DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

FIFTH ASSEMBLY

WEEKLY HANSARD

4 MARCH

2004

Thursday, 4 March 2004

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The Assembly met at 10.30 am

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

Visitors

MR SPEAKER: I would like to acknowledge the presence in the gallery of the Beijing Municipal Finance and Budgets Bureau. Welcome.

Financial Management Amendment Bill 2004

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

Title read by clerk.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming) (10.32): I move:

> That this bill be agreed to in principle.

Mr Speaker, I table the Financial Management Amendment Bill 2004. This bill provides for amendments to the Financial Management Act. As has previously been stated in this chamber, the Financial Management Act is the cornerstone upon which effective financial management of the territory rests. For this reason, it is essential that the provisions of the act unambiguously convey financial requirements and obligations and also that the act imposes obligations and requirements that result in effective and efficient financial management practices.

This bill amends the act to extend the amended budget concept to include all appropriation variations and to move amended budget prescription to the financial management guidelines. This bill simplifies the budget amendment provisions in the act. The government believes that the current provisions are not optimal and could be improved to enable readers of financial statements to more clearly understand departmental financial performance.

The act requires annual financial statements to be prepared in a form that facilitates comparison with budgets. Where major variations occur during the financial year due to approved appropriation changes, it can be difficult to present financial statements that are comparable to the original budget presented in the budget papers. The act currently has a limited mechanism to enable this amendment to a department's budgeted information to be included in the financial statements.

The current concept of amending budgets for only some appropriation variations resulted in confusion during the preparation of the 2002-03 financial statements. Financial statements need to present useful information to readers. This understanding would be

assisted by enabling financial statements to present budget information that would include all authorised appropriation changes. Consequently, the bill proposes to amend budgets for all appropriation changes. This will ensure that the annual financial statements of departments are prepared in a form that facilitates comparison between the financial operations of the department and the estimates of those operations contained in the budget for the department as required under section 27 of the act.

Furthermore, the purpose of the legislation is to deal with general principles as distinct from prescriptive detail. It is for this reason that the bill proposes that section 16A be removed from the act and be replaced by section 19F, with the prescriptive detail moved to the financial management guidelines.

In conclusion, I reiterate that amendments proposed in this bill are aimed at clarifying provisions within the act and promoting efficient financial management practices. I trust that members will support the bill. I commend this bill to the Assembly.

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

Architects Bill 2004

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) (10.36): I move:

> That this bill be agreed to in principle.

Mr Speaker, I am pleased to present the Architects Bill 2004, which repeals the Architects Act 1959 and introduces a modern and more effective registration system for architects in the ACT. The requirement to reform the Architects Act 1959 came out of the Productivity Commission's report No 13 in 2000, *Review of legislation regulating the architectural profession*. The terms of the review required the commission to examine the existing Australian legislation, identify any public interest rationale for it and consider alternative forms of regulation. The report examined the existing legislation and identified areas in which it could be improved.

The commission's principal recommendation was to repeal all architects legislation. However, it made a second recommendation. Victoria registers a variety of building practitioners, including all those who design buildings. The commission approved the continuation of the registration of architects as part of such arrangements. Where such arrangements continued for architects, it set out improvements that should be made.

Following the recommendations of the Productivity Commission, the states and territories worked together to formulate a joint response to the commission's report, which ultimately supported the second recommendation. That enabled each jurisdiction to develop its own legislative and administrative models while maintaining a nationally consistent approach to registration, qualifications and title protection.

In June 2002 the Australian Procurement and Construction Council, on which the Deputy Chief Minister represents the territory, agreed in principle to pursue the harmonisation of architects acts in cooperation with the boards of architects of each jurisdiction. Since that time, work has continued in many jurisdictions to develop legislation that addresses such issues as registration criteria, mandatory qualifications and experience, insurance, and title protection to restrict the use of the term "architect". No jurisdiction supported the establishment of a national registration scheme, which is the preference of the architects bodies, but the establishment of a national architects database was supported.

A framework for national harmonisation, consistent with the Productivity Commission's second recommendation, has been adopted and endorsed by the Australian Procurement and Construction Council. The National Competition Council is using this framework as the basis for the assessment of the jurisdictions' compliance with reform requirements. The framework for legislative reform is that:

- regulatory bodies be constituted, with broad, industry-wide and consumer representation;
- the regulation of architects not include restriction of practice;
- restriction of the use of the titles "architect" and "registered architect" remain;
- where an organisation offers the services of an architect, an architect must supervise and be responsible for those services;
- complaints and disciplinary procedures be made more transparent and provide avenues for appeal; and
- architectural boards be encouraged to identify and implement means of broadening certification channels.

The current territory act does not meet the framework requirements against which the National Competition Council will assess reforms. In addition to the national competition policy requirements, many parties, including those within the architectural profession and within the administration, are of the view that our present ACT legislation is limited in its effectiveness.

The principal function of the present act has been to distinguish between graduates in architecture and people with sufficient professional experience to apply for a practising certificate. The ACT is the only jurisdiction that issues such practising certificates. The act has neither a complaints process nor a clearly defined and transparent discipline process. The act does not expressly provide for the appointment of community representatives on the Architects Board. The Architects Bill 2004 will address these inadequacies and is consistent with the principles of harmonisation.

The purpose of the bill is to establish the ACT Architects Board, to ensure that registered architects provide services to the public in a professional and competent manner and to provide mechanisms to discipline registered architects who are found to have acted unprofessionally or incompetently. The bill is also to ensure that the public has access to information about the qualifications and competence of individuals as registered architects. As part of the national commitment to harmonisation and information sharing, the bill's objectives also specify the establishment of a register of architects.

The ACT Architects Board will be responsible for the registration of architects, the investigation of complaints against architects and, where necessary, disciplinary action against architects. The board will also be required to investigate matters referred to it by the minister for advice and to report on the practice of architecture, including codes of professional conduct. One of the key roles of the board will be to provide general advice to consumers on architectural services. This is particularly important with respect to professional conduct and the standards of competence expected of registered architects.

