



DEBATES
OF THE
LEGISLATIVE ASSEMBLY
FOR THE
AUSTRALIAN CAPITAL TERRITORY
FIFTH ASSEMBLY
WEEKLY HANSARD

11 DECEMBER
2003

Thursday, 11 December 2003

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Thursday, 11 December 2003

The Assembly met at 10.30 am.

(Quorum formed.)

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

Petitions

The following petitions were lodged for presentation.

Police numbers

by **Mr Stefaniak**, from 118 residents:

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

The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that there is an urgent need to retain or transfer back, experienced community police officers to serve within the Australian Capital Territory. Also the current policing levels are under strength in relation to the National average by approximately 120 police officers.

Your petitioners therefore request the Assembly to call on the Minister for Police to implement urgent programs to increase police numbers in the ACT and retain or transfer back, officers who have community policing experience, to serve within the Australian Capital Territory.

Sentencing Laws

by **Mr Stefaniak**, from 61 residents:

To the Speaker and the members of the Legislative Assembly of the Australian Capital Territory. The petition of certain members of the Australian Capital Territory draws to the attention of the Assembly community concerns about the weak and inadequate sentences handed down by our courts for serious crimes committed in the ACT (such as robbery, supplying drugs and crimes of violence).

Your petitioners therefore request the Assembly to take all necessary steps to bring ACT laws in line with sentencing laws and practices in New South Wales and call on our courts to impose stronger sentencing on persons convicted of serious offences in the ACT.

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.

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Planning and Environment—Standing Committee Alteration to reporting date

MRS DUNNE (10.32): I seek leave to move a motion to alter the reporting date of the report of the Standing Committee on Planning and Environment into the Road Transport (Public Passenger) Services Amendment Bill 2002 and to allow the report to be presented to the Speaker when the Assembly is not sitting.

Leave granted.

MRS DUNNE: I move:

That the resolution of the Assembly of 17 June 2003, concerning the inquiry into the Road Transport (Public Passenger) Services Amendment Bill 2002 be amended by omitting “on the last sitting day in 2003” and inserting a new paragraph:

- (1A) If the Assembly is not sitting when the Standing Committee on Planning and Environment has completed its consideration of the Bill, the Committee may send its report to the Speaker, or in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, publication and circulation.

This is a simple procedural matter. Over the past number of months the Standing Committee on Planning and Environment has been working on the Road Transport (Public Passenger Services) Amendment Bill, which relates to the deregulation or not of the hire care and taxi industries. It is a considerable body of work. In addition to that, the Assembly saw fit to give to the committee the task of also looking at this legislation in the context of sustainable transport. The committee is not in a position to report at this stage, and we made the judicious decision some time ago that it would be better for us to take more time and do the job properly than rush it through. It is regrettable, but realistic reporting dates are one of those things that the Assembly should be mindful of when referring large bills to committees.

Question resolved in the affirmative.

Annual Reports (Government Agencies) Bill 2003

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

Title read by clerk.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (10.35): I move:

That this bill be agreed to in principle.

I am pleased to introduce the Annual Reports (Government Agencies) Bill 2003. This bill repeals and replaces the Annual Reports (Government Agencies) Act 1995 with a redrafted act that implements the government’s commitment to amend provisions relating to the presentation and tabling of annual reports of ACT government agencies.

Earlier this year, the government agreed to an Auditor-General report recommendation to amend some provisions in the annual reports legislation. The recommendation was to replace existing presentation and tabling requirements with a single tabling requirement. This change provides a clear date by which reports must be provided to the Legislative Assembly.

Under the 1995 act, financial year reports must be presented to ministers by 8 September and then tabled within six sitting days. While the practice is to table reports in the late September sitting week each year, provision of the reports to members and the public depends on sitting timetables rather than taking place on a set date. This bill implements the Auditor-General's suggestion that reports should be presented to the Assembly within three months of the end of the reporting period. As the 1995 act was structured around the presentation and tabling requirements, a change to these arrangements provided the opportunity to redraft the act consistent with current drafting practice.

In short, the bill replaces current presentation and tabling requirements with a single requirement that ministers table annual reports in the Assembly within three months of the end of the reporting period; permits the Chief Minister to declare a date before the tabling date by which reports must be presented to ministers; provides for provision of reports when the Assembly does not sit during the last week of the three-month period following the reporting period; resolves an ambiguity about whether the annual reporting legislation applies to annual reports of the Auditor-General; embeds human rights reporting identified in the Human Rights Bill which will operate on the commencement of human rights legislation; and redrafts other provisions in the existing act in a way that retains the impact of the act but in a more accessible style.

Some other minor changes are made. For example, the 1995 act provides for ministerial directions that set the form and content of annual reports. These have been called annual report directions since implementation of the 1995 act and the bill uses this term directly in clause 8. A new act is provided rather than a series of amendments to the 1995 act. This provides a clearer piece of legislation as well as implementing the Auditor-General's recommendations. A number of other laws refer to the annual reports legislation. A further consequential amendments bill will replace references to the 1995 act. The consequential amendments bill will be introduced early in the 2004 sittings and in advance of debate on the substantive bill. I commend this bill to the Assembly.

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

Bail Amendment Bill 2003

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

Title read by clerk.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (10.38): I move:

That this bill be agreed to in principle.

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The law of bail is as old as the foundations of our legal system. Bail law has always been the test of our community's legal principles. For over 800 years officers of the Crown, courts and parliaments have strived to steer the best course for bail between the competing tenets of the presumption of innocence and community safety. The bill that I am introducing to the Assembly today reflects the government's policy to enable the courts to decide to grant or disallow bail in a manner that considers both community expectations and our community's legal principles. This bill has been a long time in the making.

The previous government referred the issue of bail laws to the ACT Law Reform Commission in December 1997. The commission was asked to review the Bail Act 1992 to ascertain any changes that would better suit the public interest and interests of victims of crime. The commission was also asked to assess the success of the Bail Act and specifically review criteria for the grant of bail. The commission's report was released on 13 July 2001. My government gave careful consideration to the commission's recommendations.

In June this year I tabled the government's response to the report, which supported the majority of the commission's 25 recommendations. Consistent with the government's response, the government has drafted the Bail Amendment Bill 2003, which I introduce in the Assembly today. The bill addresses the government's policy as outlined in the government response and a number of other issues identified in consultation with the Supreme Court, the Magistrates Court, the Director of Public Prosecutions, the Australian Federal Police and other key community partners.

Our community asks a lot of our police, our magistrates and judges. These officers have to make decisions about bail regularly and consider a myriad of situations and circumstances. They have to live with the decisions they make about other people's lives, particularly victims and their relatives. The bill provides clarity for bail decision makers in the community.

The major change the bill makes in the territory's bail system is the explicit identification of crimes which attract different types of presumption: a presumption for bail, a presumption against bail and in some cases no presumption at all. The bill will create a presumption against bail for murder and the ancillary offences of murder, such as attempted murder, conspiracy to murder and accessory to murder. The bill removes any presumption whatsoever for the following serious crimes: manslaughter; industrial manslaughter; intentionally inflicting grievous bodily harm; sexual assault in the first degree; sexual assault in the second degree; sexual intercourse with a young person under the age of 10; manufacture of drugs of dependence; cultivation of prohibited plants for supply; wholesale or sale of prohibited substances or drugs of dependence; Commonwealth Customs Act drug trafficking offences; armed robbery; aggravated burglary; and treason.

The bill also creates a neutral presumption towards bail for people charged with an offence involving violence or threatened violence if the accused person was found guilty of one of the following offences within 10 years prior to the current charge: a threat to kill; a threat to inflict grievous bodily harm; stalking; and contravention of a protection order. Removing any presumption for or against bail in relation to these serious offences will allow the courts to hear each and every case on its merits without any intervening

statutory bias. All other offences before authorised officers or the courts will retain a presumption for bail. I also foreshadow that once the territory has modernised drug trafficking offences in line with the national model criminal code, the new offences related to organised crime will also hold a presumption against bail.

Before discussing the other changes to the Bail Act, I inform the Assembly that the government proposes to retain provisions in the Bail Act that require courts or authorised officers to consider any known concerns expressed by a victim about the need for protection from violence or harassment. The government is also retaining the provisions dealing with domestic violence offences which state that bail cannot be granted by an authorised officer, usually a police sergeant, unless the decision maker is satisfied that the accused poses no danger to the protected person. Even if the authorised officer is satisfied that no danger is posed, the criteria for bail must still be considered by the officer before a decision is made.

The second theme of changes to bail law is the clarification of a number of outstanding issues identified by the ACT Law Reform Commission and by the organisations that are intimately involved in the bail system—the police, the courts and the Director of Public Prosecutions. This bill provides a clear guide to bail decision makers about the factors the community considers important in deciding whether or not to grant bail. Clause 11 of the bill sets out criteria for bail and introduces a consistent method of decision making.

The fact that children are before the courts on criminal charges is a distressing reality for our community. The government has carefully weighed up this issue, seeking the delicate balance between protection of the community and the interests of children, who are inherently immature in mind and body. The bill ensures that the interests of a child remain a primary consideration when decision makers are determining bail for the child. The bill refines this issue by affirming that, while a child's interests will be a key consideration, it will not be an overriding consideration if the facts show community safety has a greater need.

Since tabling the Law Reform Commission's report and the government's response the Supreme Court has drawn the government's and the Assembly's attention to a vacuum in the Bail Act between a court finding charges against a person proven and the person being sentenced. This vacuum is particularly relevant to those cases where a custodial sentence is likely. To remedy this problem the bill ensures that the status of bail between the time of a guilty verdict and the imposition of a sentence attracts any presumptions relating to the charges involved. The bill also requires bail decision makers to consider the likelihood of a custodial sentence when deciding to disallow or allow bail.

As I noted earlier, the government's bill introduces a presumption against bail for charges of murder and charges that extend from that crime. The bill states that bail on a charge of murder can only be considered where special or exceptional circumstances apply. The meaning of this term "special or exceptional circumstances" has been discussed on occasion over the past decade or so in this Assembly, in ACT courts and in the courts of other jurisdictions. This bill is an opportunity to give the term a better meaning.

The government is not proposing to prescribe all of the situations that equate to special or exceptional circumstances. Instead, the bill addresses the test of special or exceptional

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circumstances as a higher test than the normal bail criteria for allowing or disallowing bail. In conjunction with this, courts must determine that the test of special of exceptional circumstances applies before turning to the criteria for granting or not granting bail.

The government's policy is to do more to keep victims informed about bail decisions. We recognise that in the busy schedules of the courts and the work of the police it is very difficult to maintain the best level of communication with victims. To address this, the bill increases support for victims by ensuring that victim liaison officers from the police are available to keep victims informed about bail decisions when victims are concerned about their safety. The Victims Assistance Board, the Australian Federal Police and the courts were consulted about this issue, and I thank each of them and the police for their assistance. The bill also provides for a range of other minor and technical matters that improve the bail system and which are outlined in the bill's explanatory statement.

To all of those community and ACT government organisations that provided comment and critical analysis in the development of the government's policy in this bill I extend my thanks. This bill updates the territory's bail law, it upholds the legal principles that underpin our legal system, and it expresses community expectations by providing a greater clarity for bail decision makers. I commend the Bail Amendment Bill to the Assembly.

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

Civil Law (Wrongs) (Thresholds) Amendment Bill 2003

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

Title read by clerk.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (10.47): I move:

That this bill be agreed to in principle.

I present the Civil Law (Wrongs) (Thresholds) Amendment Bill 2003, which is part of the second stage of the ACT's three-stage response to the so-called insurance crisis. The Civil Law (Wrongs) Act 2002 (the act) was the first stage that set up the essential building blocks for reform and included a number of tort law reforms. Earlier this year the Assembly considered and passed stage two of the reforms based on the recent national reviews on insurance and tort law reform. Stage three will improve the management of civil claims in our courts.

This bill will amend the Civil Law (Wrongs) Act 2002 by introducing a threshold for non-economic loss that arises from a wrong occasioned by the provision of a health service by a doctor. The government takes this step with great reluctance. To limit costs in tort cases, all jurisdictions other than the ACT have introduced a series of measures to limit costs. Ipp J recommended adoption of a series of measures, including caps and thresholds for general damages. Last year, again with reluctance, the ACT adopted caps on damages for loss of earning capacity. My government had resisted the introduction of

thresholds because of the general lack of empirical evidence to suggest that the approach suggested by Ipp J and his inquiry would have the desired effect on premiums. However, all Australian jurisdictions other than the ACT have now provided a threshold that a plaintiff must meet before being able to claim general damages, such as damages for pain and suffering.

Each jurisdiction has adopted a slightly different approach. Thresholds may be based on monetary levels or levels of impairment. A threshold based on a monetary amount might provide, for example, that general damages will not be awarded if less than \$12,000 of general damages are proved. This type of provision creates a “cliff face”. By this I mean that a person assessed at \$11,999 gets no general damages whereas a person assessed at \$2 more loss gets all their general damages.

To avoid this type of problem, monetary thresholds are often accompanied by what is called a deductible. The deductible evens out the transition from getting no damages and getting full damages. For example, using a threshold of \$12,000 the law might provide that between \$12,000 and some higher amount, say \$20,000, a plaintiff will only receive a proportion of the general damages. Alternatively, thresholds may be based on levels of impairment. In this second case, the law might provide that general damages will not be awarded where a person has suffered less than 10 per cent permanent incapacity.

However, we should consider at this juncture the case for thresholds. Research suggests that general damages represent 39 per cent of the costs of claims up to \$50,000. In turn, legal and investigation fees, combined plaintiff and defence, represent 48 per cent of the cost of such claims. Thresholds provide cost relief to insurers by removing transaction costs for minor matters and reducing the overall call on funds. It should be noted that thresholds do not stop a plaintiff claiming economic loss, loss of salary or medical costs.

The imposition of thresholds may allow an insurer to pass on profit to shareholders. The transference of financial relief from an injured person into the hands of insurance shareholders as profit is not a basis for legislation. Reluctantly the government accepts that there is a social argument supporting the imposition of thresholds for general damages. There is an argument that insurance pools reserved for medical indemnity cases are presently insufficient. Where the pool of insurance available to meet the claims of injured persons is insufficient for that purpose, thresholds do serve a purpose of reserving the pool for those who have suffered the most by denying the claims of those who have suffered less serious injuries.

During passage of the second stage of the process, to avert a threat of escalating confrontation with medical practitioners, I agreed to conduct a study with the Australian Medical Association over two years of the effect of different types of thresholds used in different states and the USA. Subsequently the government came under pressure from specialists and insurers, most notably UMP, insisting on the introduction of thresholds.

At that stage, to avoid a further escalation of the dispute, I publicly agreed to introduce a threshold on general damages. Underlying the views of specialists are two concerns. Firstly, specialists are concerned that their insurance costs might rise faster in the ACT than in other jurisdictions if the ACT takes no steps to stem the number of “minor” claims made against specialists. Secondly, specialists have expressed concerns about the distracting or nuisance effect, as they describe it, of the number of claims made against

specialists. They call this a lifestyle issue and argue that this is a disincentive to specialists practising within the ACT.

In order to determine what type of threshold should be adopted in the ACT, the ACT has carefully considered the approaches adopted in other jurisdictions and had regard to the views of medical and legal practitioners. I don't propose to canvass the different options at great length here, but I think it would be useful to contrast the two different approaches adopted in New South Wales and Victoria.

I have carefully considered the option of adopting the New South Wales tort law reform approach based on the recommendations of Ipp J. The New South Wales Civil Liability Act 2002 provides no damages may be awarded for non-economic loss unless the severity of the non-economic loss is at least 15 per cent of a most extreme case, effectively imposing a threshold of approximately \$50,000, as the maximum amount of damages that may be awarded for non-economic loss is \$350,000. A threshold of 15 per cent of a most extreme case would typically exclude people with soft tissue injuries, which heal relatively rapidly, from recovering damages at all.

The Ipp report recommended this change, as the general damages represent a very significant proportion—above 90 per cent—of the total amount recovered, and damages for economic loss a small proportion. The effect of the New South Wales threshold in practice is to cut out of the compensation system not only relatively minor injury cases but also very hurtful events that, nonetheless, heal relatively rapidly.

Victoria has adopted a different approach, opting instead for a threshold based on 5 per cent of permanent physical impairment or 10 per cent of mental impairment. This formulation excludes every case where there is no permanent injury. So regardless of significant bruising and hurt, no non-economic damages may be obtained unless there is a permanent injury. The impact of these different approaches is as yet unclear. The government is reluctant at this stage to remove the right to claim general damages from such a wide class of plaintiffs, including some who have suffered significant internal and external bruising and injury.

On this basis, neither the New South Wales nor Victorian approach is preferred by this government. A number of jurisdictions have opted to apply a monetary threshold. Tasmania has announced a threshold of \$4,000 with reducing deductibles to \$20,000 and Western Australia has legislated to provide a threshold of \$12,000. Having regard to all the information before us, the government proposes that the ACT consider a medical indemnity threshold of \$12,000 with reducing deductibles to \$20,000. In this regard, the ACT is essentially mirroring the legislation of Tasmania and Western Australia.

This area is highly contentious. The effect of the approaches taken by the states will not become clear for a number of years. The approach I have outlined is not likely to satisfy those who call for the effective removal of non-economic damages or, on the other hand, those who argue that the legislature should not intervene in this matter at all. Accordingly, the bill provides that the threshold will be reviewed, once empirical data becomes available, after two years of operation.

After that two years of operation and the experience gained around Australia in each of the jurisdictions, we will be much better able to determine what impact the imposition of

thresholds has had on insurance costs around Australia, and we will be much better placed to make longer term decisions in relation to this contentious and very difficult issue.

I commend the bill to the Assembly. I have to say, I do it with reluctance. This is one of those pieces of law reform that we have engaged in that brings me no joy.

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

Criminal Code (Theft, Fraud, Bribery and Related Offences) Amendment Bill 2003

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

Title read by clerk.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (10.57): I move:

That this bill be agreed to in principle.

This bill will implement phase 3 of the Criminal Code by inserting a new chapter 3 in the Criminal Code that will reform and codify the ACT law on theft, fraud, blackmail, forgery, bribery and other related matters. The bill will also significantly rationalise and reduce the ACT statute book by repealing numerous offences in other legislation that will be made redundant by the new codified offences in new chapter 3. The bill also continues the work of the previous phase of the code project by applying the corporate criminal responsibility provisions of the code to all ACT offences. At present, they only apply to offences commenced after 1 January 2003.

When I introduced the Criminal Code 2002 in this Assembly last year, I highlighted some of the more important aims of the code project. In particular, I said that the code will progressively modernise the criminal law so that it is relevant to the conditions of the 21st century and is expressed in terms that ordinary people can understand. I also said that codification of the criminal law is of major importance to the ACT and to the nation as a whole because it will achieve uniformity in criminal law across Australia.

The advantages of the Criminal Code are of particular importance to the matters covered by this bill because now, more than ever, offences such as theft, fraud, forgery, bribery and blackmail recognise no borders. If we are to deal effectively with these crimes it is crucial for the law to be uniform, relevant and capable of being readily understood and applied. The new chapter that this legislation will insert in the code achieves these aims.

The reforms in this package are primarily based on the model criminal code, which was developed by the national Model Criminal Code Officers Committee, a body established by the Standing Committee of Attorneys-General for that purpose. However, to ensure that we achieve the most modern and effective package of offences possible, the bill incorporates improvements on the model criminal code developed by the Commonwealth in the Commonwealth Criminal Code and also includes a number of improvements that are currently in operation under the ACT Crimes Act 1900.

In general terms, the proposed new chapter 3 offences are similar to the current law and operate on principles that are already familiar to ACT practitioners and the ACT community generally. But, in addition to codifying the law on these matters, the bill will also achieve a number of important improvements. I will refer to these improvements as I outline the various parts of the bill.

Part 3.2 of new chapter 3 of the bill contains modern codified offences on theft and related crimes, including robbery, burglary, receiving, making off without payment and taking motor vehicles without consent. The Crimes Act equivalents of these offences are based on the 1968 UK Theft Act and since the Model Criminal Code Officers Committee used that act as the basis for its model offences on theft, fraud and forgery, it is not surprising that the offences in this part of the bill largely replicate the current state of the law in the ACT. In particular, the offences continue to make use of the fault element of “dishonesty” which lies at the heart of the Theft Act regime on theft and fraud.

However, in keeping with the code approach of transparency in the criminal law, the bill includes a definition of “dishonesty”, which the Crimes Act does not have. There are also some other important changes in the part. Most notably, under the Crimes Act, obtaining property by deception—property fraud—is not a separate offence but is dealt with as stealing. This can give rise to problems of considerable complexity in cases where a person fraudulently obtains property without the owner’s consent. Under this bill, property fraud will be dealt with under a new and separate offence, thereby reinstating a distinction that is commonly understood by the community at large.

Other improvements in part 3.2 include some sensible extensions to the robbery and burglary offences to close some technical gaps that perpetrators may exploit. Robbery will now apply to cases where a person uses force or threats immediately after the theft as well as just before or during the theft. This will avoid unnecessary hair-splitting about whether the offence applies depending on the precise time that the force or threats were used.

Similarly, burglary has been extended to apply to cases where a person remains in a building to commit theft—such as where a person hides in a shop until after it is closed—as well as entering a building to commit a theft. The burglary offence has also been simplified by drawing a clearer line between it and theft in cases where a person enters a building by consent. Similarly, the traditionally complex offence of receiving stolen property has also been simplified by removing categories of the offence that are more properly covered by the offences on complicity and accessory after the fact.

Part 3.3 of chapter 3 of the bill will rationalise the ACT law on fraud and eliminate many unnecessary complexities. For example, the bill replaces three Crimes Act offences on financial fraud with one simplified offence that covers the same ground. Also, as I have already indicated, the part will include a new and separate offence to deal with property fraud.

Perhaps the more important reform in this part is the proposed offence of conspiracy to defraud. Although this will be new for the ACT, conspiracy to defraud offences have been an established part of the criminal law for over 200 years and currently apply in all other Australian jurisdictions. The conspiracy to defraud offence will provide an

important weapon in the prosecution armoury against major crimes of dishonesty. In today's quickly changing world, fraudsters are ever vigilant in devising new schemes to cheat the community and, although their conduct is truly criminal, it often falls between gaps in the general law of fraud.

The legislature cannot realistically hope to anticipate each new fraudulent scheme with specific legislation, particularly given the ingenuity of the modern fraudster. Accordingly, the bill will meet this problem with a modern codified offence that will apply to any person who conspires with another to dishonestly obtain a gain from, or cause loss to, a third person. The modernised offence will also improve the effectiveness of the proposed bribery and related offences by also targeting conspirators who seek to dishonestly influence a public official in the exercise of his or her public duties.

Parts 3.3 and 3.4 also include important offences to protect government revenue and facilitate the proper administration of government. The general dishonesty offences in part 3.3 are based on offences in the Commonwealth Criminal Code and are effectively a codified version of section 29D of the Commonwealth Crimes Act, which was the basis for the almost identical offence in section 8 of the ACT Crimes (Offences against the Government) Act of 1989. It is important to retain offences of this kind because of the interest the whole community has in protecting government revenue from dishonest conduct. Accordingly, the offences will only apply where the dishonest conduct is perpetrated against the territory or a territory entity, and to dishonest dealings to influence a territory official.

For similar reasons, part 3.4 includes offences of providing false and misleading statements, documents and information to government or under ACT government law. They have been modelled on equivalents in the Commonwealth Criminal Code and are included because of their vital importance to the proper administration of government and their effectiveness in protecting the government purse. Their importance is demonstrated by the fact that there are scores of these offences throughout the ACT statute book. However, they are not in a standard form and the maximum penalty varies from act to act. The bill will replace the various other forms of these offences in ACT legislation and will centralise them in the Criminal Code. This will assist in eliminating unnecessary duplication of the ACT statute book and ensure equal treatment for what is essentially the same kind of criminal behaviour.

Parts 3.5 and 3.6 of chapter 3 will include offences of blackmail and forgery and offences related to forgery such as using and possessing a forged document, making and possessing a device to make forged documents, false accounting and false and misleading statements by officers or corporations and other organisations. Again, although the bill offences closely follow existing offences in the Crimes Act, there are a number of important improvements.

In relation to blackmail, the bill clarifies the way in which the offence applies where the victim is a corporation or a government. The offence is also extended in two important respects. First, it will apply to cases where blackmail is used by or against a public official to influence the exercise of his or her public duty, and, secondly, it will also apply to threats that the perpetrator knows the victim is vulnerable to even though the threat may not cause an ordinary person to react.

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For forgery, the Crimes Act requirement that the forger must intend to cause the victim to act or omit to act to his or her prejudice will be replaced with a dishonesty requirement. This will eliminate some unnecessary confusion and bring forgery back into line with the theft and fraud regime.

The bill also does away with complex rules for determining when an act or omission is to a person's prejudice. Other improvements include simplifying the forgery rules for copies of documents and this in turn eliminates the need for duplicate offences relating to copies.

Parts 3.7 and 3.8 of chapter 3 include modern codified offences on bribery, other corrupt benefits, payola, abuse of public office, impersonating and obstructing ACT government officials and police officers. Traditionally, bribery is a public sector corruption offence and only applies where a person gives a bribe to a public official or a public official takes a bribe. However, the offences in the bill will apply to both public sector officials and private sector agents. This will ensure that the same rules apply for what is essentially the same kind of criminal behaviour.

Confining bribery to the public sector incorrectly assumes that private sector corruption does less harm to the community. The public needs to have confidence in the integrity of all our institutions, public and private, and commercial bribery is just as likely to undermine that confidence as any other. Also, in recent years the distinction between the public and private sector has become increasingly blurred as the private sector performs more of the functions traditionally performed by the public sector. The rationale for separate bribery and corrupt benefit offences is therefore no longer appropriate.

The offences in part 3.7 of payola and abuse of public office will be new to the ACT but will fill some gaps in this area of the law. Payola addresses cases where people hold themselves out to the public as offering independent advice or making independent selections or assessments of goods and services but in fact receive kickbacks for their selections. For example, radio and television presenters, financial advisers and others who recommend goods or services to the public could conceivably be caught by this offence, assuming the other elements are made out.

The offence of abuse of public office concerns cases where a public official improperly uses his or her office to obtain a personal benefit or cause a detriment to someone else—for example, a public official who passes information to undisclosed business associates who put in a winning tender for a government contract. Given the similarities with bribery and other corrupt benefits, it is appropriate to include these offences.

The bill offences of impersonating and obstructing territory public officials will be essentially a codified version of similar offences in the Crimes (Offences against the Government) Act 1989. They are related to the other offences in chapter 3 because they protect government and the public from being disadvantaged by persons who pretend to be public officials and exercise powers that they are not empowered to exercise.

Mr Stefaniak: Oh!

MR STANHOPE: Cut that out, Bill. This is a vital piece of legislation.

Mr Stefaniak: And generally very good, Jon.

MR STANHOPE: I won't have you yawning.

Mr Stefaniak: I'm quite impressed.

MR STANHOPE: I won't have you yawning during the presentation speech.

Mr Stefaniak: But Jon, you're going quite well on this one. This is generally pretty good. Keep going. Carry on, please.

MR STANHOPE: I can't find any reference in any of the reference material that would outlaw boredom, Mr Stefaniak.

Mr Stefaniak: I'm not bored. I'm actually very interested in this. Please carry on, Chief Minister.

MR STANHOPE: Thank you. Everybody knows exactly what I was talking about, so I will just pick up on the sentence I was at. They are related to the other offences in chapter 3 because they protect government and the public from being disadvantaged by persons who pretend to be public officials and exercise powers that they are not empowered to exercise. Often pretences of this kind are part of a wider plan to commit theft, fraud and other deception-based offences.

The impersonation offences are also an important means of protecting the integrity of public officers but so too are offences designed to ensure that public officials are allowed to properly discharge their duties without obstruction.

Part 3.9 contains procedural and evidentiary provisions related to the offences in chapter 3 that largely adopt the relevant existing provisions in the Crimes Act. The part also includes a comprehensive range of alternative verdict provisions to ensure that if the wrong offence is charged the court can convict for the correct offence provided that the defendant is afforded procedural fairness to properly defend the alternative case against him or her.

Thus far I have outlined some of the most important improvements that this bill will make to the state of the ACT law on theft, fraud, bribery and related matters but this bill is also significant because of the important contribution it will make in rationalising and reducing the size of the ACT statute book. It will do this in two ways.

First, I should mention that part 2.5 of the Criminal Code contains the general principles for applying criminal responsibility to corporations. At present the part only applies to offences commenced on or after 1 January 2003 unless otherwise expressly applied. Clause 4 of the bill will now effectively apply part 2.5 of the Criminal Code to all ACT offences regardless of when they commenced. It was necessary to delay the full commencement of part 2.5 until a thorough search could be conducted of all unnecessary and incompatible provisions in ACT legislation. The department has now completed that task and schedule 1 to the bill will amend a total of 37 acts to clear the way for the full commencement of part 2.5.

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Secondly, the codified offences in the bill will make it unnecessary to retain a large number of similar offences in various other acts and regulations throughout the ACT statute book. Accordingly, schedule 2 repeals a large number of offences that will no longer be necessary because the conduct they cover will be covered by the new codified offences in the bill. This is an important feature of the bill not only because it will simplify and reduce the size of the statute book by eliminating unnecessary duplication, but because it will also advance the primary objective of the Criminal Code, which is to standardise and centralise offences so that they are more easily understood and accessible.

Before concluding, I acknowledge this as a very significant and major piece of law reform. It is not a piece of law reform that has necessarily grabbed the imagination of the community but it is a very significant and a very major piece of law reform being pursued by the ACT department of justice. It involves very considerable, detailed, rigorous and stringent analysis by departmental officers, and a very high level of professionalism and dedication by those officers within the Office of Parliamentary Counsel who have undertaken the drafting of this major piece of work. I commend the department of justice and its officers and the officers of the Office of Parliamentary Counsel for the work that has been undertaken in relation to the inclusion in the law of the ACT the model criminal code.

It is a major piece of law reform. It will stand the test of time as a very significant and major undertaking by the ACT government through the department of justice and through the Office of Parliamentary Counsel. I commend the officers for the work that they have dedicated to this task. It is one of those pieces of law reform that may not have grabbed the public imagination and perhaps never will, but it will endure for a century as a major and significant piece of criminal law reform.

In Australia, the ACT is taking a lead role in the implementation of the Criminal Code into our law, and that is good. It is good that we are continuing to work our way through each of the chapters of the Criminal Code. This is a long-term task that will take some more years yet, but ultimately it will stand the ACT in very good stead as a jurisdiction with the most modern, up-to-date and comprehensible criminal law of any jurisdiction in Australia. So, I commend the bill to the house and I congratulate all those officers involved with this major law reform task.

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

Litter Bill 2003

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

Title read by clerk.

MR WOOD (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for Police and Emergency Services, and Minister for Arts and Heritage) (11.16): I move:

That this bill be agreed to in principle.

The bill repeals the Litter Act 1977 and replaces it with a modern act that reflects contemporary litter control legislation. Its not uncommon for an issue such as litter to be mistakenly—Mr Cornwell will agree with me—dismissed as trivial. In this chamber, where we debate legislation and issues which involve fundamental questions of ethical or legal principle, the apparently more mundane matters which come before us might, at first blush, seem less important. However, it is often those ordinary issues which can have an impact on a significant proportion of the community and about which many in the community, therefore, have a view or concern. Litter is a classic example of this.

Litter impacts on all of us, whether we come across it as we use public and recreational areas or see it on the roadside—where it has obviously been thrown or has blown from the back of someone’s trailer. Of course, it is removed as part of the maintenance of roads and public assets. However, it is simply not possible to maintain a 100 per cent litter-free environment, because, regrettably, some in our community continue to dispose of all manner of items in a way which shows little regard for the use of public places by others.

In fact, it is disturbing to learn, based on research conducted by Clean Up Australia, that littering behaviour in the ACT shows no sign of any reduction. The research indicates that: the average number of items collected per site in the ACT on Clean Up Australia Day has not decreased over time, suggesting that people in the ACT are not changing their littering habits; the most littered site categories are rivers and creeks, followed by schools and roadways; and there is a greater likelihood of seeing people littering in Canberra than in Adelaide, Brisbane, Perth, or Sydney.

In recent years New South Wales and Victoria have amended their littering legislation to include more effective anti-litter provisions. The ACT’s Litter Act is almost 30 years old and the time has come to bring it more into line with modern litter control legislation elsewhere. This bill will achieve that objective.

For the Assembly’s benefit I will provide a brief outline of the key reforms. An important change to the act is a provision enabling litter that escapes from private to public land to be addressed. At present a litter offence only occurs where litter is deposited on a public place. However, waste that blows or is washed from private land onto public land is a significant source of litter in the territory. In particular, the escape of waste from building sites generates considerable litter. The act will now impose an obligation upon individuals to dispose of litter in a way that prevents its escape onto public land.

Another significant environmental waste issue is the abandonment of vehicles and vehicle parts. The new act will make it clear that littering offences apply to such items, as well as to construction or demolition waste material. A further, important, change is that the definition of a “public place” will be expanded. Under the existing legislation a public place is, essentially, unleased territory land, roads and road-related areas. However, there are many leased areas to which members of the public have access, where litter offences can interfere with public enjoyment of those places. Therefore, litter offences will now apply in relation to any place to which members of the public have access.

One of the problems the new provisions will address is the inappropriate use of bins in public places by people who use them to dispose of their household or commercial waste. Regrettably, some commercial enterprises see litter bins provided at shopping centres and other public places as a cheap alternative to paying for proper disposal of their commercial waste. Unfortunately, the nature and quantity of the waste placed in the bins provided for public use means that the bins are often filled to overflowing. This both generates a litter problem and prevents members of the community being able to deposit small items of litter in bins crammed full of commercial waste. The act makes it an offence for a person to deposit household or commercial waste into a receptacle inappropriate for that purpose, such as a litter bin located in a public place for public use.

One of the shortcomings of the existing legislation is that it makes it very difficult to hold motorists responsible for acts of littering when items or materials are thrown from a motor vehicle or fall off a vehicle. A prosecution can only be achieved where there is a witness who is able to positively identify the driver or passenger who litters from a vehicle. Littering from vehicles accounts for a substantial proportion of the ACT's litter problem. To improve enforcement capability, the new act will enable an infringement notice to be issued to the registered operator of a vehicle from which littering occurs.

Mr Cornwell: Gazumped but never mind, I don't mind.

MR WOOD: Thank you, Mr Cornwell. The onus would be on the registered operator to establish that he or she was not the person who committed the alleged act of littering. Similar provisions are in place in other jurisdictions and this is the same concept that applies to speeding and parking offences in the ACT. The act will also include new provisions to ensure that vehicle loads are properly secured to prevent the escape of items from the vehicle.

In particular, the act will impose liability on a person who has required someone else to transport items in a vehicle from which material or items are able to escape as a result of a failure to provide sufficient means to secure the load. This provision will address situations which can arise where employers place employees under pressure to cart loads, for example, of landscaping or building materials, but fail to supply an adequate means of securing those loads so as to prevent material escaping.

The provisions in the current legislation that make it an offence to place advertising leaflets on motor vehicles in public areas will be expanded. It will now, equally, be an offence for a person to direct someone or employ a distributor to arrange for advertising leaflets to be placed on motor vehicles. Presently, the sanctions to deal with littering under the act are limited to the issue of an infringement notice or prosecuting an alleged offender.

The new act includes provisions enabling a verbal direction to be given to remove the litter or a formal "clean-up" direction to be issued as, in many instances, this may be a more appropriate and effective response. In more serious cases, such as where a commercial operator dumps waste on public land, both a clean-up direction and an infringement notice or prosecution may be appropriate, and the act allows for this.

