO Box 1210 Belconnen ACT 2617	IT audit services	$7,680	Yes. GM InTACT
KPMG	PO Box 799 Canberra ACT 2601	Financial analysis services	$15,400	No.
Landell Corporation	59 Champion Road Williamstown Vic 3016	Tender evaluation services	$23,678	No.
Lawson Consulting	GPO BOX 737 Civic Square ACT 2608	Telco & Asset leasing tender services	$51,846	No.
Lawson Consulting	GPO BOX 737 Civic Square ACT 2608	Asset leasing tender services	$2,200	No.
Meta Group	171 Clarence Street Sydney NSW 2000	IT business consultancy	$24,750	No.
Meta Group	171 Clarence Street Sydney NSW 2000	IT business consultancy	$6,600	No.
Meta Group	171 Clarence Street Sydney NSW 2000	IT business consultancy	$25,864	No.
Meta Group	171 Clarence Street Sydney NSW 2000	IT business consultancy	$6,600	No.

Northrop Consulting Engineers	15 Altree Crt Phillip ACT 2606	Power hardening report	$33,330	Yes. GM InTACT
Northrop Consulting Engineers Pty Ltd	15 Altree Crt Phillip ACT 2606	Business continuity implementation services	$54,439	Yes. GM InTACT
Power Initiatives	169 Newcastle Street Fyshwick ACT 2609	Management consultancy	$6,806	No.
PriceWaterhouse Coopers	GPO Box 2605 Sydney NSW 1171	Computer forensics security consultancy	$12,000	No.
PriceWaterhouse Coopers	GPO Box 2605 Sydney NSW 1171	Threat & risk assessment	$26,000	Yes. GM InTACT
PriceWaterhouse Coopers	GPO Box 2605 Sydney NSW 1171	Financial analysis services	$9,120	No.
Proactive Services Pty Ltd	Unit 4/60 Albert Road south Melbourne Vic 3205	IT service management consultancy	$9,900	No.
Proactive Services Pty Ltd	Unit 4/60 Albert Road south Melbourne Vic 3205	IT service management consultancy	$7,150	No.
Spherion Recruitment Solutions Pty Ltd	Level 1, 243 Northbourne Ave, Lyneham ACT 2602	Executive Search – General Manager, InTACT	$20,253	No.
Wayne Smith & Associates	PO Box 40 Newtown Sydney 2042	Probity audit services – IT tender	$5,500	Yes. GM InTACT
Wayne Smith & Associates	PO Box 40 Newtown Sydney 2042	Probity audit services – Asset lease	$9,900	Yes. GM InTACT
Wayne Smith & Associates	PO Box 40 Newtown Sydney 2042	Probity audit services – Copier MFD	$7,251	Yes. GM InTACT
Chief Executive				
Cordiner King & Co Pty Ltd (v)	Level 44 Rialto 525 Collins Street Melbourne 3000	Executive Search – Chief Executive, Department of Treasury	$96,161	No
P.A.L.M. Management Pty Ltd	GPO Box 2913 Canberra ACT 2601	Prepare and facilitate a workshop to develop a Strategic Plan	$6,050	Yes. Strategic Plan
Bellawarra Investments	Bellawarra Investments, 5 Torres St, Red Hill ACT 2603	Committee Chair	$2,772	

ATTACHMENT B

Consultants: financial year 2003-04 up to 25 September 2003 - cost greater than $5,000 (GST inclusive)