In striving to achieve a high quality built environment, high quality design is fundamental. Architects have an important role to play in delivering quality design, and consumers and the broader community can only benefit from improved access to information about the qualifications, skills and professional standards that will be required from registered architects.

The board will be appointed by the minister and will have a mix of architects and non-architects in order to comply with the reform framework. The board must contain one representative from a body established to represent the interests of architects, one architect who is an academic who teaches architecture at a relevant educational institution, one legal practitioner with expertise in consumer protection and/or trade practices law and one consumer representative who is not an architect

It is important that members of the board be given appropriate support to fulfil their functions. The bill provides for a registrar of architects, responsible for managing the board's administrative affairs and for maintaining a register of architects subject to any directions from the board. The keeping of an accurate register of registered architects is another important part of the registration scheme. It will enable consumers in the ACT to gain up-to-date information on those registered as qualified to provide architectural services. The register will be publicly available during ordinary office hours at no charge. The board will also be able to share information contained in the register, such as names and addresses and any disciplinary action taken with neighbouring jurisdictions, for the purpose of establishing a common register of architects among the jurisdictions.

The bill sets out the eligibility and experience criteria for registration as an architect. Only an individual can apply for registration, and they must satisfy the board that they meet the criteria before they can be registered. The requirements specified in the bill are consistent with long-standing arrangements in other jurisdictions and also reflect past practice in the ACT.

While the act will provide for the registration of individual architects, there are many corporations or firms that provide a range of services, including architectural services. While the registration of companies is not intended, it is important from a consumer protection perspective that any corporation or partnership that advertises to provide architectural services has architects responsible for the provision of those services. The bill will require a corporation or partnership that provides architectural services to nominate one or more registered architects to be responsible for the provision of those services partnership. A corporation or partnership may nominate a registered architect only if the architect is a director, partner or employee of the corporation or partnership.

Where there is more than one approved nominee, the firm must nominate to the board in writing a primary nominee. The firm must ensure that any written business correspondence bearing the name of the firm includes the name of the nominee responsible for the provision of the architectural services and their registration number. The name of the nominee or primary nominee must also be displayed prominently at each place of business of the firm.

One of the key improvements required of the existing legislative arrangements is the provision of a complaints process. This is also required to comply with the harmonisation framework. Any person may make a complaint to the board against an architect in respect of the architect's conduct as an architect. The complaints process provides an accountable system for investigating the complaint and requires the board to advise the complainant of the outcome of the complaint, unless the complaint is withdrawn.

The harmonisation framework requires the inclusion of specific provisions for more transparent disciplinary proceedings, including appeal rights. The board will be able to instigate disciplinary action where a disciplinary ground exists, including as a result of investigating a complaint. The disciplinary grounds include an architect failing to comply with a provision of the act, failing to comply with a condition on his or her registration and breaching a code of professional conduct adopted under the act.

There will be circumstances where the board, having investigated a complaint and forming the opinion that a disciplinary ground may exist, may need to undertake further investigation and seek further information before making a decision on the appropriate course of action. The bill provides for an inquiry process to assist in making well-informed decisions in relation to disciplinary action.

If the disciplinary ground is proven, the board has a range of actions available, including placing conditions on the registration, requiring the architects to complete a stated course of study, suspending or cancelling the registration and imposing a financial penalty of not more than $1,000. Any decision to take disciplinary action is of course appealable to the Administrative Appeals Tribunal.

Notification of a decision to take disciplinary action is considered necessary to ensure that consumers have relevant information available when making a decision on the possible engagement of an architect to provide architectural services. This is particularly so if conditions have been placed on a registration. If the board takes disciplinary action against an architect, the board must notify the public of the disciplinary action taken, including the name and other identifying particulars, a short description of the disciplinary grounds and the details of the disciplinary action taken.

The bill contains provisions to ensure that the registered architect is given the opportunity to appeal a decision before the disciplinary action is notified, which is important where it may be found through independent review that the decision should be changed. Notifying neighbouring jurisdictions of disciplinary action is important for jurisdictions co-operating to ensure that their respective registration systems are up to date. It is also important when a disciplinary action in one jurisdiction may be grounds for refusing, or placing conditions on, a registration in another jurisdiction. The mutual

recognition act and the Trans-Tasman Mutual Recognition Act provide for information sharing in this respect where requested. The bill adds to the effectiveness of these provisions by ensuring the timeliness in providing the advice.

There is a range of offence provisions in the bill to support the integrity of the architects registration system. An individual who is not an architect will not be able to represent themselves to be an architect or allow themselves to be represented as an architect. Individuals will not be able to advertise using the term "architect" or "architectural services" unless they are registered.

A comparable offence is included for firms. They must not represent their corporation or partnerships to be an architect or be represented as an architect unless they have at least one nominated architect who is responsible for the provision of architectural services by the corporation or partnership. The name of each nominated architect or architects must be prominently displayed at each place of business, corporation or firm so as to be clearly visible to a person from outside or immediately on entering the place of business.

There are certain circumstances where use of the words "architect" and "architectural services" would not be a breach of the offence provisions, such as those who advertise as landscape architects, naval architects or golf course architects. These are titles of professions that, while including the word "architect", are used in contexts clearly unrelated to the issues covered by this bill. Examples of other allowed terms are an employee of a registered architect using the title or description "architectural assistant", "architectural technician" or "architectural drafter".

A person who holds an architectural qualification will still be able to describe himself or herself as holding that qualification but must be registered in order to advertise as an architect providing architectural services. When a person advertises to provide architectural services, the advertisement must include the name, contact details and registration number of the architect responsible for carrying out the services. Where a firm advertises to provide architectural services, it must include the name and registration of the nominee or principal nominee.

Registered architects will be required to disclose to their clients what professional indemnity insurance they hold that is relevant to their provision of architectural services. In today's insurance environment this is a more practical alternative to requiring mandatory professional indemnity insurance. This bill benefits both consumers and the profession of architect. The transparency of the complaints and discipline process, including appeal rights, will provide greater accountability in the administration of the registration scheme.