In accordance with the policy of adopting a single, consistent infringement penalty scheme for the ACT, regulations will be made pursuant to the Magistrates Court Act

1930, to provide that the infringement notice provisions in part 8 of that act apply to certain offences against the Litter Act. The government will ensure that, when the new provisions come into force, they are properly publicised to maximise their impact on littering behaviour. I am hopeful that the new provisions in the act will promote greater community awareness of the need to reduce littering and I am confident that the enforcement capacity of litter inspectors will be greatly enhanced by these reforms. I commend the bill to the Assembly.

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

Road Transport (General) Amendment Bill 2003

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

Title read by clerk.

MR WOOD (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for Police and Emergency Services, and Minister for Arts and Heritage) (11.25): I move:

That this bill be agreed to in principle.

The Road Transport (General) Amendment Bill 2003 amends section 48 of the Road Transport (General) Act 1999 to address an anomaly which threatens the capacity to enforce infringement notices issued under the act for offences such as camera-detected speeding and red light offences. Infringement notices for such offences are issued to the registered owner of the vehicle, referred to in the act as the responsible person.

However, the responsible person is able to escape liability if he or she can establish one of the defences set out in the act showing that they were not driving the vehicle at the time of the offence. If the responsible person fails to respond to an infringement notice by either paying the penalty or establishing to the Australian Federal Police that they were not driving the vehicle at the time of the offence, enforcement action may be taken which could result in the suspension of the vehicle's registration or the driving licence of the owner of the vehicle.

Section 48 enables a person whose vehicle registration or licence has been suspended to apply to the Magistrates Court for an order revoking the suspension. However, anomalously, section 48 does not currently require the person challenging the suspension to show they were not driving the vehicle at the time of the offence. The applicant may merely assert one of the defences in the act to suggest they were not driving the car at the time, and the onus is on the authority to prove otherwise. In practice this is virtually impossible for the authority to do and is directly at odds with the principles on which the infringement notice scheme is built. Left uncorrected this has the potential to undermine the effectiveness of the entire infringement notice scheme for offences involving vehicles.

The bill provides that the court may only make an order revoking a suspension if the applicant is able to establish one of the defences in the act to show that he or she was not driving the car at the time of the offence—for example, by establishing that the vehicle

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had been sold or identifying the person who was the driver. This is consistent with section 37 of the act, which provides that these and other specified circumstances provide a defence. The onus of establishing that an offence was committed will still rest with the prosecuting authority. I commend this bill to the Assembly.

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

Health Professionals Bill 2003

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

Title read by clerk.

MR CORBELL (Minister for Health and Minister for Planning) (11.29): I move:

That this bill be agreed to in principle.

Currently, there are 10 health professionals acts that directly regulate the practice of health professionals in the ACT. The legislative model used in the regulation of ACT health professionals is based on an approach first used in the early 1900s. The Health Professionals Bill 2003 is a consolidation of the existing health professional laws into one consolidated act. In consolidating the legislation the opportunity has been taken to review the legislation and to substantially enhance the regulatory approach. The objective in revising the legislation has been to improve the protection provided to the ACT community.

The review of the existing legislation and the development of the revised bill have been substantial undertakings. The review was commenced in 1999 under the previous government, and the review process has involved extensive consultation with stakeholders. In developing the bill the government has been keen to maintain those features of the existing legislation that work, including recognising the strengths inherent in professional participation in its own regulation through health professional boards.

We have, however, found support for proposals that health professional boards include community representation in all their activities. We have also required increased accountability and transparency in board decision making. Health boards will also be required to demonstrate consultation with the community as part of the development of professional standards. The legislation also clarifies aspects of health board activity relating to their construction and operation. Most contemporary views in health professional regulation endorse the fact that the health board activity should no longer place a primary focus on the entry qualification of applicants for registration.

Rather an equal focus is required on the continuing competence of those who are registered as health professionals. For this reason the bill proposes that the health boards increase their responsibility for monitoring and improving the continuing competence of registered health professionals. One of the major conclusions of the review of existing health professional legislation related to the inadequacy of current processes relating to the reporting of and inquiry into the standards of practice of registered health professionals.

This bill proposes comprehensive reform in these areas. The bill sets out a process for the reporting or identifying of concerns about the standard of practice of a registered health professional. The bill also requires the involvement of the Community and Health Services Complaints Commissioner in the management of all such reports. There are revised options for the resolution of such reports including inquiry by either personal standards or professional standards panels that are convened by health boards. These panels are intended to have a proactive and rehabilitative approach.

The bill proposes that a health professional tribunal will now hear all reports that may lead to the suspension or deregistration of a health professional. The health tribunal may also conduct a review of a health board decision. The president of the tribunal will be a magistrate. The bill provides protection for persons who provide information in relation to a report and protection for those involved in a proceeding. The bill also retains provisions relating to the offences of pretending to be a registered health professional or providing a regulated health service when not registered in a health profession.

The bill contains transitional provisions to ensure that all existing registration proceedings, conditions, appointments and appeal rights continue as if they had occurred under the new act. In introducing the bill at this time I have sought to provide members with ample opportunity to consider the reform proposals. The bill will be supported by regulations concerning the operational aspects of the legislation. Further time is required to complete consultation and documentation of these regulations. To ensure effective management of reports or complaints about registered health professionals, some consequential changes to the Community and Health Services Complaints Act 1993 will also be required. The consequential amendments are currently being finalised.

This bill will enhance our capacity to protect the community by ensuring that the people who provide a regulated health service are competent to provide such services. Those who administer the legislation on behalf of the government including, of course, the boards, keenly anticipate this legislation, which is needed by the community. I commend the Health Professionals Bill 2003 to the Assembly.

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

Nurse Practitioners Legislation Amendment Bill 2003

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

Title read by clerk.

MR CORBELL (Minister for Health and Minister for Planning) (11.34): I move:

That this bill be agreed to in principle.

Establishing the role of nurse practitioner is part of the government's commitment to build a strong, sustainable nursing work force in the territory, as highlighted in the ACT Health Action Plan 2002. In December 2002 the Chief Minister, Mr Stanhope, launched the report of the successful trial of the nurse practitioner role. The report recommended regulation and endorsement of the nurse practitioner role. It also identified the processes of authorisation and credentialing that were necessary to protect the title of nurse

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practitioner, to support the legal conditions for extending nursing practice and to ensure the appropriate standards of practice and education are formalised according to the health expectations of the health profession and the community.

The Nurse Practitioners Legislation Amendment Bill 2003 is the next step towards endorsing this extended nursing role and is consistent with the future direction for the profession as outlined by the national review of nursing education and recommendation 34 of the Senate inquiry into nursing. The legislation is also in line with international and national trends to establish nurse practitioners and to make legislative changes to allow them to be registered to practise. Nurse practitioner roles are being implemented in the public sector in South Australia, New South Wales and Western Australia and consequential legislative changes have already occurred in New South Wales and Western Australia.

Nurse practitioners offer new approaches to providing high-quality health care for people who do not easily have access to current health services. The successful ACT nurse practitioner trial in 2002 demonstrated that nurse practitioners provide safe health care and offer additional choices to consumers whilst using a collaborative team approach. Formal education for nurse practitioners in the ACT will occur through an approved nurse practitioners master program at the University of Canberra. This course will be the first to utilise evidence-based research generated by the ACT trial to determine course content.

Consequential legislative changes are necessary to allow nurse practitioners to undertake the expanded scope of practice that has shown to be effective during the trial. These consequential amendments will include prescribing medications in accordance with agreed medication formulary, ordering diagnostic tests from an agreed list and referring patients to other health professionals. Under the proposed legislative amendments, nurse practitioners will be registered nurses who practise at an expanded level within an authorised scope of practice and who are authorised to use the title nurse practitioner.

Use of the title without authorisation is an offence under the Nurses Act 1988. The registration and discipline of nurse practitioners will be undertaken in accordance with the usual processes that apply to all registered nurses. The ACT community will benefit from this extended nursing practice in the autonomous assessment and management of clients using nursing knowledge and skills gained through advanced education and clinical experience in a specific area of nursing practice within a multidisciplinary team environment. I commend the Nurse Practitioners Legislation Amendment Bill 2003 and its accompanying explanatory statement to the Assembly.

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

Dangerous Substances Bill 2003

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

Title read by clerk.

MS GALLAGHER (Minister for Education, Youth and Family Services, Minister for Women and Minister for Industrial Relations) (11.39): I move:

That this bill be agreed to in principle.

The Dangerous Substances Bill 2003 that I am introducing today will establish a modern duty-based framework for the regulation of dangerous goods and hazardous substances and anticipate international developments in integrated chemicals management. The objective of the bill is to protect the health and safety of people and to protect property and the environment from damage from the hazards associated with dangerous substances. Dangerous substances have intrinsic properties of explosiveness, flammability, the capacity to oxidise, corrosiveness, toxicity and ecotoxicity. The bill focuses on controlling the substantial risks of harm to people, property and the environment from the physical health and environmental hazards associated with dangerous substances.

Importantly, the bill brings together the regulation of dangerous goods and hazardous substances within a larger harmonised framework of work and safety legislation. Like the Occupational Health and Safety Act 1989, the bill is focused on positive obligations in the form of duties of care, and puts systematic safety management at the centre of dangerous substance-handling practices.

The ACT Dangerous Goods Act 1975 and the Dangerous Goods Regulations 1978 are based on outdated and overly prescriptive New South Wales legislation. The legislation has lost relevance for contemporary regulatory requirements in relation to dangerous goods and hazardous substances. Like the ACT, New South Wales is also developing new regulatory regimes based on nationally agreed standards for regulation in this area.

Australian jurisdictions agreed in 1991 to pursue national uniformity in key areas of work safety regulation and to pursue the development of nationally consistent performance-based regulations under parent safety legislation. Since that time, the National Occupational Health and Safety Commission has prepared seven national standards or packages for adoption by jurisdictions into occupational health and safety and dangerous goods legislation. Of these, the national hazardous substances regulatory framework has been adopted by all jurisdictions, with the exception of the ACT. The more recently developed national standard for the storage and handling of dangerous goods is currently being adopted across Australia.

The bill I am introducing today will establish a legislative framework for both hazardous substances and dangerous goods. As such, it will align the ACT with other Australian jurisdictions in a manner consistent with the national standards and it will make significant improvements in the regime for the storage and handling of all dangerous substances. The proposed regime will also ensure that there are appropriate safety and licensing controls for a range of substances, including explosives, about which the public has a right to be concerned.

The bill will also implement the government's commitment for the reform of the transport, storage and handling of dangerous goods legislation under national competition policy. The bill incorporates the major elements of the national standard for the storage and handling of dangerous goods and provides the framework for further incorporation of the more detailed provisions of the standard in the regulations.

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The ACT already regulates the transport of dangerous goods other than explosives through the Commonwealth's Road Transport Reform (Dangerous Goods) Act 1995. The bill creates the framework for the regulation of the transport of explosives under the Australian explosives code.

The United Nations is nearing completion of the development of a single international classification of chemicals which will have long-term consequences for the regulation of dangerous goods and hazardous substances in Australia. The globally harmonised system of classification and labelling of chemicals will establish a common chemicals classification system and related set of hazard communication elements—labelling, symbols and safety information. The GHS does not distinguish between dangerous goods and hazardous substances.

The GHS, which has been developed over a long period, will be adopted internationally by all countries. Australia is working toward GHS implementation. This requires addressing the current overlaps and inconsistencies between the national dangerous goods and hazardous substances standards through their integration into a single chemicals framework. Currently in Australia dangerous goods and hazardous substances are regulated separately. Dangerous goods are classified according to a system established by the United Nations. Hazardous substances are classified according to a system established by the European Union. Many common chemicals are classified under both systems, leading to overlaps and inconsistencies in regulatory standards. For example, asbestos is both a dangerous good and a hazardous substance.

The bill I am introducing today will integrate the regulation of dangerous goods and hazardous substances. Following the lead of New Zealand, the ACT will be the first Australian jurisdiction to prepare itself for the adoption of the GHS. The Dangerous Substances Bill is focused on positive obligations in the form of safety duties and will align the new legislation with the ACT's Occupational Health and Safety Act.

Chapter 3 of the bill sets out the framework for safety duties in relation to dangerous substances. The bill establishes a general safety duty for everyone who handles dangerous substances whether in a commercial or private context. Further duties are specified for a range of commercial activities in relation to people in control of the handling of dangerous substances, the premises where dangerous substances are handled and the plant and systems for handling dangerous substances. The bill also places specific obligations on designated classes of people such as importers, manufacturers and suppliers of dangerous substances or the plant used in the handling of dangerous substances.

The bill provides that breaches of safety duties are serious offences. Penalties for breaches are scaled to reflect the seriousness of the breach and its actual or potential consequences.

Chapter 4 of the bill establishes a licensing framework for dangerous substance activity. It is essential that licensees are suitable persons to handle high-risk dangerous substances such as explosives. In considering licence applications, the chief executive will be able to consider an applicant's relevant knowledge, experience and training, and criminal record.

The bill also makes provision for disciplinary action in cases where the licensee ceases to be a suitable person or contravenes the act. Specific licence offences relate to contravention of licence conditions, failure to return licences when required, pretending to hold a licence and allowing someone else to use a licence.

The regulation-making powers in the bill will also enable the establishment of a notification scheme for the storage of dangerous substances above prescribed—high-risk—threshold quantities through the creation of a register for monitoring locations and quantities. These provisions are essential to ensure the territory can manage these substances in the interests of workplace and public safety.

Chapter 5 of the bill establishes an additional set of offences relating to prohibited and controlled dangerous substances. These offences will ensure that the unauthorised handling of prohibited and controlled dangerous substances can be dealt with appropriately, given the potential risk to people, property and the environment associated with their handling.

Chapter 6 of the bill provides for measures to ensure people comply with their obligations. A wide range of enforcement tools are proposed, from voluntary compliance agreements, improvement and prohibition notices, to enforceable undertaking and court-issued injunctions.

Voluntary compliance agreements will enable people involved with the handling of dangerous substances to enter into cooperative agreements with inspectors in relation to the rectification of potentially dangerous situations. More powerful measures such as prohibition notices can be used in situations where it is necessary to stop certain activities in the face of immediate danger and risk of serious harm.

These compliance measures are intended to align with existing and proposed measures in the Occupational Health and Safety Act. Together, the two acts will form a comprehensive framework for regulating safety in workplaces and in all places where dangerous substances are handled.

Chapter 7 of the bill sets out general provisions dealing with enforcement powers, including the general powers of inspectors. These powers are necessary to ensure that inspectors are able to monitor compliance with the legislation. The powers provided for in the bill are similar to the powers of inspectors under other regulatory schemes.

Chapter 8 of the bill makes provision for the minister to make orders in response to serious emergencies and to be able to act promptly in doing so. These powers are essential to protect the public from a serious threat posed by a dangerous substance.

The handling and storage of explosives is a high-risk activity with potential for extremely serious accidents and threats to public safety. Explosives require a higher level of regulatory control than is generally needed for other dangerous substances. Explosives require a comprehensive licensing regime for all activities, including import, manufacture, storage, supply, use, transport and disposal.

New regulations for explosives are currently being prepared under the bill. I will be releasing an exposure draft of the proposed explosives regulations for public and

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industry consultation in the next week. The exposure draft will also support understanding and discussion of the bill. The regulations adopt the Australian explosives code. The code is a nationally agreed document prepared to provide a uniform basis for Commonwealth, state and territory legislation governing the transport of explosives and it complements the Australian dangerous goods code. The latter code is incorporated into the Commonwealth Road Transport Reform (Dangerous Goods) Act 1995 which currently applies to the transport of dangerous goods in the territory. The new regulations will bring the ACT into line with the generally agreed directions for regulatory reform in relation to explosives.

Fireworks are explosives and must be regulated as part of the explosives regulatory framework. In August this year I announced a number of measures that the government intended to take in relation to the regulation of fireworks. These included tough new control measures for the sale, possession and use of fireworks, the mitigation of noise and nuisance problems associated with the use of consumer fireworks and the notification and authorisation of public fireworks displays by administering authorities, and public notification, for example, through public notices, of approved displays.

These measures will be detailed in the exposure draft of the explosives regulations. The regulations will ban loud consumer fireworks and limit use to the hours between 5.00 pm and 10.00 pm on the three days of the Queen's Birthday weekend. There will be strict controls on the advertising and sale of fireworks throughout the year. Consumer fireworks will be available for sale for only one week in the period leading up to and including the June holiday weekend. In future, the display of fireworks for sale will be prohibited, with the exception of consumer fireworks during the Queen's Birthday sale period.

There will also be significant changes to controls on year-round sale and storage of fireworks. Fireworks for sale to professional fireworks display operators will be prohibited from being stored in retail premises in built-up areas. The regulations will prohibit the storage of fireworks and explosives generally in any place to which the public has access. This is essential from the perspective of public safety. As well, the general standards for the storage of fireworks will also be upgraded.

The new legislation will bring in tough penalties for illegal sale, possession and use of fireworks. It will make clear the government's resolve to clean up the firework problems that have plagued the Canberra community.

The Dangerous Substances Bill is part of this government's commitment to build a robust and modern body of work and safety legislation. The new dangerous substances legislative regime will establish the ACT as a national leader in this area of regulation. This regime is built on recognition of the serious harm to people, property and the environment that can result from accidents and misuse of these substances. Its implementation will give the public confidence that the hazards and risks associated with them can be appropriately controlled.

In conclusion, I thank officers in the Office of Industrial Relations and Parliamentary Counsel for their enormous effort in drafting this legislation and getting it ready to be tabled in the December sitting. It required an enormous amount of effort from all the staff involved. I thank them for their effort.

I ask the Assembly to note the Dangerous Substances Bill 2003 and the explanatory statement.

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

Status of Women in the ACT—Select Committee Report

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

That the report be noted.

MRS DUNNE (11.52): As we are approaching the end of the year it is timely that we debate a matter such as this. It is a little over a year since the Select Committee on the Status of Women reported. Members of the opposition would like to take this opportunity to remind the government that it came into power with a flurry and a flash. It said that it was going to do great things in the area of the status of women. To its credit, it did what it said it would do—it set up one of its interminable committees which reported after considerable deliberation last year. Since then there has been thundering silence from the government.

The government eventually tabled its response, which was so late that no initiatives were included in the last budget for the area of the status of women. At the time the new minister made a valiant attempt to explain this discrepancy by stating, “There are all these things in the budget that relate to people and women benefit from them,” which was true and which sounded like an argument I would use on a regular basis.

I said earlier that this government came into office with a flurry and a flash. When government members were in opposition they were good on the rhetoric when it came to committing money to projects. However, they are not prepared to continue with that rhetoric now by providing money for programs. This government talks the talk but it does not walk the walk.

I take this opportunity to remind government members that community members, who placed great store on the work of the select committee, expected a great deal after the government tabled its response to this report. The government laboured long and hard, made a number of recommendations and entered into agreements relating to those recommendations, but since then it has done nothing.

When the next budget is framed—we are discussing this issue today as it is early in the budget cycle—opposition members and other members of the Assembly expect the Chief Minister and the Minister for Women to provide some programs that are in the recommendations that they have agreed to. Debate on this issue will serve as a reminder to the minister that it is time she did something about the status of women in the ACT.

MRS BURKE (11.55): I am rather surprised and disappointed, given this government’s supposed strong stance on and commitment to the status of women, at the sheer neglect of women’s issues in the budget. We have waited for a long time for initiatives from this government but we still have nothing concrete. In defence of the responsible minister,

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I suspect she would have lobbied her colleagues as hard as possible but they would have ultimately rolled her. This report is simply a waste of time. The government obviously does not rank women's issues as a high priority, which is rather alarming, given the rhetoric and diatribe to which we were exposed prior to the last election.

The government did not answer or address any of the real issues that are facing women. Currently, no strategic plan or approach is in place to meet these recommendations. I sincerely hope that these issues will be dealt with in the forthcoming budget. I remind members that on 16 December the Legislative Assembly will celebrate the 100-year anniversary of women being able to exercise their right to vote and to stand for federal parliament for the first time.

As we recently implemented the Honouring Women initiative this 100-year anniversary is a timely reminder of the importance of inclusiveness. It is a celebration honouring how much women have accomplished and it is an acknowledgement of how much work is yet to be done to achieve the important goals of equity and social justice. That is a strong platform of this government but, sadly, it has let down women in our community.

I concur with the comments made by Mrs Dunne. I call on the government to be a government of its word, to allow this minister to put forward her case, to listen to her when she is lobbying her male colleagues and to ensure that there is provision in the forthcoming budget for women's programs.

MS GALLAGHER (Minister for Education, Youth and Family Services, Minister for Women and Minister for Industrial Relations) (11.57), in reply: I am closing debate on a report that I tabled and I am now minister in charge of the relevant portfolio. I wish to respond to some of the accusations that were made by opposition members this morning.

Prior to the tabling of this comprehensive report Mrs Cross, Ms Dundas and I spent an enormous amount of time working with David Skinner, secretary to the Select Committee on the Status of Women, to put together that report. All those who contributed to debate on this report said that it would serve as a useful guide in the future when decisions had to be made about women's policy. The committee made 59 recommendations but it recognised that not all of them could be progressed immediately.

As a result of the estimates committee process this year the Office for Women, in response to questions asked on notice by Mrs Dunne, provided her with a spreadsheet and table of every recommendation to show how the government was progressing in this area. I think her "thundering silence" accusations were a little over-exaggerated. She is well aware of what the government is doing—this information was provided to her several months ago—to progress these recommendations.

Mrs Dunne: Spreadsheets do not a policy make.

MS GALLAGHER: Spreadsheets actually reflect budget initiatives that address these recommendations. Any relevant identified initiatives or core activities for the outyears address these recommendations. Spreadsheets, which are actually quite detailed, address every recommendation. The estimates committees had access to those documents, which I am happy to provide to any member who is interested in having them.

Those documents clearly show that the recommendations in the report of the select committee guided the government's decisions in relation to women's policy and initiatives for women. It is a negative angle to take in relation to a positive report that had a lot of input from Liberal opposition members. The committee worked well and reached unanimous decisions on every recommendation.

The government is using this report along with several other initiatives that the Office for Women is progressing at the moment—the status of women report and the launching this year of the violence and safety policy framework. The strategic plan for women will be launched in April next year after consultations are held in February. A gender analysis has been undertaken in all areas of policy development as agencies are required to include an impact on women statement in all cabinet submissions. The Office for Women, which assesses all cabinet submissions, is involved in contributing to the development of major government policies and plans.

The Office for Women coordinates an interdepartmental committee with representatives from all agencies, and that committee focuses on issues for women. The Office for Women administers a register of women—a database of women interested in contributing to boards and committees. In July this year that register was expanded to enable use by the community and business sectors. The Office for Women and the YWCA ran two successful series of workshops to provide information and skill development relevant to board and committee membership.

The Office for Women provides secretarial support for the Ngunnawal Indigenous Women's Circle—a flexible working group formed with the development of an ACT action plan for indigenous women. The circle meets regularly to progress its plan. Recent priorities include the development of a training session with Lifeline to assist women in the community to support people with problem gambling. The Office for Women recently filled a part-time indigenous identified senior policy officer position.

I meet regularly with the Ministerial Advisory Council on Women. Yesterday I attended a forum on women in incarceration organised by that council. Council provides me with advice and has included submissions to the social plan, the economic white paper, the shaping our territory report, the homelessness strategy, the children's plan, the drug and alcohol strategy and the mental health action plan. Council is also playing a major role in the development of the new strategic plan for women.

The Office for Women also manages the ACT International Women's Day awards. Those awards, which I will be launching next week, recognise the significant contributions of women in the ACT. I congratulate the Office for Women on the work that it has done. It adopted this report on the day that it was tabled and planned its work around it. That report and a number of other consultative forums are helping to direct women's policy in the ACT.

Question resolved in the affirmative.

MS TUCKER: I seek leave to speak in this debate.

Leave granted.

MS TUCKER: I wish to comment on this important report. Since the report was tabled and we received the government's response in May 2003 I have watched with interest how the committee's recommendations have been progressed. Last year's budget was disappointing in that it did not implement the good work that was done by the Select Committee on the Status of Women. That committee drew attention to a number of issues. I list as particularly important issues homelessness, poverty, drug and alcohol misuse, mental health issues, disabilities, violence, children, the aged, indigenous and the problems facing women in our community from culturally and linguistically diverse backgrounds.

The committee resolved that the needs of isolated women deserve greater focus by government decision makers. Though it is tempting, I will not refer to every important recommendation in this comprehensive report. After examining the government's response to several important recommendations I am left with a number of questions. What has the government done since that report was tabled? I realise that it is a big ask and that the government needs time to implement all the recommendations by such a broad-ranging inquiry. However, some issues should be recognised as crisis or priority issues. One of those issues includes outreach programs for women with mental health problems and substance abuse problems.

I remind members of the comments that were made by representatives from Toora Women Inc in May 2003. They pointed to the current gender breakdown. I would have preferred it if the committee examined gender analysis issues rather than issues relating to women as that is generally accepted as a better practice. We should examine the impact that different policies have on men and women and different groups of men and women in a community. In that way we would be less likely to alienate men who believe that the focus is only on women. If we conducted a gender analysis exercise we would establish that women suffered inequality but in some areas we would establish particular issues relating to men. This notion of gender analysis, which is now well accepted around the world, is the wording that should be used.

Toora Women Inc conducted a gender breakdown analysis of currently funded ACT mental health accommodation. Toora Women's submission revealed that there was total annual spending of \$929,000 on men and \$190,000 on women—an issue to which we have referred on a number of occasions. It was disappointing to see that that issue was not acknowledged in the last budget. I again raise this issue in the hope that it will be acknowledged as a high priority in the next budget.

Another issue of concern in the community that needs specific attention is the body image issue. The committee recommended that the government investigate the need to expand service delivery responses that provide counselling and support for women with body image problems and eating disorders. The government supported that initiative and said that it was active in providing information and services relating to eating disorders and other issues. It said that it had contributed funds for epidemiological research and the promotion of health. It also said that the Mental Health ACT eating disorders program at Throsby Place was evaluated regularly to identify service gaps.

When did those evaluations occur and what were the results of those evaluations? I am getting feedback to the effect that there are still worrying gaps in services for this group of young women and, increasingly, for young men. The feedback that I am getting

reveals that community workers require a much greater understanding of dual diagnosis issues. They should be provided with additional support and training to facilitate that. The government's response to the dual diagnosis recommendation was that ACT Health had funded a series of training courses for clinical practice, which I assume refers to doctors and nurses. Community workers must be assisted to deal with clients with dual or multiple diagnoses.

It would be useful if community workers were given a first-aid knowledge kit filled with practical ways of dealing with clients with dual or multiple diagnoses. I am sorry that that ongoing issue has still not been dealt with properly.

I was interested to see the government's response to recommendation 6, which is as follows:

The committee recommends that the Government:

- a) investigate the provision of additional support to community organisations working in the areas of sexual and reproductive health to widely distribute material targeted at young people and presented in community languages.

The government responded in the following terms:

The availability of appropriate materials in the ACT and other jurisdictions will be investigated. The Office of the Chief Health Officer will discuss this recommendation with service providers and the Office of Multicultural Affairs, to determine appropriate strategies to progress this issue.

What stage has the government reached in relation to that issue? I am sorry that I did not speak earlier in debate as the minister might have had an opportunity to respond to a number of my questions. However, I will speak to the minister later. I wanted only to place these important matters on the record. The Rape Crisis Centre raised issues concerning its current workload and the waiting times that are involved—another important area that needs to be addressed by the government.

Earlier, I dealt briefly with mental health issues. I referred to women with mental health problems and to women not necessarily with dual diagnoses but with substance abuse problems. I referred also to the problems being experienced by those women in obtaining residential support. They are afraid that if they disclose their substance abuse problems they will lose their children.

That problem, which has not been resolved, is similar to the housing problems that are being experienced by sufferers of domestic violence. From memory, the committee recommended that the government should address that issue. This report spells out quite clearly the current situation being faced by these women. It lists this issue as a number one priority and states:

ACT Housing has a policy around women escaping domestic violence giving them an early allocation 1. This provides difficulty because quite often ACT Housing requires proof, protection orders, and support letters. Many women do not have access to or have not accessed the legal and support systems which also reflects the isolation of experiencing domestic violence in their lives.

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The government's response to that recommendation was that it had an early allocation category 1. We know that but, as this committee rightly pointed out, problems are still being experienced. The government's response did not address that issue which is still occurring. Unfortunately, it is a problem for women in that situation. I have said many times in this place that secure and safe housing is a pretty fundamental and basic right for anyone in the community. However, it is an issue of concern for women who are escaping from domestic violence.

Referring to the general question of the gender-based analysis, I commend the minister for her statement that she will be including a women's analysis in her policy. As I said earlier, a gender analysis would be better but it is good to see that such an analysis has been structured into this government's business. I acknowledge that the government has taken that big step forward.

Business

MR HARGREAVES (12.12): I move:

That so much of the standing orders be suspended as would prevent Assembly business having precedence after the discussion of a matter of public importance.

Essentially, this motion will enable the Assembly to conclude debate on the report of the Standing Committee on Planning and Environment on variation 175 to the Territory Plan when debate on the matter of public importance has been concluded. As the time allocated for Assembly business expires at 12.37, another motion will have to be moved to extend debate on that issue after conclusion of debate on the matter of public importance.

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

Planning and Environment—Standing Committee Report No 14 - government response

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

That the Assembly takes note of the paper.

MRS DUNNE (12.14): The report of the Standing Committee on Planning and Environment on draft variation 175 to the Territory Plan is the culmination of an important inquiry into an often-underestimated aspect of ACT planning policy. The committee was less than satisfied with and moderately scathing in its criticism of the Planning and Land Management Group's preparation of reports and its lack of vision in relation to industrial land-use policy in the ACT. I was somewhat disheartened when I established that the committee, after taking submissions from a large cross-section of people who use industrial land in the ACT, found in the government's response a "steady as you go" approach to this issue.

The government said, "We have been doing it like this for the last 40 years and this is how we will continue to do it." That was the tenor of the draft variation received by the

committee, which was most critical of that element. Draft variation 175, a review of industrial land-use policies in Fyshwick, Symonston, Mitchell and Hume basically just tinkered at the edges. It took one large block in one part of Fyshwick and turned it from industrial land use A to B. It then took another equally large block just across the road and turned it from industrial land use B to A. That was the most significant change that occurred.

The government should have said, “Instead of just tinkering around the edges with what we have, let us look at what we could do if we started from scratch. If we had a blank sheet would we do it this way?” That is what planning policy in the 21st century should be about. That is what the planning policy of this government should be—a government that states that it is about planning for the future and for the people. That is what this government should have been doing.

It might not have been as easy as draft variation 175; it would have taken some time and the government would have had to embark on some serious and authentic consultation. It would have had to work with the community and it would have had to have some vision, spark and flare. All those things are lacking.

For the edification of Assembly members I will read the first recommendation of the Standing Committee on Planning and Environment:

The committee has formed a strong view that this draft variation is not forward looking, lacks strategic, spatial and economic analysis with surrounding and adjacent residential areas, ignores practical and sensible business issues for small business and contradicts its own proposed policies for industrial land use.

The committee recommends that Draft Variation 175 be adopted as we had recommended for amendment, but only as an interim measure while further work is undertaken.

The minister and the planners agreed in part that draft variation 175 should be adopted, but mere members of the Standing Committee on Planning and Environment dared not criticise those planners for their lack of vision. They said, “We undertook all this economic analysis. How dare you criticise us for that.” The whole theme underpinning draft variation 175 was business as usual. There was no vision, no forward thinking and no statement to the effect “What would we have done if we had our druthers?”

When the Planning and Land Management Group said that it undertook a regular inventory of all its blocks and that it knew what was going on, one of the common criticisms by members of the public was that there were substantial reviews and inquiries into industrial land use in the ACT, for example, the 1998 synectics draft report that dealt with high-tech and environmental issues, amongst other things. Those reports seem to have been completely ignored in the preparation of draft variation 175.

Members of the Standing Committee on Planning and Environment do not just want a “steady as it goes” approach to this issue. We do not want change for change’s sake. However, when large numbers of people involved in industrial land use come to us and say, “The policy is broke,” we expect people to do something to fix it. Draft variation 175, the government’s response to that plan and its actions since then have done nothing to fix that policy. This government’s planning policies and spatial plan for Canberra do

not include comprehensive plans for industrial land use. The government's policies refer to the importance of transport corridors—an issue that was raised by the Planning and Environment Committee.

One of the things that were recommended by the Planning and Environment Committee was the need to look at all industrial and commercial land in the ACT to establish whether there is enough, whether the mix is right, whether it is located in the right place, whether people are doing things in industrial areas that could be done in commercial areas, and vice versa. The committee was of the view that land housing minor trades and group centres was being used for a number of industrial purposes. Minor trades and group centres in Woden and Belconnen were not taken into consideration when this industrial land-use policy was created.

Many of those trades are industrial trades, such as panel beating, car repairing and spray painting. The committee said to PALM at the time, "Go away and think about not just designated industrial areas but about quasi-industrial areas that house these minor trades." It simply boils down to the fact that PALM representatives said, "We know what is good for you. We are from PALM. We are here to help you. Do not tell us what we need to do in the future." That is what happens to anyone who deals with the ACT planning authority. Its current ethos is: "If the idea is not ours and the plan does not come from us it does not have a value, it is not authentic and it will not be valued."

One of the government's criticisms of the committee's report was that it strayed outside its narrow brief in relation to draft variation 175. However, committee members thought it was important to do so. I refer to an area of land bounded by the Monaro Highway, Canberra Avenue, Jerrabomberra Wetlands, Lake Burley Griffin and Stuart Circle—the area in Fyshwick on the western side of the Monaro Highway which includes the old DAS fleet site, the current Fyshwick Markets and the service station. That area comprises a vast section of unused railway or industrial land.

The committee was presented with the views of an individual, or the views a group of people, relating to the future use of that block of land. The committee was not keen to endorse that view. However, it realised that the people who had thought about the use to which this area might be put and who had talked to a number of people had come up with a vision for the future of an area in Canberra. At the moment that area, which is ugly, polluted, underutilised and inaccessible to a lot of people, could be put to good use in the future. Any industrial use of that area could impact on the Jerrabomberra Wetlands which have significance under the Ramsar treaty—a matter that we should treat seriously.

Members of the Standing Committee on Planning and Environment did not tell PALM to take up the idea with which it had been presented. Rather, we said, "Take this idea, talk to these people and come up with your own master plan for what should be done with this significant piece of land in the future." PALM representatives said to us, "It has nothing to do with you. That area, which is not industrial land, is not covered by the draft variation. It is not our idea but we might think about it in the context of the spatial plan." That was the only recommendation of the committee that was taken up by the government.

I waited for a spatial plan and for a draft spatial plan only to find a one-line mention of this proposal in an appendix to the plan. The government said in that appendix that it might do something about west Fyshwick. I hoped that the new planning regime would rise above the approach that had been adopted to this proposal by the former department. I hope that the minister sees value in exploring these ideas for the benefit of the ACT community now and well into the future. The government has a tunnel-vision approach to the use of industrial land. It is akin to the minister's recent response as to whether or not an Aldi supermarket should be built at Belconnen Town Centre. The minister was concerned about such a proposal upsetting the retail hierarchy.

The committee discussed at length bulky goods retailing and where it was appropriate to sell such goods. The committee recommended that the government do away with the limitations placed on bulky goods retailing in Mitchell. The minister and the planners were of the view that bulky goods retailing should occur in town centres and not in industrial centres such as Mitchell. It was said that if the process suggested by the committee were followed the government would not make as much money out of bulky goods retailing. It also said that if it sold space in Gungahlin Town Centre for bulky goods retailing it would upset the planning hierarchy—something about which we hear a lot these days.

The government, which is bound by the planning hierarchy, does not realise that the world around it has changed and moved on. The government is talking about 1960s NCDC approaches to things when others are talking about 21st century approaches to retailing. We all know that retailing has changed. The process that was used for the retailing and selling of all sorts of bulk goods is not the same process that was used when I was a kid. However, the process might be similar to the process that was used when Ms Dundas was a kid.