Name	Address	Description	Cost$	Was a Report prepared by the Consultants and, if so, where may copies be obtained
Economic Management				
Phillips Fox	54 Marcus Clarke Street Canberra ACT 2601	Probity advice on the request for proposals for the sale of the business or management of the activities conducted by the AIHS including the hospitality activities undertaken at the Hotel Kurrajong	$10,000 (anticipated amount only)	No – to provide probity advice as necessary
Insurance Policy				
Fulton Technologies	PO Box 3207 Manuka ACT 2603	Creation and maintenance of the Risk Advisory Service website with Risk Profiler (InsurancePolicy component of ongoing WoG software support contract 1/7/02-30/6/03	$21,650	No. Service delivered.
Fulton Technologies	PO Box 3207 Manuka ACT 2603	Enhancement of the Risk Advisory Service website, Risk Management Planner	$16,720	No. Service delivered.
Evalua	PO Box 353 Fyshwick ACT 2609	Training support – creation and delivery of 20 one day Risk Mngt Course for Community Groups	$38,632	No. Training support delivered
ACT Insurance Authority				
PriceWaterhouseCoopers	201 Sussex Street, Sydney, NSW	Firestorm claims preparation	$501,266	Yes. From ACTIA
Clayton Utz	GPO Box 555, Brisbane QLD 4001	Legal advice	$88,462	Yes. From ACTIA
PriceWaterhouseCoopers	201 Sussex Street, Sydney, NSW	Actuaries	$46,000	Yes. From ACTIA
Marsh	Level 20, 60 Margaret Street Sydney	Insurance Brokers	$241,432	Yes. From ACTIA
Revenue Management				
Walter and Turnbull	Walter Turnbull Bldg, 44 Sydney Avenue, Barton Act 2600	Performance of the STAX redevelopment audit	$14,758	Yes – ACT Revenue Office
Wizard Information Pty Ltd	Wizard Bldg, 15 Barry Drive, Turner, ACT 2612	Contract Services provided for system project	$22,737	No

Procurement Support Services				
Fulton Technology Pty Ltd	25 Manuka Circle Manuka ACT 2603	Software Support	$26,885	No
Random Computing	PO Box 177 Civic Square ACT 2608	Software and administration support	$18,038	No
Kingsway Financial Assessments	Level 12 32 Martin Place Sydney NSW 2000	Prequalification financial advice/assessment	$7,221	No
MOZ Consulting	GPO Box 1276 Canberra ACT 2600	Facilitate Planning Day Workshop	$3,705	No
Central Financing Unit				
Macquarie Risk Advisory Services	1 Martin Place Sydney NSW 2000	Debt Portfolio Monitoring and Reporting	$26,400	Yes. MRAs provide mthly debt portfolio reports. Also reports on specific issues as required. Debt and risk mngt advisory info is available from Finance and Investment Group
Superannuation Unit				
Frontier Investment Consulting	Casselder Place, Level 10 2 Lonsdale Street, Melbourne Vic 3000	Investment Advisor Service	$58,183	No
InTACT				
Huntingfield Consulting Pty Ltd	21 Fuhrman Street Evatt ACT 2617	Telecommunications RFT	$39,320	No
Kingsway Financial Assesment Pty Ltd	Level 12, 32 Martin Place, Sydney, NSW 2000	Provision of Tender Assessment Reports	$8,864	Yes. GM InTACT
KPMG	KPM House, 80 Northbourne Ave Canberra ACT 2612	Analysis services for telecommunications RFT	$26,129	No
Landell Corporation Pty Ltd	59 Champion Road, Williamson Vic 3016	Engagement of Microsoft Large Account Reseller	$25,510	No
Lawson Consulting Group	GPO Box 737 Civic Square Canberra ACT 2608	Services and advice re Tendermax Pro and Dmax Light tender evaluation software	$8,473	No
Northrop Consulting Engineers	15 Altree Court Phillip ACT 2606	Local Emergency Generator	$6,930	No
Phillips Fox	54 Marcus Clarke Street Canberra ACT 2601	Microsoft RFT	$7953	No

Wayne Smith & Associates	PO Box 40 Newtown NSW 2042	Provision and Supply of professional probity audit services re RFT	$11,670	No

Consultants
(Question No 1000)

Mr Smyth asked the Minister for Economic Development, Business and Tourism, upon notice, on 25 September:

In relation to consultants use 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.