One of the most significant improvements regarding consumer protection is the provision for a code of conduct. The code would relate to the professional standards and client service required of registered architects, and failure to operate in accordance with an approved code could be grounds for disciplinary action.

The Architects Bill is, of course, only one element of the government's program for reforming our legislation covering building and construction professions. The construction occupations legislation, also before the Assembly, is another one. The two reforms complement each other. While recognising the major differences between the

regulatory regimes governing architects and the construction occupations, the opportunity has been taken to align administrative processes and the like for the benefit of consumers and the occupations.

In conclusion, the Architects Bill will give consumers greater confidence that those who advertise to provide architectural services are both competent in and accountable for the provision of high quality architectural services. I would like to take this opportunity to express my appreciation for the significant contribution to this reform process by individuals from the current ACT Architects Board, the ACT chapter of the Royal Australian Institute of Architects and the Architects Accreditation Council of Australia.

This reform is long overdue, and the skills and experience brought to the reform process by these stakeholders have been invaluable. Their contribution has resulted in a bill that will serve the best interests of both the architectural profession and the broader community and make a significant contribution to ensuring that only the highest professional standards will be accepted in the ACT. I commend the bill to the Assembly.

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

Community Services and Social Equity—Standing Committee
Report 4

MR HARGREAVES (10.53): I present the following report:

> Community Services and Social Equity—Standing Committee—Report 4—2002-2003 annual and financial reports: Department of Disability, Housing and Community Services; Discrimination Commissioner; Community Advocate, dated 2 March 2004, together with a copy of the extracts of the relevant minutes of proceedings.

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

Leave granted.

MR HARGREAVES: I move:

> That the report be authorised for publication.

Question resolved in the affirmative.

MR HARGREAVES: I move:

> That the report be noted.

The committee reporting on annual reports and financial reports must be considered an exercise in gazing back on history. This report talks about events prior to 30 June 2003 and does not take into account any actions taken between 30 June 2003 and the present, by the government or anybody else, as a result of issues.

I draw the government's attention to recommendation 2, which is cross-government. This will require amendment to the Chief Minister's annual report directions. The recommendation asks that the directions provide for agencies with an external scrutiny function, for a specific section, on issues of significant concern regarding the performance of other agencies.

It was clear, regarding the lack of statutory reporting on possible child abuse of kids in care, that the flags of worry did not go up quite enough. They certainly did not go up sufficiently for enough people in this place to view the issue with the concern that they should have. Ms Tucker made the point that almost all of us here missed it at one point or another. It is incumbent upon us, wherever we can, to develop flags for members so that if an issue is of concern we see it more clearly.

When a statutory agency is reporting in one annual report but talking about a relationship that it has with another agency, we are hoping to see that the statutory agency would report if the commissioner, or whoever, is concerned about a given issue. In this report we are saying that it should be part of the process. It matters not whether it is one department reporting on its arrangements with another department or whether it is a statutory agency reporting on its relationship with a government department. We believe that, if there is a specific section in every annual report, we may avoid the Assembly missing important issues. It is not a solution to the problem; it is just one of the flags.

The first recommendation in this report talks about performance contracts with senior staff in the Department of Education, Youth, and Family Services containing the requirement of compliance with statutory obligations in order to obtain satisfactory appraisal. In fact, the satisfaction of those statutory obligations ought to be built into any performance agreement between any senior executive anywhere in the service.

It matters not whether those people are on workplace agreements, AWAs or a straight salary. I would hope here is an agreement, between the CEO and the relevant minister and between the senior executives and the CEO, on expectations of achievement on the part of those officers. Where those officers have a statutory obligation, we recommend that it be included in those performance contracts.

If my memory serves me correctly, when the Children and Young People Act was introduced by the former government in 2000, the current Leader of the Opposition made the very valid point that this legislation would be the vehicle to hold CEOs accountable to statutory obligations, or something along those lines. This recommendation takes the point that Mr Smyth made in that speech a little further.

It is not the first time a report on annual reports has raised the issue of meaningful quality indicators across government agencies for inclusion in budget and performance statements. I will just use the words "yet again" and ask members to read that passage. I won't go through that in any great detail; it is pretty self-explanatory. We sometimes only see workload indicators in annual reports and budget things, and we do not actually see a measure of the quality or efficacy of the program. Sometimes the figures that are there are just lies, damn lies and statistics to bluff people like us—there are so many of them. We need to be a little bit more strategic. I would rather see fewer indicators if they were meaningful than the ones we have now.

There are other recommendations in here, which I refer members to at their leisure, but recommendation 5 is one I wanted to do because it is a little pet hate of mine. It requires a change also in the Chief Minister's directions, recommending that the government amend the format of various disclosures to provide for accurate variance reporting where the target is expressed as a percentage. The current direction, requiring people to do simple arithmetic when they take a variation of a targeted percentage with the actual percentage achieved, is misleading. In fact, it encourages people to be misleading.

Let's suggest the target is 5 per cent and the achievement is 3 per cent. What is seen in the annual reports and the budget is minus 2 per cent. That is not so; it is 2/5, which is 40 per cent. It gives a misleading image about the performance of that agency. In the example I just quoted, the difference between 2 per cent out and 40 per cent out is quite significant. It works both ways. I would encourage the drafters of the Chief Minister's direction to amend the format. I understand there was a bit of resistance from Treasury, so I exhort the Treasurer to use his influence in this.

I reiterate that the report into the 2002-03 annual finance reports is all about looking back on history and looking back on performance. As far as this is concerned, we come to an end on 30 June 2003 and we are looking backwards on that. I will wrap up by congratulating the Department of Disability, Housing, and Community Services for their first go at it. If you measured the officers who did that annual report against the other ones who have been around for centuries, the other people could take a leaf out of their book. What we saw was a refreshing go at it. It was easy to read, easy to work through and it was not full of the professional bureaucratic nonsense that we know is all too often contained in annual reports and budget explanations. I commend the report to the Assembly.