We must move with the times. In this modern age we must look at new possibilities and take the advice of people who say, "If you build bulky goods retailing space in town centres you will not be able to get the rents." People are not prepared to pay rents that would justify building bulky goods retailing spaces in town centres. Those centres should be located in industrial areas or the government must be prepared to sell land in the town centres for much less; therefore that land should be used for a higher and better value. That is a constant theme throughout this report.

Members of the public said to the committee, "We are not being listened to by the planners. They are not hearing what we have to say." The Planning and Environment Committee said to the government, "You must take account of these things and be visionary and forward looking." The government and the minister constantly came back to the committee and said that it did not know what it was talking about.

The government is not creating dialogue and trust and it is not enabling the growth of the community. The government and bureaucratic response to draft variation 175 is a microcosm of much that is wrong with planning in the ACT at the moment. The government believes that it is the repository of all knowledge. At the same time planners are unable or unwilling, or they not given support, to make visionary and innovative statements. The government is constantly putting people down who want to be involved in the future planning of the ACT.

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We constantly hear people saying, “Why should I bother telling the government what I think? It never takes any notice of me. If I do so, it builds me up, gives me some sort of hope and then tears down that hope.” That is what the government did in relation to the community planning forums. There is no trust between the public and the government. The people for whom this minister was planning have abandoned him because they believe he has abandoned them.

Debate interrupted in accordance with standing order 74 and the resumption of the debate made an order of the day for a later hour.

Sitting suspended from 12.30 to 2.30 pm.

Questions without notice

Actew

MR SMYTH: My question without notice is addressed to the Treasurer. Treasurer, the Auditor-General has released his report on financial audits for the year 30 June 2003. The Auditor-General has again qualified Actew’s financial statements, and we are aware that any such qualification is a most serious matter. The reason for this continuing qualification of Actew’s financial statements relates to the investment that Actew has in TransACT.

Given that the ACT government has full ownership of Actew and fully meets the test of having a controlling interest, why does the ACT government account for TransACT in the way proposed by the auditor, while Actew, a company wholly owned by the ACT government, does not comply with the approach proposed by the auditor?

MR QUINLAN: I thank Mr Smyth for the question. I think this is a longstanding difference that goes back a few years. There are sorts of accounting opinions at 20 paces between the Auditor-General and those belonging to Actew. Actew books incorporate TransACT at a valuation based on its accounting opinion of what is reasonable, given that Actew does not have a controlling interest in TransACT. Mr Smyth would recall that, for some unknown reason, at some time when Actew was being restructured, Actew ended up with 24.9 per cent of TransACT. Had it been 25 per cent, it would have had the power of veto over many of the decisions that might befall TransACT. So, by some stroke of idiocy in the past, the controlling interest—or any influential interest effectively—in TransACT was parlayed away.

So given that Actew does not have a controlling interest in TransACT, its treatment is appropriate, and, given that its treatment is appropriate, and as Actew’s valuation is incorporated into the territory’s balance sheet, the territory’s balance sheet then becomes appropriate as a consequence.

MR SMYTH: Mr Speaker, I ask a supplementary question. Treasurer, what are you doing to actually resolve the issue?

MR QUINLAN: You will find from time to time opinions that vary. The Auditor-General’s opinion has to be respected, but it is, in many cases, an opinion. In particular, I refer to the other major qualification that the auditor gave our statements in relation to superannuation valuation. In fact, the Auditor-General of today is objecting to a system

introduced by the previous government to amortise shifts in value over, I think, a period of 12 years on a cyclic basis, which the previous auditor both supported and then did not support as time went by. So I think that really underscores the fact that there are differences of opinion.

If we said, "All right, we want a valuation of TransACT at the sale value of today," that could shift quite dramatically. I know there are people with whom I have had discussions who are very keen to get into TransACT and who believe that it will one day escalate in value at a very rapid rate in terms of its saleability. So I do not think to write it up and write it down year in and year out will achieve a whole lot. We know that the money has been invested. We know that TransACT is continuing its rollout—not as quickly as we would like. We know that it could probably do with an extension of the material that it provides, to make it more attractive, particularly the entertainment end of TransACT. But we are looking at ways of making it more efficient, and, if it is more efficient, then its net present value will increase, by virtue of projected earnings when it does, hopefully, become a big earner.

It is one of those investments on which opinions will be divided. If Actew has put forward its statements, and it has got qualified, professional advice on its particular treatment, then I think we are prepared to accept that. What we get out of this, for the information of people who read the statements and are able to understand them, is the best of both worlds, because you get the value that has been placed on it by Actew—effectively the investment value—and at the same time you get the auditor saying, "That might not be the case." If we just write it off, it would be just written off and you would not get that spectrum of information.

So I do not see the particular qualifications that exist in the statements as being of major concern. They might be—if the accounting methods that we used, in each case, were not subject to fairly evenly divided opinion amongst the profession.

With regard to the superannuation one, there just is no Australian standard. Standards are being developed, and in the next couple of years we will see a greater uniformity of national and international standards in accounting, and that is what the international bodies are working towards. In the meantime, I cannot see that this causes our presentation to be diminished in any way, and it does not strike me as being of major concern.

University sector

MR HARGREAVES: My question is to the Deputy Chief Minister. Minister, you will be aware of the recent announcement that the ANU has been ranked as one of the top 50 universities in the world. At the same time, the University of Canberra has announced an 11 per cent increase in applications. How does the government intend to capitalise on the strength of our university sector to build the ACT economy?

MR QUINLAN: Thank you, Mr Hargreaves. I gather from that question that you are getting the seasonal spirit and would like to end the year on a positive note and enjoy some good news.

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The excellent result of the ANU confirms its place as Australia's leading university, and the university is to be congratulated. It did not happen overnight; we realise that. The apparent popularity of the University of Canberra also confirms Canberra as a desirable destination for students.

These results confirm that the government is correct in its desire to forge close relationships with both these institutions. In the economic white paper the government identified these universities, particularly the ANU, as drivers of growth for the ACT economy. We want to capitalise on the excellent ideas and research that are flowing out of the ANU and ensure that, as far as possible, the ACT community and ACT business are able to reap the benefit of this work. In the past there has been little effort or interest in doing the hard work to ensure that ideas and innovation in the ACT stay in the ACT.

The economic white paper identified over \$640 million spent on publicly funded research in the ACT—12 per cent of the Australian total. We need to make sure that ACT business is in a position to take that research and commercialise it in the ACT. We are well on the path to doing that. In opposition, we committed to building a knowledge-based economy. As part of that commitment, the knowledge fund has helped 192 businesses already.

If I might digress from my prepared answer, Mr Speaker—

Mr Smyth: You wouldn't have a prepared answer to a question without notice? My God!

MR QUINLAN: I have the ability to anticipate questions.

Mr Cornwell: Is that while walking on water?

MR QUINLAN: Yes. At lunchtime I happened to be at Business ACT's updated Business Gateway, which I recommend everybody have a look at on the net, and I ran into some of the 192 companies that we have helped, some of which were with us in Silicon Valley a few weeks ago. The success of those companies is outstanding. They appreciate the fact that BusinessACT and the government provided the opportunity to them to present at the ANZATech showcase. A considerable amount of sales have taken place since, and because of, that trip.

That is not the end of it. That is an ongoing process, but it takes work and it takes cooperation between the education sector, the business sector and us, the government. As you are aware, we have made significant investment in NICTA. That will give far greater impetus to growth, particularly at the high end of business.

In relation to NICTA and the focus in the economic white paper on, if not white-collar jobs, white-coat jobs, if we want the economy to grow, we want to be at the creative end. Create wealth within the economy and the service industries will benefit as the multiplier flows through. If you focus halfway up the ladder, as has been suggested, that is where you will finish up: halfway up the ladder. If you focus at the wealth creation end, the benefits will flow back and all service industries will benefit. That point came up, and it needed to be responded to.

The events of just the last few days have confirmed the strategies already laid out in that white paper.

MR HARGREAVES: I have a supplementary question. In that context, can the Treasurer advise the Assembly of the economic condition of the ACT and the foundation upon which the white paper builds?

Mrs Dunne: On a point of order, Mr Speaker: the supplementary question bears no resemblance at all to the question about the University of Canberra and the ANU.

MR HARGREAVES: On the point of order: in the Treasurer's answer to my question, he referred to the economic white paper, and I wanted supplementary information on that.

Mrs Dunne: On the point of order, Mr Speaker: the supplementary question should be about the question, not the answer.

MR SPEAKER: I think it is fair enough. Proceed, Mr Quinlan.

MR QUINLAN: Thank you, Mr Speaker, and I thank Mr Hargreaves for another positive question. As a shadow Treasurer and a Treasurer, I have not been one to ascribe all the successes within the ACT economy to the actions of government. However, we have to be doing something right. I spent the best part of four years on that side of the house listening to the sequential chief ministers telling us that they were absolutely responsible for anything good that happened within the economy.

Mrs Dunne: But you're not doing anything. You have to do something first!

MR QUINLAN: Just indulge me at the end of the year. Sit back and enjoy some good news for the season! For example, we have low unemployment. Today it is at 3.9 per cent, effectively full employment. We have concerns about employers being able to find people to fit various jobs. As the unemployment figures flowed out during the previous government, we put up with the Treasurer and the Chief Minister telling us what a great job they had done.

Well, here we go: we have 3.9 per cent. State final demand: average quarterly growth under the current government was 1.2 per cent; under the previous government's last 12 months it was 0.3 per cent. Retail trade: average monthly growth under the current government was 0.34 per cent; under the previous government's last 12 months it was 0.88 per cent, and under the previous government from March to October 1995 it was 0.58 per cent. The highest level of business confidence, as measured by the *Sinsis*—the former *Yellow Pages—Business Index* under the current government was 78 per cent; under the previous government's last 12 months it was 56 per cent. Et cetera, et cetera.

What this government is doing is working with business, and it is succeeding. That work and the success of that work are shown in these clinical, objective measurements.

MR SPEAKER: Mrs Dunne, in relation to your points of order, I refer you to standing order 119.

Hospital elective surgery waiting list

MRS BURKE: Mr Speaker, my question, through you, is to the Minister for Health, Mr Corbell. The opposition has received a copy of a letter from a woman in Wanniasa to management at the hospital. She has been on the waiting list for several years and vented frustration about filling out survey after survey without any result. One of the questions was “I have already had my surgery—please remove me from the waiting list.” This question is presumably asked because a significant number of people get tired of waiting for surgery in the public system—

Mr Cornwell: And die.

MRS BURKE: They do not die—they decide to get surgery done privately, thank goodness. Minister, how many patients during 2002-03 asked to be removed from the waiting list because they had private surgery due to their frustration over your inability to provide elective surgery in a timely manner?

MR CORBELL: I draw Mrs Burke’s attention to the fact that every month we report on removals from the waiting list, including removals for reasons other than having the surgery undertaken. She should simply check the monthly figures.

MRS BURKE: Mr Speaker, I ask a supplementary question. Minister, how can patients on the elective surgery waiting list have confidence that they will receive the procedure they have been waiting for, given the financial problems in the hospital system highlighted by the Auditor-General?

MR CORBELL: Mr Speaker, they can have confidence because the government is spending an additional \$2 million per annum to improve access to elective surgery.

Mrs Dunne: And we are getting less for it.

Mrs Burke: Here we go. Here we go.

MR CORBELL: And here they come, Mr Speaker. Already this year we have seen close to an additional 350 people, 350 Canberrans extra, get access to the elective surgery they need. So this government is investing Canberrans’ money in improving access to elective surgery. An additional 300 Canberrans, on top of the thousands of Canberrans every year who access elective surgery, have got access to elective surgery this year because of that increase in funding.

Mr Smyth: It is still less than we spent in our final year.

MR CORBELL: I am sure that Mr Smyth will pay close attention to the figures when they come out this month.

I can assure you, Mr Speaker, that I have every confidence that the waiting list is both stabilising and we are seeing an increase in throughput. That, indeed, is the objective of the government—to get more people the elective surgery they need. And that is what we are delivering—an extra \$2 million in elective surgery; an extra 300 Canberrans already, just in less than the last six months, getting access to the elective surgery they need.

That is the impact of the government's commitment—more throughput, more treatment and more money. The government has got the situation focused. We are working on addressing access and we are delivering results.

Bushfires—warnings

MR PRATT: My question is to the minister for emergency services. The macro weather/drought patterns and associated bushfire risk conditions have improved little since December 2002. Therefore, the risk to the ACT community will continue to be very high. Having been caught out a year ago, the community is somewhat better prepared and more wary than it was in the 2002-03 summer and there has been a marked improvement in community education and information.

Minister, what alert procedures do you have in place, and what is the nature of those procedures, to warn vulnerable communities when bushfire breaks out in dire weather and environmental conditions?

MR WOOD: Broadly, they remain as they were before; but, as you would expect, there has been a vast amount of refinement about that, especially in relation to the emergency siren signal. There is now a clear arrangement about that. It will be broadcast across all channels. It will be sent out when fire officers determine that a problem is approaching and will be sent out at a very early stage. There have been refinements and there has been attention to the way that the forward lines, if you like, are alerted to issues so that the signal will come back at an appropriate pace—in fact, better than that, as soon as possible in the circumstances. I take it that you are talking about the public alarm that needs to be raised?

Mr Pratt: I am talking about the days prior.

MR WOOD: That is an interesting question because on the days prior we will be, as always, monitoring any incidents. The circumstances are quite different this year. Namadgi National Park is, effectively, burnt out.

As examination is made of potential areas, the long grass on the western fringes presents a major hazard. Of course, a great amount of work has gone into containing that; nevertheless, there is a very large amount of grass. The most significant threat is to the urban parks—the Canberra Nature Park, Black Mountain and similar places—that remain fairly well intact from last year, except for the extensive clearing and hazard reduction that has gone on. Sometimes you have not liked that.

Mr Corbell: They want to have it both ways.

MR WOOD: Yes, they do seem to want it both ways. They complain about fuel reduction. Both the bushfire and the urban fire services are extraordinarily alert to situations that might arise and the communications basically come back to the very simple, easy communication back to headquarters.

MR PRATT: I have a supplementary question. Minister, do you have in place procedures to alert vulnerable communities directly before the fire hits them? Will you

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assure us that you will not be repeating the grave error of 17 January 2003 when vulnerable communities were not warned of the impending disaster?

MR WOOD: That was a whole build-up around the circumstances and I would not accept your premise. One of the most significant events of the last few months is that there is now a memorandum of understanding between the police and the fire services. There is a clear protocol in place so that there is absolutely no confusion over evacuation procedures and when an evacuation should occur. It has been refined. For example, a year ago there were some difficulties here and there with whether to evacuate. The general standard is that, if people think that they are fit and able to stay with their property, they should do so unless and until they are advised by an authority, which could be either fire or police, that they should or must evacuate. Those are the circumstances around that. I think that is a very significant advance.

Neighbourhood planning

MS TUCKER: My question is to Mr Corbell and is related to the neighbourhood planning process and population estimates. Minister, you would be aware that there are some frustrations being expressed by local residents and resident groups over the process of neighbourhood planning, particularly at the moment in the suburbs of Hackett, Watson and Downer. One of the issues, as you would be aware, is the degree of infill and consolidation that is proposed for these suburbs.

You might be aware of a document prepared by Dr Vincent Craig, based on Bureau of Statistics information which estimates Canberra's population will grow to a maximum of 380,000 by 2026, then maybe an extra 20,000 over the next 25 years and would then decline, falling well short of the estimates in the draft spatial plan. Given this, and even taking into account the shift towards smaller household size, the number of extra dwellings required would be about 32,000.

The spatial plan estimates there are 10,000 additional household sites available in the established areas, another 30,000 on the books for greenfields sites in Gungahlin and Dunlop, another 12,500 sites likely to come on stream in Molonglo and an unknown number of unit developments in and around town centres. The need for urban renewal in the inner north, while desirable, is clearly moderate.

Why is it, then, that, while the community briefs suggest an increase in dwellings of 200 in Hackett and Watson and 300 in Downer, current plans and proposals from ACTPLA appear to allow for an increase of 400 dwellings in Watson, 800 dwellings in Hackett and 1,500 dwellings in Downer?

MR CORBELL: Mr Speaker, I trust that those final figures that Ms Tucker is referring to are from the plan put together by the independent design team through the charette process. If that is the case, Mr Speaker, those are not ACTPLA proposals; those are proposals put forward by a design team commissioned by ACTPLA for the purposes of commissioning and instigating community debate about urban renewal in the established areas.

Mr Speaker, there will be, over time, an increase in the number of households required in inner Canberra suburbs. The question is: how is that moderated? How much will occur? How much should we make provision for?

Decreasing average household size is leading to demand for additional dwellings, even in established suburbs, Mr Speaker. As our household size decreases, we are seeing demand for additional dwellings within established areas, particularly as people age and choose to live in smaller dwellings within their existing neighbourhood.

Mr Speaker, on the issue around population projection figures in the spatial plan: it is accepted that, based on our current rate of growth, the level of population increase will be quite moderate. I think those are the figures that Ms Tucker is referring to.

What, though, is not taken into account, I think, in the figures that Ms Tucker is referring to is the need to make planning provision for a potentially higher rate of population growth. For example, we do not yet know the full impact of population growth emanating from people moving into the ACT as Sydney increasingly becomes too large in area and people seek accommodation elsewhere. We are already seeing that in terms of the Canberra-Sydney corridor; we are seeing increasing numbers of people choosing to live outside the immediate Sydney area. Indeed, they are now living as far south as Goulburn. We can only anticipate that that trend will continue over the next 25 to 30 years. That is one example of why the spatial plan makes provision for potentially a higher rate of population growth and to accommodate, therefore, a large population overall.

It is a planning provision; it is not a target. Any sensible strategic planning document will take account of potential increases in population and the need to accommodate that, and that is what the spatial plan does.

Mr Speaker, in relation to the specific details of Downer, Watson and Hackett: the neighbourhood planning team in the Planning and Land Authority will be releasing a draft plan for Downer, Watson and Hackett early in the new year, after the Christmas-New Year break. That will provide all residents of Downer, Watson and Hackett an opportunity to comment on the proposals in that, but I think, based on the advice I have received to date, residents should be assured that the level of household increase that is anticipated in those plans is very modest and is designed to take account of the fact that most increases in population will be accommodated within our town centres, our group centres and in any new greenfields areas that may occur into the future, as predicated in the draft spatial plan.

MR SPEAKER: A supplementary question?

MS TUCKER: Yes, thank you. Could you table in the Assembly the actual documents on which ACTPLA or the neighbourhood planning team have based their population estimates and the need for increased density to that degree in these inner north suburbs?

MR CORBELL: As I have indicated to Ms Tucker in my first answer, Mr Speaker, the level of intensification which she is referring to is the result of an independent design team's planning charette.

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Ms Tucker: There must be a document.

MR CORBELL: Let me answer your question. I am happy to come to your question in detail, Ms Tucker, but let me just reiterate: it is important to recognise that the intensification that Ms Tucker is referring to is intensification based upon an independent design team's planning charette. It does not represent the views of the planning authority or the government. The planning authority and the government have made that clear to all residents through the neighbourhood planning process.

In relation to the assumptions: I am happy to take that question on notice and endeavour to provide any relevant information to Ms Tucker.

Elder abuse issues paper

MR CORNWELL: My question without notice is directed to the Chief Minister. At the estimates committee hearings earlier this year the Chief Minister indicated in a reply dated 22 May relating to powers of attorney issues that were raised in the elder abuse report that his Department of Justice and Community Safety had initiated a review of the Powers of Attorney Act. He also said that an issues paper would be released towards the end of 2003 for public comment.

I ask the Chief Minister: where is that paper? If that paper is not yet available, when will it become available?

MR STANHOPE: I am not aware of the exact date that the report will become available. I am more than happy to obtain that information and provide it to Mr Cornwell.

MR CORNWELL: When that paper becomes available will the Chief Minister arrange for a copy to be sent to me, thus restoring my faith in the belief that the government is concerned about this elder abuse issue?

MR STANHOPE: Yes.

Families—respite support

MS DUNDAS: My question without notice is directed to the Minister for Disability, Housing and Community Services. Does the government intend to provide additional funding to organisations such as FaBRiC so that families that are currently receiving respite support will continue to receive that support after February next year?

MR WOOD: I will refer the member's question to Mr Corbell as his department has responsibility for that issue.

MR CORBELL: It is important to place on the record the circumstances surrounding the provision of respite care by FaBRiC, or Family Based Respite Care. I state at the outset that FaBRiC provides an important service and one that is supported to a significant degree by this government. In 2003-04 FaBRiC received funding to the tune of \$2 million from the ACT Government to provide respite care services to families in our community, in particular, to families with children with a disability.

Despite that fact, earlier this year FaBRiC had a one-off budget windfall and it chose to extend the provision of its respite services to an additional 38 families on a short-term basis. FaBRiC advised those families that funding would cease in December 2003. It is of concern to me that a community organisation would choose to take such a step. Clearly, once respite services are provided there is an expectation by those who are receiving them that they will continue.

FaBRiC provided those additional services in the knowledge that the funding was not ongoing. It knew that when it made a decision to provide those services. Unfortunately, I think it placed those families in a difficult position. This matter was brought to my attention last month. I then agreed that the government would provide FaBRiC with additional funding to the tune of \$30,000 to ensure that those respite services would continue until the end of February next year.

The government provided additional funding to address a shortfall that became evident as a result of FaBRiC's decision to extend that funding on a short-term basis. In the interim the government will be working with FaBRiC to ensure that this issue is managed until February, at which stage the government expects a tender for an additional \$400,000 worth of respite services to be completed. That funding is targeted to provide a number of innovative respite care models that are designed to meet the needs of families.

As a result of that funding the government expects the families who have been supported by FaBRiC to be supported in the long term. The ACT Government did not place those families in that position as a result of any funding cut; FaBRiC decided to extend its services to an additional 38 families. However, as it had a one-off budget windfall we are now confronted with this problem. The government stepped in to provide additional funding until the end of February, at which stage we expected the territory-wide tender for respite services to be completed. Those families who need respite care services should be able to be serviced in the longer term.

MS DUNDAS: I thank the minister for his answer. However, I did not intend to imply when asking my question that that problem occurred as a result of a funding cut.

MR SPEAKER: Order! The member should ask her supplementary question.

MS DUNDAS: Does the government have in place a strategy to eliminate the waiting list for families with children with a disability who have been assessed as being in need of respite care under that criteria but who have not been able to access respite care? If the government has such a strategy, when does it expect that waiting list to be cleared?

MR CORBELL: Ms Dundas asked a somewhat simplistic question, as though there were some way in which this government could automatically remove all unmet need in the community. I would like to meet the members of any government in the world who were able to eliminate unmet need in the community. This government has in place a strategy. An additional \$4.1 million was allocated for respite care in the 2002-03 budget.

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The government acted decisively, and with strong support, to provide additional respite care services for people in the community. Any suggestion that unmet need could be automatically eliminated is simplistic in the extreme. It avoids the ongoing major policy dilemmas that governments in all developed countries face in meeting need in their communities.

Visiting medical officers

MR STEFANIAK: My question is to the Minister for Health. The 2003-04 version of the local Labor Party platform states, "Labor will encourage and assist membership and participation in trade unions by all workers." That means all workers, not just employees. Minister, the Visiting Medical Officers Association has applied to the Australian Industrial Relations Commission to become a union and you have opposed the application, claiming that VMOs are contractors, not employees. Minister, why are you opposing the VMO's application, given that your party's platform provides that Labor will encourage and assist membership and participation in trade unions by all workers?

MR CORBELL: I do not think that I am going to face censure from branch council of the ACT branch of the Australian Labor Party for opposing visiting medical officers seeking to become a trade union. VMOs are contractors who provide services to the ACT government. We have established, I think, a very successful framework for negotiating contract terms and conditions with visiting medical officers. The government thinks that visiting medical officers are being treated justly and in a way that properly recognises the skills, experience and great capacity they bring to our public hospital system and the government does not believe that people who are in a contract arrangement with the ACT government should necessarily be in a position to be able to form a trade union. Ultimately, that is a matter for the Industrial Relations Commission to decide. If the Industrial Relations Commission does chose that visiting medical officers should be deemed to be employees, we will welcome them into the Australian Salaried Medical Officers Federation, which is, of course, the trade union for salaried doctors in our public hospital system.

MR STEFANIAK: I have a supplementary question. Minister, why don't you consider that contractors are workers in line with the provisions of your platform?

MR CORBELL: As I have made clear, the use of the term "worker" is, I would argue, in the context of people employed by the government. VMOs are engaged on a contract basis to provide services for the government and the situation is not the same.

Retailing—bulky goods space

MRS DUNNE: My question is directed to the Minister for Planning, Mr Corbell. Minister, on 27 November in this place, I asked you:

... was the information that you intended to sell 20,000 square metres of bulky goods retailing space in the Gungahlin town centre made available to bidders at the auction of [bulky goods retailing] land in Mitchell on 19 November?

In reply, you said that you were "not aware of the information that has been provided".

Minister, now that you have had time to look at the matter, what information was provided to the bidders about the government plans for 20,000 square metres of bulky goods retailing space in the Gungahlin town centre?

MR CORBELL: I apologise to Mrs Dunne. I was anticipating answering this question after question time today, so I am happy to provide the answer now. The 2003-2004 Land Release Program was released as part of the 2003-2004 budget papers in May this year. The land release program for 2003-04 provides for and identifies the release of two sites in the Gungahlin town centre. The location and the size of these sites are yet to be determined, as was indicated in the land release program when it was released.

The Land Development Agency is currently considering strategies and opportunities for the release of these sites, as well as future releases, which will be identified within the area known as the homemakers precinct in the Gungahlin town centre. This information is made publicly available when the government releases the budget. Further, this information was freely available from the Gungahlin office of the Land Development Agency prior to the November auction.

MRS DUNNE: I ask the question again, Mr Speaker: was that information specifically provided to the bidders when they were bidding on bulky goods retailing land in the adjoining suburb?

MR CORBELL: I think I have answered the question, Mr Speaker.

Road line markings

MRS CROSS: Mr Speaker, my question is to the Minister for Urban Services, Mr Wood. Minister, it has been brought to my attention that the line markings at the intersection of Parramatta Street and Melrose Drive in Phillip are currently being changed. The area where traffic merges into a single lane has been moved back, closer to the Woden shopping centre. Minister, can you inform the Assembly why this change is occurring and what outcomes you are hoping to achieve?

MR WOOD: No, I cannot. I do not normally get involved in those sorts of road engineering matters. However, I will undertake to provide an answer to Mrs Cross.

MRS CROSS: Mr Speaker, I ask a supplementary question. Minister, can you tell me also how these changes will affect traders and businesses in Phillip and, more importantly, whether traders and business owners in Phillip were consulted or advised about these changes; and if they were, who was advised and when?

MR WOOD: Mr Speaker, I will add that to the answer.

ACTION buses

MS MacDONALD: Mr Speaker, my question, through you, is to the Minister for Planning, Mr Corbell. Minister, what initiatives has the government taken to ensure that ACTION meets its targets under the Disability Discrimination Act 1992?

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MR CORBELL: I thank Ms MacDonald for her question. I am very pleased to confirm to the Assembly today that the government will more than double the ACTION accessible bus fleet by June next year, Mr Speaker, with a \$23.4 million investment in 62—read it—new buses. Mr Speaker, the acquisition of 62 new accessible buses, totalling \$23.4 million, confirms the government's commitment to improving access to our passenger transport system. ACTION has recently completed the signing of two new contracts for the purchase of new buses for its bus fleet. This means that our accessible fleet will more than double by June next year, Mr Speaker.

This means that ACTION will meet the Disability Discrimination Act accessibility targets of 25 per cent—

Mrs Dunne: I would like them to be able to travel safely. They can't be restrained.

MR CORBELL: Negative, negative, negative, Mr Speaker, that is all we hear from Mrs Dunne.

Mr Speaker, this means of course that ACTION will meet its target of 25 per cent of its fleet being accessible well ahead of the target date of 2007. In fact, we will achieve it, Mr Speaker, by the middle of next year. We will have to, of course, make our fleet fully accessible by the year 2022, consistent with the DDA target.

Mr Speaker, I am happy to confirm for members that ACTION has finalised contract negotiations for 42 new Scania ultra-low-floor, air-conditioned, compressed natural gas buses, with these new buses being progressively delivered into Canberra from January next year. We have already set aside, as members would be aware, \$17.2 million in capital funds for this purchase.

In addition, Mr Speaker, it is worth making the point that ACTION has also signed a contract for an additional 20 new Irisbus diesel-powered, ultra-low-floor, air-conditioned, accessible buses to accelerate the replacement of older, less accessible buses in its fleet. The government has provided an additional \$6.17 million in capital funds for this purchase.

Mr Speaker, ACTION made this purchase because these 20 buses were built to an order placed by a private bus company in New South Wales, which subsequently decided it could not accept delivery of the buses because of its own financial problems. Mr Speaker, for that reason, the buses were available at cost price to ACTION, and ACTION took the prudent step of acquiring these buses at a very competitive price.

It now means that ACTION has an additional 20 low-floor, air-conditioned, accessible buses to add to its fleet. This brings to over 60 the total additional accessible buses that ACTION will now have in its fleet, Mr Speaker. We are doubling the amount of wheelchair-accessible buses in our fleet and we are meeting that three years ahead of the target, Mr Speaker, and are far outstripping the measly amount of money put in place by the previous government when it came to their so-called bus fleet upgrade.

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

Supplementary answers to questions without notice

Graffiti

MR WOOD: Mr Speaker, recently Ms Tucker asked me a question about the graffiti clean-up team and I am happy to provide the answer. The answer is fairly lengthy so I will table it. I present the following paper:

Graffiti—Answer to question without notice asked of Mr Wood by Ms Tucker and taken on notice on 20 November 2003.

I seek leave to incorporate it in *Hansard*.

Leave granted.

The incorporated document appears at attachment 1 on page 5305.

Education—children with disabilities

MS GALLAGHER: Mr Speaker, yesterday Ms Dundas asked me a question in question time about the allocation of resources for students with disabilities and particularly how parents would be informed of the points allocated to their child. As a result of the SCAN process, principals will be advised of the additional staffing points that will be allocated to their school on behalf of students with a disability. These points are part of the overall resource into school and are not necessarily tied to an individual student.

The SCAN process is a complex and evolving one and will be implemented over time, commencing in 2004. Schools can use their allocation in a number of ways to support the student, including special teacher assistance support, teacher support, and professional development. Principals and staff use their professional judgment to determine how this resourcing is best used and schools are required to report to parents on the educational outcomes being achieved.

Principals are ultimately responsible for ensuring that these resources are used in the most effective way to achieve the goals identified in each student's individual learning plan. It is important that parents participate in the development of their ILP. Parents are encouraged to participate in discussions around their child's program delivery.

Administration and Procedure—Standing Committee

Review of standing orders

MR SPEAKER: Members, pursuant to standing order 246A, the Standing Committee on Administration and Procedure resolved that I advise the Assembly that the committee would be conducting a review of standing orders.

Papers

Mr Speaker presented the following papers:

2002-2003 Annual Report—ACT Legislative Assembly—Errata.

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Study trip—Report by Mr John Hargreaves, MLA—Visit to Manningham City Council, North-East Melbourne, 1 December 2003.

Bushfire Recovery Taskforce Report

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

The Report of the Bushfire Recovery Taskforce—Australian Capital Territory, October 2003.

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

Leave granted.

MR STANHOPE: I move:

That the paper be authorised for publication.

Question resolved in the affirmative.

MR STANHOPE: I move:

That the Assembly takes note of the paper.

Mr Speaker, I am pleased today to table the report of the ACT Bushfire Recovery Taskforce. The impact of the January 2003 fires was immense in terms of personal and property loss. Tragically, four members of our community lost their lives in the fires and 488 homes were destroyed. In the rural sector, people lost homes and buildings as well as livestock. Many pets, horses and native animals also died. Tidbinbilla was devastated, as was the much-loved Cotter recreational area. The total financial cost of the fires has been estimated at \$350 million; this does not include the immeasurable human cost. The whole of the ACT community was affected in some way or other.

The Bushfire Recovery Taskforce was established soon after the bushfires by the ACT government to guide and facilitate our recovery. The ACT community owes a debt of gratitude to all members of the taskforce: to Sandy Hollway, who made an extraordinary contribution as chairman; to Robert de Castella, who represented those who lost their homes to the fires; to Maureen Cane, who represented the community sector; to Terry Snow, who represented the business sector; and to Robert Tonkin and Alan Thompson who provided valuable advice and guidance on behalf of the ACT government. All of these people brought their expertise, energy and huge personal commitment to this task over many months, and I would like to record my personal thanks to each of them. Mr Speaker, under the taskforce's leadership, the ACT's recovery from the fires has been exceptional. Although there remains much to be done, a great deal has been achieved.

The community response to the tragedy was swift and generous—locally, nationally and internationally. Volunteers came forward, donations flowed in, and enormous support

was shown to fire-affected residents. The taskforce report, which has been tabled today, reveals that many people have made substantial progress in recovering from the fires.

Having said that, Mr Speaker, I want to stress that the ACT government remains conscious that many people suffered a great deal during and after the fires, and that people recover at different rates.

Assistance will continue to be available for bushfire-affected residents. The recovery centre will remain open until the end of March 2004, and planning is under way to ensure that appropriate, targeted services remain available after that date.

As you would expect, the Bushfire Recovery Taskforce report documents the work undertaken by the taskforce. But it is more than just a report as an historical record or for formal purposes of accountability: it is also designed as a working reference document to assist others who may be faced with similar challenges in the future.

Mr Speaker, there are four major aspects of this recovery which set it apart:

- the taskforce model;
- the establishment of a broadly based community and expert reference group to ensure that the taskforce and the government had early warning of issues relating to the bushfire-affected community;
- the establishment of a dedicated secretariat to support the recovery; and
- the establishment of the recovery centre.

The first aspect of the recovery—the taskforce model—was extremely effective. The taskforce had strong links to the ACT community, and brought together experience in project management, business, government administration and community development. And it saw its focus as not only assisting the ACT to recover from disaster but also to learn from the process and to create a stronger, better planned and more resilient ACT.

The second aspect of the recovery was the establishment of the community and expert reference group to ensure that the taskforce remained fully informed about community needs and expectations. Representing fire-affected residents, unions, peak community and business groups, and the Commonwealth government, the group's contribution has been invaluable. Its members have been vigorous in pursuing community concerns and their determined focus on community health, especially mental health, should be highlighted. I am pleased to note, Mr Speaker, that the reference group's report is included as part of the taskforce's report.

Thirdly, Mr Speaker, the government created a full-time administrative infrastructure to support the taskforce and the community and expert reference group and to supplement the recovery work being undertaken in mainstream departments. This secretariat was staffed mainly by public servants seconded from the ACT public service whose commitment and dedication have been extraordinary.

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The fourth aspect of the recovery was the establishment of the ACT recovery centre at Lyons. The centre offers a one-stop-shop for bushfire affected residents, where they can access a wide range of information, advice, services and support. The recovery centre proved to be a key part of the bushfire recovery and provided outstanding people support using a case-management approach. The recovery centre is widely acknowledged as representing world best practice. Governments and organisations across Australia and overseas are keen to learn how the centre has achieved its outstanding success.

After six months of operation, the taskforce advised the government that it was appropriate to consider new recovery arrangements. In particular, they recognised the need for the gradual integration of recovery activities into the normal business of government. This does not mean that the recovery process is less of a priority but that key executives throughout the ACT Public Service have become even more directly involved in driving the process.

The taskforce and the newly formed bushfire recovery executive worked together on the work plan for the next phase of the recovery, and that work plan also forms part of the taskforce report. Dedicated recovery structures, including the community and expert reference group, will remain in place until the end of this bushfire season. Careful planning is under way to ensure that services are available after that time for those who need them.