Mr Quinlan: The answer to the member's question, in relation to the Office of Business and Tourism, is as follows:

Name of Consultant	**Address of the Consultant**	**Cost of the Consultancy (GST inclusive)**	**Service provided by the Consultants**	**Was a report prepared by the consultants and, if so, where may copies be obtained**
Australian Capital Tourism Corporation				
Best Practice Project Management	PO Box 131Canberra Technology ParkWatson ACT 2602	$8,525	Event Planning Management Workshop	No
Cut Through	PO Box 703Jamison CentreACT 2614	*$17,634 .	Presentation advice and audiovisual presentation to industry for ACTC launch	No
Keystone	1st Floor Benledi House186 Glebe PointGlebe NSW 2037	$36,546	Reviewed Business Plan and produced Our Strategic Direction 2003-07 and Business & Marketing Program 2003-04	Yes - Copies of listed documents available from ACTC and on ACTC website
Morris Walker	PO Box 3444Manuka ACT 2603	$46,186	Media Publicity Services for Floriade 2002 and Rally 2003	Yes – Copies of Media Reports available from ACTC

Professional Public Relations	GPO Box 3173Canberra ACT 2601	$8,905	Public Relations and Media Liaison	No
BusinessACT				
Access Economics Pty Ltd	39 Brisbane Avenue, Barton ACT 2604	$20,614	Convention Centre Feasibility Study (Capital Works)	Yes – not currently available - *'Commercial in Confidence'*
ACIL Consulting - Please refer to answer to Question on Notice 417				
ACIL Consulting - Please refer to answer to Question on Notice 417				
ACTCOSS - Please refer to answer to Question on Notice 417				
Acumen Alliance	Level 3, 15 Moore St Canberra City 2601	$46,332	Evaluation of Knowledge Fund and the Business Advisory Service	Yes - copies available from Business ACT
Advance Consulting & Evaluation - Please refer to answer to Question on Notice 417				
Advance Consulting & Evaluation - Please refer to answer to Question on Notice 417				
Allen Consulting Group - Please refer to answer to Question on Notice 417				
Allen Consulting Group - Please refer to answer to Question on Notice 417				
Allen Consulting Group - Please refer to answer to Question on Notice 417				

Australian Business Limited	John McEwan House Barton ACT 2600	$26,620	Deliver two business seminars to ACT businesses and provide individual business consultations	No
Environmental Research and Information Consortium/ Mitchell Resource Intelligence - Please refer to answer to Question on Notice 417				
Keable Ferguson - Please refer to answer to Question on Notice 417				
KLa Australia - Please refer to answer to Question on Notice 417				
KLa Australia - Please refer to answer to Question on Notice 417	10 Kennedy St Kingston ACT 2604	$7,150	Analysis and due diligence on Sridate Pty Ltd	Yes – copies available from BusinessACT
KLa Australia	10 Kennedy St Kingston ACT 2604	$11,000	Analysis and due diligence on Sridate Pty Ltd – Addendum – Addition of CEA Technologies and Fujitsu	Yes – copies available from BusinessACT
Minter Ellison	25 National Cct, Forrest, ACT 2603	$6,600	Analysis of Best Practice for Intellectual Property Policy	Report prepared for consideration by the Knowledge Based Economy Board.
MjaMatchpoint	PO Box 138Cabarita Beach, Bogangar NSW 2488	***$34,305	ACT Tourism Review	Yes – copies available from BusinessACT and on Business Gateway website
PG Policy Consulting	Private residential address - ACT	$10,285	Consultancy for EWP	Yes – copies available from BusinessACT
Strategic Economic Solutions - Please refer to answer to Question on Notice 417				

University of Canberra - Please refer to answer to Question on Notice 417				

* **Annual Report accrual of $17,000 reported. Invoice received after publication**
** **Amount of $74,500 reported in QON 417 response should have read $74,570**
*** **Amount of $49,000 reported in QON 417 response related to maximum contract price**

In relation to consultancies for the 2003-04 year to 25 September 2003:

Name of Consultant	**Address of the Consultant**	**Cost of the Consultancy (GSTinclusive)**	**Service provided by the Consultants**	**Was a report prepared by the consultants and, if so, where may copies be obtained**
Australian Capital Tourism Corporation				
Keystone	1st Floor Benledi House186 Glebe PointGlebe NSW 2037	$10,116	Reviewed Business Plan and produced *Our Strategic Direction 2003-07 and Business & Marketing Program 2003-04*	Yes - Copies of listed documents available from ACTC and on ACTC website
BusinessACT				
Ernst & Young	51 Allara Street, Canberra ACT 2601	$40,000 (expected)	Specialist financial advice CCFP Stage 1 EOI	Ongoing
Phillip Fox Lawyers	54 Marcus Clarke Street, Canberra ACT 2601	$40,000 (expected)	Probity advice CCFP	Ongoing
PJ Dawson & Associates Pty Ltd	PO Box 27 Curtin ACT 2605	$6,600	Review of the ACT Government Trade Development Program	Yes – copies available from BusinessACT

Consultants
(Question No 1008)

Mr Smyth asked the Minister for Education, Youth and Family Services, upon notice, on 25 September 2003:

In relation to consultants used to date 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 consultant.

(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 consultant

(3) Was a report prepared by the consultants, if so, where may copies be obtained.

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

(1) (a, b, c and d), (2) (a, b, c and d) & (3):

The information concerning consultancies for 2002-2003 is detailed in the Department of Education, Youth and Family Services 2002-2003 Annual Report.

The expenditure quoted in Attachment A relates to the 2003-04 financial year as at 30 September 2003 and includes financially and physically incomplete activities.

Consultants (Question No 1010)

Mr Smyth asked the Minister for Industrial Relations, upon notice, on 25 September 2003:

In relation to consultants use 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:

(1) Details of any consultancies undertaken by the Public Sector Management Group and the Office for Industrial Relations are provided in the Chief Minister's Department's Annual Report.

Details of any consultancies undertaken by WorkCover are provided in the WorkCover Annual Report.

Details of any consultancies undertaken by WorkCover in relation to the ACT Workers Compensation Supplementation Fund are provided in the Chief Minister's Department's Annual Report.

If there was an area of specific of interest, more detailed information could be provided.

(2) and (3) In relation to consultants used to date this financial year:

ACT WorkCover

Name of Consultant	Address of the Consultant	Cost of the Consultancy (GSTinclusive)	Service provided by the Consultants	Was a report prepared by the consultants and, if so, where may copies be obtained
Intelligent Outcomes Group	PO Box 100 Yarralumla ACT 2600	$10,426	Provision of Threat Risk Assessments and security advice related to ACT WorkCover.	Yes. A Threat and Risk Assessment has been prepared. However, for security reasons, the report will not be available for public release.
National Promotions Australia Pty Ltd	86 Wentworth Avenue Kingston ACT 2604	$8,074	Marketing and education campaign management services.	No.
Norton White	L8 28 University House Canberra City ACT 2601	$33,596	Legal advice.	Written legal advice provided. This is considered confidential.

Chief Minister's Department

Name of Consultant	Address of the Consultant	Cost of the Consultancy (GST inclusive)	Service provided by the Consultants	Was a report prepared by the consultants and, if so, where may copies be obtained
Australian Government Solicitor	50 Blackall Street Barton ACT 2600	$5,973	Legal advice.	Written legal advice provided. This is considered confidential.
Bruce Dockrill & Associates	PO Box 87 Lyneham ACT 2602	$7,480	Analysis of contracts awarded by ACT Public Service by category and service category.	Yes. Industrial Relations & Public Sector Management Group, Chief Minister's Department.
Clayton Utz	GPO Box 1940 Canberra ACT 2601	$5,215	Legal advice on Totalcare issues.	Written legal advice provided. This is considered confidential.