MS DUNDAS (11.04): I, too, think that the Standing Committee on Community Services made some important points on annual financial reports. One is the fact that, when we were reading through the 2002-03 annual reports, we were getting a sense of dEjA vu. Issues that we were told had been addressed or moved forward had not been; they were coming up again in annual reports as issues of concern. That specifically relates to the Department of Education, Youth and Family Services and their requirement to fulfil statutory obligations and pass on information to the Office of the Community Advocate.

It was a concern that this was still an issue after many public hearings on this matter through the 2002-03 financial year and that we found it necessary to repeat excerpts from our last report into the rights, interests, and wellbeing of children and young people. To a certain extent, as there was no point in our just making a recommendation and leaving it at that, it was important that we drew the government's attention to the fact that we had already said that this was a problem and we had already been told that this problem was being fixed. Yet, again, we had evidence before us that it was not being fixed and that the problem still existed.

When read in conjunction with the Department of Education, Youth and Family Services report and the education committee's investigation into that, which was tabled in February, it is concerning that there is a lot of information that we are not being told we have to dig for or that we have to wait months to find out. We are not seeing full, frank

and fearless advice being provided to this Assembly through annual reports. And that leaves us with the situation we are currently in, where there is a lot of confusion about what has been happening in departments. There is a lot of confusion about how we go forward in fixing those issues.

I draw the government and the Assembly's attention to recommendation 1 of this committee report—which is actually a repeat of the recommendation we made in the Children and Young People report—about the need to require compliance with the statutory obligations of senior staff, so that we have a mechanism to make sure that statutory obligations are being met.

One of the other important things Mr Hargreaves touched on is how external agencies that also have a role in looking at departments are executing their jobs and how concerns that they have are raised in their annual reports. It is quite important that, when an agency has an external scrutiny function, it is made quite clear when problems arise with that external scrutiny. It needs to be almost shouted from the rooftops, as opposed to being written in very small font at the back of the report. One reason why we made recommendation 2 is to include a specific section in all annual reports that says, "It is my job to have a statutory oversight of these agencies, and these are the concerns that I have," or, if there are no concerns, "There are no concerns, and everything is running smoothly."

The other point I would like to make echoes something that our chair indicated. I would like to thank the Department of Disability, Housing and Community Services for their first annual report. It was quite refreshing to read the chief executive's report, in that she spoke of both the positives in the first year of the department and the challenges they had to address and of the challenges that lay ahead. That was refreshing to see.

It does not mean that the report was 100 per cent perfect, and there are things that need to be fixed up in the Disability, Housing and Community Services annual report. But their willingness to say, "These are the challenges we are facing; these are the issues that we need to address," was quite refreshing. It is something other agencies need to take on so that full, frank and fearless advice can be provided to this Assembly and so that we can be fully informed about what action we need to take.

In the case of the OCA and the Disability annual reports, we are looking after people who are quite vulnerable and who are in need of intensive support and care. We need to know how that is being provided and what the challenges are so that we can support people in the community who need it most.

MRS CROSS (11.09): I won't repeat the things that were eloquently put by my fellow committee members, Mr Hargreaves and Ms Dundas; suffice to say that this matter is of great concern, especially to this committee, given that it put a lot of work into the rights, interests and wellbeing of children and young people when it tabled its report in August last year. The fact that we have had to reiterate some of the gravest of those recommendations in the report that Mr Hargreaves tabled this morning only proves that we have a serious flaw in our system.

I will say this, though, to the staff of the departments listening this morning, or who will read what we have said: don't feel that this is a criticism of you individually. There are

many loyal and dedicated people who not only do their duty but also go above and beyond that call of duty to look after the interests of children in our community. I know that many of them are going through a very difficult time at the moment. They are very stressed and they have become ill because they feel that the errors and irresponsibility of a few are causing them to be painted with a very negative brush.

I will read an excerpt from report 3, SCCSSE's committee report, which was tabled in August 2003. The reason I read this is not for the welfare of those in the departments who are doing a good job but for some in this place who have tried to apportion responsibility for who knew what and when to some committees and their members. You have all read this information; you all knew about it. What did you do about it? We did the work; we tabled the report; somebody did not read it.

Someone went on television and said, "We don't really read those things. They're not always that important." I am paraphrasing there. I recall that my fellow committee member Ms Dundas was shocked at that response. I think it was the Chief Minister who made light of the importance of reports. I was shocked, as Ms Dundas was shocked, given that we are 17 members elected to do a job we take seriously for a community that put us here and not for a self-serving, indulgent agenda. I will read from page 52 of the August 2003 report. I hope the Chief Minister is listening. I quote:

> 6.23 The Committee is extremely concerned at reports Family Services has failed to comply with its obligations under the Act.
>
> 6.24 For example, the OCA in its Annual Report notes that the Chief Executive is out of compliance with the Act for not forwarding on to OCA reports of abuse and neglect about children in care.
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> > It must be noted that, since the introduction of the Act in 2000, the Chief Executive has consistently failed to meet her statutory requirements pursuant to Section 162—despite a number of written requests by the OCA to do so, and despite a number of commitments on behalf of the Chief Executive to do so.

This is from a committee that did its job. On page 53 it goes on to say:

> 6.27 It is disturbing that the OCA had to make 45 applications to the Children's Court in 2001-02 for an order that a report be provided. No less disturbing is the statement that the Chief Executive responded to just 3% of all letters written by the OCA in regard to concerns over Review Reports.

That is not only disgraceful, but it makes me shudder to think that in the Office of the Community Advocate we have a woman who takes her role very seriously and who in good faith carries out her job thinking that her role and the information that she provides to the department will be taken on board, particularly when it involves the vulnerable in this community—our children—and it is ignored.