In summary, Mr Speaker, this is an excellent report. Not only does it provide an accounting for the activities that the taskforce undertook on our behalf, it also provides a very valuable resource for anyone who faces a similar disaster in the future. It also marks an important point in the journey of our city and community towards a stronger, more resilient community—a community that has responded to the challenges of recovery and is at the same time preparing to take hold of new opportunities into the future.

I would like to reiterate my thanks, and those of the whole ACT community, to the taskforce, the community and expert reference group and, indeed, to all of the people who have contributed to the recovery effort. In that I would also acknowledge the support and interest of the members of this Assembly. I commend the report to the Assembly.

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

Bushfires—counselling services Paper

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (3.30): Mr Speaker, for the information of members, I present the following paper:

Counselling services following the January 2003 ACT Bushfires, dated December 2003.

I move:

That the Assembly takes note of the paper.

Mr Speaker, I am pleased to table today a report *Counselling Services Following the January 2003 ACT Bushfires*. This document is tabled in accordance with recommendation 5 of the *Report on the Inquiry into the Appropriation Bill 2003-2004 (No 2)* issued by the Select Committee on Estimates in September 2003. Recommendation 5 is that “the Government assess the ongoing need for counselling services as a result of the 2003 bushfires and provide an interim report to the Assembly on the last sitting day in December 2003 of plans for 2004”.

The January 2003 bushfires were unprecedented in the ACT, not only in the damage to property and life but also in the great personal damage and trauma experienced by those most affected. The immediate need for a fully competent and focused recovery process was clear to everyone. Now that recovery is well on the way for most, that response has been acknowledged as world best practice.

Mr Speaker, the establishment of immediate assistance to those in need—through evacuation centres and the recovery centre fully operational within days of the disaster, and with the full cooperation and assistance of the ACT community—was, to be frank, quite an amazing feat. The range of services provided and the breadth of coordination between ACT government and community organisations in delivering what was needed is outstanding, and much has been achieved.

Mr Speaker, the ability to respond quickly and effectively to those in need of counselling has been crucial to the recovery effort. We know that this will continue to be a crucial need for some time. It is particularly important that those most directly affected by the fires can face the future confidently and with the knowledge that there is still assistance for them when and if they need it.

Consideration has presently been given to the best means of meeting the ongoing needs of those affected by the bushfire following closure of the ACT recovery centre at the end of March 2004. These matters are detailed in the report. Mr Speaker, I commend the report to the Assembly.

Question resolved in the affirmative.

Caring for carers policy Paper

MR WOOD (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for Police and Emergency Services, and Minister for Arts and Heritage) (3.33): Mr Speaker, for the information of members, I present the following paper:

The Caring for Carers Policy—Department of Disability, Housing and Community Services, dated December 2003.

I move:

That the Assembly takes note of the paper.

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The caring for carers policy delivers on the ACT government's commitment to better acknowledge carers and address their needs. The development of the policy is the result of a whole-of-government project conducted by the Department of Disability, Housing and Community Services over the past eight months.

Carers, people who receive care, a great number of service providers—including the Carers Association of the ACT—and ACT and Commonwealth government agencies have had extensive input through a carers advisory group and broad community consultation to develop the policy and to validate the draft carers policy. Mr Speaker, I thank all those involved for a very great amount of excellent work.

This policy aims to provide a whole-of-government basis for building better supports for carers in the ACT to enhance the health and well-being of carers and the people for whom they care. The government recognises that caring is a shared responsibility between families and the community. In particular, this policy recognises that carers should have choices, receive support to make decisions about the caring role and have their own needs recognised by human services. The policy also recognises that people requiring care should not be solely dependent on the resources and goodwill of their immediate family or social network.

Through this policy we will actively support carers to make choices about their caring role. We will continue to fund alternative care options and make it easier for carers to access information about these options. We will work with our agencies and funded agencies to respect and support ongoing caring relationships. When those relationships end we will support former carers to adjust to their changed circumstances.

The government recognises that the caring role has both positive and negative impacts on those in the care relationship and that a range of supports is needed to enhance carer health and well-being. This policy recognises that not all carers are the same and have diverse needs for assistance. Carers include children and young carers, carers from diverse cultural backgrounds, indigenous carers, carers with a disability, foster carers and kinship carers who provide additional unpaid work.

The development of strategies for the implementation of the carers policy provides an opportunity to reflect, in practice, the balance needed to support people in their role, however extensive it may be, and those receiving care. Through this policy we will continue to fund information, services and programs which give carers breaks, skills, knowledge and mutual support to help them cope with their role and to help them participate in community life.

We will continue to build on and share knowledge about what supports sustainable caring relationships. Importantly, we will work with agencies to assess these supports over time to make sure they meet the needs of those in the relationship and to ensure there is equity of access.

Our consultations have told us about the difficulties carers experience in accessing timely and adequate support. The level and diversity of carer need is not easy to quantify. The ACT has not had a coordinated approach to monitoring carer needs across service sectors.

Through this policy we will work to achieve more timely and adequate assistance. We will undertake more effective resource planning through data collection and consultation with carers and the agencies that support them. We will work with agencies to develop expertise and knowledge to better identify the carers, assess their needs and assist them.

Our consultations have informed us about the unmet needs for services which assist people who require care to live and participate in the community. We recognise that these services complement the role of the carer and must be affordable and of a high standard.

Through this policy we will work to achieve affordable services of a high standard. We will consider the needs of carers when planning and allocating resources to human services, develop approaches to early intervention, forward planning and flexible support, and work to achieve ongoing reductions in unmet need for human services. We will develop strategies to address poverty among carers and we will work with agencies to engage carers in quality assurance and improvement, and promote access to complaints mechanisms.

Mr Speaker, carers make a substantial contribution to the economic and social welfare of our community. Despite this, the caring role remains largely invisible and unrecognised by the community and sometimes among carers themselves, making it difficult for carers to access support that could sustain the caring relationship. This policy recognises that the public recognition of carers is fundamental to removing the social and attitudinal barriers to accessing support from services and the community.

Through this policy we will be promoting caring as a valued role in the community and recognise the contribution of carers in government policy, publications and events. We will engage with the community, education and business sectors to recognise and support carers to combine work or study with their caring responsibilities.

The government recognises that caring takes place in the context of a complex interdependent relationship, usually between people with an existing relationship such as a partner, parent, sibling or friend. Thus, in protecting and promoting the interests of carers, this policy recognises the need to protect the interests of people receiving care. We need more sophisticated approaches to support all people in the caring relationship, to protect their welfare and maintain family relationships in positive ways that encourage more carers to access support.

Through this policy, we will develop more holistic approaches to service delivery to sustain the caring relationship. We will recognise their welfare in human service legislative and policy frameworks. We will develop better approaches to respond to abuse in care relationships. We will work with services to respond flexibly to the broader needs of those in the caring relationship, provide clear information on service user rights and responsibilities and facilitate mutual agreement between those in a caring relationship.

Often people accessing services would like to have their carer actively involved in decisions. Often decisions made will impact on carers or require their support and

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cooperation. However, many carers report difficulties with participating in decision-making processes and have poor relationships with agencies.

Through this policy, we will support carer participation at all levels of decision making, with respect for the rights and choices of people receiving care. We will work with agencies to have processes in place to share information with carers, engage them in decision making and involve them in organisational processes. We will support the involvement of carers in developing social policy, service plans and funding frameworks.

Mr Speaker, the caring for carers policy is a comprehensive and practical document. Its implementation will require new approaches to planning and delivering support for carers. Through our consultations we have gained much practical advice on strategies and actions that we can take forward. A draft implementation strategy will be put to a newly convened implementation group early next year and we will work with them to ensure that this policy has practical implementation where it matters most—for those people looking after others in the community.

It is a good document, Mr Speaker. I think it will help us very much in the future as we work in this area, and I am particularly grateful to all those people who have put so much time and effort into it.

Question resolved in the affirmative.

Canberra's library services and facilities Paper

MR WOOD (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for Police and Emergency Services, and Minister for Arts and Heritage) (3.42): Mr Speaker, for the information of members, I present the following paper:

A Longer-Term Strategy for Older People's Use of Canberra's Library Services and Facilities.

I move:

That the Assembly takes note of the paper.

I am pleased to bring to the Assembly today the government's longer-term strategy for older people's use of Canberra library services. It focuses on meeting the current and future needs of older persons for high quality library and information services and also recognises there are opportunities to develop linkages with other government, industry and professional and community organisations. Around 23 per cent of the library's customers are people over 50, and with Canberra's age profile changing we can expect this section of the community to grow to about one-third of the people using library services in 10 years time.

We made a policy commitment in September 2001 to work with the ACT Library Service, friends of the library groups, Council on the Ageing, University of the Third Age and other groups to develop a five-year strategy. As part of this process, the

government commissioned a study to identify what library products and services older people need now and in the future, and to develop a long-term strategy for delivering.

The study involved wide consultation with stakeholders and identified many factors that combined to define the services needed and used by older people, including their mobility, physical and mental health, economic status, cultural and linguistic background and social networks and supports. The strategy provides a framework for designing services that will serve an older person, regardless of their social situation, mobility, health or ethnic background.

I commend the strategy to the Assembly. It is a good one.

Question resolved in the affirmative.

Disallowable instruments Papers

MR WOOD (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for Police and Emergency Services, and Minister for Arts and Heritage) (3.44): Mr Speaker, for the information of members, I present the following papers:

Legislation Act, pursuant to section 64—

Housing Assistance Act:

Disallowable Instrument DI2003-320 being the Public Rental Housing Assistance Program Amendment 2003 (No 2), together with its explanatory statement.

Disallowable Instrument DI2003-321 being the Rental Bonds Housing Assistance Program Amendment 2003 (No 1).

I move:

That the Assembly takes note of the papers.

Mr Speaker, on 18 November in this Assembly, I foreshadowed a number of reforms to the rental bonds housing assistance program and the public rental housing assistance program. Members will recall that I tabled the rental bonds program as a new program on 19 August 2003. This new program reintroduced bond assistance in the ACT, filling a gap left by the withdrawal of the previous rental bond scheme by the former Liberal government.

Members will also recall that, on 23 September, Ms Tucker tabled a notice of motion to amend the program. Among other things, Ms Tucker was keen to broaden the focus of the new program to include:

- people on significantly higher incomes than those applicable to public housing;

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- people in difficult but irregular situations—specifically refugees on temporary protection visas; and
- students enrolled to study at ACT education institutions, although not living or working in the ACT.

In a spirit of cooperation and goodwill, Mr Speaker, I am glad to announce that Ms Tucker and I discussed her proposed amendment and were able to reach an agreement that addresses a number of her concerns. As a result, Ms Tucker withdrew her proposed amendment and I undertook to bring forward an amendment to the rental bonds program reflecting the substance of the agreement we had reached.

The amendment I am tabling today significantly broadens the focus of the public housing rental assistance program. In conjunction with an amendment to the public rental housing assistance program, which I will also table, the changes to the bonds program will:

- increase the qualifying income criteria by more than 30 per cent for single person households and by 10 per cent for households of two or more;
- enable the Commissioner for Housing to make more explicit provision through a program determination to assist disadvantaged groups such as temporary protection visa holders who have time-limited Australian resident status;
- ease the ACT residence criteria to include people who are enrolled to study at an ACT educational institution in addition to those who live or work in the ACT; and
- increase the time limits within which an applicant may seek a review of a decision under the program or provide further information requested by the commissioner.

Mr Speaker, as I have previously indicated in this Assembly, the government had no problems with Ms Tucker's desire to broaden and improve the program. Indeed, it was our intention to review the program after it operated for about 12 months. Although the government was unable to support all of Ms Tucker's proposals, I believe we have gone a significant way to making the program more responsive to the needs of a wider range of people, consistent with Ms Tucker's concerns.

As I have already indicated, in conjunction with the amendment of the rental bonds program, I am also tabling an amendment to the public rental housing assistance program. Some of the changes to the bonds program have also flowed through to the public rental program. It is important to preserve as far as possible the common eligibility criteria between these two programs.

Also, on 18 November this year, in conjunction with my statement in this Assembly, I publicly announced a series of reforms to the public rental program aimed at removing barriers to public housing and maintaining sustainable tenancy. Some of these reforms require formal changes to this program, which members will know operates under the Housing Assistance Act. Indeed, that is the principal mechanism through which public housing assistance is provided.

The reforms I announced then, and which are specified in this disallowable instrument amending the program, encompass:

- removing the requirement for new public tenants to pay initial rent at the commencement of a tenancy when the costs of establishing their new home are already quite high;
- reducing the minimum rent for rent rebate purposes from \$20 to \$5;
- making additional provision to assist disadvantaged groups such as TPV holders, in line with the changes to the bonds program; and
- easing the rent payment burdens for occupants of public housing who go into residential rehabilitation.

In addition to those changes, and consistent with one of the changes to the rental bonds program, we have also eased the ACT residence criteria under the program to include people who are enrolled to study at an ACT educational institution.

The government is determined to deliver on its commitment to tackle the causes and effects of homelessness head on—as is reflected by the recent release of the homeless strategy. The changes I announced on 18 November and which I table today assist this goal. These changes are positive and substantial examples of the government’s strong commitment to tackling the essential task of easing the trauma of housing stress for those in need in this community.

I strongly commend to the Assembly these amendments to the public rental housing program and the rental bonds housing assistance program.

Question resolved in the affirmative.

Papers

Mr Wood presented the following papers:

Subordinate Legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Health Act—Health—Determination of Interest Charge 2003-04 (No 1)—Disallowable Instrument DI2003-313 (LR, 2 December 2003).

Legislative Assembly (Members’ Staff) Act—

Legislative Assembly (Members’ Staff) Speaker’s Salary Cap Determination 2003 (No 1)—Disallowable Instrument DI2003-315 (LR, 4 December 2003).

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Legislative Assembly (Members' Staff) Members' Salary Cap Determination 2003 (No 1)—Disallowable Instrument DI2003-316 (LR, 4 December 2003).

Legislative Assembly (Members' Staff) Members' Hiring Arrangements Approval 2003 (No 1)—Disallowable Instrument DI2003-317 (LR, 4 December 2003).

Legislative Assembly (Members' Staff) Office-holders' Hiring Arrangements Approval 2003 (No 1)—Disallowable Instrument DI2003-318 (LR, 4 December 2003).

Road Transport (General) Act—Road Transport (General) Declaration that the road transport legislation does not apply to certain roads and road related areas 2003 (No 10)—Disallowable Instrument DI2003-310 (LR, 1 December 2003).

University of Canberra Act—

University of Canberra Council Appointment 2003 (No 1)—Disallowable Instrument DI2003-311 (LR, 4 December 2003).

University of Canberra Council Appointment 2003 (No 2)—Disallowable Instrument DI2003-312 (LR, 4 December 2003).

Out-of-order petition

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

Same-sex adoption legislation—Mr Stanhope (49 residents).

Department of Disability, Housing and Community Services Annual report—erratum and corrigendum

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): Mr Speaker, for the information of members, I present the following papers:

Annual Report 2002-2003—Department of Disability, Housing and Community Services—

Erratum and Corrigendum, dated December 2003.

Revised versions of Volume 1 and Volume 2.

I ask for leave to make a statement.

Leave granted.

MR WOOD: An erratum and corrigendum to the Department of Disability, Housing and Community Services annual report that I tabled in photocopied form has now been

presented. The department has identified several inadvertent errors and omissions in the tabled 2002-03 annual report.

The department advises that, in particular, a series of graphs contained within volume 2 had inaccuracies that were caused by typesetting errors. I am also re-tabling the revised volume 1 and 2 for members' information. The chair of the Standing Committee on Community Services and Social Equity has been advised of the errors and omissions and provided with this data.

Gene Technology (GM Crop Moratorium) Bill 2003 Exposure draft

MR CORBELL (Minister for Health and Minister for Planning) (3.52): For the information of members, I present the following paper:

Gene Technology (GM Crop Moratorium) Bill 2003 – Exposure Draft.

I move:

That the Assembly takes note of the paper.

In June this year the government issued its response to the Standing Committee on Health's inquiry into the Gene Technology Bill 2002. Of particular note was the government's response to recommendation 3 in which the government declared a three-year moratorium on the commercial release of GM food crops and foreshadowed the introduction of legislation to give effect to the moratorium.

The ACT government supports and is a participant in the national regulatory framework for gene technology. Under the framework agreed between the Commonwealth, states and territories, the Gene Technology Regulator is responsible for assessing and managing risks to human health and safety, and to the environment, while the states and territories are able to take action to manage the marketing implications of the commercial release of genetically-modified food crops.

In line with the government's commitment, I am tabling today an exposure draft of the Gene Technology (GM Crop Moratorium) Bill 2003. The bill seeks to prohibit the commercial production of certain genetically modified food crops in the territory for a period of three years. It is important to introduce this exposure draft today to enable broad consultation to take place on it. I welcome the involvement of members, stakeholders and interest groups in this process.

The moratorium will provide the ACT community with time to evaluate any impacts from the introduction of genetically modified food crops on the marketing of non-genetically modified food crops.

The safety assessment process for GM food is well-designed and rigorously carried out by the Office of the Gene Technology Regulator. Nevertheless, many consumers prefer to avoid GM food and, indeed, prefer food from regions that do not have GM crops. With proper regulation of GM food ensuring safety, this is not a health issue but a simple

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matter of consumer choice, and consumer choice does ultimately underpin markets and commercial decisions made by the commercial producers.

There is growing interest and increasing commercial value in identifying the regional origins of food and the agricultural technologies used to grow it. In the slow food movement there is also interest in identifying and growing very old genetic strains of vegetables and grains for their historic and cultural value.

More broadly, Mr Speaker, consumers around the world are taking an interest in whether food has been grown organically or is GM free. Region of origin labelling is becoming common for a variety of foods, not just European wine and cheese.

There is a small amount of agriculture in the ACT, including market gardens and vineyards. Presently the only GM food crop approved by the regulator for commercial release is Bayer's "Invigor" Hybrid[®] canola. There are no canola crops in the ACT but there are in New South Wales, north of Yass.

The New South Wales government has also issued a moratorium on commercial GM food crops. This allows a large and globally important food growing region to market its crops as coming from an area that does not have commercial GM food crops. This is of real commercial value, given the resistance that European consumers in particular have to GM food. This adds considerably to the value of our moratorium for the small number of ACT-based primary producers.

As I have indicated in the past, Mr Speaker, the application of biotechnology to genetic modification of plants and other organisms has tremendous potential for the improvement of human health, the environment and commercial agriculture. There are examples where genetic modification is being used to benefit the environment and the broader community.

The development of GM cotton to produce a toxin active against its main insect pests has led to a reduction of up to 50 per cent in the application of insecticides. There is a great deal of research directed at the development of GM plants that produce pharmaceuticals or other products with considerable advantages to human health. For example, all the insulin required for diabetics in Australia is produced by a GM micro-organism. This has resulted in a purer, safer and cheaper insulin product for diabetics. Additionally, in Tasmania genetic modification is being used to improve the value and use of the opium poppy for human medication.

So, Mr Speaker, there is potential for betterment of humankind and the environment from the application of this technology and we, as a territory, cannot afford to exclude ourselves from the scope of any achievements this may bring. However, we do have to be mindful of how these outcomes are achieved so that there is absolute minimum impact on our community.

Specifically, Mr Speaker, the government is proposing that under this bill the Minister for Health will have the power to impose an order prohibiting the cultivation in the ACT of a specified GM food plant or class of GM food plants. The minister may specifically exempt from prohibition any field trials or contained research involving GM products that have been approved by the Gene Technology Regulator.

The proposed legislation makes provision for enforcement and monitoring powers and offences in relation to a moratorium order. The proposed legislation also has a sunset clause and is to be in effect for three years with provision for annual review in light of trade and marketing developments. The moratorium would sunset on 17 June 2006.

Mr Speaker, the territory will use the three-year moratorium to collate and analyse available data in order to make a considered judgement on the costs and benefits associated with genetically modified food crops. Over a period of approximately four weeks, stakeholders will have the opportunity to make their views known about the bill to the government. I intend to introduce the legislation in February next year.

I commend the exposure draft of the Gene Technology (GM Crop Moratorium) Bill to the Assembly.

Question resolved in the affirmative.

Community Services and Social Equity—Standing Committee Report No 3—government response

MS GALLAGHER (Minister for Education, Youth and Family Services, Minister for Women and Minister for Industrial Relations) (3.59): For the information of members, I present the following paper:

Community Services and Social Equity—Standing Committee—Report No 3—*inquiry entitled The rights, interests and well-being of children and young people—Government response, dated December 2003.*

I move:

That the Assembly takes note of the paper.

On behalf of the ACT government, I present the government response to report No 3 of the Standing Committee on Community Services and Social Equity, entitled *The rights, interests and well-being of children and young people*, which was presented to the Assembly on 28 August 2003. I thank the standing committee members for their work and contribution towards improving outcomes for children and young people in our community.

The report prepared by the standing committee is a commentary on the provision of services to children and young people in the ACT. This focus by the committee was to enhance service delivery to enable children and young people to have the best chance of entering adulthood, confident in themselves and the community around them.

The government, in reviewing the recommendations, considered many to be positive and constructive. The government, for example, agrees in principle with the proposal of a Commissioner for Children and Young People, pending the outcomes of the review of statutory oversight and community advocacy agencies and the development of streamlined advocacy and complaint mechanisms for children and young people.

The standing committee also highlights the need for all children and young people to have access to information concerning their rights, responsibilities and services available to meet their individual needs. Information informs the views of children and young people and will enable participation in the development of new directions. The government supports these principles and the ongoing empowerment of children and young people. Government reflects the adoption of these principles through the legislative provisions of the Children and Young People Act 1999, the provision of funding and support to agencies whose role is to advocate for the voice of children and young people and agencies who represent or are determined by the children and young people themselves.

There are children and young people in our community whose rights, interests and wellbeing may not be adequately protected or promoted by those who have responsibility for their care. These very vulnerable children and young people often require the intervention of statutory services, such as child protection, youth justice and/or mental health services. In addition, drug and alcohol services may also be involved.

Communication between government and non-government agencies to improve the outcomes for children and young people is a strong focus of the standing committee report. Government is addressing this issue within many areas of practice, giving due consideration to the issues of privacy and confidentiality, which are the right of all people, including children and young people. The dedication and commitment of staff working in these challenging areas in all sectors of government and community services must also be acknowledged as an important means of achieving positive outcomes for children and young people.

The juvenile justice system involves young people of whom the majority, as the literature shows, do not remain with the system. Similarly, the care and protection system has many young people who do not become known to the juvenile justice system. The significant proportion of children and young people who are not shared clients is a reflection of the strength of the care provided and an indication of how the systems work effectively to achieve positive outcomes for children and young people.

Many recommendations made by the standing committee have been referred for consideration in the review of the Children and Young People Act 1999. This process is well under way and the issues will be considered in future.

The outcome of the review of statutory oversight and community advocacy agencies will also impact on the provision of services to children and young people, including areas covered by recommendations of the committee. The review of statutory oversight and community advocacy agencies may strengthen the roles of those providing independent advocacy for children and young people, an important means of enabling children and young people to have their needs and issues considered and addressed in an open and accountable manner. These services and others funded by government also enhance the participation and consultation processes with children and young people in the development of laws, policies and practices that may impact on children and young people.

Government is not able to work without assistance and support from non-government service agencies and those providing care to children and young people unable to

continue to live at home. Whilst providing options for children, young people and their families, they also share in the responsibility to improve and promote the rights, interests and wellbeing of children and young people.

By working together, we will achieve change which benefits and improves the outcomes for all children and young people. Children and young people are the future of our community and we need to continue to care, respect, inform, protect and assist as best we can.

I thank the standing committee for their work in raising the issues through their recommendations. As the government report outlines, many issues are being addressed or will be considered in future.

MR HARGREAVES (4.04): I rise in my capacity as chair of the Standing Committee on Community Services and Social Equity. I thank the Minister for Education, Youth and Family Services for her response. I thank whoever was responsible for the coordination of the cross-government approach.

I am pleased to see that some recommendations have been agreed to. However, there are some recommendations which are not as strong as I would have liked. This is a very complicated issue and some issues need further examination.

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

Neighbourhood planning Paper

MRS DUNNE: Mr Speaker, I seek leave to table an account of the neighbourhood planning process written by a member who attended the Albert Hall on 3 and 4 December. I attempted to table this yesterday and, since then, I have consulted with members of the Assembly. I would like to table it with the names of officials deleted.

Leave granted.

MRS DUNNE: I present the following paper:

Australian Capital Territory Planning and Land Development Planning Authority (ACTPLA)—Neighbourhood Planning Process—Inner South Area meetings—Albert Hall, 3 and 4 December 2003—Statement by NL Scherger McCullough, dated 10 December 2003.

MR CORBELL (Minister for Health and Minister for Planning) (4.07): Mr Speaker, I seek leave to make a brief statement in relation to the document Mrs Dunne has tabled today.

Leave granted.

MR CORBELL: I thank members. I just wish to make several short comments in relation to the account Mrs Dunne has just tabled in the Assembly relating to a meeting of the recent neighbourhood planning process for the inner south of Canberra.

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Firstly, I would like to make clear to members that the ACT Planning and Land Authority has confirmed with me that the specific personal accusations made in the letter in relation to the conduct of some ACTPLA officers towards the author at the meeting are incorrect. I have every faith in the professional capacity of the officers referred to in the letter. I view this as a scurrilous and unworthy attack on people who have worked far beyond the requirements of their jobs and contributed significant amounts of their own unpaid time to engage with communities across Canberra in neighbourhood planning.

I also accept the advice from the chief planning executive, Mr Savery, that the specific accusations about threats of prosecution and language used were not as presented in the letter. At the meeting convened by ACTPLA, the author of the account, which has been tabled today, was handing out leaflets at the meeting. The leaflet was badged as an ACT government ACTPLA document when it clearly was not. This action was seen as clearly misleading other members of the community and this matter was appropriately brought to the attention of the person handing out the leaflets. The person distributing the document was advised that, as the document was badged as an ACTPLA document when it was not, this was illegal. She was also advised that, if the ACT government badging was removed, it could be distributed. I believe this is all I need to say on that matter.

Secondly, I know that the author has concerns about how she wants her neighbourhood to look. I respect her views and her right to express them, but this does not entitle her to take advantage of a process established by this government and implemented by ACTPLA to involve the rest of the community in a discussion about the manner in which their neighbourhood might change over time.

It is unfortunate that it appears that you are sometimes damned if you do consult and damned if you don't. I acknowledge from the outset that what gets discussed and is presented in these forums is not going to please everyone. Sometimes this leads to criticism of the process rather than discussion about the merits of the content. This should not be accepted by members of the Assembly, however, as the basis for denigrating the exercise. Neighbourhood planning is based on involving all those who live, work, learn, play and invest in particular local areas. A diversity of opinion is actively sought and encouraged. The process typically places substantial emphasis on community consultation over an extended period. Throughout this there are exchanges of ideas, feedback steps and opportunities to make submissions.

The meeting that the letter refers to was the very first of these for the broader south Canberra community and was understandably directed at providing a range of background material and context setting, followed by an initial facilitation of brainstorming amongst participants. Unless these sessions are managed in some way, it is impossible to move forward and get an appreciation of the issues and outcomes. The letter writer was seen by some members of the community as trying to highjack the meeting and, in so doing, depriving other members of the community to have the opportunity to express their views, as well as incapacitate the process through endless scrutiny of who said what. This can lead to people putting up defensive walls, creating an atmosphere of distrust and a reduction in communication. Perhaps this was the motivation, since it is easier to create myths in such a climate.

As I previously informed the Assembly, the ACT chapter of the Planning Institute of Australia recently bestowed the award for planning excellence in community-based planning to the Neighbourhood Planning Program and recommended it for a national award in the same category. Like any professional institute, these awards are given by peers who do not take their job lightly. In doing so, they noted that the consultation process and associated plan specifically address key planning principles which are established and then applied to a process of collaborative community consultation which has evolved and been improved since its inception and in response to communities. While the concept of engaging communities is not new to the profession of urban planning, the range of techniques applied in this case is considered to be an innovative approach to community planning. The judges considered that in this case the process sets an example for encouraging genuine community participation in planning.

Environment—management

Discussion of matter of public importance

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

The management of the environment in the ACT.

MRS DUNNE (4.12): We are here today to discuss the management of the environment in the ACT. In January this year the ACT faced what was not only the worst human disaster in its history but also the worst environmental disaster. On the human side, ironically, the only thing that stopped us having the outcome where we were counting the number of houses lost but not the number of suburbs was the fact that most of the fuel had gone up in the previous year in badly mismanaged fires resulting from arson attacks on a low-risk day.

If the fires of Christmas 2001 had occurred in the conditions of January 2003 no-one would have been safe. The lack of preparation for these fires showed massive neglect, almost verging on sabotage with, as the McLeod report revealed, fire trails not merely being neglected and allowed to become overgrown but being actively planted with trees. As the disaster approached, there was a reluctance to create firebreaks or to aggressively attack the fires in the early stages when this could have been easily done. What could have produced the decision to pull people out at dusk on the first day of the fires? Was it really an occupational health and safety issue? Was it that management did not want to blow out the budget or even, as rumour has it, a birthday party?

Even after that opportunity was lost there was a reluctance even to warn people that their houses were in danger. Other processes exist for determining the responsibilities for those fires, for the failure to learn the lessons of either of them. My point today is that it is just the most dramatic result of the whole approach which purports to be concerned with the environment but is, in fact, radically counterproductive.

Part of it stems from the influence of Greens and greenies in government and bureaucracy. A number of ALP governments depend to a greater or lesser extent on Green support, although, as we have seen lately, few have such reliable tame Greens as Ms Tucker, but the influence is much broader than that. The view that is absorbed is not just a concern for protecting the environment—would that it were. Specifically it is an

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approach that says that environmental conservation equals the protection of wilderness and the best thing that can be done with wilderness is nothing.

This is, in turn, linked to what I call the four legs good, two legs bad approach—that is, any human action necessarily constitutes environmental damage. When conservation is combined with a normal degree of bureaucratic inertia, we end up with a precautionary principle raised to the level of not being game to get out of bed in the morning. Although it is interesting that precautionary principle does not apply to issues affecting people, evidently family and social structures are much more resilient than ecosystems. Under this view, dams are evil. We know this because of Lake Pedder and the Gordon below Franklin. It appears that that is all you need to know. If you know that, and especially if you know that you are a hero and that all right-thinking socially-aware people will vote for you anyway, you can respond to questions on the subject by saying that you do not know what environmental flows are, how they are measured or how they are set or who sets them, and it is not your problem anyhow.

If members think that I am exaggerating, let us just hark back to the last sitting week of this Assembly. When asked about the well-known capacities of dams to maintain environmental flows in dry times, the Chief Minister and Minister for Environment replied, “I would think that the capacity to maintain environmental flows would depend on the amount of water in the system. If it rains a lot there is a lot of water; if it does not rain much there is not much water.” That is pretty basic. It does not even make Environmentalism 101.

In response to a question about the draft water strategy, the environment minister said, “I must say that I have absolutely no idea how officials or instrumentalities measure water consumption. I haven’t got a clue. I assume there is a little tap with a gauge on it somewhere, but I have no idea.” To a question about why he appeared to be reducing environmental flows before there had been a promised full-scale review, he replied, “I am not reducing environmental flows. That decision is taken by the Environmental Defender.” There is no Environmental Defender in the ACT government. There is an NGO called the Environmental Defender’s Office, but it does not make decisions on environmental flows. At the time that the environment minister gave this answer, the opposition asked him if he was sure, if he was comfortable with that answer. He said that he was assured but cast some aspersions on members across the chamber—that we thought we knew everything.

He had obviously thought about this and after question time he got up to correct himself. He said that he had meant the Environmental Protector. I assume he meant the Environmental Protection Authority. Clearly we have an environment minister who considers that it is not necessary to know anything about his portfolio. People who are concerned about the environment will always vote for the Stanhope-Tucker alliance. This government is taking the environment issue for granted and, as a result, environmental management in the ACT is deteriorating.

We have seen this approach in the lack of preparation for the fires and the lack of provision for their consequences, which include the loss of water through catchment regeneration, the loss of access to water through increased turbidity and the explosion of weeds, of which Paterson’s curse is currently the most visible and which, we have been told, we cannot possibly control. The Chief Minister in this place said, “There is no

magic wand when it comes to Paterson's curse." I would say that there is a magic wand. It is called a boom spray. If you look at the photographs that the opposition has provided, they show government land like the Roman Empire, picked out in purple, while neighbouring private land has got the weed under control because they do not keep bankers' hours.

The response to bushfire hazard reduction, as we have said in this place on a number of occasions, has been ad hoc and designed for show rather than effect. The minister for the environment made an embarrassing gaffe on national breakfast television some time ago when he said that it was too cold and too wet to do hazard reduction burning through the Canberra winter. The government thought it would get its act together, so it had "It's Wednesday, so we must have a hazard reduction" stunt. Every week for five weeks we had a hazard reduction burn in areas designed to be visible to suburbia—it did not matter whether or not the weather conditions were in our favour. One day Mr Wood and various others went out to Black Mountain to show just how much they were doing for hazard reduction burning. The trouble is that it rained and almost nothing was burnt as a result.

In addition to the stunts, we have had the razing of suburban hillsides regardless of the views of experts or the residents, because the trees were not an approved species; water restrictions designed to prolong the sense of crisis and hopefully the political goodwill that goes with meeting a crisis rather than doing anything about long-term water efficiency let alone supply; and the first algal blooms, which will be inevitable in our lakes this summer and in our water supply if the government continues to cut off environmental flows. This government has completely failed to learn the lessons of two fire crises and, as a result, we are facing a fire crisis this year with very large grassfires threatened on our north-western perimeters.

Aside from this we have other issues. The environmental record is equally appalling. We had the spectacle in this place in the last sitting period of the government throwing a tanty over plastic bags. You could not call it anything else but a tantrum. The government tried the usual political tactic of moving a motion calling for action: from more drop off recycling points and more education and awareness, to the trialling of a plastic bag levy and the use of biodegradable and degradable plastic bags, to one of self-congratulations: the signing-up to a national convention with reduction targets.

As with all things, this government is about platitudes and documents, but never about action. We have the great strategy, which was underpinned by much investment and much action over many years, of no waste by 2010 being completely sidelined by this government and this Minister for Urban Services. In the very early days of the Assembly there was a debate about the future of putrescible waste. People may think that putrescible waste is a bit icky and possibly amusing. This government has entirely dropped the ball on this matter. Putrescible waste has been raised with this minister over and over again.

What has happened? Nothing. I was told successively in two separate estimates committees, "We are looking into it. There is emerging technology but we must be sure that it works." That is a contradiction in terms. If it is emerging technology, you have to be sure that it works or you are never going to take it up. In order to deal with putrescible waste you need to latch onto emerging technology. What we have had here is this minister saying that we need to be sure about emerging technology.

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At the last estimates committee hearing, the minister said that during the July break he was going to go on a fact-finding tour and look at some of this emerging technology. I note from the government travel reports that he did go on that fact-finding tour, yet we are still to hear of any policy on what do with putrescible waste. As the Minister for Urban Services delays, 2010 is ticking up fairly closely.

We have another publicity-seeking exercise by this government. I received an email invitation yesterday to a trial by the Office of Sustainability into revolutionary new fuel-efficient vehicles, touted with much fanfare by this government. Again, this government is behind the times. If the Chief Minister and Minister for Environment is concerned with the environment, all he needs to do is look in the car park: two of these vehicles have been in the car park for two years or more. Ms Dundas and Ms Tucker have been driving hybrid fuel-efficient vehicles for two years or more.