ACT Workers Compensation Supplementation Fund

Name of Consultant	Address of the Consultant	Cost of the Consultancy (GST inclusive)	Service provided by the Consultants	Was a report prepared by the consultants and, if so, where may copies be obtained
Alan Robertson	Wentworth Chambers, 180 Phillip Street, Sydney NSW 2000	$25,392	Legal advice.	Written legal advice provided. This is considered confidential.
Grant Carolan	Wentworth Chambers, 180 Phillip Street, Sydney NSW 2000	$6,930	Legal advice.	Written legal advice provided. This is considered confidential.
Infologic Systems Consultants Pty Ltd	PO Box 1393, Tuggeranong ACT 2901	$32,799	Database consultancy and testing.	No.
KPMG	80 Northbourne Avenue, Canberra City ACT 2601	$7,505	Liquidation services.	No.
Mallesons Stephen Jaques	St George Centre, 60 Marcus Clarke Street, Canberra ACT 2600	$32,244	Legal advice.	Written legal advice provided. This is considered confidential.
Taylor Fry Consulting	30 Clarence Street, Sydney NSW 2000	$6,224	Actuarial Report on HIH predicted liability.	Yes.OHS Commissioner.
Valuesourcing	GPO Box 1681 Canberra City ACT 2601	$12,854	Independent assessment of contractor claims	Not yet completed.
Wizard Information Services	15 Barry Drive, Turner ACT 2612	$184,145	Database development.	No.

Insurance—forests (Question No 1011)

Mr Smyth asked the Treasurer, upon notice:

In relation to insurance of ACT forests:

(1) When do you anticipate that the claim made for the loss of plantations in the ACT bushfires will be settled;

(2) Will the $60 million that you are claiming for the loss of forest assets completely cover the value of those assets;

(3) If not, how much will the ACT Government lose as the result of the destruction of ACT Forests in the January bushfires.

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

(1) It is anticipated that the claim will be settled before the end of the calendar year.

(2) The amount of $60 million should cover the lost plantation assets, but there are other associated costs such as clean-up and replanting that will not be fully covered.

(3) The total quantum of costs not covered will depend on decisions yet to be made on the future use of non-urban land. The ACT Insurance Authority will meet $4 million of cost, which was its deductible under the policy . This amount is able to be met from ACTIA funds without the need for separate Budget funding.

CASA playgroup program—autism (Question No 1012)

Mrs Burke asked the Minister for Education, Youth and Family Services, upon notice, on 25 September 2003:

In relation to the Communication and Social Awareness (CASA) Playgroup Program:

(1) Is the Minister aware of any cases where children with autism have missed out on placements to the CASA playgroup in the last two years. If so, please provide details (including the number and reasons);

(2) How many children are currently registered in autism programs in the ACT;

(3) How many children are on the waiting list, under the age of three, to attend a CASA playgroup;

(4) What programs are in place for children from three years of age;

(5) What happens to a child once they reach the age of three who are attending a CASA playgroup;

(6) How are children placed on a program;

(7) Who advises the parents or carers of the progress of waiting lists.

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

(1) There are no records on file of children who have not been placed in a CASA group in the last two years.

(2) There are currently forty-six children enrolled. Fourteen in CASA playgroups and thirty-two in Autism specific intervention groups.

(3) As at 29 September 2003 there is one child, who will turn two in November, on the CASA playgroup registration list who will be placed according to age criteria.

(4) The Department of Education, Youth and Family Services (DEYFS) offers a range of programs for children from three years of age

- Early Intervention units
- 3 year old programs in the special schools Malkara and Cranleigh
- Early childhood centres - outreach programs of the special schools and
- Autism specific units.

(5) In the last term a child is attending the CASA playgroup, the school counsellor contacts parents to see if they would like to consider further early intervention educational programs if the child is eligible. In order to determine eligibility based on DEYFS criteria, a standardised assessment together with observations and consultations with parents takes place. Following the assessment process, verbal feedback is provided to parents and other involved professionals and a formal report is written for parents.