What does this woman have to do to be taken seriously and for people to take notice? Does she have to go out there and scream and yell like a lunatic in order for someone to take her seriously? Why isn't the fact that she reported this information enough? Why is it that some members in this place tried to apportion blame to this committee—also for

not knowing what was going on when this committee has clearly reported it now, as well as in August 2003?

When we questioned the Community Advocate in hearings and were told that things were fine—because she was also told they were fine—it smacked to me of the apportioning of blame over the bushfire situation last year. I think we will allow the coronial inquiry to finish before we make further comments on that one.

I read on:

> 6.28 While the Committee acknowledges that Family Services is now in the middle of a Re-Focus, and that there are some measures now in place to prevent these issues from occurring in the future, the Committee is very concerned that the situation as described above by the OCA (and other witnesses) occurred in the first place.

Thank God this committee has an excellent committee secretary in Jane Carmody, who assists this committee in an exemplary fashion, putting so concisely the concerns that all members of this committee unanimously had about this issue. It was very well headed by our chair, Mr Hargreaves, who has, no less than we do, an exemplary attitude to the interests and welfare of our young people and sets a fine example for the rest of this committee.

I reiterate that this is not against you caseworkers or staff, who are diligent, responsible, dedicated people and who are going through a very tough time because of the irresponsible behaviour and attitude of a few. It is not about you out there; we know you are doing a good job. We know that you care about our children. We know that you will continue to care about our children and that you will remain dedicated.

This is about those empire-building, egomaniacal people who believe that they can continue operating the same way they have for many years, irrespective of who is in government because they are preserving their little castles and their empires. The time has come. The empire is going to crumble, and it is no longer acceptable for you to get away with the violations against our children. We will no longer stand by, as we have not for many years, and allow negligent treatment and irresponsibility in relation to our children. Enough is enough.

MR CORNWELL (11.18): I rise to support the committee's report, as a member of the committee. I will confine my remarks to recommendations 1 and 2, which relate to compliance with the statutory obligations of senior staff in the Department of Education, Youth and Family Services. I also support the chairman's comments, in relation to recommendation 2, that the committee recommends that the government amend the annual report directions to provide a specific section on issues of significant concern for agencies with an external security function.

The matter of child abuse has been considered on a number of occasions by the committee. As Mrs Cross pointed out, the evidence of this concern is in the transcripts of the committee hearings of 21 and 27 February 2003, 4 December 2003 and 22 January 2004. In each transcript there is evidence of committee members raising questions about accountability and, therefore, statutory obligations. Further, I refer to questions on the notice paper—which I claim, immodestly, as mine—of 4 March, 6 May and

23 September 2003. The first two related to mandatory reporting, and I will come back to that in a moment. The last one was certainly a case of direct child abuse and neglect.

All of these indicate that the committee was concerned. We raised the problem. The chairman of the committee said that perhaps people did not go up quite enough. May I say that we identified the statutory obligations in recommendation 39. It reads:

> The committee recommends that the Government ensure all performance contracts with senior staff of the Department of Education, Youth and Family Services require compliance with statutory obligations in order to obtain a satisfactory appraisal.

It is not just a requirement to report; it is also a requirement to thoroughly investigate. Unfortunately, the failure to fulfil this obligation is twofold. Either it is not followed up enough, and hence we have this problem of child death and child abuse that has not been sufficiently reported; or it has been followed up too enthusiastically. I would like to give an example of both. The minister might like to listen.

Ms Gallagher: I am listening.

MR CORNWELL: Thank you. If matters are not followed up, it comes down to this question of mandatory reporting. This has been a concern of mine for some time. On 4 March last year I put out a media release asking why—about the effectiveness of mandatory reporting in ACT Family Services. As already stated, I have placed a number of questions on the notice paper.

I asked another question—and was replied to by the minister on 22 December last year—that arose from a *Stateline* program about a child who died subsequent to presenting with bruising and other indications of hurt. My first question was: how many people who were professionally mandated examined but did not report the child's condition under mandatory reporting law? The answer the minister provided me was that the coroner did not specifically identify those mandated persons, whom she considered should have reported. In the coroner's report she stated, "Some eight persons who were mandated to report failed to do so." That is a disgrace. Those people bring shame to the profession they are members of. The matter should be followed up.

Ms Gallagher: It has been.

MR CORNWELL: Following from your interjection of "It has been," I would be delighted to hear some more information at some time. In fact, I would be happy to put the question on the notice paper, if you would like me to do so.

MR SPEAKER: Order, members! Mr Cornwell, direct your comments through the chair.

MR CORNWELL: Sorry, Mr Speaker. But the fact is that there is no point in having a requirement for mandatory reporting if people do not report—and, if they do not report, no action is taken against them. What is the purpose of having such legislation? We make a big thing about it, and then we do not follow through. It is simply not good enough.

Mr Quinlan: It might be your new found passion.

MR CORNWELL: Mr Treasurer, I do not know what your interjection was, but we are dealing with children here, and I think it is important that we accept the responsibilities that these people count on.

Mr Quinlan: I am pleased to see your new found passion for this.

MR CORNWELL: Thank you. I have always had compassion for children. The problem I have is that other people do not. The other side of the coin, when things are followed up too enthusiastically, comes down to remarkably quick behaviour on the part of some family services organisations in Australia in relation to Munchausen's syndrome by proxy, where an alleged carer, usually the mother, deliberately harms a child to gain a physician's attention.

This problem has been debunked very thoroughly in the United Kingdom following the exposure of Sir Roy Meadow, the person who originally identified this. Three mothers have been released from jail because this man's evidence was shown to be false and flawed. But there is enthusiastic chasing up of what appears to be Munchausen's syndrome by proxy here in Australia. I hope that Family Services in the ACT are watching this matter very carefully because there is evidence, certainly in New South Wales, that the enthusiasm has been misplaced as it has been in the United Kingdom. I commend that point to the minister.