The Office of Sustainability wants to do a trial to see how these vehicles work. It should ask the manager of the fleet in the ACT Legislative Assembly. Go and ask Barry whether these vehicles are cost-efficient and whether they do the job. Then have your officials put them in their fleets. Let us not pussyfoot around with trials of one vehicle per agency: that is nine vehicles—a pathetic drop in the bucket, a pathetic approach to environmental management and environmental policy in this place.

We have a litany of failures from the previous minister for environment, such as the watering down of the environment advisory structure. That is simply because, as with all the things this government does, it needs to put on the final touch, to do away with anyone who was serving on the previous government for fear that they might be politically tainted. There was also the failed solar hot-water rebate. I do not know how many times the government has attempted to rejig, revamp, relaunch and republicise it. People are not getting the message.

If this government was really committed to reducing energy consumption in the ACT it would be doing something more than this pathetic middle-class welfare with the energy rebate and would not have got in the way of the Standing Committee on Planning and Environment and attempted to stop us inquiring into energy efficiency and renewables. It was a shameful day in this place when the minister for energy did everything he could to have the inquiry run off the rails.

We also had the fiasco of the Nettlefold Street trees and the constant concerns that the Commissioner for the Environment is ignored by this government. When you look through the annual reports of the Commissioner for the Environment, you will see time after time where issues have been raised with the government by the commissioner and those issues have been ignored. This is not how you provide for environmental management in this place.

The approach of this government to the environment is characterised by a lethal combination of ignorance and complacency in both the political and environmental arenas. This approach has the potential to do more to damage the environment than mining and logging and just about anything else short of carpet bombing.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (4.27): Like the Canberra community, the government is strongly committed to protecting and effectively managing our natural and cultural environment in order to maintain a viable and sustainable Canberra. When the government came into office, our first initiative was to commit \$1.5 million over three years to establish a new focus for nature conservation—*A sustainable bush capital in the new millennium* program.

The program included additional ranger staff and equipment for our nature reserves to increase park management, community relations and essential conservation activities; a comprehensive natural resource information management system to support nature conservation planning and management—information about management of activities planned and occurring in the field is now readily available to our land managers; mechanisms for supporting volunteer groups and engaging the community in nature conservation; tailored education and information programs for the community—as a result of that program I recently released the Woodlands Education Kit which will engage school communities in understanding the endangered woodlands of the ACT and enable them to play an active role; and a review of conservation priorities in the ACT, including the review of the action plan for threatened yellow box and red gum woodlands. The draft woodlands strategy—action plan 27—was released in June this year and is about to be finalised.

From day one, the government has clearly demonstrated its commitment to the environment with the launch and implementation of the new millennium program. This is a sensible, rational program aimed at outcomes based on knowledge and a sound strategic approach.

As a direct response to action plan 27—the ACT lowland woodlands conservation strategy—the government announced in the last budget a \$1.6 million new program over four years for the protection of an extra 1,000 hectares of woodlands in reserves—our reserve system is the greatest single addition to our woodland, certainly since self-government and probably ever—and two additional ranger staff to manage and monitor the reserves and money to establish infrastructure and programs to protect the woodlands and threatened species that live in them.

The woodland strategy is not just an ACT government strategy. Its implementation involves working on a regional level with our counterparts in New South Wales, with community groups, landholders, volunteers and scientists. The woodlands strategy is an example of best practice environmental management—management based on science, knowledge and planning. I think it is fair to say that we do not just produce these plans and allow them to sit on the shelf and gather dust; we are implementing them.

The restoration of our urban bushland and environment, as well as our heritage assets destroyed by the bushfire, is a very critical issue. The government was quick to respond to the environmental and community imperatives by committing, post bushfire, \$1 million over three years for implementation of the bushfire fuel management plan to address the immediate risks associated with the fire potential, including fuel reduction works in parts of Canberra Nature Park adjoining residential areas; \$2 million over three years to restore walking trails and repairing land in our nature reserves that was damaged when 250 kilometres of fire suppression trails were cut through previously undisturbed

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parts of Namadgi; \$250,000 extra for weed control, a total of \$500,000 in that budget; \$300,000 over two years to work with existing networks of catchment groups and community service organisations in planning and restoring the environment along the Murrumbidgee River corridor; and \$200,000 for an environmental rural recovery program to protect streams and fencing off areas subject to erosion and for revegetation.

In the financial year 2003-04, the government, in collaboration with its community partners, has planted 100,000 trees to assist the natural regeneration process. This work will continue over a number of years to come. I am pleased to announce that the government has ordered one million trees for planting next autumn, 2004. The government will, through Environment ACT and ACT Forests, be planting a minimum of one million trees.

Following the bushfires, the government also moved quickly to conduct ecological surveys to assess the immediate impacts to natural systems, including threatened species. The results are documented in the report *Wildfires in the ACT 2003: Report on initial impacts on natural ecosystems*. Post-fire assessments identified sphagnum moss bogs as a priority for stabilisation, to prevent long-term damage to their ecological and water catchment values. The government is implementing a program to protect and stabilise the sphagnum bog communities. A captive husbandry program for the endangered northern corroboree frog, whose habitat has been severely burnt, was established immediately after the fires. Government wildlife ecologists collected some of the surviving eggs and there are now, I am very pleased to say, 295 very healthy corroboree frogs being reared in captivity for future breeding and release.

In addition to protecting threatened species within our woodlands and the corroboree frog in our alpine bogs the government also has as a key responsibility for the monitoring and management of threatened fish species such as the endangered trout cod. The government has established two new projects to conduct research into the trout cod. Three additional fisheries staff will be engaged for a three-year project, commenced on 1 July this year, to ensure that we manage the ecology so that the trout cod in the Murrumbidgee and Cotter rivers are protected.

Water resource management is another area of environmental management of which the ACT government is very proud. The ACT have been recognised for their urban water management for decades. We lead Australia in the sophistication of our sewage treatment system. We have been recognised as a model of best practice in stormwater management. The quality of water leaving the ACT meets the highest standards of any jurisdiction or any urban centre in Australia. Environmental flows in our streams are recognised in a way unmatched anywhere else in Australia and our water resource management and environment protection legislation is first class.

A significant scientific study is now taking place in the Cotter catchment which is providing much better knowledge about how to manage environmental flows. The results of this study and other relevant information will form the basis for a review of the environmental flow guidelines which will take place in 2004. This will lead, again, to the most up to date best practice management of environmental flows anywhere in Australia.

Streams and stream banks are vital parts of our environment. Poor management practices on the edge of streams can have devastating impacts on water quality, both where they

occur and for long distances downstream. The ACT has shown its commitment to protecting its streams with an extensive system of river corridor nature reserves to protect these important areas. We have this long list of achievements, but the government is not satisfied to rest with these achievements. With the drought and current water restrictions we can all see how important water is to our community. The government will continue the environmental and health water quality protection programs, working with the community to meet the aim of the same or better quality for water leaving the ACT as that entering.

Managing water requires the combined efforts of everyone in the community. To make progress, we need to have a clear direction with targets to aim for. These have been set by the draft water policy *Water ACT*, which I was pleased to release in July. The targets in the water strategy include: by 2013 reduce potable water use by 12 per cent and increase the use of reclaimed water to 20 per cent; by 2023 reduce potable water use by 25 per cent, reduce the intensity of urban stormwater flows in all new developments and significant redevelopments so that run-off from “one in three month” rainfall events is no more than predevelopment size, and ensure that the level of nutrients and sediment entering ACT waterways is no greater than that entering from a well-managed rural landscape. We can only make improvements if the whole community embraces a direction and the actions set to achieve the direction.

The targets from *Water ACT*, which I have mentioned, have been suggested to the community. Following feedback, the targets will be finalised as the direction for all of us. The targets are the basis for the ACT water resources strategy which was launched in November and is based on the views expressed by the community at focus groups, community group meetings, events and a water summit. It is a well-structured approach which so far has resulted in very positive feedback from across the Canberra community.

The water resources strategy for sustainable water resource management provides the holistic approach needed for water management in the ACT. It contains 32 actions in the implementation plan, aimed at addressing a range of issues, including: dealing with climate change and the impacts of the bushfires; implementing water efficiency measures to make better use of our existing water supplies; using water sensitive urban design to ensure new developments and redevelopments have as little impact on our environment as possible; upgrading our catchment management activity to better manage the Cotter catchment which is much more fragile after the bushfires; ensuring that all of our riparian zones are well managed; and using education and community partnerships to ensure that we achieve sustainable water management in the ACT.

The ACT government has proposed in the draft strategy a wide range of very practical measures to address water use efficiency to assist Canberrans to contribute to improved water use and management in the home, garden and workplaces—measures such as rebates or incentives for water efficient products, such as an AAA showerhead rebate, following the successful rebate program offered by the government in 2003.

While the government has stated its desire to defer building a new dam as long as possible, it has also recognised the need to consider future water supply options should water efficiency actions proposed not be able to save enough water to avoid a new supply. Actew Corporation has been tasked with determining a short list of options by the end of 2004. Over the following year, Actew will undertake studies and work with

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the community to identify the best option for government consideration. Work will then proceed to plan for the construction of a preferred supply should it prove to be needed.

The ACT government also recognises the ACT's role and responsibility across our borders and nationally. As the largest urban centre in the Murray Darling Basin, the ACT accepts its responsibility to contribute to improving the health of the river system despite the sound practices it already has in place. In line with other jurisdictions' commitment, my government has agreed to allocate \$5 million over the next five years of new funding to improve water resources management in the territory. These funds will support the implementation of the water resources strategy and, in particular, they will support improved catchment management practices and arrangements, improving the efficiency of water use, increasing the use of treated effluent, implementing water sensitive urban design, and continuing to improve the provision of environmental flows through improvements in their delivery and the science upon which they are based. Through these measures the ACT will continue to reduce the impact that we in Canberra have on the basin.

Further, the government is committed to taking a lead role in the development of a water supply strategy for the region. The development of the regional water supply strategy is seen as a priority and work has already commenced. The regional water supply strategy will deal with how we share our water resources across the border. It will be based on sustainability principles and best practice approaches to water quality protection, provision of environmental flows and demand management.

The greenhouse issue has also moved beyond discussion of whether the climate is changing to examining what can be done to reduce greenhouse gas emissions and to limit the impacts of the change. It is presently estimated that approximately four million tonnes of greenhouse gases released into the atmosphere every year are directly attributable to the ACT. These gases are less than one per cent of the total Australian emissions. Although the ACT is only a very small contributor to Australia's greenhouse gas emissions, we have a responsibility as the nation's capital to show leadership in reducing our share of the country's emissions. In fact, there are economic and social benefits for our community in making more efficient use of energy in our homes and businesses and having more efficient transport systems.

The government recognises that it has a special responsibility to provide guidance, assistance and leadership in greenhouse matters. But management of greenhouse gas emissions is everyone's business. Business, transport and residential sectors all have a role to play. Particular responsibility lies with the Commonwealth government to show national leadership in the area of international agreements such as the Kyoto protocol, in national financial and policy initiatives and in ensuring that its own operations achieve best practice standards and produce the required results. If the Commonwealth government does not perform, ACT goals will be that much more difficult to achieve. Commonwealth tardiness in recognising the role it has to play nationally impacts on the ACT's ability to achieve a comprehensive and strategic approach to reducing its greenhouse gas emissions.

However, the government accepts the challenge and has a significant program in place to reduce greenhouse gas emissions in the ACT. A range of education and incentive programs have been introduced to promote efficient energy use in the domestic and

business sectors, including: the solar hot-water rebate and water efficient showerhead rebate, the cavity wall insulation program, the energy advisory service to provide authoritative advice to householders, the ecobusiness program and energy performance contract promotion to facilitate cost-effective energy-saving measures.

In its own operations the government has undertaken significant initiatives, which include: the purchase of green electricity, subscription to Greenfleet, the introduction of energy efficient hybrid vehicles into the government fleet, and the introduction of LPG buses. My colleague Mr Corbell indicated today in question time that we have made significant moves to introduce LPG buses in the ACT. The government will continue to pursue a range of other measures.

The challenge is undeniably difficult, but our response is world class. The government is also committed to maintaining the highest quality environment for the ACT. In relation to air quality, the government has allocated \$300,000 over this and the next financial year for a wood heater subsidy scheme. The subsidy scheme will provide an incentive to replace polluting wood heaters with cleaner forms of heating such as gas or electricity. It allows subsidies which range from \$400 for an electric installation to \$600 for a gas installation, and an additional \$200 is available for pensioners and low-income earners. I am pleased to say that the scheme will commence in two weeks time, on 1 January 2004.

In addition, the government has committed to the purchase of PM_{2.5} monitoring equipment. ACT Health has completed a trial for selecting the correct instrument and is currently finalising purchase of this equipment. The purchase of the PM_{2.5} instrument will enable the ACT to meet its national commitments, particularly the monitoring requirements included in the Ambient Air Quality National Environment Protection Measure.

I regret that my time has concluded. I am only halfway through the list of this government's achievements in relation to the environment. I would like another 15 minutes to half an hour to conclude my speech, but I will have to take the opportunity at another time.

MS DUNDAS (4.42): The government talks big on environmental issues in the ACT, but when will this talk turn into action? The government has put out a series of reviews and discussion papers, but when it comes to implementation its record has been a bit patchy. I recognise that many decisions come down to a question of resourcing. The government needs to set priorities, but it appears that the environment is not a priority for this government. The Commissioner for the Environment is a case in point. The commissioner has a huge workload and duties with regard to environmental reporting and review, and some statutory requirements, yet the office has been allocated 1½ staff to carry out all of these duties. The commissioner's annual reports give us an amazing resource, in that we are able to monitor where the government is at. There needs to be support for the commissioner to continue this work. We need to encourage the government to move on with the implementation of its environmental initiatives.

Today the Chief Minister discussed the greenhouse gas issue. There have been long delays in the review of the ACT greenhouse gas strategy and we are still awaiting the

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government's response. I hope that, sooner or later, we will see leadership and some outcomes in this matter.

The No Waste 2010 program continues to fall behind its original targets. We are not seeing the resources allocated to new and diverse measures to reduce and re-use our waste. At current rates of waste reduction, we will not reach the goal of zero waste to landfill by 2010. The setting of the environmental targets is a crucial element to the environmental activities of government as they allow us to compare intentions with achievements. When these targets are not reached, it reduces community confidence in the ability of governments to keep promises.

No Waste 2010 is an impressive target which has the support of all sides of politics. However, this political consensus and long-term approach to environmental management will be undermined if we do not meet this target. I urge the government to move forward to meet the No Waste 2010 target. Technology has met the challenge across Australia of no waste by 2010. We have discussed many ideas at length in the Assembly that could be quite readily be implemented in the territory if the political will were there. There have also been promises by the ACT government to implement triple bottom line reporting. Again, this issue has frequently been raised in the Assembly through discussions. There has been little evidence of progress towards establishing indicators and targets by which to assess the environmental bottom line.

The latest contribution to environmental reporting is an issues paper entitled "Reporting on progress towards sustainability in the ACT". This report is a bad indictment on the government in terms of community consultation. There are a number of unhelpful questions in the report. One question is: "Do you agree that the report should be written in a style that is accessible to a broad cross-section of the Canberra community?" Of course the answer is going to be yes. Does the government seriously think that anybody would disagree with the statement? Is the government expecting people to call for a confusing and inaccessible document by which we can judge sustainability standards? There are other similar questions in the report.

Sustainability reporting needs to have goals, indicators and targets. The issues paper contains few concrete proposals and a number of self-evident questions. This is just a delaying tactic rather than genuine community discussion. We should not be using community consultation as a delaying tactic but as a growing tactic to bring the community together, get some good ideas and move forward together in partnership. We should not be asking the community questions such as: "Have you read this report?" Members of the community operate at a higher level than the government gives them credit.

Another environmental issue is water. The government should be focusing more on water recycling. Initiatives like water-conserving showerheads are commendable, but the focus should be on not only changing large-scale water consumption behaviours but also updating the water infrastructure to enable greater re-use of water. Closed loop water recycling is now being implemented in a number of international cities and our water re-use data is well below international best practice. That issue has not been addressed in the government's recent draft water strategy. I was extremely concerned to learn that, until I brought the issue to the attention of the government, Environment ACT was continuing to issue licences to pump unlimited free groundwater using bores. This

practice has now been temporarily halted, but we have not heard whether the government is going to commission a study on ACT groundwater, which has been recommended by the Commissioner for the Environment for several years running. Bore water did not rate a mention in the government's recent draft water strategy, which was also disappointing because it plays a very important part in our environment. We need to have more information about our groundwater—whether it is flowing into the Molonglo and whether it is a quick-refilling aquifer or a slow-refilling aquifer. Until recently the government has allowed people to sink bores and use the water without considering the ongoing impacts.

I am glad to see that the government has halted the automatic granting of bore licences, but I think it needs to progress and give us the information we need. We would then be better informed to make decisions and would not have to ask the community inane questions such as whether they have been able to access the report. We should be bringing community ideas on board and working to make the environment better for everybody in the territory.

MR SMYTH (Leader of the Opposition) (4.49): Mr Temporary Deputy Speaker, I thank you for the opportunity to speak on this very important issue. I was delighted to be in my office when the media service provided me with a copy of the Chief Minister's press release about this very debate. It appeared even before the debate had started. You know you have struck a nerve when the Chief Minister lashes out with a press release which goes on for two full pages about the achievements of the government and the government's commitment to the environment being beyond reproach, which is how it is headed, beyond censure and beyond criticism. Beyond belief would be more like it.

With the arrogance embodied in that statement they say that they have done everything possible, that they have achieved everything that you can, and that everything they have done is beyond reproach, which we all know is not true because we all know that there is so much more to be done. As you wander through the two-page press release that the Chief Minister put out, it is interesting to note the things for which he claims credit. Paragraph 5 on the second page says:

We lead Australia in the sophistication of our sewage treatment system. We have been recognised as a model of best practice stormwater management. The quality of water leaving the ACT meets the highest standards.

The plant that meets the highest standards has been there for about 35 years and the Chief Minister is actually claiming credit for the Stanhope Labor government for the work that has been done over the last 35 years. The arrogance of that statement is just incredible. That he would have the gall to put out such a thing is beyond belief.

It is quite interesting to look at some of the other claims. The press release states:

The Woodlands Strategy is an example of best practice in environmental management. That is, management based on science, knowledge and planning.

But the press statement is a little disjointed, because it goes on to say:

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In making this commitment to the environment, the Government—and the community—is forgoing considerable revenue through land that will no longer be sold.

That is true. Congratulations! They have put 1,000 hectares back into the reserves, which is a reasonable thing to do, but I would remind them that previous governments shifted an entire town centre to save grasslands and stopped the building of an entire satellite city, Jerrabomberra, because work done at the time of the previous government led to a whole lot of decisions being shelved simply because we knew more about the issues. It is interesting that in the third paragraph on the second page Mr Stanhope says:

We do not produce plans to sit on the shelf and gather dust. We implement them.

I would like him to bring this press release to the attention of the Treasurer and Minister for Economic Development, Business and Tourism, who said that his white paper is nothing more than a reference document. Perhaps somebody should inform Ted that there are expectations that things will be delivered.

The really interesting thing is the last line of the second last paragraph, which talks about where we work. Talking about the region, it says:

A silo mentality is not constructive to solving issues that extend beyond our borders.

I want to say two things on that. The first is that, according to the white paper, our area of influence now stretches from Queanbeyan to Yass. There is no greater Canberra region and there is no capital territory region or capital region that this government seems committed to. It is interesting that we get these varying levels of commitment, depending on which plan you open up.

Perhaps the silo mentality is in relation to all the ministers, who seem unable to work together simply because the white paper stretches from Queanbeyan to Yass, the spatial plan stays inside the border and the Chief Minister now says that we will work with the community and governments at the local and regional level so that we do not have this silo mentality. Chief Minister, perhaps you should start on the second floor of the ACT Assembly, as the greatest silo mentality is apparent inside your government because you guys just do not work together.

The reference to the ACT's water resources strategy is really interesting. It looks at how we will make sure that we have water resources into the future. Perhaps the environment minister should talk to the planning minister because when the opposition was briefed on the spatial plan it was told that it did not depend on water; water was not a consideration in putting together the bits of land for use. If water is that important, Mr Minister for Environment, why doesn't the Minister for Planning see it as important? Maybe it is because of the silo mentality.

We will set some targets that mean something, I am sure, but it is hard to look at this document and see them because we are not getting from this government coordination of the different plans it is putting together, which renders them all absolutely useless because they will be pulling in different directions and in that case will not work.

It is interesting that the government claims as one of its actions that it will be dealing with climate change. The government that really dealt with climate change was the previous Liberal government in putting out its greenhouse strategy. We have set a path there and we all await the government's response to its own work on that, but it is interesting that the Chief Minister is quite happy to stand up and criticise the federal government, saying that what it does has an effect on the ACT, but there is no criticism of the other Liberal states and territories which have not signed up to anything in regard to the Kyoto agreement, which have not set themselves targets.

Where is the commitment from the other side, particularly New South Wales, which surrounds the ACT and obviously has such an impact on what happens here as well? It is interesting that the Chief Minister says that he is now looking at a regional strategy on the supply of water because in the 1998 debate—I did not have time to get the *Hansard* out, but it is still there—Mr Corbell was very critical of the whole thought that we might have some sort of water trading, which is what it is. If you are going to supply water to the region, water trading is involved.

It is interesting that in 1998, in opposition, they were saying, “No, not ever, not over our dead bodies, it's never going to happen,” but suddenly we are developing a regional water strategy. I would commend that; it makes eminent sense. I look forward to Mr Stanhope bringing back amendments to the water act that would allow water trading to occur, because we have always said that we are part of a region and that, as part of that region, there is an obligation to look out for each other and some of that might involve the trading of water. I think that that is appropriate.

The government has a short memory. There they are back in their little silos. Mr Stanhope, the Chief Minister and Minister for Environment, is burrowing away in his silo to have a regional water strategy. No doubt, Mr Corbell is now sitting in his silo seething because he said, “No, we'll never do this.” What has changed in three or four years? Perhaps Mr Corbell is sitting in his silo seething simply because of his failure as minister for the environment. The portfolio was shifted and the Chief Minister has now taken it on. The changes have been interesting.

As to other things that the Chief Minister lauded as being good initiatives, signing up to the green fleet program might have happened under a previous government, the establishment of the energy advisory service might have happened under a previous government, and so the list goes on.

Mr Wood: They're still there.

MR SMYTH: Mr Wood chips in that they are still there, and they are still there because we put them there. We put them there, we funded them, we got them going.

I would like to close on the Office of Sustainability and its future. Is the Office of Sustainability sustainable? Is there a commitment beyond reproach to sustainability? It is interesting to note that in March of next year the Office of Sustainability will celebrate its second birthday. The Office of Sustainability is struggling because this government created something through lip service instead of creating a body with the intention of its achieving something and almost two years into its existence the office is still trying to come up with indicators. The various committees I have been on, including the estimates

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committees, have spoken to the office about its need for extra resources and what it is to achieve. Until we get those indicators so that we can actually measure progress, it really will be hard to get a grasp on where the government is going.

Ms Dundas spoke about the Commissioner for the Environment's report and the way in which the government regularly ignores it. You would have to wonder whether the Office of Sustainability, which was the government's flagship environmental initiative in the lead-up to the election, was anything but merely paying lip service, absolute lip service, in terms of what they expected of it. We have heard several times from the office about the difficulty of coming up with the indicators, but at some stage we must say, "Okay, this is where we will start and we will refine them." I do not believe that we have reached that starting point yet.

I will conclude as I started. Truly, we have touched a nerve. It is obvious that the government is a bit touchy about its commitment to the environment being beyond reproach. We all know that there is much more to be done. You have only to look at the spread of Paterson's curse on government land to know that there is more to be done. You have only to look at the opening statement about the commitment to the environment being beyond reproach. The government's commitment to protecting the catchments is under some doubt. Sources have told me that the fires in January were out of control probably a week before the 18th and that the catchments were known to be under threat then, but very little, if anything, was done to protect the catchments. We are now suffering because of this government's lack of commitment to the environment.

MS TUCKER (4.59): I remind members that it was the Greens that put forward the motions for greenhouse targets and the water strategy and I have to say that the debate today has been extremely depressing. I have been sitting in this place for eight years, nine years or whatever listening to these kinds of accusations. In one way, we should be pleased that the environment is a topic that is raised in parliaments round Australia, but in my presentation today I would like to focus on the reality. I do not know whether anyone is going to listen to me, but that is what I would like to do today.

I will start with birds. I will take something from a presentation that Jenny Bounds from the Canberra Ornithologists Group gave at a forum we had here on the Gungahlin Drive extension, which both major parties in this place support. She linked O'Malley with the whole question of the Gungahlin Drive extension because the members of the community who understand the ecological sensitivities of Canberra are now coming together.

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

MS TUCKER: To quote Jenny Bounds:

When the limestone plains of what is now Canberra were settled in the nineteenth century, Bustards and Brolgas were common birds here, but they are now extinct locally.

Since then, many other bird species have disappeared from our region, and others have gradually shrunk back into undisturbed woodland remnants, as their primary habitat has disappeared.

The alarm bells have been ringing for our birds for a long time. More and more scientists and researchers are publicly coming out now and saying stop land clearing.

A recent national bird census conducted by Birds Australia with many volunteers like myself confirms declines in a range of bird species, especially in woodland birds in the SE of Australia.

Those of us who love nature have treasured our woodland remnants, the hills, ridges and other buffers left around our city. We have thought our reserves would be safe from development.

These inner urban remnants do provide important habitat for many species of birds, some 74 species have been recorded in the habitats along the proposed freeway route. This is roughly a third of the total bird species found in the ACT, quite a significant percentage.

These remnants also enhance the enjoyment of native birds around the gardens of Canberra residents, and many birds use these as corridors on seasonal migration, or to disperse post-breeding.

These patches have also been important refuges for some birds displaced by the January bushfires, for example, Yellow-tailed Black Cockatoos and Ganggangs, which lost much of their habitat. The Ganggang, the bird emblem of Canberra, is believed to be declining in our region.

This morning's *Canberra Times* has another excellent article by Rosslyn Beeby. I have to say, even though it makes reading the paper sadder and much more challenging, she is doing a fantastic job in raising these issues and I commend the *Canberra Times* for running the articles. I will quote from one that appeared on Saturday, 29 November, regarding the situation with remnant woodlands. The article reads:

Earlier this week, more than four hundred Australian biological scientists signed a declaration calling for governments to end clearing of native bushland throughout the country.

Known as the Brigalow Declaration after an area in Queensland where wildlife is being devastated by clearing, the document stated that the large-scale destruction of native bushland was one of the biggest threats to biodiversity in Australia, with more than 500,000 hectares being cleared every year.

The letter has been sent to Prime Minister Howard and to Queensland Premier Peter Beattie and will be circulated to all governments to show the extent of scientific concern.

The author of the declaration, ecologist Professor Hugh Possingham, told the *Canberra Times* that, while many farmers were now saving native bushland on their properties, clearing for urban development had become "the single biggest threat" to native plants and animals in many areas...

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A former Canberra resident and keen ornithologist, Professor Possingham was dismayed to learn that in August this year the ACT Government had sold 28 hectares of Yellow Box and Red Gum woodlands in East O'Malley to a developer for the construction of luxury housing.

Despite opposition from high-profile Canberra scientists such as Professor John Mulvaney (former chair of the ACT Heritage Committee), ecologist Dr Richard Schodde and ANU botanist Andrew Cockburn, the site was sold for \$31.25 million to a consortium of Greek business interests...

It was sold subject to development controls, but a copy of the controls faxed to the *Canberra Times* shows that most of the site will be cleared, with some of the larger trees retained as "features".

Professor Possingham, a member of the Wentworth Group of Concerned Scientists, described the sale of the woodlands as "an ecologically irresponsible act", adding that "no-one should be clearing native woodlands for any reason", given their national status as an endangered ecosystem.

"It is disingenuous of people in urban environments to tell rural people they cannot clear land and then allow urban expansion into remnant bushland."

"There cannot be one rule for farmers and another rule for urban developments. There is plenty of clapped-out leasehold farmland around Canberra where the Government can put new houses. It is inexplicable and inexcusable to destroy one of Australia's most threatened ecosystems in this manner," he said.

Let us look now at what is happening with the greenhouse program. Mrs Dunne started her presentation today by again accusing the Greens of causing fires, which is something she likes to say, but she never provides any substance in her arguments in terms of what she thinks appropriate hazard reduction actually involves. I will remind Mrs Dunne in case she has forgotten that during 2002 Australia experienced its worst drought since reliable records began to be kept in 1910. The average Australian rainfall for the nine months from March to November 2002 was the lowest ever during this period.

The drought was concentrated in eastern Australia, with the Murray Darling Basin, the nation's agricultural heartland, receiving its lowest ever March-November rainfall in 2002. This drought has had a more severe impact than any other drought since at least 1950 because the temperatures in 2002 have also been significantly higher than in other drought years. The higher temperatures caused a marked increase in evaporation rates, which sped up the loss of soil moisture and the drying of vegetation and watercourses.

This drought was the first in Australia where the impact of human-induced global warming could be clearly observed. As I think members are well aware, this drought has had an extreme impact on fire and fire events in this country. When Mrs Dunne talks about fires, I think she ought to recognise that we have a problem with the greenhouse effect and the fires are not going to go away. By destroying all the natural ecological systems to try to stop the fires we are just going to make the whole situation worse.

There is a lot of scientific opinion to support that. John Benson of the Royal Botanic Gardens has totally debunked a proposal that frequent burning reduces risk. In fact, he has shown quite clearly that it can create a higher fuel load. This is a complex scientific

issue and there are peer-reviewed studies on both sides. That is why it is really so disingenuous and insulting when we have an issue as serious as this one that a politician gets up and says something like: "Greens cause fires." Clearly, a more sophisticated analysis than that is required.

On the question of greenhouse, I also want to make the point that both parties in this house have supported the Gungahlin Drive extension. They have both used the language that we have a problem with greenhouse. Mr Smyth tells us that we have a greenhouse strategy which is to the credit of the Liberal government. I accept that I was glad to receive support from the Liberal government, but from memory it was from the whole Assembly, to the setting of targets and we have a greenhouse strategy, but we know quite clearly that the major source of the increase in emissions in the ACT is transport.

We also know that evidence supports the proposition that, if you want to deal with transport and private car use, you do not do so by building more freeways; you invest in having a public transport system that will attract people in the community. But there is no willingness by either of the major parties to deal with this issue. They are more concerned about the next election and simplistic vote getting around roads.

MR PRATT (5.09): I rise to support Mr Smyth's concerns about the management of the environment in the ACT. There have been very clear signals that strategies to minimise damage to our natural resources and the lessons coming out of the December 2001 fires were not adopted through 2002 in preparation for the 2002-03 bushfire season.

Mr Wood: Oh, crap!

MR PRATT: That was despite the fact that 2002 was a drought year and despite all the long-range assessments that the 2002-03 summer would be a real dog of a season. So much for environmental protection! Our fear is that the lessons relevant to the protection of forests, parkland and bushland have not been learnt and have not been applied through 2003 in time to significantly impede the fire threats likely in the coming bushfire season.

From questions asked at the annual reports hearings into the emergency services, upon whose shoulders is worn a heavy responsibility for environmental protection, it became very clear that the senior emergency managers guiding and advising government do not still have their own risk analysis and a strategic list of areas that may demand land managers must clean up as priority and obligatory tasks.

Consultation, negotiation and compromise in discussions between ESB and land managers to determine clean-up tasks might have been acceptable practice in the past, but January 2003 blew that culture right out of the water. In fact, December 2001 blew it out of the way.

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

Mrs Dunne: I take a point of order, Mr Speaker. Mr Wood interjected that Mr Pratt was speaking crap. I do not know that that is acceptable.

MR SPEAKER: I did not hear it.

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Mr Wood: I did, yes. Is that unparliamentary? I will withdraw it if it is.

MR SPEAKER: Yes, I think it is unparliamentary.

Mr Wood: I withdraw that.

Planning and Environment—Standing Committee Report No 14—government response

Debate resumed.

Question resolved in the affirmative.

Executive business—precedence

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

That executive business be called on forthwith.

Sitting pattern—2004

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

That, unless

(1) the Speaker, or in the absence of the Speaker the Deputy Speaker, fixes an alternative day or hour of meeting on receipt of a request in writing from an absolute majority of Members; or

(2) the Assembly otherwise orders:

The Assembly shall meet as follows for 2004:

February	10	11	12
March	2	3	4
	9	10	11
March/ April	30	31	1
May	4	5	6
June	22	23	24
June/ July	29	30	1
August	3	4	5
	17	18	19
	24	25	26

Leave of absence

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

That leave of absence from 12 December 2003 to 9 February 2004 inclusive be given to all Members.

Supplementary answer to question without notice Road line markings

MR WOOD: At question time, Mrs Cross asked me about traffic arrangements in Phillip. The response is that the Melrose Drive on-road cycling project is planned for implementation in June 2004. As part of this project, the intersection of Melrose Drive and Parramatta Street is being modified to facilitate safe turning movements from Parramatta Street onto Melrose Drive.

The proposed changes at this intersection are being trialled for a period of two weeks, commencing on 1 December. Vehicles travelling southbound on Melrose Drive will be required to form one lane before the intersection with Parramatta Street. Temporary traffic management arrangements similar to those associated with roadworks will be implemented to indicate those changes. There are no changes to northbound traffic and other turning movements at this intersection.

Wide publicity was given to this trial. The traders and others in the area are not affected by it. Monitoring of the traffic behaviour was carried out regularly during the afternoon peak hours and the current traffic arrangements will be changed back to the original arrangements tomorrow—Friday, 12 December.

Public Accounts—Standing Committee Statement by chair

MR SMYTH (Leader of the Opposition) (5.15): Pursuant to standing order 246A the Standing Committee on Public Accounts has resolved that I make the following statement concerning the inquiry into revenue raising issues in the ACT: on 22 May 2002, the Standing Committee on Public Accounts resolved to undertake an inquiry into revenue raising in the ACT. The committee advertised the inquiry in local print media and also invited individuals to lodge submissions. The committee received nine written submissions to the inquiry. Consequently three public hearings were held on 16 October 2002, 18 December 2002 and 30 April 2003, where the committee heard from the government, various community groups and individuals.

The committee was planning to table its report on the inquiry into revenue-raising issues in the ACT this sitting week but will not be able to do so. The inquiry into revenue-raising issues in the ACT encompasses many important issues the committee is still deliberating on. The committee will, if able, circulate its report out of session and present the report to the Legislative Assembly during the first week in 2004. Therefore, I seek leave to move a motion to authorise the committee to present its report to the Speaker while the Assembly is not sitting.

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Leave granted.

MR SMYTH: I move:

That if the Assembly is not sitting when the committee has completed its inquiry into revenue raising issues in the ACT, the Committee is authorised to send its report to the Speaker, or, in his absence the Deputy Speaker, for printing, publishing and circulation.

Question resolved in the affirmative.

Mr Bryan Guest—retirement Valedictory

MR SPEAKER: Members, before I call the minister for the final adjournment motion of 2003, I draw your attention to the fact that the Assembly's principal attendant, Mr Bryan Guest, will be leaving us in January 2004. Bryan, who has been with us for over five years, is the first point of contact for anyone who comes to work in the building. Unless you see Mr Guest, you don't get a key or a pass.

Mr Guest has always been friendly, and I am sure that those of us who have had to deal with him, have, like me, found him extremely professional, easy to deal with and the results have almost always been good. It's been a good experience, so far as I've been concerned, and I'm sure that's the case with everybody else. There have been various demonstrations, fire drills and other security matters and all those other things that bother members and make our lives more colourful and interesting in this place. Whenever we've needed Mr Guest's assistance, he's always been quick to provide it. As I said earlier, he has always dealt with us in an extremely professional and calm manner, which might give some guidance as to his long history with security issues. On behalf of all members, I thank him for his contribution to the Assembly and I trust that his future will be a good one.