The counsellor ascertains from the assessment which programs (if any) the child is eligible to apply for, using the entry criteria. Programs options are then discussed with the parents during the feedback process and the relative suitability of each program for the child is clarified. If parents want to pursue one of the options, a visit is arranged to the appropriate program. During the visit with the counsellor, parents have the opportunity to ask questions and meet staff and children.

(6) Following the process detailed in response 5, if parents then wish to apply for a place for their child, a placement report is completed and parents sign the card to apply for a place. This placement report goes to the Senior Counsellor, Special Needs and then to the Executive Officer, Early Intervention, to be placed. If a waiting list develops, placement is determined by a panel made up of the Director, Children's Services, the Executive Officer, Early Intervention, and a counsellor.

(7) Once a child has registered for a place in the CASA playgroups, parents or carers are advised in writing by the Executive Officer, Early Intervention, when they can start.

Barbeques—installation (Question No 1013)

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

In relation to the installation of barbeques within the grounds of ACT Housing properties:

(1) Please list all locations which have been provided with a new gas barbeque for the use of public housing tenants, since January, 2002;

(2) In relation to each location, please indicate the total cost of such installation at each location, including a breakdown of all associated costs;

(3) Please indicate all locations identified for the future installation of a new gas barbeque, including the proposed timetable for installation;

(4) Other than barbeques, are there any current plans for the installation of any other recreational structures within the common property of ACT Housing complexes. If so, please indicate the nature of the proposed development, including locations and proposed timetable.

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

(1) Housing ACT has not installed any gas barbeques at its properties for use by public housing tenants.

(2) See (1) above.

(3) See (1) above.

(4) There are no plans at present but Housing ACT responds to requests for recreational facilities on a case by case basis.

Housing—community rooms (Question No 1014)

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

In relation to community rooms in ACT public housing complexes and further to your reply to Question on Notice No 889:

(1) Further to the nine (9) public housing properties identified, please indicate the precise location, including, if available, a map, of each room within each complex;

(2) In relation to all complexes, which presently do not have such facility, what arrangements, if any, are being made between ACT Housing and the residents at each such location for this situation to be rectified;

(3) If any complex is without a community room owing to ACT Housing's need to provide residential stock to eligible applicants- please identify all such locations; how long has each location been without a community room (for this reason), and when is it proposed that a community room will be provided;

(4) Please indicate, in relation to the nine (9) locations with community rooms, the involvement, if any, of government agencies involved in the Community Linkages program in the use of the community room.

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

(1) Bega Court, Block 3 Unit 8
Northbourne Flats, Turner, Ground floor Block 5
Gowrie Court Unit 32 C Block
Red Hill Flats, Flat 69 Discovery Street.
Kurralta Court, Flat 18
Elmsall Court, Flat 2
Currong Apartments, Boomerang Room Block B.
Stuart Flats, Verandah Block 6
Fraser Court, Block K

Housing ACT does not have any suitable maps showing the location of the community rooms in these complexes.

(2) Arrangements will be made if possible with tenant groups when the need is demonstrated.

(3) All other complexes are without a community room because there is no established demand for such a facility. The older complexes were constructed at a time when these facilities were not normally provided.

(4) Government agencies are not involved in the Community Linkages Program except where brought in by the community organisation for a specific purpose, which is a matter for the tenants and the community organisation concerned.

Kingston—tenancy issues (Question No 1015)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 25 September 2003.

In relation to Block H, Unit No. 79, Fraser Court, Kingston:

(1) Please provide a chronology of events concerning the tenancy at these premises, including copies of all relevant correspondences to/from the tenant of such premises, from January 2003 to date;

(2) When and how did the Minister or the Department first become aware of the situation concerning:

(a) the trashed state of this unit;
(b) its unlawful use by non-residents;

(3) Upon first becoming aware of the situation concerning the trashed state of this unit and its unlawful use by non-residents what steps were taken, by whom, to secure the premises and protect the peaceful use and enjoyment of surrounding premises by other residents;

(4) At all relevant times, what information was supplied by the appointed Housing Manager and any other responsible officer to ACT Housing and/or the Minister's office concerning events at these premises since March 2003 to date;

(5) Please indicate by date, time, and the nature of the information reported, all incident reports made to either ACT Housing or the Police by either the Housing Manager or contracted security officers concerning these premises since March 2003 to date;

(6) In relation to each report made, what action, if any, was taken, by whom, in response to each such reporting.