I look forward to a response from the government as speedily as possible on the nine recommendations of this committee so that we know where we are going on these important matters. I am particularly concerned about recommendations 1 and 2, and I also look forward to the minister advising me what action has been taken to ensure that mandatory reporting is in fact so reported.

MR HARGREAVES (11.27), in reply: To close the debate, I thank members for their contribution and thank the Minister for Education, Children, Youth and Family Services for acting so promptly when the issues of concern to the committee were raised. I am absolutely confident that in the next round of historical navel gazing none of these issues will be here other than as a congratulatory message.

Mr Cornwell: Excuse me, Mr Speaker.

MR SPEAKER: Point of order, Mr Cornwell?

Mr Cornwell: It is not actually a point of order. I was wondering if the chairman—

MR SPEAKER: Well, it has to be.

Mr Cornwell: would like to move that the Assembly take note of the paper so the debate can be adjourned.

MR HARGREAVES: I did move that the report be noted earlier on in the proceedings. If we needed to have it adjourned—

Mr Cornwell: Some of my colleagues might like to see it adjourned.

MR SPEAKER: You can't now that he's closing.

MR HARGREAVES: They had the opportunity to stand on their feet, and they did not take it.

Mrs Dunne: I was about to. I was on my way to standing up.

MR SPEAKER: You have a problem because the mover is closing the debate, and I cannot accept motions to adjourn while that process is in place.

MR HARGREAVES: Mr Speaker, I have to ask to continue because I am halfway through a closing speech.

MR SPEAKER: Carry on.

MR HARGREAVES: I want to express my appreciation to the members of the committee, who worked very well on this; to the committee secretary, who did a great job; and also to the officers who came before the committee and were so frank. I congratulate the CEO, Sandra Lambert, for her leadership in this new department. It has been exemplary and many people can learn from the way she does things. I commend the motion to the Assembly.

Mrs Dunne: Mr Speaker, I seek leave to move that the debate be adjourned.

Leave not granted.

Suspension of standing and temporary orders

MRS DUNNE (11.32): I move:

> That so much of the standing and temporary orders be suspended as would prevent my moving a motion to adjourn debate.

I will speak to this so that members understand what we are on about. I was in the process of standing up—yes, I might have been a little slow—because there are members here who might wish to come back and comment on this, along with other annual reports, at some stage. The motion is that the report be noted and very often that the debate is adjourned for another time. I think that the Assembly needs the opportunity to do that.

I am happy to adjourn the debate on the report of the Standing Committee on Planning and Environment, which is the next cab off the rank, and I think that it is a courtesy to members that they have the opportunity to come back and comment when they have had an opportunity to read the report. That is why I would like to adjourn the debate. It is unfortunate that I have to suspend standing orders to do a simple thing like that.

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

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

Planning and Environment—Standing Committee
Report 26

MRS DUNNE (11.33): I present the following report:

> Planning and Environment—Standing Committee—Report 26—*Inquiry into Annual and Financial Reports 2002-2003 for the Department of Urban Services and the Related Agencies*, dated 19 February 2004, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

> That the report be noted.

Mr Speaker, in the Standing Committee on Planning and Environment report into the annual reports of the Department of Urban Services and related agencies we looked at the financial reports for 2002-2003 of the following departments and agencies: the Department of Urban Services; the ACTION Authority; the Kingston Foreshore Development Authority and the Gungahlin Development Authority, both of which were presenting their final annual reports; the Commissioner for the Environment; the Cultural Facilities Corporation and the Trustee of the Canberra Public Cemeteries.

The committee found that the annual reports were of a very disappointing quality and that they were not documents of accountability. Almost none of the improvements suggested by the committee in its report on the 2001-2002 annual reports were taken up. In fact, they were substantially ignored, which is why the first recommendation of this report is that the recommendations of the previous report be implemented. We have reached a sorry state when all that was said in a previous year was substantially ignored.

There is extensive information in these reports about things that have been done; this is what dominates the report. Very close and detailed examination is needed to reveal the real performance of agencies, or how they face challenges during the year and how these were handled within strategic and operational plans, and allocated budgets. It is very hard, for instance, to find out how they really did cope with the natural disasters, changes in administrative arrangements, failures or overspends on projects. The Department of Urban Services seems to have adopted the somewhat arrogant and complacent attitude that, just because it has received the annual reports award from the Institute of Public Administration, its report is perfect.

The content of the report varies little from the 2001-2002 annual report and is largely a cut-and-paste exercise with material from that report. I might add that, from time to time, it was very obvious that it was a cut and paste exercise: the publishers failed—I should not blame the publishers—in preparation for publication they failed to change the heading so that it still referred to 2001-2002. In some areas of the report it is difficult to know how accurate the information is, especially when you are reading tables that tell you the data relate to another financial year.

The quality of performance analysis ranges from being non-existent to very poor. The department and its related agencies seem to have taken a minimalist approach to accountability, paying scant attention to the requirements and guidance provided for in the Chief Minister's annual reporting directions issued under the Annual Reports (Government Agencies) Act 1995 and the Financial Management Act. The Auditor-General's report of 4 March—

Mr Wood: This is all very general. You have no detail at all.

MR SPEAKER: Order!

Mr Wood: If there is criticism there should be some detail.

MR SPEAKER: Mr Wood, you can get to your feet later and speak on the matter.

MRS DUNNE: He can read the report. The report has been circulated.

MR SPEAKER: Mrs Dunne, direct your comments through me to avoid interjections.

MRS DUNNE: I would encourage the minister to take his turn and comment on the report, seeing it has been circulated and published.

There are many guidelines on putting together an annual report and there are many instruments that bear on how you put together an annual report, including the Chief Minister's annual reports directions, the Financial Management Act, the Auditor-General's report of March 2003 about effectiveness of annual reporting and the previous recommendations made by committees about annual reports, specifically in 2001-2002.

It is interesting to find that, when taxed on some of these issues, some agencies, particularly the Kingston Foreshore Development Authority, were bold enough to tell the committee that they did not have to comply with the Chief Minister's directions for annual reports because they were not departments but agencies. As a result of that, we have recommended that the Chief Minister's directions on annual reports be amended to make it clear that agencies in portfolios are just as accountable as the head department.