Members, I also offer my thanks to all of you who have assisted in the carriage of democracy in the ACT in the Assembly. I also thank all of those people who work in this place who have made our job easier. I particularly thank all of those people in the clerk's office, the chamber support office, corporate services, Hansard and Communications and the committee office. I know that all of these staff have, in one way or another, been in touch with you throughout this past year, and I'm sure they can't wait until next year so that they can help out again.

It's been a pleasure to work with them. I trust that you agree with me that they have a delightful Christmas, while they recharge the batteries for next year. On my own behalf, I wish all of you a safe and happy festive season. If you have the time, I trust that you might think about those of us across the world who may not be as well off and work out some way next year that we might be able to make their lives a little easier.

Adjournment

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

That the Assembly do now adjourn.

Valedictory

MR SMYTH (Leader of the Opposition) (5.20): Mr Speaker, I echo your sentiments. It has been a big year for the Assembly. It has certainly been a big year for the territory, and 18 January will be indelibly sketched on all our minds for a very long time to come. Some good things and some quite exciting things happened in the chamber for some of us. Some of us got married this year. Some of us managed to get promoted to the top job, such as the clerk. Some of us will now be taking our leave. I asked Bryan if this was the 54 years and 11 months routine. He said, "Oh no, I did that seven years ago," so it's a double retirement. So, farewell to Bryan.

On behalf of the opposition, I start by saying thank you to you, Mr Speaker. We managed to break your duck for you this year. I know it was hard for you to hoist one of us out on our ears, but we are willing to help in that regard and we will make sure the coming year is exciting for you as well. We would hate for you to miss out on all the fun.

To the clerk and his team, we say thank you for all the support. It is always speedy, accurate and always exactly what we need. The confidential advice that we get from Tom and his crew is welcomed by all of us on this side of the house.

To Bryan and all the attendants, it is a fabulous job that you do and we are grateful for it. You add to the decorum of the place. The way that you behave and the way you assist us in doing our job is much appreciated from those on this side of the house.

The unseen corporate and chamber support staff, who are quite literally behind the scenes, and the Hansard reporters in particular, all add to what we do, because without your help we can't do our jobs. You help to keep the Assembly running.

Particularly this year I'd like to single out the committee manager, Judith, and all her crew. One of the things that I have appreciated in the past two years as a committee chair is just how much work one person supporting one committee can get through. They double up and help each other out in heavy workload periods, such as the estimates, but a large amount of work is done. Often we members don't make it easy. Deliberating late into the night or indeed early in the morning, just before the Assembly sits, must make it awkward. So to all the committee secretaries and the staff there, thank you very much, because the work you do to make us look good is dramatically unrewarded.

To the library, which has extended its opening hours, thank you very much. It is always good to have the library there so that we can get the information we need. It is a vital part of what we do and I thank you for the extra effort that you guys up there in the library, also unseen and often unheralded, have done for us this year.

Last but not least, I guess, is Barry. Those of you who haven't rung Barry obviously aren't doing your job properly because Barry fixes everything. So, to Barry and his

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family, I send a special Christmas greeting from those on this side of the house. Nothing is too hard. Sometimes it takes a bit longer than he might even want it to take but it is always done. If you can't solve it, ring Barry, because he has always got an answer or he will give you a footy tip, normally starting with Collingwood.

Perhaps the media have the most difficult job in the place. They get it from all sides. It doesn't matter whether you are Liberal, Labor, crossbench, Democrat or the Greens, we are not being covered enough, we have been misrepresented, we haven't got the front page or the best picture. I don't think what we do in this place is recorded enough or reported enough, but I appreciate that is not because of the journalists who work in the building with us. What is done here is important, and I urge the media outlets to support the journalists, who do a pretty good job of getting it right most of the time, or getting us right some of the time—you can pick out which one it is. Without the media telling the story, nobody out there would know what we did. It is a shame that there isn't more interest. As we shut down for the year, the gallery is probably at the level that it has been for most of the year, and perhaps there is a challenge for you, Mr Speaker—how do you get more bums on seats in the gallery?

To my colleagues I say thanks very much. Thanks for the support throughout the year, thanks for the ideas, the innovations, the drive and all that you have done to represent your constituents. It is not an easy job in opposition. This is my second stint in opposition and to those over there I say we do hate it over here, so we will be back next year.

I will close on a personal note and thank my family and friends. To my wife, Robyn, who is fabulous and very supportive in what I do and understands what I need to do, I say thank you. To my daughters, Amy and Lorena, who, like all kids, often give up a great deal and never get thanked—and who often get picked on at school because of who their mother or father might be—I say thanks very much, and I love you both.

So, I wish you all a very merry Christmas and a safe holiday. If you are going somewhere, please drive safely and come back next year. The opposition promises that it will be fun.

Valedictory

MR CORBELL (Minister for Health and Minister for Planning) (5.25): This evening I give my best wishes for a safe and peaceful holiday season to all of my Labor colleagues and, indeed, to all members of this Assembly. I also express my thanks to all the different people in the Assembly and the broader ACT government service who have supported me and my office in my portfolio responsibilities over the past 12 months. In particular, I express my thanks to both the chamber support and the executive support areas of the ACT government and the Assembly for their diligence and hard work. I also express my thanks to my portfolio officers in ACT Health, the Land Development Agency, ACTION and the ACT Planning and Land Authority. All of them have displayed exemplary service and dedication to the task over the past 12 months in what has been a period of significant change, with the creation of a new ACT Planning and Land Authority, the new Land Development Agency, the Planning and Land Council, the ACT Health Council, indeed the Land Development Agency Board, along with the ACTION board.

In particular I pay my thanks to those officers in ACT Health and the Planning and Land Authority and the Land Development Agency who did so much right from the beginning of this year in addressing the terrible events of January 18. They were on deck from the very moment the crisis hit us and they consistently delivered outstanding service to the community that has been affected, either on the day of the fire itself or in the months following. My thanks to all of them right across my portfolios.

I thank the staff of my office for their undinting support and activity in what has been an extremely busy year for me. I thank them for their efforts and I hope that they will have both a safe and peaceful holiday season as well. Finally I wish you, Mr Speaker, and all members, a safe and peaceful holiday.

Valedictory

MR STEFANIAK (5.28): Firstly, my colleague Mr Smyth asks me to thank on the opposition's behalf our personal staff for the excellent work they do, and this I do.

This year being a rugby world cup year, I thought I would try to compare the Assembly to a football team. Firstly, the captain of the team is Jon Stanhope, a very hard-running, aggressive inside centre who would play as a back-row forward at a pinch. He is known to give long, haranguing talks to the team at halftime. He likes to lead from the front, doesn't have much of a sidestep and believes the club should be governed by some funny thing called the bill of rights.

His deputy, Ted, a consummate fullback with a laid-back style, has probably seen better days and is not as quick as he was before his knee operation. But he still takes the ball well under pressure and can still make ground with his kicks. He would probably prefer to be playing bowls.

Bill Wood is an original team member, a solid, methodical old front-rower, either a prop or a hooker. He keeps plugging away—a team player who prefers not to run much with the ball. He leaves that sort of thing to those prancing, prima donna backs. So he is not seen much in open play. He would probably prefer to be at the theatre watching a good play than being on the paddock at times.

Katy Gallagher is an ex-rugby league convert from an industrial area and is adjusting very quickly to the new code. She is very concerned about the ground staff's working conditions and safety issues around the club's home ground. She likes playing in front of lots of school kids but preferably not that Grammar crowd.

Simon Corbell, a flashy young winger with a lot of pace and promise, is a little bit suspect under the high ball and sometimes finds himself being abused by even his own non-playing club committee members, especially one former ex-Scottish, ex-Daramalan second rower. Simon has got radical plans in mind for the grandstand.

Suspension of standing and temporary orders

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

That so much of the standing and temporary orders be suspended as would prevent Members who have not yet spoken to address the Assembly.

MR STEFANIAK: John Hargreaves, a handy old blindside breakaway, talks a lot during the game in the rucks and mauls—and after the game too. He doesn't get a run with the team all the time and he plays his best games in the Tuggeranong Valley.

Karin MacDonald is a new player who can play either breakaway or anywhere from five-eighth to wing. She is a consistent, honest worker but sometimes doesn't get a run in the team. I understand she wants to adopt a certain koala as team mascot.

Ros Dundas is our youngest player. She can play either half or five-eighth with flair and aplomb. She is probably the fittest player in the team, but that wouldn't be hard. She wants to ensure the team changes in unisex change rooms.

Kerrie Tucker, a former greenkeeper turned player, is one of the most conscientious trainers in the team. A utility player, she thinks the team should walk or ride bikes to the games. She is not terribly happy with the team sponsorship arrangements. She is concerned the club is not really properly representative of the wider community. She has some rather unorthodox ideas on team tactics and, sadly, has recently announced her intended retirement from the team.

Helen Cross, a tall, very stylish outside centre with lots of flair, drops the ball occasionally and misses the odd tackle, but she is capable of some spectacular performances. She has recently had some concerns about match payment arrangements for captain Jon and some of his team.

Vice-captain of the team and halfback, Brendan Smyth, is a very energetic, hardworking, hippie George-Gregan-style half. He can pop up anywhere. He likes talking to his players, forwards and backs, likes scoring tries and playing tricks on captain Jon, whose position he is angling for. He can also play hooker or breakaway.

Greg Cornwell, a hardworking, traditional old prop-cum-second rower, is not altogether happy with the way the game has changed in the past few years. He regularly complains to his team-mates about the state of the ground, the roads to the ground and all that graffiti on the northern grandstand.

Jacqui Burke is a stylish ex-back now playing open-side breakaway. She likes playing in any ground near large complexes of council flats. She has been known to biff her colleague Bill Wood at the start of the game to get him going.

Vicki Dunne, formerly from northern New South Wales, joined the team after a long stint in team administration. She loves to take the ball up and is an exponent of the Maori sidestep when taking on the opposition. She thinks the oval and grandstand should be much better planned and developed.

Steve Pratt recently returned from playing in the Middle East and former Yugoslavia, where he was sin-binned for a long period of time by local referee Slobodan Milosevic. A very hardworking breakaway and sometimes second rower, he can give it and take it—and that happens quite often. He is very concerned about problems with ground security and the current disturbing lack of security staff around the club grounds, especially during junior matches.

Our referee, Mr Berry, is a former New South Wales country player. An original member, he is a very experienced ex-No 8, who, in his playing days, loved to niggle and go the biff with the opposition. He used to argue the toss with referees a lot and has a record for the most send-offs and sin-binnings. Now that he is the referee he knows every trick in the book and he has maintained a firm but fair control over the game. He is not whistle happy and he generally lets the game flow.

Finally, thanks to the team management and staff. We have got the best team management and staff you could possibly have in Tom Duncan and his magnificent staff.

Death of Mr Arthur John West Valedictory

MS MacDONALD (5.33): In the adjournment debate yesterday I spoke about the death of Arthur John West, who is my adoptive grandfather. He adopted me as his granddaughter. I didn't get to finish my speech so I will do that now. I was saying that I felt very privileged to have had Grandma and Pop attend my wedding last year. I am told he was under strict instructions from Grandma to behave himself. During the reception Pop came up to me and said, "Karin, you'll be happy to know that I've found a few members of the left." He then gave a cheeky chuckle and wandered off. Pop enjoyed a good wine and was a member of the Revesby Workers Wine Club—but then he also enjoyed a gin and tonic, sparkling red, sparkling white, a few beers and anything else that he could get his hands on.

My abiding memory will be of Pop sitting at the head of the table, his family around him, a glass of something in front of him, a smile on his face and a tear in his eye. Pop loved to have his family around him. His family—his wife, Marge; his daughters, Marilyn, Jill and Lesley; sons-in-law, Greg and Rudolph; grandchildren, Jane, Matthew, Luke, James, Peter and Ben; and their partners, David, Jo and Kerryn; great-grandchildren, Olivia, Jack and Lily; and adoptive grandchildren, Chris in China and me—will all miss him dearly even though we know that he is at peace. I feel very lucky to have known Arthur West. There should be more people like him in the world.

On a slightly happier note, I wish all members of the Assembly and staff a happy Hanukkah, merry Christmas and a safe New Year. I am looking forward to a regenerative break and I wish everybody else the same.

Valedictory

MR PRATT (5.35): Firstly, I wish Bryan Guest a merry Christmas and festive season. I thank him for all his work and I wish him all the best for the future. I thank my staff, Tracey and Skye, for their support and the onerous task they have of keeping this rough diamond on the straight and narrow. I thank Tom, the chamber staff, and Ian Duckworth

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from the support staff, and the administrative staff for helping we MLAs to wend our way through minefields. I thank them and wish them all the best.

Of course, I must thank my constituents, particularly those who put up with me on door-knocking occasions and for bringing out the odd glass of water on hot Saturday afternoons. I wish all Canberrans a merry Christmas.

I thank my opposition Liberal Party colleagues here and wish them all the best as well, and I extend that to all of my MLA colleagues in this place. I thank you for your forbearance and I wish you all the best through the festive season.

I wish my wife and daughter a merry Christmas. They will be celebrating that somewhere in Yemen, having gone through the Eid and the Ramadan processes. I wish that to my son who gets off the plane first thing in the morning fresh back from washing dishes and pulling beers in London.

Finally, I also extend a particularly important happy and safe Christmas to all those volunteer firefighters, police and emergency services personnel, including those MLAs who turn out as well to serve in those ranks, who may very well find their festive seasons in the field sometime in the next few weeks.

Valedictory

MS GALLAGHER (Minister for Education, Youth and Family Services, Minister for Women and Minister for Industrial Relations) (5.37): I wish everyone a safe and happy holiday. I also thank all the Assembly staff for their work this year in all areas of the Assembly. It must be quite an unusual place to work at times and that must provide additional stress to them all on the job. They all meet the challenge so well and so professionally.

To Bryan Guest I pass on my best and wish him all the best in his retirement. He was one of the first people I had contact with in the Assembly as a newly elected member. As I sat in his office with my wide eyes I remember him giving me all the instructions about security and passes, and I have tried to obey the rules at all times.

I also thank those in my portfolio areas who have guided me through my first year as a minister. Thanks to the Office of Industrial Relations within the Chief Minister's Department and to the Public Sector Management Group who have responded so well to all the demands I have placed on them this year, to the Department of Education, Youth and Family Services and to the Office for Women, who, along with all of those areas, constantly impress me with the talent and quality of the staff that we have in the ACT public service.

I hope my Assembly colleagues have a good one. I hope you all have a break; I think next year is going to be a big one. To the staff in my office, including the DLOs, thank you for all the work you have done to support me this year. It is really appreciated. Finally, I thank my family, particularly my mother and my little girl, Abby, who put up with a lot from me this year. I couldn't do this job without them.

Valedictory

MRS DUNNE (5.39): Thank you, Mr Speaker.

Twas the end of the sitting and strife and dissension,
No member was stirring not even backbenchers.
The cross-bench were nestled all snug in their chairs
Having visions of Senate seats sure to be theirs

All had hung up their beanies, berets and cloth caps
And all settled down for a long summer nap
When out on the lawn there arose such a clatter,
I threw up the venetians, what could be the matter?

When what to my wandering eye should appear
But a miniature sleigh and I'd had just one beer
And the little old driver so lively and quick
The TWU would have given him the flick

And he sprang in the air with a quick arabesque,
In the blink of the eye he was perched on my desk.
His eyes, how they twinked, his nose like a cherry,
More like a Bill or a Ted than a Berry.
A bundle of toys he'd flung on his back.
He looked like a peddler just opening his sack.

Now what do I have for dear little Wayne?
A remote control car or perhaps a toy train?
No, for trains you need tracks which the neighbours won't like.
Perhaps I'll pay safe and just give him a bike.

And to Katy who's been such a good girl all year
And paid lots of attention to lessons I hear—
Well, all work and no play makes one dull so it's thought
I have it, I'll give her Arts, Gaming and Sport.

Now Simon's been having trouble with planning,
In fact some would say he's taken a panning
But the way he's developing can't be ignored
I know just the thing, a monopoly board.

Brendan's always the first in the class with his hand up
And sometimes he can't wait to stand up,
So to safeguard his feelings and make sure he's not beat
A brand new comfy chair with an ejector seat.

Our little Billy is so keen on the footy
And making the kids stay behind when they're naughty
But his gear sometimes gets a censorious glance
So here's a new suit, one with two pair of pants.

Kerrie wants to move up and leave infant school,
She's anxious to please, above all to be cool,
She's down with youth culture, thinks rappers are gems,
Here's a cap, wear it backwards, and some sweets, M and Ms.

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Karin sits at the back of the class doing craft
And seldom joins in the games and the laugh,
So here's a red hat and with it the suggestion
With that on sitting straight she might be asked a question.

Jacqui's ever so carefully dressed, never sloppily,
And she's keen to fit in and she could almost talk properly.
Here's a Wallaby's cap and tape, dinkum talk,
By the very same expert who helped out Bob Hawke.

Steve likes to help out, always has goods intentions
But somehow he often ends up in detentions,
Still he walks and talks and looks like his pal GI Joe,
Soften your image and give this teaset a go.

Helen's been playing alone for a while,
She looks a bit sad and she's lost her sweet smile
But here's a dear party frock trimmed with white rabbit fur,
Next time there's a party I'm sure they'll ask her.

And William can be a serene little chap
But not when he's missed his mid-afternoon nap
So to help him relax and play nicely with chums
Here's a bottle of Prozac and a packet of Tums.

Now which is the John who is fond of a joke?
No, the one with the "H" is more likely the bloke
For pre-selection. A jolly buzzer? Fake pooh? No.
You're more apt to need Art of War by Sun Tsu.

Now the three letter Jon is a serious child
And inclined to throw things about when he's riled.
I know—a great read before he'll sleep
Will be How to Win Friends and Influence People

And our wee Ted is a treasure and so good at sums.
His homework handwriting looks just like his mum's.
But he needs outdoor play, now I wonder would this be
The right thing for him? I believe it's a frisbee.

And Greg is a terribly proper young lad
And really can't stand when the others are bad
And writing on walls makes the boy almost faint.
Here—a distraction—a big tin of paint.

Young Ros got in with the wrong crowd.
They drink too much red cordial, play far too loud,
They rise to a challenge, they think it great fun.
Here's a lovely thick book called The Power of One.

And as for you, there's nothing left in my sack.
Can this mean that there's nothing you lack?
Well, you seem in this job to have such fun
I'll leave you this dream—Cheerio, have to run.

Now Dasher, now Dancer, now Prancer, now Vixen,
You're dragging the chain and the axle needs fixin'.
On Comet on Cupid on Donner and Blitzen
Well I didn't name you, so don't have a fixin'

He sprang in his sleigh and to his team gave a whistle
And they all flew away like an Exocet missile
And I heard him exclaim as he stopped at the lights
"Happy Christmas to all and to all a good night."

Valedictory

MR HARGREAVES (5.44): There have been a couple of hard acts to follow so I am not going to try. First, I express my appreciation to my staff, to Andrew Barr and Maria. Now and again we all need to reflect that when we talk to our constituents we are offering only a reflection of the quality of our staff. In that sense I owe them an immense debt.

To my Labor colleagues who have been so supportive over the past year I say thank you very much. I thank the opposition very much for entertaining me all year. They have given me plenty of opportunity for a laugh, a giggle and some serious thought. I appreciate that. To the cross-bench I say thank you very much for your contribution to this Assembly. It has been high quality. To those people who have acted professionally and with humour, I say thank you very much. To those people who have acted with a little less professionalism and a little bit less humour, I suggest they have a real good think about it over the festive season.

I also express my appreciation to the chamber support staff headed up by Tom after Mark left. I single out just a couple of people because the Leader of the Opposition quite generously did so. I single out the individual attendants because without them this place would be a pretty tetchy sort of place. They have given me the odd wink and a nudge every now and again. That has made the difference and they have made me feel really important. To the guys up in the black box over here, Ray Blundell and all the guys from Hansard, thanks. How you decipher what is said in here and put it into English is beyond me. I wouldn't have your job for a gold pick.

I thank my colleagues. I have had an absolutely dam-busting blast over the past year, and I hope everybody here has, too. Over Christmas I will be thinking about whether or not we did a good job for the people of the ACT. My instant thought is yes, we have on balance, so congratulations to you all. Do have a joyous Christmas with the families. Come back refreshed. We have got a big year ahead of us: 2004 is an election year. May the best team win, and I am sure I will be on it. I will see you all out on the hustings. I hope Santa Claus brings you absolutely everything that you want.

Valedictory

MRS BURKE (5.46): I too wish everybody in this place a really blessed, safe and peaceful Christmas, and I hope that we regroup. We have got a busy year ahead of us.

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I have you at the top of my list, Mr Speaker. I thank you very much for keeping me—I mean this place—under control. It has been a very interesting and entertaining few months since I returned to this Assembly. It is a place I love to be. I love my job and I appreciate the people I work with, though we may give each other a hard time from time to time.

I agree with Mr Hargreaves about Hansard. I think you do a great job, guys and girls. So, thank you for that. To the secretariat, congratulations, and thank you so much for everything that Bryan Guest has done. He deserves his retirement. I particularly thank Siobhan Leyne for understanding and patience with the Health Committee. To my colleagues on the Health Committee, Ms MacDonald, and our chair, Kerrie Tucker, thank you for your support and help.

Where would we be without the chamber support and executive support? Particularly I am thinking today of Sandra Viney, working through the new contracts. If you are listening, Sandra, thank you very much. The library staff have been so accommodating; nothing is too much trouble. Then there is the long-suffering Barry Schilg—good old Barry! Wherever you are Barry, I hope you are listening. Have a beautiful Christmas, rest up—and go those Holdens!

I particularly thank a few people who have come to mind. I thank minister Bill Wood for being very long suffering, for the brilliant DLOs that he has had in his office—Pat Madigan and Sue McInnes to name two—and all his other good staff. I have known those two people for a long time, so I can only name them. I look forward to another round with the boxing gloves on next year, Minister, and sorting out these problems. We'll get it right.

I thank my colleagues for their help this year. It has been of great value to have such a supportive team. We are a good team. We get on well, we can have a laugh together and we work through things together, which is great. I particularly thank my leader, Brendan Smyth, for his guidance, leadership and friendship.

I thank my family. A few members have done this. They are often the unsung heroes in our lives. We are so focused on this place and we all work very long hours, we are very dedicated, so I thank my family—my husband, my daughter, my son-in-law and grandchildren—very much. They make it all possible, as Ms Gallagher has said.

I thank most sincerely my staffer, David Bell. For us it's been an interesting year, a steep learning curve for us both, and we are still growing.

Again I wish all other members in this place a really excellent break. Let's make sure that we rest up and rejuvenate. We have got a big year ahead of us. I look forward to another action-packed and busy election year ahead.

Valedictory

MR CORNWELL (5.49): I extend my thanks to the staff of this building, not only here in the chamber but in the various engine rooms where they operate. I don't know that we always appreciate just how efficient they are and how well the whole place turns over. Without them it would be very difficult.

Obviously, I will begin with my own staffer, Joanna, but I extend best wishes and thanks to all staff, government as well as crossbench, and our own people. At all times I have been treated with courtesy and civility. I haven't always got what I wanted, but that is not the point. I can't ask for more than courtesy and civility. That is very important.

To all members, I again extend best wishes. We haven't always seen eye to eye, but that is the nature of politics. I have been thinking about what we have achieved in the past 12 months. I think there were five things. We have got four-year terms. We have sorted out financial arrangements that will allow an increase in staff. That is the second thing that we can be thankful for. The third is a sort of early Christmas present, as far as I am concerned, and that is what you announced earlier—a review of standing orders, after 15 years. Anybody who has looked at the standing orders—and I don't have to say that to you, Mr Speaker—will appreciate that it is long overdue. I look forward to that. Unfortunately, we didn't increase our membership and I don't really think that we have addressed the question of salaries of members. Nevertheless, three out of five is not too bad for one year; and who knows what the future may bring.

All of you please have a good break, a safe and enjoyable Christmas and a healthy 2004.

Valedictory

MS TUCKER (5.52): I wish everybody a happy Christmas and a good break. I extend my best wishes to Bryan and thank him for his support.

Valedictory

MS DUNDAS (5.52): I would like to use this adjournment speech to go over a few of the highlights that have happened over the past year. A number of key things happened outside this Assembly. Of course, there was the tragedy of the bushfires in January, the tragedy of the war in Iraq and the still unfound weapons of mass destruction. The fun of the rugby world cup and other exciting things kept us all busy outside this place. Some real highlights happened here in the chamber and I have been going through *Hansard*, looking at adjournment speeches and other speeches of note, to see some of the gems that have happened in this place.

We had a really interesting debate about trains. Members tried to convince each other they knew the most about trains—damn it, them and them alone! I thank the Speaker for his fascinating insights into the European rail system. I put on the record that I am very comfortable with my comparative lack of knowledge about trains, I'm quite happy for other people to be the train spotters in this place. Mr Smyth talked us through the intricacies of cocktail making, which in itself was quite fascinating. Mrs Dunne displayed her great love of hip-hop with her discussion about Ms Tucker's and my affection for hip-hop. I was quite disappointed, Mrs Dunne, that you gave your adjournment speech in rhyme and not in the hip-hop style, but next year maybe.

We had a really interesting input from the Chief Minister when he made one of his rare appearances in the adjournment debate and spoke about his great admiration for James Bond. I thought maybe we should be talking about Octopussy, Pussy Galore and all the other great women who fill out the James Bond movies as opposed to just focusing on

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the man in the middle. Of course, the Treasurer insisted that the next deputy clerk of the Assembly has to be a Collingwood supporter. The ongoing AFL discussions have truly kept this place ticking along this year.

A couple of weeks ago we debated graffiti and spray cans, and during the debate Mr Cornwell said that the Democrats, the Greens and the Labor Party were all competing for the vandal vote. Mr Cornwell knows a bit about the Vandals—the Goths who lived in what is now Germany in around 400 AD. I've had some discussions with the ACT Ancient German Society and it is going to send some of the proceeds from the sacking of Rome to the non-opposition members of this place to help us with our campaign. So thank you very much for that.

On a personal note, I put forward some thanks. Of course, thanks to Bryan Guest for his work in this place and to all the boys and girls in blue who keep us in order. I have no idea how the clerk and all the staff in Assembly support do the job they do. People always ask that of me but I think you are the unsung workhorses. I also thank my staff, which has changed this year. I've already put on the record my appreciation to Geoffrey for the work that he's done. To Jocelyn Bell, Llewellyn Reynders and Andrew Blake, who has recently joined my team, your work is always of a great standard and I appreciate it very much.

I also put on the record my appreciation to two people in the ACT Fire Service, Michael Cochran and Pat Jones. Michael Cochran led the team that put out the fire in my former abode, and Pat Jones did some very difficult work in trying to figure out what actually happened on that night. I thank those two especially for the work that they did, and all of the firies. I am quite proud of displaying my ABC sticker that says, "I love firefighters." They've done some amazing work this year and I hope that they don't have as busy a year next year.

I also thank my family—my rapidly extending family and my urban family—which has moved on from the street workers paradise into a larger place, and we are bigger and better for that. It is the support of those friends and people close to me that keep me going through the year. I also put on the record my thanks to my Democrat colleagues who keep my life interesting but do provide ongoing support for the debates that we have in the chamber.

Valedictory

MRS CROSS (5.57): I thank Bryan Guest. I'm sad that he's leaving. I found him to be extremely helpful and supportive to me in my office. He's done so with a great deal of discretion and courtesy and always with a smile. I'm going to miss him. I also thank the attendants who have been extremely supportive again to me in my office, not only within this chamber but outside.

When Mr McRae left I said I was always trying to read their faces. Sometimes I can read their lips but can't quite get every sentence. I thank the clerks—Tom and Janice—and the team in the secretariat public services. Hansard, you do an incredible job. I wouldn't want to do what you're doing but I do thank you for what you do.

Barry Schilg arranged the car swap this year and I pay a special thank you to Jacqui Burke for her kindness in swapping cars with me when the car that I ordered wasn't long enough for this tall girl. Thanks, Jacqui.

I thank the library, the committee members that I serve with—John Hargreaves, Roslyn Dundas, Greg Cornwell, and Vicki Dunne. It's been a really enjoyable time this year in those committees. I've learnt a lot and I think we've accomplished quite a bit.

I thank the ACT community for their support, particularly the business community, the multicultural community and the women's groups. I thank my staff, Nick Tedeschi—who has been with me probably the longest—Helen Moore, and Andrea Kelly and staff who have gone on to bigger and better things.

Above all, I thank my husband, David. Without his support I couldn't do the job that I do. Having him as my rock has been the stable foundation on which I'm able to build and do the work that I do and the help I provide to the community. I wish everyone a merry Christmas—Hronia polla, as we say in Greek—and look forward to seeing everybody in the New Year.

Valedictory

MR QUINLAN: (Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming) (6.00), in reply: This year I thought I'd give out some notional gifts and focus on games. So, to you, Mr Berry, I give the game of chess. The class struggle is red versus blue. The pieces are non-standard. One side is national secretary-state secretary-organiser and shop steward, the other side is CEOs and members of the board. Red usually wins by careful manipulation of numbers.

To Mr Smyth I give a game of Trivial Pursuit following the question times of this year, and anybody who leads the party can ask 1,200 questions on notice in the space of two years.

To Mr Stanhope I also give a game of Trivial Pursuit but unlike Mr Smyth's, his is loaded with the answers and none of them less than five minutes.

To Ms Dundas I give the game Do Not Follow The Leader. I know Ms Dundas has been struggling to keep up with Democrats everywhere and cause a leadership spill in this place but she can't find the numbers.

To Mr Hargreaves I give a game called Lions and Ladders. It's based on the old Snakes and Ladders. Your football team, Collingwood, climbs a tall ladder for six months, gets to the top and gets a thorough mauling by a lion, only to go back and do the same thing next year.

To Mr Cornwell goes the game of Hangman after a performance in this place. All words used for the puzzle must be related to moral rectitude, discipline and respect, and as a bonus there's a can of spray paint.

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To Mr Corbell goes the game of Monopoly. Wherever you land approval is required. Only one house or hotel per property will be allowed—there will be no dual occupancy in this game—but should you wish you do have access to the AAT.

To Mrs Dunne I give an X-box game of Car Demolition Derby—get it out of your system before you get on the road—and there's a bonus for you as well. That's the game of poker where pairs don't count.

To Mr Stefaniak, the game is Dungeons and Dragons. There are no dragons, just a lot of keys, and you lock up your opponents and throw away a key each time.

To Mr Wood I give a board game called Public Housing. The objective of this game is to convert a town completely into public housing. Your opponent in this game is that bastard the Treasurer, but he loses most of the time.

Mr Wood: He what?

MR QUINLAN: He loses most of the time.

Mr Wood: Rubbish!

MR QUINLAN: To Ms Gallagher the board game is Play School. It is a game where the objective is to get your marker into the left wing, which is the public education wing, and if you fall on the right wing you have to pay off the kids' education.

Mr Pratt also gets the same game only his objective is to get into the right wing, where the private schooling is. If you land in the middle you get a thorough thrashing and if you land in the left then the police who are resident there set their attack dogs on you.

Ms MacDonald is Jewish and doesn't believe in Christmas, so I shouldn't give her anything. But we will give her a baby Jesus jigsaw puzzle in case some of it rubs off and we can convert her.

To Mrs Burke we give the game of musical chairs. When she plays and misses out someone else has to resign and she gets their spot.

To Mrs Cross I give a package that represents her progression through here. It's a package of games. The first game is Fantan. She should know that Fantan has the alternative names Parliament and Seven. The second game I give is Solitaire, the third game is a book of Crosswords, and the court is silent.

To Ms Tucker I give the board game the Enchanted Forest, where you fight off developers, roads and cars and the prize is a life of ease in the centre.

Question resolved in the affirmative.

The Assembly adjourned at 6.04 pm. until Tuesday 10 February 2004, at 10.30 am.

Incorporated document

Attachment 1

Document incorporated by the Minister for Urban Affairs

On 20 November 2003 Ms Tucker asked about:

what is the role of the graffiti clean-up team?

is it government policy to let that team make the decisions?

when making decisions do the team work with youth groups, youth workers, and consult with them about what they are doing, considering the hours of work that go into these graffiti art pieces?

in relation to the Bunda Street redevelopment, as some legal spaces will be lost is it intended to provide more spaces?

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

By way of background there are currently 59 legal street art and mural sites, which are currently used or have been approved for use by artists in the ACT (refer attachment). There are also numerous other potential sites, however these have not been fully investigated.

The department undertakes a formal consultative process when identifying and approving street art and mural sites. Artists generally identify potential sites and approach Canberra Urban Parks and Places (CUPP) to seek approval for a legal art or mural site. The department contacts the owner of the asset to obtain their approval, and if the proposed art site is visible from adjacent residents or other buildings, then residents and owners of these leases are also consulted. If the asset owner, adjacent residents or leaseholders do not support the art site then it is not approved.

Alternatively, if an artist is unable to suggest a street art or mural site, the department will investigate potential art sites that will suit their requirements and suggest these to the artist. Each site is treated on a case by case basis, as the site not only has to have a suitable surface to hold the paint, it must also meet the artist's requirements and be acceptable to the adjacent community.

The graffiti clean up team is responsible for the inspection and removal of graffiti from all ACT Government assets within urban open space, which have not been approved as outlined above. This includes shopping centres, memorials and fountains, parklands, sportgrounds, pavilions, toilet blocks, barbeques, park furniture, skate parks, playgrounds, planter boxes, irrigation control boxes, log barriers, storm water drains, paved areas, road signs, light poles etc.

Graffiti with offensive words, images and messages and any reported incidents by the public must be removed within twenty-four hours of observation or notification. In all other cases graffiti is be removed within three working days.

The ACT Government also provides funds for the removal of graffiti by Government contractors from private properties. However, the graffiti contractors must seek approval from the leaseholder prior to the removal of the graffiti. Graffiti is not removed where a leaseholder does not approve its removal.

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Graffiti contractors are provided with an up to date list of all legal art sites to prevent their accidental removal.

In relation to the Bunda Street redevelopment, it is not envisaged that this development will impact on the number of available art sites, as there are a number of approved art and mural sites available throughout Canberra as indicated in the attachment, many of which have not been utilised. Bunda Street art site was an initiative of the Civic Youth Centre and was not part of Urban Services official list of art sites.

In response to your question on a plan for spaces for art sites, please refer to the information provided above. As indicated, potential art sites are usually selected by the artist(s), who then approach Canberra Urban Parks and Places to investigate the suitability of the site. It is not feasible to investigate large numbers of street art sites without the interest of an artist, as art sites not only require the acceptance of the community, they must satisfy the artists requirements. Canberra Urban Parks and Places also encourage the recycling of street art sites to revitalise artwork throughout the City. Art sites are only recycled with the original artist's consent.

Answers to questions

ACTPLA complaints (Question No 1022)

Mrs Dunne asked the Minister for Planning, upon notice:

In relation to complaints actioned by ACTPLA:

- (1) How many complaints are received in any one year;
- (2) How many complaints are resolved in any one year;
- (3) How many outstanding/unresolved complaints are more than 20 years old;
- (4) How many outstanding/unresolved complaints are more than 10 years old;
- (5) How many outstanding/unresolved complaints are more than 5 years old;
- (6) What is the average time frame to resolve complaints;
- (7) Does ACTPLA categorise complaints into issues such as dirty blocks, unapproved structures, etc;
- (8) Does the management of PALM have the necessary skills or ability to handle such issues;
- (9) Are all complaints dealt with or are some considered insignificant, and if so are complainants not responded to.