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

(1) It is not possible to provide a chronology of events concerning a particular tenancy given privacy considerations;

(2) (a) 11 August 2003 when a Housing ACT Officer found the front door of the flat open and noted that it was in a poor state.
(b) Housing ACT has no evidence of non-residents unlawfully using the flat.

(3) See (2) Once a warrant of eviction issued by the RTT is executed by Police and vacant possession of a property is given to Housing ACT, the locks are changed and necessary work undertaken to return a property to a tenantable condition;

(4) Privacy considerations prevent release of such information concerning a specific tenancy;

(5) See (4);

(6) See (4).

Security screen doors (Question No 1016)

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

In relation to security screen doors within ACT public housing complexes:

(1) Please provide copies of all material relevant to the policy decision concerning the proposal to remove all security screen doors from all (subject to (2) below) ACT Housing dwellings;

(2) Are any properties to be excluded from the proposed removal process, and, if so, please specify all such locations and provide the reason(s) why such properties are being excluded;

(3) What, if anything, is proposed to replace these screen doors at all properties;

(4) What is the proposed timetable for removal;

(5) What options, if any, do tenants have to make provision for their own entrance security upon the removal of their security screen door;

(6) Are any other changes proposed to be made to the entrances of premises (eg additional locks, chains; different style of doors) and, if so, please specify the nature of such proposals and the current timetable (by location).

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

(1) The decision to remove security screen doors and screen doors from certain types of Housing ACT properties, was a result of the fire safety audits being conducted as part of Housing and Community Services fire safety program. The audits are being conducted by qualified Fire Safety Engineers who are concerned that the screen doors were encouraging tenants to keep their doors open when the Building Code, in these types of properties, requires the entry doors to the units to be kept closed at all times. The decision to remove the screen doors is currently being reviewed.

(2) Removal of screen doors is a necessary fire safety measure where the front entry of units opens to an enclosed public corridor. This situation will most commonly arise where the front door to the units opens off an enclosed stairwell.

Removal is also necessary where there is a mandatory requirement for fire rated doors and frames. This generally occurs when the property is more than three stories high.

Each property has to be assessed on an individual basis. There will be quite a number of properties where the units do not open off an enclosed stairwell or corridor and are less than three stories and screen doors will be able to be retained in these circumstances.

A trial is being conducted on installing a residential sprinkler system at Reid Court. If successful this will allow screen doors to be retained at this site and any others where it is possible and cost-effective to install and operate such a system.

(3) Where screen doors are removed, "peep hole" viewers and complying security chains will be fitted to the front doors of units.

(4) The timetable for the fire safety improvements has not yet been finalised.

(5) Refer response to (3) above.

(6) Refer response to (3) above.

Legislative Assembly—committees (Question No 1023)

Mr Cornwell asked Mr Speaker, upon notice:

In relation to telephone hook-ups:

Since the inception of the Assembly Committee telephone hook-up in September 2002, so that quorums could be formed and discussions take place without all committee members being physically present:

(1) How often from 28 February 2003 to 21 October 2003 has the telephone hook-up been used and by which Committee(s);

(2) What has been the cost;

(3) Who is responsible for payment of this cost.

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

(1) Telephone hook ups have been used on three occasions during this period, namely,

- on 22 September 2003 by the Public Accounts Committee;
- on 25 September 2003 by the Education Committee; and
- on 1 October 2003 by the Health Committee.

(2) As each call was a local call there is no additional cost. The cost of all local calls is included in the Secretariat's annual line rental.

(3) Refer to (2) above.