The committee was hoping to find a rigorous and analytical discussion of performance reporting as part of the annual and financial reporting regime. The committee found that it would be difficult for any reader to obtain a well-analysed picture of strategic achievements, including any major political, economic, business or human resources challenges that confronted senior management, or to find out how well any challenges were handled, the impact of such matters on the overall health of the organisation and its businesses or any future challenges.

One thing that has been raised by this committee on previous occasions and was raised by the Auditor-General is that annual reporting should be warts and all reporting. When agencies fail to achieve things, that should be in the report. That is what open and accountable government is about.

As with last year, a frustrating search of several different places in reports was required to find related information and data. Three ministers, the Minister for Urban Services, the Minister for Arts and Heritage, the Minister for Planning and the Minister for Environment, are responsible for the good governance and accountability of elements of the Department of Urban Services and their related agencies. The committee expressed concern that such arrangements have the potential for problems with accountability and overlapping decisions and policies on the same issue.

The systemic situation across the ministerial responsibilities, portfolios, departments and agencies is replicated across the ACT government. It calls for rigour and a highly functional management and leadership style to ensure that those responsible for multiple portfolios, such as in this portfolio, get the best out of their department and ensure that there are sound management, communication and decision-making frameworks to deal with matters of overlap and to ensure that there are close working links between elements of the portfolio.

The recommendations in the committee's report should be accepted by the Department of Urban Services and related agencies so that next year's annual report may be presented with performance analysis as a major feature. Members of this place should expect no less. I commend the report to the Assembly.

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) (11.40): Mr Speaker, I will make a brief contribution to this debate. The introduction to the committee report suggests that the ministers—I and other ministers—did not make themselves readily available. We bent over backwards to find time to appear in person before this committee. We tried very hard to do that. I remember the many occasions when dates I would be available were indicated. The report does say that committee members were also not available on some of those dates.

There was a difficulty in finding an agreed timing for a lot of people, but the one word "readily" in this misrepresents the circumstances. This minister and others were always ready to appear and I want to put that on the record. In the end, we had a vast number of questions posed. Someone had certainly done some diligent background reading, but the import of those questions was simply that someone did not fully understand all the circumstances and the ways in which annual reports are presented. The questions showed a lack of understanding of annual reports and that they were asked for the sake of asking questions.

We now have a fairly voluminous report based on the very detailed responses to those questions, pointing out all the various reasons that the report was structured in the way it was. I want to put aside any suggestion that things were not well done, because Urban Services, as always, is a very competent, well-managed department and its annual report clearly reflects that.

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

Planning and Environment—Standing Committee
Report 27

MR HARGREAVES (11.43): I present the following report:

> Planning and Environment—Standing Committee—Report 27—*Inquiry into the building of a supermarket next to the Belconnen Markets*, dated 27 February 2004, together with a copy of the extracts of the relevant minutes of proceedings.

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

Leave granted.

MR HARGREAVES: I move:

> That the report be authorised for publication.

Question resolved in the affirmative.

MR HARGREAVES: Mr Speaker, I move:

> That the report be noted.

Mr Speaker, the history of the inquiry got a bit chequered earlier on. The report refers to that and I do not propose to go into it any further.

This inquiry was referred to the committee following the presentation of a petition to the Legislative Assembly by Ms Dundas on 21 October 2003. The petitioners were requesting that the Assembly pass legislation allowing an Aldi supermarket to be built next to Belconnen markets. Petitioners also wished to draw to the attention of the Assembly that local people want access to cheaper groceries. I have to say I was a bit amazed to see that; I just want to see the next petition saying that people do not want access to cheaper groceries but that they want access to really dear ones. I just wonder why one would put that in a petition, but it was there.

This is the first time in the history of the ACT Legislative Assembly that a petition has been referred for inquiry to a standing committee. Only one jurisdiction in Australia has an automatic referral of petitions to the committees and that is Western Australia. Perhaps we need to have that considered by the admin and procedure committee—and I have a view on it—in the context of what we are looking at now.

Mr Speaker, the committee considered the impact of current land use policies, including the government's recent decision to allow for an Aldi supermarket to be built in the Kippax shopping centre in Holt, the business viability of surrounding businesses if an additional supermarket were to be established at the Belconnen fresh food markets, and the extent to which the community have access to cut-price groceries.

When the government is deciding what its response to the committee's recommendations will be, it should consider that any proposal for a new supermarket at the Belconnen

fresh food markets must comprehend the land use policies for group centres in the territory plan, part B2C, commercial C. Complementing the Belconnen town centre land use policy, the Belconnen district has five group centres. That is again in territory plan part B2C. These are the Charnwood, Hawker and Kaleen group centres, the Kippax group centre at Holt and the Jamison group centre at Macquarie. The Jamison group centre is located almost directly opposite the Belconnen markets on the other side of Belconnen Way.

There should be a consistent application of land use policies. The committee came to the conclusion that the Belconnen markets and the Tuggeranong markets should have the same and consistent land use policies. Of course, the Tuggeranong markets no longer exist and, if people consider the history of both markets, they will see that one is very successful as a fresh food outlet and the other one now houses a Go-Lo supermarket, which has no fresh food in it.

The committee also concluded that the existing land use policies for both the Belconnen markets and the Jamison Centre ought to facilitate making a decision about where cut-price supermarkets might be built as the result of normal market pressures. One of the things we talked about in the committee was who should make the decision about where a supermarket ought to go. Should it be land use policy or should it be market forces? We also concluded that the ACT government should consider having more flexible land use policies to encourage the development of lively and vibrant shopping to better meet the needs of all the metropolitan catchment population. If the citizens want a cut-price store at the Jamison Centre, then such a commercial decision should be made through normal market contestability.