Mr Corbell: In answering the member's question complaints have been defined for all answers as those items listed in the answer to question (7). The answer to the member's question is as follows:

- (1) The average number of complaints received in any one year is 935.
- (2) The average number of complaints resolved in any one year is 905.
- (3) No complaints remained unresolved for this period.
- (4) No complaints remained unresolved for this period.
- (5) There are currently three complaints relating to breaches of the Land and Planning Regulations that have been ongoing since 5 January 1998, 3 June 1998 and 7 October 1998. However, action has been taken to resolve each of the complaints with two of the three remaining open due to ongoing monitoring. The third complaint relates to a commercial lease variation.
- (6) Due to the nature and complexity of complaints received by ACTPLA, it is difficult to provide statistical averages that would accurately reflect the time taken to resolve complaints. However, the planning agency has a target of resolving complaints within 21 days. Further, the recently acquired compliance powers within the Land (Planning and Environment) Act 1991 are expected to assist in reducing both the time taken to

resolve complaints and provide for the resolution of many of the outstanding complaint matters.

(7) Yes, The categories of complaints recorded are as follows:

- Advices;
- Breach of Development Approval Conditions;
- Breach of Lease Conditions;
- Compliance Certificate requests and investigation;
- Dirty Blocks;
- Heritage;
- Other Agency Responsibility;
- Tree Preservation;
- Unapproved structures;
- Bushfires; and
- Miscellaneous.

(8) Yes, I am confident that PALM, now the ACT Planning and Land Authority (ACTPLA) has the necessary skills and abilities to handle such complaints. Where these skills or abilities are found to be deficient, management is actively ensuring that appropriate training is provided.

(9) All complaints are responded to. However, the impact or detriment of a complaint must be measured against the broader public interest in pursuing some of the more minor concerns between adjoining neighbours. Even where ACTPLA decides it is not in the public interest to pursue a matter, the complainant always has a right to apply for an Order and challenge ACTPLA's position should they wish to do so.

Housing—seniors (Question No 1069)

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

In relation to your announcement that two ACT Housing older persons units in Pinefield Court Duffy would shortly be handed over to tenants (media release '*Public Housing Bushfire Reconstruction on Track*', 4 November 2003):

- (1) Out of the 81 urban ACT public housing properties lost in the January 18 bushfires, how many of the properties being rebuilt to replace those lost will be available to older persons in addition to the two older persons units at Pinefield Court Duffy;
- (2) Will the tenants to be housed in the two older persons units at Pinefield Court Duffy be tenants that were previously housed in ACT Housing properties at the time the homes were destroyed in the January 18 bushfires;
- (3) How many older tenants lost their ACT public housing properties as a result of the January 18 bushfires;
- (4) What is the specific age upon which an ACT public housing tenant becomes eligible for older person's housing.

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

- (1) None have been designed to Older Persons Accommodation (OPA) standard but older tenants who wish to return will be able to.
- (2) No. Both have declined to return.
- (3) 9.
- (4) Male tenants are eligible at the age of 65 years in accordance with the eligibility requirements of the *Social Security Act 1991*.

Eligibility for female applicants is also tied to the Social Security Act which has a sliding scale for when women qualify for the age pension. For example, in 2003 women who turned 62 before 30 June 2003 are eligible for an OPA. Women who turn 62.5 between January 2004 and 30 June 2005 will be eligible once they reach that age.

Tenants who are in receipt of a service pension under the Commonwealth Veterans' Entitlement Act 1986 are also eligible for an OPA.

Torrens Hindu temple (Question No 1070)

Mr Cornwell asked the Minister for Planning, upon notice:

In relation to the religious temple located next to Torrens Primary School at Block 14 Section 22 (89 Batchelor Street) Torrens:

- (1) What is the nature of the building work that is currently being undertaken on this temple;
- (2) When did this work commence;
- (3) When will this work be completed;
- (4) Is this construction required to comply with time limits for building in the ACT and if not, why not;
- (5) If it is required to comply, what penalties apply for non-compliance;
- (6) Is the temple currently open to worshippers, and if not, when is it anticipated that it will be open;
- (7) What religious, ethnic or multicultural group is this temple intended to be used by?

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

- (1) The building work underway at present is the construction of a Temple. External works such as paving, landscaping and car parking areas are also being carried out as part of the overall development of the site. The developers have been carrying out the work in stages and there have been several amendments to the originally approved set of plans.

The nominated stages to date are:

- Stage 1 – Library and Temple, Kitchen, Office, Storage and two Pilgrim's suites;
- Stage 2 – an extension to the Temple;
- Stage 3 – a further extension to the Temple; and
- Stage 4 – Priest's Residence.

- (2) The notification of commencement of work was supplied to BEPCON on 4 July 1996.
 - (3) The finish date is 24 months from the approval of the development which is 10 April 1998. The applicant has indicated that it is anticipated that the building will be completed about the middle of next year.
 - (4) Yes.
 - (5) The project is currently out of time on its existing approvals and the matter has been referred to the Lease and Compliance section of ACTPLA for investigation. Penalties for non compliance have not yet been formally established as the level of non compliance has not yet been fully identified.
 - (6) No, the Temple is not currently open to worshipers. It is anticipated by the proponents that the temple be opened by mid next year. This is pending whatever appropriate approvals are required as a result of the review by the Lease and Compliance section of ACTPLA.
 - (7) The Hindu Temple is being constructed for the Canberra Saiva Temple and Educational Association Pty. Ltd.
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**Bambi child-care facility
(Question No 1071)**

Mr Cornwell asked the Minister for Planning, upon notice:

In relation to the Bambi childcare facility and site located at Block 3 Section 27 (59 Hodgson Crescent) Pearce that is closed and currently appears to be undergoing redevelopment:

- (1) What is the redevelopment work that is currently being undertaken on this site or on the facility itself;
- (2) When did this work commence;
- (3) When is this work expected to be completed;
- (4) What are the future plans for this facility and this site;
- (5) Why did the childcare facility close?

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

- (1) The redevelopment work currently being done on this site is the demolition of the existing childcare centre and the construction of seven townhouses. This work was the subject of development application (DA) 20032725 which was approved on 28 July 2003.

- (2) Work on the project commenced in mid November 2003.
 - (3) Under the terms of the development approval work must be completed within 24 months of the date of approval.
 - (4) The dwellings may be unit titled on completion, so long as construction has been completed and the application for unit title made by 30 June 2004.
 - (5) The childcare centre closed in May 1999. This appears to have been a commercial decision by the operators. At this time there appeared to be no unmet demand for childcare places in the Woden Valley.
-

Water restrictions (Question No 1081)

Mr Cornwell asked the Treasurer, upon notice:

Since the introduction of Stage 3 water restrictions on 1 October 2003:

- (1) How many reports of activities in breach of Stage 3 water restriction guidelines have been made to the ActewAGL water restrictions hotline from 1 October against (a) individuals (b) businesses or other enterprises (c) government agencies to date;
- (2) How many warning notices have been issued to (a), (b) and (c) above as a result of such reports;
- (3) How many fines or prosecutions have been issued to (a), (b) and (c) above as a result of such reports;
- (4) What are the most commonly reported types of breaches of water restrictions that ActewAGL has received since the introduction of Stage 3 water restrictions.

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

- (1) ACTEW advises that as at 26 November 2003 the Drought Advisory Hotline has received 509 calls by members of the community relating to non-compliance on 195 properties (averaging 2 to 3 calls per property) not including complaints relating to government properties.

These 195 properties reported for non-compliance consist of:

- (a) Individual or Private Residences - 161
- (b) Businesses or commercial properties - 34

In addition, there were 42 non-compliance reports for Government agencies and government operated land.

- (2) ACTEW advises that as at 26 November 2003 the total number of steps taken in the infringement action process against each property reported for non-compliance (not including government property reports) has been:

Steps taken	Individuals	Businesses or other enterprises	Total
First report, no action taken	46	1	47
Informal Warning Letter or Visit	52	6	58
Phone Contact	19	11	30
Formal letter	2	6	8
Directions to Comply	37	7	44
Revoked Exemption	0	1	1
Infringement Ticket Issued	1	1	2
Allowed Use	4	1	5

(c) Government agencies

On receiving reports relating to alleged non compliance by government agencies and on government operated land, drought advisory officers advise the parties that the ACT Government has a strategy to meet its 40% reduction overall across all areas. The strategy allows minimal irrigation on higher value community assets at the expense of low value assets.

If reports on Government property relate to inefficient water use (i.e. burst sprinklers heads, sprinklers on roads, sprinklers in rain or middle of day) the details of the reports are relayed to Canberra Urban Parks and Places for appropriate action.

(3) ACTEW advises that two Infringement Tickets had been issued to 26 November 2003:

- (a) Individuals - one \$200 infringement for the operation of sprinklers without an exemption during Stage 3 restrictions.
- (b) Businesses or other enterprises - one \$200 infringement for the operation of sprinklers by a business at a residential property in contravention of exemption conditions.
- (c) Government agencies - nil

(4) ACTEW advises that during Stage 3 restrictions most non-compliance reports related to operating sprinklers (40%) and watering hours and days (33%); followed by motor vehicle washing (12%) and cleaning of paved areas (11%). These four categories account for 96% of all non-compliance reports received.

**Immigration assistance
(Question No 1085)**

Mr Pratt asked the Chief Minister, upon notice, on 19 November 2003:

1. The Chief Minister's Department September 2009 quarterly performance report, under the Community Affairs portfolio, states that progress to date on multicultural programs includes assistance to potential business and skilled migrants. How many potential business and skilled migrants have been in assisted in;

- (a) 2001-2002;
 - (b) 2002-2003;
 - (c) 2003-2004 (to date)?
2. What assistance has been given to these potential business and skilled migrants in 2003-2004 (to date)?
 3. How much money has been spent on this assistance in 2003-2004 (to date)?

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

1. Unless a potential business migrant is formally introduced – in which case the potential business migrant completes an Introductory Form 927 – it is not possible to determine the exact number of potential business migrants who have received assistance by staff of the ACT Office of Multicultural Affairs.

Approximately 20 potential business migrants are assisted each week through telephone or internet enquiries.

With regard to formal introductions, 37 potential business migrants have submitted Introductory Form 927 during the period 1 July 2003 to date.

2. Assistance is provided in a number of ways:
 - if it is a telephone enquiry, people are advised to visit the ACT Office of Multicultural Affairs' website address which contains detailed sponsorship guidelines;
 - if it is an email enquiry, sponsorship guidelines are attached and returned;
 - if the person visits the Office, the guidelines are discussed in greater detail and a brief oral presentation is given providing an overview of what Canberra has to offer with regard to education, health, housing and recreational facilities, as well as the current economic climate of the ACT;
 - if a potential business migrant brings in a business plan, this is examined in great detail to ensure that it meets all ACT sponsorship requirements, and if not, it will be returned to the potential business migrant for additional information; and
 - if all requirements have been met, a potential business migrant is offered a Territory Sponsorship.
3. The Office has a dedicated Senior Officer Grade C staff member who manages the business migration function. The cost of this is \$68,976.

**National Convention Centre
(Question No 1087)**

Mr Smyth asked the Minister for Economic Development, Business and Tourism, upon notice, on 19 November 2003:

In relation to the National Convention Centre.

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- (1) How many expressions of interests have been received for the National Convention Centre project;
- (2) Why was the advertisement for expressions of interest two months behind schedule (in a press statement on 14 July, titled 'Government to seek proposals to develop a state of the art convention centre' you stated expressions of interests would be called for next month);
- (3) \$200 000 was set aside in the 2002-03 Budget for conventions facilities feasibility study. Why was this project revised down to \$82 000 as indicated in the 2002-03 Capital Works Progress Report;
- (4) Of the revised amount of \$82 000 only \$22 000 was spent, \$19 000 of that in the last quarter. What was the \$3 000 spent on in the September quarter and what was the \$22 000 spent on in the final quarter;
- (5) What will happen to the outstanding authorisation of \$178 000, ie will it be used to complete this project in the current financial year or will it be used for a different project altogether.

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

- (1) The Invitation for Expressions of Interest closes at 2pm (Canberra time) on Thursday, 18 December 2003.
- (2) The Government is committed to facilitate a project that will be a landmark for the Territory and provide considerable value to its community. The complexity of the procurement process for the project delayed the release of the Invitation for Expressions of Interest. In addition, I have previously acknowledged that the project has been influenced by the resource impacts of the response to the January bushfires.
- (3) \$200 000 was allocated in the 2002-03 Budget to undertake preliminary feasibility studies on the need for upgraded convention facilities in the ACT. \$22 000 was allocated to consultancies assessing the options available to upgrade Canberra's convention facilities. Additional work was delayed pending agreement to the next steps of the project.
- (4) \$23 146.58 was spent on the project in 2002-03. Of this \$2,532.58 was spent on follow up work in connection with a consultancy investigating the proposal to expand the National Convention Centre. \$20,614 was spent on a consultancy by Access Economics.
- (5) The unspent funds are being allocated to the project in the current financial year.

**Floriade
(Question No 1088)**

Mr Smyth asked the Minister for Economic Development, Business and Tourism, upon notice, on 19 November 2003.

1. Where is the government up to in finalising a permanent site for Floriade

2. \$11 000 has been spent in prior years to find a permanent site for Floriade. What has been delivered for the expenditure of the \$11 000 in this instance
3. There is \$74 000 remaining in the capital works budget for this project, which had a completion date of June 2003. Will this \$74 000 be spent on finding a permanent site for Floriade. If so, when will the funds be spent and what work will be undertaken, if not, will these funds remain with tourism or will they go back into the pool of whole of government capital works funds

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

1. Following the announcement by the Chief Minister that the Commonwealth Park was the preferred site for Floriade, Australian Capital Tourism (ACTC) and the National Capital Authority (NCA), as administrator of the Park have met to progress planning of the development of the site over a period of five years.

In progress are the first stages of establishing a permanent site including:

- Discussions on a suitable management structure for the permanent site to ensure that both Commonwealth and ACT Governments have an appropriate level of input into the decision making process during the development period and on an ongoing basis have commenced.
 - Concept drawings for the site have been commissioned.
 - Probable costs to determine the budget that will be required to establish a permanent site over a proposed five year period have been commissioned.
 - The development of a comprehensive business case by Australian Capital Tourism is expected to be provided to Government early in 2004. The business case will report on the outcome of the studies.
2. It was reported previously by the Government that the sum of \$11,000 has been spent on permanent site development. After further analysis, a decision was made to 'expense' the transaction of \$11,000 as non capital expenditure, thus leaving the original sum of \$85,000 intact. Therefore the full sum of \$85,000 has remained available for expenditure for capital works for a permanent site.
 3. The Government is committed to a permanent site in Commonwealth Park and as such the funding will remain with this project. Approximately, \$15,000 has been committed for the development of the concept designs and the opinion of probable costs. It is planned that the balance of the funds (approximately \$70,000) will be used for the next stage of development.

Tourism—visitor numbers (Question No 1090)

Mr Smyth asked the Minister for Economic Development, Business and Tourism, upon notice, on 19 November 2003:

In relation to visitors to Canberra:

1. What is the total number of visitors that have passed through the Canberra Region Visitors Centre so far this financial year, to the current day

2. How does this figure compare for the same period in the previous financial year
3. What is the estimated number of day visitors to Canberra for World Cup Rugby
4. What is the estimated number of overnight visitors to Canberra for the period of World Cup Rugby events in the ACT
5. How many participants from interstate competed in the Australian Masters Games in Canberra this year
6. How much hotel 'occupancy' was available during the period of Floriade, World Cup Rugby and the Masters Games in Canberra
7. Have any estimate figures been provided to the Minister detailing economic benefits of:
 - Floriade 2003
 - World Cup Rugby games in Canberra
 - Australian Masters Games 2003.

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

1. Visitors to the Canberra Region Visitors Centre (CRVC) from July 2003 to 19 November 2003 – 121,699
2. Visitors to the CRVC from 1 July 2002 to 19 November 2002 – 126,445

There is a reduction of 4746 visitors (4%) in the current financial year compared to the previous year.

Although the impetus for a high level of visitation was maintained during this period in 2003, due to an unprecedented line up of major events including Floriade, Rugby World Cup 2003 and Healthpact 9th Australian Masters Games, the CRVC visitor numbers do not reflect increased visitation for many reasons including:

- the dispersal of visitors from the CRVC to alternative visitor information points at the Jolimont Centre, Canberra Centre, the Canberra International Airport and the railway station in Kingston where door count mechanisms are not feasible.
- the provision of additional visitor information outlets at Floriade and Canberra Stadium.
- a proportion of visitors for the Rugby World Cup, Floriade and the Masters Games arriving in tour groups with pre-arranged accommodation and the provision of tourism information by Australian Capital Tourism.
- the provision of visitor information through the distribution of 16,000 spring brochures to the accommodation industry.
- repeat visitors arriving in Canberra not needing to use CRVC facilities, and
- visiting friends and relatives arriving direct to their destinations.

Whilst the CRVC provides a good barometer to gauge visitor numbers to Canberra, a more accurate gauge of visitor numbers would be available from visitor statistics published by the National and International Visitor Surveys conducted by the Bureau of Tourism Research (BTR) and through hotel occupancy levels. (The answer to question 5 shows an increase in hotel occupancy levels during this period). The BTR figures will be available 6-8 weeks after the end of each quarter.

3. The number of day visitors to Canberra during the Rugby World Cup 2003 is not yet known. These figures will be available when BTR figures are released.
4. As above, the number of overnight visitors to Canberra during the Rugby World Cup 2003 is not yet known. These figures will be available when BTR figures are released.
5. In view of late registrations and late withdrawals of participants, both local and interstate, it is not possible at this stage to provide an accurate figure of interstate participants until all the data has been processed.
6. The Australian Hotels Association has provided the following indicative occupancy levels for the period July to September 2003. Comparative data is shown for 2002.

	2002	2003
July	62%	66%
August	62%	70%
September	67%	76%
October	77%	83%

7. Estimated figures detailing economic benefits for Floriade 2003, Rugby World Cup and Healthpact 9th Australian Masters Games are presently being compiled and are expected to be available in early 2004.

Community centres (Question No 1092)

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

In relation to community centres:

- (1) In the Department of Disability, Housing and Community Services June quarter report figures in minor new works reveal there was an overspend of \$52 000 for projects upgrading community centres. Two hundred and ten thousand dollars was originally allocated for the three projects but \$262 000 was spent. Why was there an overrun on the Budget and what was delivered for the additional dollars spent on:
 - (a) Community Centres – Occupational Health and Safety and Access and Equity (overspend of \$9 000);
 - (b) Community Centres – Building and refurbishment and upgrades (overspend of \$54 000);
- (2) Have the three projects funded been completed, if not, why not and how much more money will need to be spent on each.

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

- (1) The overall budget allocated in the 2002-03 Budget Paper No. 4 for Minor New Works (MNW) for community centres and youth centres for which the Department has responsibility was \$263,000.

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When the Department of Disability, Housing and Community Services was created on 1 July 2002 it took on responsibility for capital works programs for community facilities. MNW funding for those youth centres that were part of a larger community centre such as at Belconnen, Gungahlin, Lanyon and Weston Creek, was also transferred to the Department. Works on community centres and youth centres was therefore consolidated under one heading of community facilities for each of the projects.

The Department spent \$262,000 on minor new works projects for community centres and youth centres for which the Department has responsibility.

- (2) The funded projects have been completed and no additional expenditure is required on these projects.

Bushfires—building approvals (Question No 1096)

Mrs Dunne asked the Minister for Planning, upon notice:

In relation to bushfire affected houses:

- (1) How many building applications have been received to rebuild houses destroyed in the fire;
- (2) How many have been to substantially replace previous buildings;
- (3) How many have been for substantial changes to previous buildings;
- (4) How many have been approved;
- (5) How many projects have commenced;
- (6) How many certificates of occupancy have been issued;
- (7) How many residents have had discussions with the planning authorities but have so far not obtained building approval;
- (8) Why have they not yet obtained building approval;
- (9) How many property owners have attempted to substantially replace previous buildings but have been unable to do so because the plot ratios allowed under variation 200 prevent them from building houses of similar proportions;
- (10) How many property owners have enquired about building dual or triple occupancies on their land but have not proceeded because of their inability to separately title the dwellings?

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

- (1) As at 8 December 2003 there have been 132 building applications (BAs) and 185 development applications (DAs) lodged.

- (2) BAs are not categorised into different kinds of replacement houses, whereas DAs are. There have been 8 category 1 and 48 category 2 DAs. Category 1 are for rebuilding the same as the destroyed residence, in accordance with a previous approval. Category 2 are for those proposals where the floor area of the new house is no more than 15% larger than the original and there is no increase in building height. It is assumed this question relates to categories 1 and 2.
 - (3) There have been 185 DAs lodged, of which 129 are for category 3. Category 3 applications are where the floor area of replacement buildings is more than 15% larger than the fire destroyed residence, or other substantial changes are proposed in building height or numbers of dwellings.
 - (4) There have been 132 BAs approved by Private Certifiers and lodged with Building, Electrical and Plumbing Control (BEPCON).
 - (5) All 132 projects with approved BAs are believed to have commenced.
 - (6) There have been 35 Certificates of Occupancy issued, as at 8 December 2003.
 - (7) There have been discussions with 296 potential applicants. As there have been 132 BA approvals, therefore there are 164 residents who have had some level of discussions with ACTPLA and who have not yet proceeded to obtain building approval.
 - (8) The reasons are many and complex but it is known that for some residents the recovery will be long, for some there are ongoing insurance problems and for others the decision to redevelop or sell has not yet been made.
 - (9) There have been no applicants prevented from developing new residences due to the new plot ratios under Variation 200 to the Territory Plan.
 - (10) There are only two known applicants who have not proceeded because they would not be able to unit title multiple occupancy developments on their land.
-

**School safety facilities
(Question No 1097)**

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

In relation to safety facilities in various schools:

- (1) Why was the funding available for safety facilities to be installed in various Canberra schools revised down from \$800 000 to \$700 000 in the 2002-03 capital works budget and which schools missed out on safety facilities due to this downward revision of \$100 000;
- (2) What works were undertaken and at which schools as part of the:
 - (a) \$11 000 expended in the December quarter;
 - (b) \$68 000 expended in the March quarter;

- (c) \$312 000 expended in the June quarter;
- (3) This project was meant to be completed by November 2003 but as at the release of the 2002-03 Capital Works Progress Report there was still \$309 000 from the budget to be expended. Have these funds been expended? If so, on what schools and for what purpose, if not, why not, and when will those funds be expended, on which schools and for what purpose;
- (4) Has the \$100 000 'finance required' to complete this project been allocated as part of the 2003-04 Budget, if not, why not.

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

- (1) Of the \$800 000 authorisation for the 2002-03 year \$700 000 of cash was drawn down with the balance of \$100 000 cash being rolled over to 2003-04. The funding was rolled over as the project was not progressing as quickly as initially planned. No schools will miss out on safety facilities as a result of this.
- (2) (a) The \$11 000 expended in the December quarter was spent on the following:
 - o Roof Safety – Mawson Primary School \$7 000
 - o Construction Insurance (covering the whole project) \$4 000
- (2) (b) The \$68 000 expended in the March quarter was spent on the following:
 - o Roof Safety – Melrose High School \$44 000
 - o Safety Switches – Melrose High School \$6 000
 - o Glazing – preparatory work for various schools - see (2) (c) below \$18 000
- (2) (c) The \$312 000 expended in the June quarter was spent on the following:
 - o Glazing – Tharwa Primary, Hall Primary School, Lyons Primary School, Curtin Primary School, Narrabundah College \$167 000
 - o Safety Switches – Melba High School, Wanniasa High School, Belconnen High School, Melrose High School, Ginninderra District High School, Canberra College (Weston Campus), Hawker College, Copeland College, Erindale College \$88 000
 - o Roof Safety – Canberra College (Woden Campus) \$57 000
- (3) The project has not progressed as quickly as initially planned and is now expected to be complete in January 2004. As at November 2003, additional expenditure of \$298 000 has taken place on the project, bringing total expenditure to date to \$689 000 with details as follows:
 - o Glazing – Hughes Primary School, Tharwa Primary, Hall Primary School, Lyons Primary School, Curtin Primary School, Garran Primary School, Macquarie Primary School, Mawson Primary School, Torrens Primary School, Aranda Primary School and Cook Primary School \$109 000

- o Safety Switches – Lake Tuggeranong College, Erindale College, Lake Ginninderra College, Kaleen High School, Narrabundah College, Gold Creek Senior School, Canberra College (Woden Campus), Campbell High School, Canberra High School \$110 000
 - o Roof Safety – Canberra College (Woden Campus), Ladder brackets at various primary schools \$80 000
- (4) The remaining financing of \$100 000 will be drawn down in 2003-04 in order to complete the project at an estimated end cost of \$800 000.
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**Department of Justice and Community Safety—relocation costs
(Question No 1098)**

Mr Pratt asked the Attorney-General, upon notice, on 20 November 2003:

In relation to capital works funds for ‘Fitout to new accommodation’:

- (1) Why was \$3m required for the project titled ‘Fitout to new accommodation’ and what exactly is meant by ‘Fitout to new accommodation’;
- (2) Why is the project identification for this project listed as ‘NEW’ when all other projects have a code number;
- (3) In the 2002-03 Capital Works Progress Report this project was revised down from \$3m expenditure in 2002-03 to \$1m, why is this so;
- (4) Why was only \$7 000 of that \$1m (of a \$3m project) expended in 2002-03;
- (5) What was delivered for the \$7 000 that was expended;
- (6) Will the outstanding authorisation of \$2.993m be expended this financial year;
- (7) How much of the outstanding authorisation has been expended to date this financial year;
- (8) Has a contract been let for the work to be undertaken. If so, who was awarded the contract, if not, why not and when will a contract be let;
- (9) The Budget Papers indicate that this project is scheduled for completion by January 2004, is this still a realistic deadline. If so, what percentage of works have been completed to date. If not, what is the new deadline and why has the project been delayed.

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

- (1) The \$3m was the original estimate for the project to relocate those parts of the Department of Justice and Community Safety currently housed in GIO House, to new accommodation at Moore Street. The term ‘fitout of new accommodation’ is commonly used to incorporate all costs associated with an office relocation.
- (2) On page 137 of the 2002-2003 Department of Justice and Community Safety Annual Report, this project is listed under the heading ‘Departmental – Major New Works’,

together with two other projects under that heading, namely, the Periodic Detention Centre Upgrade, and Disability Access to the Supreme Court.

- (3) Originally the departmental relocation was planned for 2002-03. However, the planning and procurement process extended beyond the original timeframe, and a revised cash flow projection resulted in the roll-over of the 2002-03 funding to the 2003-04 financial year.
 - (4) The revised relocation timetable meant that only a small amount was expended in the 2002-03 financial year.
 - (5) Totalcare was commissioned to undertake an initial draft office fitout exercise in early 2003.
 - (6) Yes.
 - (7) An amount of \$1.19m has been expended to 30 November 2003.
 - (8) Following the calling of tenders, GE Shaw and Associates was appointed Project Manager for the project.
 - (9) The project is on time and the relocation of all staff from GIO House to Moore Street is scheduled to be completed by the end of January 2004.
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Treasurer's Advance (Question No 1103)

Mr Smyth asked the Treasurer, upon notice:

In relation to a change from the Treasurer's Advance:

On 7 January 2003 \$0.1m was charged from the Treasurer's Advance for the purpose of 'underwriting the continued trading of the Canberra Basketball representative team known as the Cannons (Cannons Ltd)':

- (1) When did the Government become aware that Cannons Ltd might require underwriting to continue trading;
- (2) Was a request made seeking funds from the ACT Government for Cannons Ltd;
- (3) If such a request was made, who made it, when was it made and how was it made;
- (4) What investigation was undertaken, by the government, of the financial status of Cannons Ltd before the decision was made to provide funds from the Treasurer's Advance to underwrite the continued trading of Cannons Ltd;
- (5) What were the results of this investigation;
- (6) Will you table a copy of the report of this investigation in the Legislative Assembly;
- (7) If no investigation was undertaken, who made the decision not to conduct any investigation and what was the basis for making this decision.

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

- (1) A brief was provided to the Minister for Sport, Racing and Gaming on 19 December 2002.
 - (2) Yes. Once a request was made, my office contacted Mr Pratt's office on two occasions regarding the requests. Mr Pratt's office were informed of the request and agreed with the Government's actions.
 - (3) Mr Cal Bruton, the then coach of the Cannons, approached the Government requesting funds for the continued operation of Cannons Ltd.
 - (4) Sport and Recreation ACT provided an information brief to the Minister on 19 December 2002. Subsequent discussions were held between representative from Cannons Ltd, myself and my staff.
 - (5) As Treasurer I agreed to underwrite the continued operations of Cannons Ltd, through a Treasurer's Advance, to the value of \$0.1m.
 - (6) I do not consider that investigation was necessary, nor practical given the urgent circumstances.
 - (7) As outlined above, I made the decision to assist the Cannons, through discussions held between representatives of Cannons Ltd, myself and my staff.
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**Tourism—campaign costs
(Question No 1106)**

Mr Smyth asked the Minister for Economic Development, Business and Tourism, upon notice, on 20 November 2003:

In relation to 'A capital summer'.

1. How much will this campaign cost
2. How many postcards have been printed for distribution
3. Will the Government have any way of monitoring if this campaign is a success. If so, how will you monitor if visitors to Canberra have been attracted by this campaign, if not, why not
4. How has the \$10 000 holiday prize been funded
5. How has the \$500 dinner at a Canberra restaurant been funded
6. If (4) and (5) were not donated and will be funded by Government is this cost on top of or included in the figure at (1).

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

1. The cost of the marketing campaign, *A Capital Summer* is \$120,000. This is inclusive of all creative development costs, printing, distribution and prize components.

The campaign comprises three distinct components including:

- Visiting Friends and Relatives (VFR) postcard campaign
 - Campaign in the Adelaide market to continue awareness commenced there in the spring campaign
 - Support for the *Summer by the Lake* campaign developed jointly by the National Library of Australia, National Gallery of Australia, National Portrait Gallery and the National Capital Authority.
2. A pack of four postcards will be distributed to 130,000 households in Canberra and Queanbeyan (including Jerrabomberra) households.
 3. The Government will be monitoring the outcome of the campaign to determine its success. The campaign will be monitored as follows:

Postcard Campaign

The Postcard Campaign encourages locals to post any or all of the four postcards they receive to friends and relatives to encourage them to visit Canberra during summer. The campaign provides an incentive to those who receive the postcards to call and register on a 1300 number to enter a competition to win a prize up to the value of \$9250. The final prize value will depend on the flight costs from the capital city which is the point of departure for the ultimate winner.

Responses to the 1300 number will be tracked in two ways. Callers will have two options, to enter the competition whereby their details will be captured for competition purposes and also through inquiries for accommodation to *Canberra Getaways*, the reservation system operated at the Canberra Region Visitor Centre.

Adelaide Campaign

100,000 press inserts will appear in the Adelaide Advertiser on 5 December 2003. These inserts will promote a short break package to Canberra. The advertisements have a 'call to action' to *Canberra Getaways* to book a package as well as enter a competition to win a trip to Canberra valued at \$5,670. The responses are tracked through two 1300 numbers providing feedback on those who are instantly prompted to action by the advertising to book a package as well as those who are entering the competition.

The purpose of the advertising is to build on the work previously carried out in this market and to have a cumulative effect on Adelaide residents' perception of Canberra as a tourism destination. A telephone survey measuring awareness of the campaign, perceptions formed and the likelihood of visitation as a result will be carried out upon conclusion of the campaign.

Summer by the Lake Campaign

A group comprising of the National Library of Australia, the National Gallery of Australia, the National Portrait Gallery and the National Capital Authority, developed *Summer by the Lake*, a press campaign to highlight and promote specific events over the summer period.

Australian Capital Tourism is supporting this campaign by contributing to the development of web pages to run a competition. This is also promoted on the front page of the ACTC website to motivate additional visitation. A database of entrants will be captured as a result of this campaign.

4. This has been funded through the marketing budget ACTC has allocated for this campaign activity.
 5. This has been funded out the marketing budget ACTC has allocated for this campaign activity.
 6. This is included in the figure provided at (1).
-

Land sales (Question No 1108)

Mrs Dunne asked the Minister for Planning, upon notice:

In relation to land sales for the years 2002-03 and so far in 2003-04

- (1) How many blocks of land (both residential and commercial) have been sold at auction;
- (2) How many have settled within the time specified in the auction documents for the sale;
- (3) How many have not settled within the time specified in the auction documents for the sale;
- (4) For those which did not settle within the specified time:
 - (a) how long did it take for each to settle;
 - (b) which party to the auction initiated the extension of time;
 - (c) what was the reason for this.

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

- 1) 30 sites, including individual blocks and greenfield estates have been sold, 13 residential and 17 commercial.
- 2) 10 have settled within the time specified in the auction documents for the sale.
- 3) 20 have not settled within the time specified in the auction documents for sale.
- 4) Under the terms and conditions of sales, either party could seek an extension of time. In 2002/03 6 settled within the time agreed to after the auction.
 - a) Extension of time varied from site to site.
 - b) In 2002/03 2 extensions were requested by the purchaser and 13 by the Government. In 2003/04 3 extensions were given by the Government.

- c) Ambiguity with the sales documentation that need clarification. There have been several reasons in why extensions were required, be it clarification on lease purposes, deposited plan not registered in time or clearance from the Commonwealth on the Environment Protection and biodiversity Conservation Act 1999.
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**Ainslie Village
(Question No 1111)**

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

In relation to Ainslie Village and further to your reply to Question on notice 1048:

- (1) In relation to services currently provided at Ainslie Village, please provide a breakdown of the amounts of \$135 028, \$70 000 and \$247 094 stated in paragraph (1) of the reply dated 17 November 2003;
- (2) Further to your reply to paragraph (2), at what estimated cost will a community housing development worker be employed, and from where will these funds be sourced;
- (3) Further to your reply to paragraph (3), will the provision of this service reduce the capacity of Ainslie Village for existing residents and, if so, where will affected people be relocated;
- (4) Please explain precisely what is intended by the expression in paragraph (3) that ‘This service will operate independently of Ainslie Village’. How is this expected to work?

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

- (1) In my earlier response to Mrs Burke I provided a breakdown of the amounts of funding provided to the various services located at Ainslie Village:
 - Supported Accommodation Assistance Program (SAAP) for people who are homeless or at risk of homelessness (\$1,042,572), provided by Centacare.
 - The Blue Door drop-in, food and information service (\$135,028) provided by St Vincent de Paul.
 - A transition case manager to assist residents not eligible for SAAP services to access other community services (\$70,000), provided by Murringu.
 - Mental Health ACT contracts Centacare (\$247,094) to provide 15 supported accommodation places and four respite beds within the Lodge for males 18 years and above with mental disorders or co-morbid disorders.

The allocation of the purchase price to the various expenses related to the service provision is then a matter for the service provider.

- (2) The Department has allocated \$99 000 to the Coalition of Community Housing Organisations ACT (CCHOACT) (inc GST) to auspice a Community Housing

Development Worker to support Ainslie Village residents. These funds were allocated in Budget processes of 2002/03 and 2003/04 to facilitate alternative housing options for Ainslie Village residents.

- (3) No current residents of Ainslie Village were displaced by the opening of the crisis service. Prior to the renovation work that commenced late last year, residents of M Block moved into other accommodation in Ainslie Village or in Housing ACT properties in the neighbouring community.
- (4) The crisis service at Ainslie Village will provide short-term supported accommodation to men who are homeless and in crisis. Centacare has been provided with a contract for this service but will operate the service independently of the Ainslie Village service.

This means that the crisis service will have its own intake procedures; it is funded separately and will be required to report on its activities and funds separate to those for other services. There is no assumed link between one service and the other, though residents of the crisis service may be referred to the Ainslie Village, as they may be referred to any range of support or accommodation options.

Centacare will manage this service just as they manage the Lodge which is funded by ACT Health, and located at the Ainslie Village site.

Botox treatments (Question No 1114)

Mr Smyth asked the Minister for Health, upon notice:

In relation to botox clinics and further to your reply to Question on notice No 954:

- (1) How many Canberra patients access botox treatment for health reasons, like muscle disorders;
- (2) How many people, on average per year, were accessing botox treatment for health reasons when the Botox Clinic was in operation at the Canberra Hospital;
- (3) In a question time brief created on 30 July 2001 which stated 'At the present time, the scope and need for Botox Services across the ACT is unquantified. Further attempts will be undertaken to assess the scope and need to provide this service, requiring combined community and planned service for Cerebral Palsy across the ACT.' Have these further attempts been undertaken to assess the scope and need to provide botox services in the ACT, if so, what were the results, if not why not.

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

- (1) In 2002-03 there were 47 patients recorded by TCH as receiving neurological specialist treatment, including botox injections under the Interstate Patient Travel Assistance Scheme (IPTAS). There are no separate records kept for botox treatments. Since the cessation of the botox clinic at TCH in December 2000, all Canberra public patients access this service interstate, mostly from Sydney.
- (2) The botox clinic at TCH operated intermittent services from July 1998 to December 2000.

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During this period an average of 20 people were assessed and 10 received botox injections.

- (3) TCH conducted a needs analysis based on patients presenting to physiotherapy and paediatric services. Estimates are that about 16 children needed Botox treatment. There are some medical treatments such as this where the volume of people requiring these services is too small to provide the expertise required. Therefore, public patients requiring these services are referred interstate, in most cases to Sydney. Overall 95% of public hospital care for residents of the ACT is provided in the Territory.

Disability services—Gallop Report (Question No 1118)

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

In relation to developments in the disability services sector following the Gallop Report:

- (1) Please provide details of which recommendations have been adopted by the Government, to date, as a result of the Gallop Report;
- (2) Please provide details of progress (and outcomes, where applicable) of:
 - (a) those recommendations (further to (1)) that have been implemented;
 - (b) those recommendations that have not yet been implemented, indicating, where applicable, the reason(s) for non-implementation to date, and the current timetable for future implementation.

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

- (1) On 26 September 2002 I tabled the Government Response to the Recommendations of the Board of Inquiry into Disability Services in the ACT in the ACT Legislative Assembly. In tabling the Government response, I made a commitment to report to the Assembly on the progress of implementation activities every six months.
- (2) To date, I have tabled two implementation reports. I therefore refer Mrs Burke to the last implementation Report of the Government Response to the Recommendations of the Report of the Board of Inquiry into Disability Services, tabled in September 2003. A copy is also available on the Departments web page (www.dhcs.act.gov.au/pubs/index.htm).

Paterson's curse—horse deaths (Question No 1120)

Mrs Dunne asked the Minister for Environment, upon notice:

In relation to Paterson's curse.

- (1) How many horses have died this year as a result of poisoning from Paterson's Curse;

- (2) Where were these horses agisted when the symptoms of poisoning from Paterson's Curse became evident;
- (3) What is the estimated value of the horses which have died.

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

- (1) On 30 October 2003 a meeting was held between the ACT Government Veterinarian, Will Andrew and the equestrian veterinarians working in the Canberra Region. The vets counted approximately 54 horses, that died or were euthanased, and whose deaths were most likely attributed to Paterson's Curse poisoning. Recent liver biopsies have confirmed that high concentrations of pyrrolizidine alkaloid (the toxin in Paterson's Curse) are present in some of the deceased horses.
- (2) 49 of the deceased horses were being agisted in private paddocks. 5 deceased horses were agisted in the ACT Government Horse Paddocks.
- (3) It is impossible to estimate the financial value of the horses that have died from Paterson's Curse Poisoning. Many of the horses that died were in the later stages of their lives and not being ridden (\$150), and some were younger horses (depending on the horse, financial values could range from \$300-\$3000).

Rental assistance (Question No 1122)

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

In relation to an article appearing in *The Canberra Times* on 20 November 2003, page 4 titled *Musician wins rent rebate appeal in AAT* and the comment that 'after 12 months as a rebate recipient, a self-employed person's income can be deemed to be that of a person in receipt of award wages. This is to ensure that taxpayers do not have to subsidise bad business people or those who keep incomes artificially low':

- (1) What are the guidelines for this assessment;
- (2) Is a person who simply wants to 'do their own thing' entitled to rental rebate and if so, why;
- (3) Is a person who deliberately keeps their income low entitled to rental rebate and if so, why.

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

- (1) After twelve months of being self-employed, a person is deemed to be earning the minimum award rate for the occupation in which they are self-employed. Where the person is carrying on more than one occupation, Housing ACT would use the occupation that was considered their principal occupation.
- (2) Under the Public Rental Housing Assistance Program, the Commissioner may deem a person to be earning an amount that the Commissioner considers they may reasonably

earn. As a matter of policy, Housing ACT would always deem a person to be able to earn the appropriate Centrelink benefits, and grant a rebate based on that income.

- (3) See answer to (2) above. If the person is earning an income from wages below that of the appropriate Centrelink rate, they will be deemed at that rate. If they are self-employed, they will be deemed as earning the appropriate award.
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Actew pensioner rebates (Question No 1123)

Mr Cornwell asked the Treasurer, upon notice:

In relation to a Letter-to-the-Editor appearing in *The Canberra Times*, 20 November 2003 titled *Power Puzzle* and the claims that ACTEW concessions to pensioners have been reduced:

- (1) Have ACTEW pensioner rebates fallen over the last 18 months to 2 years, and if so, why;
- (2) Have ACTEW pensioner rebates been adjusted to reflect increases in the CPI over the last 2 years, and if so, what are those adjustments. If not, why not;
- (3) Have the ACTEW rebates for pensioners decreased from approximately (a) 26% for August 2002 accounts, (b) 7.9% for May 2003 accounts and (c) 0% for November 2003 accounts. If so, why.
- (4) If the answer to (3) above is negative, then what are the actual percentage amounts for ACTEW rebates for pensioners at the dates listed at (a), (b) and (c) above;
- (5) Have Veteran Gold Cardholders been affected also and if so, how and why.

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

- (1) ACT residents who are in receipt of a Centrelink Pensioner Concession Card, Health Care Card or Veteran's Affairs Pensioner Concession Card or a DVA Gold Card are currently eligible for a rebate of up to \$151.38 per annum on their electricity. This amount has not decreased over the last two years.
- (2) No. Pensioner rebates have not been adjusted to reflect increases in the CPI. However, rebate increases have in the past been requested when the Independent Competition and Regulatory Commission raises utility prices. Rebates have previously been increased by a similar percentage to the price increases, to ensure those entitled to rebates are not unduly disadvantaged by the price increases.
- (3) Rebates have not decreased for the periods quoted. While the maximum payable in any one year is \$151.38, the maximum rebate paid per bill is 50% of the bill. The previous amount claimed in the year and the amount of the particular bill will affect the rebate paid per bill. The amount of rebate paid in each bill may, therefore, be different, but the total rebate over a twelve month period will add up to \$151.38 regardless.
- (4) See answer to (3) above.

- (5) Veteran Gold Cardholders are one of the eligible groups listed in (1). They are entitled to the same rebate as other eligible ACT residents.
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**Housing—refurbishments
(Question No 1137)**

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

In relation to progress of refurbishments of public housing complexes:

- (1) Please provide a current schedule of proposed refurbishment works for all multi unit Housing complexes distinguishing between current 2003? 04 activity, and future activities expected to take place after 1 July 2004;
- (2) When is the refurbishment at Fraser Court expected to be completed.

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

- (1) During this financial year it is proposed to commence refurbishment of Northbourne Flats (Braddon). Refurbishment works are programmed on an annual basis, and are announced each year as part of the Budget Papers. As a result, no program is available for future years at this stage.
 - (2) At Fraser Court, repairs to the roof to prevent water leakage and repairs to window frames and refurbishment of water-damaged units are expected to be completed by late 2004.
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**Respite care
(Question No 1138)**

Mrs Burke asked the Minister for Health, upon notice:

In relation to respite care:

- (1) Would the Minister outline the Government's current strategies for assisting parents and carers in the area of respite care;
- (2) Further to (1), please provide details of relevant funding in relation to each strategy identified.

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

The ACT Government provides \$1,023,316 per annum to the Burrangiri Crisis Respite Centre for the Aged to provide short term overnight crisis respite care (maximum two week stay) and post hospitalisation care (maximum two week stay). Burrangiri is also funded by the ACT Government to provide day respite services Monday to Friday.

In 2003-04 the ACT Home and Community Care (HACC) program allocated approximately \$2.7 million in respite services to the frail aged with moderate to severe disabilities, younger

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people with disabilities and their carers. Services include in-home and host family respite, and centre based day care. Centre based respite is usually combined with structured social support or activities to maintain functional capacity of the person being cared for.

The ACT Government also announced an additional \$1 million per annum for respite care in the 2002-2003 Budget, and is using the *Sustaining Caring Relationships: Final Report of the Met and Unmet Needs in Respite Care Report* (the Respite Report) to guide the process for the allocation of the Respite Care Budget Initiative.

In 2002-2003 this funding was used to support a range of pilot and innovative respite care activities covering:

- Flexible Family Support pilots (\$450,000 per annum);
- Additional family support respite packages (\$100,000 per annum);
- Home from Home pilot (\$20,000);
- Reduction of fragmentation in respite service provision (\$150,000 per annum);
- Carers of People with a Mental Illness (\$100,000 per annum);
- Mental Health respite care (\$105,000 per annum); and
- The Respite Report (\$75,000).

Allocation of the funding for 2003-2004 will build on the results of the 2002-2003 pilot projects.

Flag use (Question No 1140)

Mrs Dunne asked the Chief Minister, upon notice, on 27 November 2003

In relation to the ACT flag:

- (1) What are the rules and/or regulations governing who can use the ACT flag to promote the Territory,
- (2) Can members of the public obtain an ACT flag;
- (3) If yes to (2) how and at what cost. If no to (2) why not;
- (4) Does the ACT promote its flag on material sold at tourist stores;
- (5) If yes to (4) on what sort of material. If no to (4) why not.

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

- (1) There is no restriction in using the ACT flag to promote the Territory, as long as the image is respected and is not modified or defaced in any way.
- (2) Each request to the Chief Minister for an ACT flag is looked at on a case by case basis with flags either being donated by the Chief Minister or loaned to organisations and/or sporting groups for use on specific occasions. Flags can also be purchased.
- (3) Members of the public or organisations are able to purchase an ACT Flag ranging in cost from \$65.00 to \$140.00 for a standard screen printed flag. They can be purchased from

the Australian Flag Co at 218 Gladstone Street, Fyshwick, Mastersreen Print, Cnr Sandford Street and Kembla Court, Mitchell.

- (4) The ACT Government is not involved in selling or promoting material sold at tourist stores. However, Australian Capital Tourism (ACTC) promotes the ACT flag to a small extent by including a postcard bearing the ACT flag in visitor information packs distributed to schools Australia wide. The Canberra Region Visitors Centre (CRVC) does not sell material bearing the ACT flag. The only tourist material sold in the CRVC are maps and books of Canberra and the region.
- (5) ACTC is responsible for marketing the ACT and region as a desirable tourist destination through the establishment of a strong brand position and seasonal marketing campaigns to increase awareness and draw visitors to the region. Selling tourism memorabilia does not fall within its charter.

Youth centre projects (Question No 1144)

Mr Pratt asked the Minister for Disability, Housing and Community Services, upon notice:

According to the Capital Works Progress Report for 2002-03 a total of \$53 000 was allocated in the 2002-03 Budget for three different Youth Centre projects as shown on the June quarter report for the Department of Disability, Housing and Community Services. Upon looking at the Department of Education, Youth and Family Services (DEYFS), quarterly report the same projects appear but with different monetary values:

- (1) Are these the same projects, which have been doubled up in the report;
- (2) If so why are there different figures for similar projects in DEYFS. If not:
 - (a) why have these projects been delayed;
 - (b) are they still on the agenda, if not, why not;
 - (c) if so to (b) when will they be completed.

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

- (1) The three youth centre projects in the Department of Disability, Housing and Community Services' report are not the same as the projects in the Department of Education, Youth and Family Services report. Although they have the same project names, they refer to projects on different properties owned and managed by each Department.
- (2) The projects were undertaken during 2002-03 as planned and completed by June 2003. Funding for these projects related to youth centres that were part of larger community centres (such as at Belconnen, Gungahlin, Lanyon and Weston Creek). Works on these youth centres were also part of works undertaken on the community centres. Accordingly, all costs were consolidated under the community centre projects in the Capital Works Progress Report.

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A total of \$262,000 was spent on minor new works projects for community centres and youth centres for which the Department has responsibility.

**Community consultation
(Question No 1147)**

Mr Smyth asked the Chief Minister, upon notice; on 27 November 2003:

In relation to community consultation:

Does the Government still use the Community Consultation Protocol and Community Consultation Manual implemented under the former Liberal Government. If not, why not and what guidelines has the Government established for community consultation.

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

The Consultation Protocol and Manual were developed by the previous Government. Since October 2001 the Stanhope Government has gone beyond traditional consultation to develop stronger approaches to community engagement.

Examples of this type of engagement include:

- establishing a Community Expert Reference Group where the community worked with government agencies to address bushfire recovery issues together;
- establishing the Joint Community Government Working Group which involves engagement with the community sector to work together to address community sector issues; and
- establishing a number of Ministerial Advisory Councils to provide advice to Government on key issues of Women, Ageing, Youth, Multicultural Affairs, Aboriginal and Torres Strait Islander Affairs, and Disability. This enables the Government to engage with key target groups to enhance its decision-making.

I have decided to formalise these engagement processes through the development of an ACT Government Community Engagement Strategy. It will apply lessons learnt from the Bushfire Recovery Process and result in more strategic and effective engagement with the community.

It is anticipated that the Strategy will be developed by mid 2004 and will include extensive consultation with government agencies and the community sector.

**2004 Rally of Canberra
(Question No 1150)**

Mr Smyth asked the Minister for Economic Development, Business and Tourism, upon notice, on 27 November 2003:

In relation to the Rally of Canberra:

1. Will the Government provide funds to host the 2004 Rally of Canberra;

2. Will Australian Capital Tourism still organize the event and what section will look after the Rally of Canberra given the changes to the tourism agency in the ACT;
3. Has any planning begun for the 2004 event, if so, has Australian Capital Tourism been given any indication of how many nominations will be received for the 2004 event;
4. Will Subaru sponsor the 2004 event, if not, why not and what plans are underway to find a new sponsor.

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

1. Yes.
2. Yes, Australian Capital Tourism (ACTC) will continue to use the existing team of core staff who were responsible for organising previous events. The Rally Manager, who previously worked for event management company, IMG, has now been employed by the Corporation. This has provided the opportunity to achieve cost savings and better coordination of ACTC's marketing and sponsorship program across all other events.
3. Planning has commenced for the 2004 event, with work centred on course design and the event program. At this stage, organisers are expecting a similar level of international support as in 2003. A total of 37 crews entered the event in 2003, of which 17 were international.

We expect the rally to grow further with Subaru Australia about to launch a 'one-make' series that will be incorporated under the framework of several Australian rally events, including the Rally of Canberra. This event will incorporate a field comprising the same brand of car and is expected to add some 30 more competitors to the rally field.

Investigation into the concept of a 'piggy-back' historic rally event is also continuing, which is expected to further boost the number of competitors coming to Canberra.

4. Verbal agreement has been provided from Subaru for their sponsorship of the 2004 – 2006 events. Australian Capital Tourism is currently awaiting formal ratification of the contract.

Housing stocks (Question No 1155)

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

In relation to properties within the ACT and ACT Housing stock. For each suburb within the ACT, please specify:

- (1) How many properties are located within each suburb;
- (2) Further to (1), how many of these are owned by ACT Housing;
- (3) Further to (2), what percentage is this of the total number of properties within this area.

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

(1) This is not a matter that is within my portfolio responsibility.

(2) Please see the table below:

SUBURB	HOUSING ACT PROPERTY NUMBERS AS AT 31 OCTOBER 2003
Ainslie	485
Amaroo	41
Aranda	25
Banks	74
Barton	1
Belconnen	335
Bonython	85
Braddon	547
Calwell	51
Campbell	26
Chapman	2
Charnwood	245
Chifley	62
Chisholm	167
City	1
Conder	69
Cook	80
Curtin	92
Deakin	74
Dickson	143
Downer	164
Duffy	72
Dunlop	69
Evatt	146
Farrer	50
Fisher	60
Florey	279
Flynn	72
Forrest	11
Fraser	33
Garran	66
Gilmore	122
Giralang	79
Gordon	162
Gowrie	76
Greenway	36
Griffith	314
Gungahlin	5
Hackett	94
Hawker	75
Higgins	109
Holder	44
Holt	192

Hughes	93
Isaacs	32
Isabella Plains	49
Kaleen	161
Kambah	630
Kingston	181
Latham	106
Lyneham	355
Lyons	165
Macarthur	2
Macgregor	106
Macquarie	153
Mawson	115
McKellar	99
Melba	111
Monash	54
Narrabundah	461
Ngunnawal	145
Nicholls	39
Oaks Estate	78
O'Connor	296
Oxley	93
Page	99
Palmerston	90
Pearce	60
Phillip	93
Red Hill	172
Reid	358
Richardson	186
Rivett	147
Scullin	153
Spence	126
Stirling	71
Theodore	100
Torrens	68
Turner	265
Wanniassa	346
Waramanga	168
Watson	194
Weetangera	1
Weston	93
Yarralumla	128

Please note that the table does not include either rural (non-suburban) properties or vacant land.

- (3) Please see (1) above – it is not possible for my Department to determine these percentages as they do not have up-to date information on general property numbers.

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**Housing—legal proceedings
(Question No 1157)**

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

In relation to the attendance of Housing ACT staff at tribunal and other legal proceedings:

- (1) What is the breakdown showing the attendance of Housing ACT staff at legal proceedings (where applicable provide an estimate or average figure, so far as records maintained allow) for the periods 1 July 2003 to date, 1 July 2002 to 30 June 2003, 1 July 2001 to 30 June 2002 and 1 July 2000 to 30 June 2001 in relation to:
 - (a) Staff (distinguish between the employment classification of relevant affected employee);
 - (b) Tribunal (distinguish in all responses between attendances at the tribunal and other locations (eg Local Court, other courts or administrative bodies));
 - (c) Nature of proceedings (provide a breakdown of the types of cases in which officers are directly involved);
- (2) In the event that the requirement of Housing ACT officers and staff to be available to appear in legal proceedings concerning a range of issues arising from the ACT public housing system has become an increasing time burden on such employees and their performance of their other work responsibilities, what measures, if any, are being taken to help alleviate this growing problem.

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

1. I am unable to answer this question as it involves a considerable amount of work which would be an unreasonable diversion of the resources of the Department.
2. In July 2001, Housing ACT employed a legal advisor and in September 2002 created a specialist legal unit. These positions have carriage of legal proceedings and appear on behalf of Housing ACT when required. For this reason the burden on Housing Managers is not growing.

**Actew Corporation Ltd
(Question No 1160)**

Mr Cornwell asked the Treasurer, upon notice:

In relation to the ACTEW Corporation Limited 2002-2003 Annual Report (Supplementary Report to Government), page 3. Will the ACT Government be compensating ACTEW Corporation Limited, financially or otherwise, for the forecast loss in revenue during 2003-2004 of \$12 million due to the introduction of Stage 3 water restrictions brought in during October 2003

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

- (1) No.
-

**Department of Justice and Community Safety—relocation
(Question No 1165)**

Mr Stefaniak asked the Attorney-General, upon notice, on 10 December 2003:

In relation to the relocation of the ACT Department of Justice and Community Safety (JACS) to Moore Street:

- (1) Why will GIO House not be utilised by the Government anymore to house JACS staff;
- (2) How much will this relocation cost;
- (3) What were the lease/rental payments at GIO House;
- (4) What will the lease/rental payments be at Moore Street;
- (5) How much space was utilised by JACS at GIO House;
- (6) How much space will be utilised by JACS at Moore Street;
- (7) Was office space always available at Moore Street or has another organisation just moved out of the building;
- (8) How will this relocation impact on Department of Health staff at Moore Street;
- (9) What will GIO House now be used for.

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

- (1) The ACT Government's lease of GIO House expires on 31 January 2004. For some time the space available in the building has been inadequate and the interior was in need of refurbishment. In addition, the terms and conditions of a new lease tendered by the owners of the building in response to an approach to the market, were not competitive with the terms and conditions of the lease offered at Moore Street.
- (2) The capital cost of the relocation is in the order of \$4.9m, of which \$3m is being provided from the ACT budget.
- (3) \$300/m² per annum.
- (4) \$271/m² per annum.
- (5) 4,019m².
- (6) 5,044m².
- (7) This question should be directed to the owners of 12 Moore Street.
- (8) The Department of Health occupies a building located on the corner of Moore and Alinga Streets. The Department of Justice and Community Safety will occupy part of the premises located at 12/14 Moore Street, which is on the corner of Moore and Rudd Streets.

(9) This question should be directed to the owners of GIO House.

**Government patrons
(Question No 1170)**

Mr Smyth asked the Minister for Health, upon notice:

In relation to patrons, what organisations in the ACT are you the patron of?

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

I am not currently the patron of any organisations in the ACT.

**Planning—public art
(Question No 1181)**

Mr Cornwell asked the Minister for Planning, upon notice:

In relation to the *Statement of Planning Intent* dated December 2003, pages 7 and 8:

- (1) Could you please confirm what is meant by the statement 'Encourage the incorporation of high quality public art into major developments and significant public spaces'. Does this mean encouraging graffiti style art, or encouraging such art works as statues/fountains/architectural features etc;
- (2) What types of areas or spaces will be set aside for this type of public art and how will allocation of these areas be determined;
- (3) Will this apply to public areas and public developments only or will private developments be required or encouraged to allow for such features;
- (4) What is the 'gateway public art program' and is it inclusive or a part of the move to encourage 'high quality public art' mentioned at (1), (2) and (3) above.

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

- (1) That as part of future improvements to and creation of significant spaces, the opportunity be taken to integrate a range of public art features. This does not include graffiti style art unless it is relevant to specific locations.
- (2) It is not possible to pre-empt or prescribe what areas or spaces will be set aside. The Statement of Planning Intent provides key principles for ACTPLA to consider when it is preparing concept plans for public domain improvements for negotiating with the private sector on developments that provide public spaces. From this, individual design responses will emerge for different situations.
- (3) The Statement is not a direction or a statutory tool, therefore private developments cannot be required to provide public art as a consequence. The principle, however, indicates that public art is an important part of community life and should be seen as contributing to the

animation of public spaces, which may include private developments contributing. Again, this can be achieved in a number of ways.

- (4) The 'Gateway Public Art Program' is referred to within the Statement under the theme of celebrating Canberra. In this context, it is extremely conceptual at this stage, but as a principle, indicates that as part of any plan to promote Canberra as a city and a National Capital, the opportunity exists to consider how the entrances to Canberra are treated. The Gateway Public Art Program complements the principle of encouraging the incorporation of high quality public art referred to in (1), (2) and (3).
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Health care cards (Question No 1201)

Mr Cornwell asked the Minister for Health, upon notice:

In relation to Health Care card holders:

- (1) How many individuals in the ACT over 65 years of age are currently entitled to be holders of a Health Care card;
- (2) How many individuals in the ACT over 65 years of age are currently Health Care card holders.

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

- Centrelink issues Health Care cards to individuals, which is a Commonwealth responsibility.
 - ACT Health does not keep any statistics on the number of individuals in the ACT over 65 who hold or are eligible for a Health Care card.
-

Superannuation provision account (Question No 1206)

Mr Smyth asked the Treasurer, upon notice:

In relation to the management of investments held within the Superannuation Provision Account (SPA):

- (1) Has Treasury undertaken an assessment of the way in which the performance of investments held in the SPA should be reported;
- (2) If this assessment has been undertaken, what has been the outcome in terms of any changes in the disclosure of the performance of these investments;
- (3) Is it possible to obtain a report of this assessment;
- (4) If no such assessment has been completed, will this assessment be undertaken;

- (5) Has Treasury undertaken an evaluation of the ways in which other jurisdictions manage and report on the investments held by their public sector superannuation accounts;
- (6) If this evaluation has been undertaken, what has been the outcome and is it possible to receive a report on this evaluation.

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

- (1) The annual financial statements of the SPA, including the performance of investments, are prepared in accordance with legislative requirements and prescribed accounting standards, and are subject to the annual scrutiny of the Auditor-General.
 - (2) Not applicable.
 - (3) Not applicable.
 - (4) Not applicable.
 - (5) The SPA is not a superannuation scheme. The organisational, legal and reporting requirements for Superannuation schemes differ significantly to those of the SPA.
 - (6) Not applicable.
-

**Land—purchases
(Question No 1209)**

Mr Smyth asked the Minister for Planning, upon notice:

In relation to the proposal for the ACT Government to purchase certain land in Majura from the Commonwealth Government:

- (1) What Commonwealth Government and ACT Government departments and agencies have been involved in negotiations relating to this transaction;
- (2) What is the status of any negotiations that have taken place in relation to this transaction;
- (3) When is it estimated that these negotiations will be concluded;
- (4) What parcel or parcels of land are included in negotiations;
- (5) Is there any indication that the price for any land that is the subject of this transaction will vary from the amount appropriated in *Appropriation Act 2003-2004 (No 2)*.

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

- (1) The Department of Defence, the Department of Finance and Administration and National Capital Authority have represented the Commonwealth. The Chief Minister's Department, Department of Justice and Community Safety, ACT Planning and Land Authority and Land Development Agency have represented the ACT Government.

- (2) The ACT Government has sought a priority sale of Blocks 92 and 147 Majura and has expressed an interest in purchasing all of the Department of Defence land holdings around the Canberra airport.
- (3) The negotiations are on-going.
- (4) A list of the parcels included in the negotiations is attached.
- (5) No offer has yet been received from the Commonwealth.

ATTACHMENT 1

Block and Section Summary

Majura	Section	Block
Part		59
Part		139
Part		135
Part		52
Whole		642
Part		636
Whole		146
Whole		102
Whole		659
Whole		92
Part		585
Whole		514
Whole		147
Whole		589
Whole		520
Whole		590
Whole		591
Whole		528
Whole		529
Whole		530
Whole		592
Whole		593
Whole		504
Whole		608
Whole		549
Whole		539
Whole		575
Whole		558
Whole		514
Part		682

Pialligo	Section	Block
Whole	19	-
Whole	20	-
Whole	21	-
Whole	34	-
Part	36	-

Whole	22	-
Whole	27	1
Whole	28	2
Part	18	3
Part	17	4
Whole	17	3
Part	30	3, 2
Whole	30	4
Whole	16	1
Part	9	3
Part	8	1
Whole	15	1

Fyshwick	Section	Block
Part	45	3

**Canberra Hospital—Emergency Department
(Question No 1210)**

Mr Smyth asked the Minister for Health, upon notice:

In relation to the Canberra Hospital Emergency Department refurbishment:

- (1) As at the end of the September 2003-04 quarter \$346 000 was expended on this project (excluding prior years spending). What was delivered for this expenditure;
- (2) This project has a completion date of May 2004, is the project running to schedule to be completed by that deadline;
- (3) If no to (2) what is the delay in completing the project according to schedule.

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

- (1) The expenditure included:
 - Design work.
 - Completion of payments for the administration area (stage 1)
 - Temporary works within the Emergency Department and the Intensive Care Unit to allow the extension works to commence; and
 - Partial funding of the foundations and structure for the extension.
 - (2) The projected completion date for this project is now June 2004.
 - (3) The prolongation of this project by one month is largely due to initial start delays caused by difficulties in site excavation due to the location of major site services and design delays due to the need to resolve " Moral Rights " issues raised by the original design architect and team.
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**Karralika project
(Question No 1211)**

Mr Smyth asked the Minister for Health, upon notice:

In relation to the redevelopment of Karralika Facilities, Fadden and Isabella Plains:

- (1) As at the end of the September 2003-04 quarter \$55 000 was expended on this project (excluding prior years spending). What was delivered for this expenditure;
- (2) This project has a completion date of June 2003 has this project been completed;
- (3) If no to (2) what is the delay in completing the project according to schedule and what is the new completion date. If yes to (2) what will happen to the outstanding authorisation of \$130 000 for this project.

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

- (1) Architectural services, redevelopment plans and tender documentation.
- (2) No, the project has not been completed. The June 2003 completion date referred to the Forward Design Stage only.
- (3) The design stage is complete and has cost approximately \$0.170m which means that the balance (\$0.130m) can be returned to Government or used in the documentation and construction phase if necessary.

**Calvary Hospital—security
(Question No 1212)**

Mr Smyth asked the Minister for Health, upon notice:

In relation to improvements to security and access control at Calvary Public Hospital:

- (1) As at the end of the September 2003-04 quarter \$13,000 was expended on this project. What was delivered for this expenditure;
- (2) What works remain as part of this project.

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

- (1) A security audit was completed to confirm critical security issues and develop a work program for the project.
 - (2) The audit identified some immediate security issues and OH&S lighting issues which will be completed by the end of December 2003. Other security improvement work identified in the security audit will be undertaken in the first half of 2004
-

**Mental health
(Question No 1213)**

Mr Smyth asked the Minister for Health, upon notice:

In relation to an upgrade of safety features in mental health:

- (1) As at the end of the September 2003-04 quarter \$16 000 was expended on this project. What was delivered for this expenditure;
- (2) This project has a completion date of October 2003, has this project been completed;
- (3) If yes to (2) will the \$4 000 remainder of funds be rolled over. If no to (2) what will the remaining \$4 000 be expended on and why has the project not been completed yet.

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

- (1) A feasibility study into improvements to the courtyard area of the Mental Health Facility at Calvary to make the area safe.
 - (2) The project has been completed.
 - (3) The balance of funds will be redirected to other Calvary projects if necessary, subject to Department of Treasury approval.
-

**Watson Hostel and Howard Florey Centenary House
(Question No 1214)**

Mr Smyth asked the Minister for Health, upon notice:

In relation to feasibility studies:

- (1) Why are feasibility studies being undertaken regarding (a) Watson Hostel and (b) Howard Florey Centenary House;
- (2) What does the government envision for these two sites;
- (3) The Watson Hostel feasibility study was meant to commence in September, has this occurred?
- (4) Have any dollars been spent on either project as at 10 December 2003;
- (5) When will these feasibility studies be completed?

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

- (1)(a) Watson. To examine the options for upgrading the buildings or relocating services to a possible new location.

- (1)(b) Howard Florey Centenary House. To determine the best option for the reinstatement of the Health Protection Services in Holder following the Canberra Bushfires.
 - (2) The options for Watson are being considered by the Department. The Health Protection Services are to be rebuilt on the existing Holder site.
 - (3) Yes, the Watson Feasibility Study has been completed.
 - (4) Yes, and that will be reflected in the next quarterly report.
 - (5) The feasibility study for Watson has been completed. The Health Protection Service study is complete.
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**Calvary Hospital—child and adolescent mental health team
(Question No 1215)**

Mr Smyth asked the Minister for Health, upon notice:

In relation to Hennessey House:

- (1) In the September Quarterly Capital Works Progress Report, under minor new works, the project 'Hennessey House Bruce – Collocate CALCAM'. What works will be undertaken as part of this project;
- (2) This project is listed for completion in June 2003. Is this completion date correct;
- (3) If yes to (2) why then was \$0 expended on this project at the end of the first quarter and what is the total expenditure for this project as at 10 December 2003. If no to (2) what is the new completion date and what expenditure has taken place on this project as at 10 December 2003.

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

- (1) The Calvary Hospital Child and Adolescent Mental Health team (CALCAM) previously occupied space in Residence C at Calvary Hospital but had to vacate that space at short notice. The Cottage and Technical and Special Classes (TASC) room in the Hennessey House precinct were identified as potentially providing suitable accommodation for the CALCAM team, subject to significant renovation work being carried out. The Capital Works unit of ACT Health established a project to urgently undertake the renovations and move the CALCAM team by the required deadline.
- (2) Yes. The work was undertaken late in the 2002/03 financial year, however some expenditure did occur in 2003/04. This expenditure (\$0.038m) was not reported in the quarterly report due to a coding error which has been corrected for the next report.

Due to the urgent nature of the relocation, ACT Health undertook the project in 2002/03 by cash managing the Capital Works Program with the cash replaced from the 2003/04 approved program.

**Hospitals—capital works
(Question No 1216)**

Mr Smyth asked the Minister for Health, upon notice:

In relation to capital works projects at the Canberra Hospital and Calvary Hospital:

- (1) Of the new works listed under the Canberra Hospital in the September Quarterly Capital Works Progress Report 2003 which of these projects have commenced (given many had August start dates) and of those projects how many dollars were expended on each project as at 10 December 2003;
- (2) Have any capital works projects listed under the Canberra Hospital in the September Quarterly Capital Works Progress Report 2003 been completed, if so, which projects;
- (3) Of the new works listed under Calvary Public Hospital in the September Quarterly Capital Works Progress Report 2003 which of these projects have commenced (given many had July start dates) and of those projects how many dollars were expended on each project as at 10 December 2003;
- (4) Have any capital works projects listed under the Calvary Public Hospital in the September Quarterly Capital Works Progress Report 2003 been completed, if so, which projects.

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

- (1) a. Signage Project. Procurement of Consultancy services underway in the first quarter as anticipated. Design has commenced. Documentation is due in January in accordance with the project delivery plan. No expenditure has been recorded against this project as at 10 December. Significant expenditure is forecast in the third and final quarter of 2003/04.
 - b. Pain Management Clinic. Procurement of Consultancy services underway in the first quarter as anticipated. Design is completed and approved. Documentation is underway for commencement of construction in March 2004 in accordance with the project delivery plan. No expenditure has been recorded against this project as at 10 December. Significant expenditure is forecast in the third and final quarter of 2003/04.
 - c. Refurbishment of Paediatrics. Procurement of Consultancy services underway in the first quarter as anticipated. Design has commenced. Documentation is due in January in accordance with the project delivery plan. No expenditure has been recorded against this project as at 10 December. Significant expenditure is forecast in the third and final quarter of 2003/04.
 - d. Minor New Works Projects. Procurement of Consultancy services underway in the first quarter as anticipated. All Minor projects are in design phase in accordance with the project plan. The emergency power upgrade project construction commenced in November, all other project will commence early in the third quarter and will be completed in the fourth quarter. No expenditure has been recorded against these projects as at 10 December.
- (2) There have not been any projects completed.

- (3) a. Improvements to Security & Access Control (\$0.460M): \$13,150 expended.
- b. Feasibility Study – Plant & Building Condition Audit (\$80,000): \$80,000 expended.
- c. Feasibility Study – Mental Health Safety Features (\$20,000): \$16,000 expended.
- d. Forward Design: Redevelopment of Intensive Care (\$350,000): \$47,509 expended.
- e. Refurbish Wall Finishes (\$100,000): At Contract: \$Nil expended.
- f. Upgrade External Pavement (\$80,000): At Contract: \$Nil expended.

- (4) a. Feasibility Study – Plant & Building Condition Audit.
- b. Feasibility Study – Mental Health Safety Features.
- c. Feasibility Study – Generator (included in Plant & Building Condition Audit).

**Stamp duty concessions
(Question No 1222)**

Ms Dundas asked the Treasurer, upon notice:

In relation to concessions on stamp duty for the 2002-03 financial year, and to date in the current financial year:

- (1) How many buyers received a concession on stamp duty for the purchase of property;
- (2) What was the average value of the concession granted, and what was the average concessional rate of stamp duty paid;
- (3) How many buyers who received a stamp duty concession on a property purchase had dependants;
- (4) What proportion of all stamp duty concessions granted related to the purchase of unit titled properties.

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

	2002-03	1 July 2003 – 12 December 2003
No. of buyers who received a concession	41	14
Average Value of Concession	\$1,547.52	\$2,716.42
Average Concessional rate of Stamp Duty paid	\$1,111.35	\$2,018.25
Number of buyers with dependants who received a concession	1	3
Proportion of all concessions granted related to purchase of unit title properties	93%	64%