This inquiry presented a risk of setting a precedent in that the committee may be regarded as looking into whether specific commercial interests may be permitted to commence trading in a specific location. Members were particularly concerned that the government should not be seen to be preparing draft variations to specifically support a commercial company, such as Aldi, unless there is a proven community benefit. Direct grants of land in Kippax and Conder were made on that very basis, Mr Speaker—that community benefit would be derived from the competition. There is an existing supermarket at both localities, and the emergence of a cut-price supermarket would have had, we hope, the benefit to the community of reducing prices overall.

Mr Speaker, there is much information in this report. I urge members to read it. I will not use up the Assembly's valuable time this morning going through each and every detail. The overall finding of the committee was that there might be a case for land use policies to include a degree of flexibility in the Belconnen area to allow for the best possible outcomes for the community. We should be particularly careful not to be hung up on the idea that a cut-price supermarket—whether it be Franklins, Jewel, Aldi or whatever you like—is a good idea in a specific locality and therefore change the law or the regulations to facilitate that.

What we need to do is have good land use policies that facilitate an environment in which commercial decisions can be taken with some certainty. If you have a look at the history of section 31 out there, one thing you can say about it is that there has been no certainty. The Assembly should be aware, though, that there is currently an appeal before the Administrative Appeals Tribunal with respect to the land use of section 31. As far as

I am aware, it has not been concluded yet and there is some discussion about that in this report. The committee talked about land use policy; it did not talk about an Aldi supermarket. I just wanted to make that point. I commend the report to the Assembly.

MR STEFANIAK (11.51): I was briefly on this committee and it was quite interesting. I have not been on a planning committee for a long, long time. It was a very interesting inquiry and I came into it very late. I thank my colleagues for the diligence they brought to it, together with the committee secretary.

It is always very contentious balancing the needs of the community, the needs of business, principles such as the market, competitive forces, and planning issues. All of those factors were relevant to this matter.

I think there is a very significant need in the Canberra region for commercial organisations such as Aldi. Many in the community have a strong desire for competition in prices, to get the best possible deal and to have choice. The Aldi supermarkets are very different. The committee said, "Let's talk about different types of businesses rather than a particular business by name," but an organisation such as Aldi, or anything similar to it, is a cut-price supermarket. It can do that by carrying a fairly small range of goods. I think Aldi has about 800 different items compared with Coles or Woolies, which have thousands and thousands of items.

Mrs Cross: Eighteen thousand.

MR STEFANIAK: Eighteen thousand, 13,000—yes, I have seen some of those figures. They carry a hell of a lot more than a place like Aldi. That does enable a supermarket of the Aldi type to have very competitive prices.

A number of people in our town have told me often that they like the idea of the best possible deal, of businesses being competitive. Some businesses become very worried if a competitor moves in right next door to them. They say, "Government policy is effectively making my job harder. I am simply going to go broke. I really cannot compete." There is only a limited market, a limited number of people who will patronise all these businesses. We see it on a weekly or monthly basis—various businesses go broke.

Obviously, if a business gets a niche market it will do very well. We have seen this in some of our centres around town. I can remember a similar argument when we were looking at restricting trading hours. We did restrict trading hours for the major group centres back in the late 1980s, a move that was designed to save the smaller suburban centres and one of which I was very supportive. It was interesting that, after a year, the patronage at those small suburban centres had only increased by about 6 per cent, and that the restriction on trading hours really at the big centres had not made a huge difference. People adjusted the times at which they went there, but the benefit expected to flow from that type of regulation to the smaller centres did not really flow through. People basically voted with their feet.

The question of how best we balance all those contending issues in relation to competition, the market and choice is always very vexed. My party is very much in

favour of all those things. It is a party of business, a party of small business, a party of choice and a party of freedom of the individual to choose.

You also have to recognise that, whatever Canberra's planning faults, we do have a finite community here. We are part of a larger region. I know a lot of people come to Canberra from the country to do their grocery shopping. They might come here once a week. People come up from as far down the coast as Eden and Pambula, or even from Wagga. Wagga has some very good centres itself. Certainly, they come from Cooma and around the district to shop here, as do the people in Canberra. However, there is still a finite area.

All of those things are very relevant to what this committee did. I suppose we could have gone down the path of saying, "Thousands of people signed the petition to have Aldi at the markets, so there is obviously a lot of support in the community, especially in Belconnen and among people who shop at the markets, who would like to see an Aldi-type supermarket there at the markets." During this inquiry the government made some decisions in relation to Aldi at Kippax and also at Conder.

There were also a lot of comments made in the committee meetings, even in the couple of meetings I attended, and in the reports, about equity between all centres, consistency of policy and improvements in policy. Accordingly, some pretty reasonable recommendations were made that I did not have any trouble supporting. Certainly, the recommendation that the government facilitate more open competition through the application of more flexibility in land use policies to provide the best opportunity for business to develop in the ACT is terribly important. It worries me with this particular government is not doing enough for business and is not doing enough to provide the best opportunities for businesses to develop here. Regarding things such as what we are talking about here—flexibility in land use policies—we do see some serious deficiencies in how this government and its department are going about it.

There are other areas that I could mention—for example, payroll tax. It is clear that if you ease that tax you will encourage business. There are many areas in which this government needs to do more, but clearly the committee felt that, in this inquiry, on this limited issue, there should be more flexibility in the land use policies. That, in itself, will assist greatly to give business the opportunity it requires. If there is any way we can speed things up, that would be wonderful. I hear constantly from people interstate and overseas in other developed countries that it does not take very long to get things approved there. However, in Canberra, there are still some fairly significant improvements that can be made.

We recommended that the government take a more flexible approach when applying land use policies to allow for outcomes that will benefit the community. Again, this ties in very nicely with No 1 because here we are looking at something that, quite clearly, a large number of people in our community would feel the benefit of. It is a cheaper option, a different option, something that is very important to the consumer. Not everyone can afford to shop at topnotch places. It is crucially important we have a good range and a good choice so that people can shop around and get a good bargain.

Recommendation 3: the committee wanted the government to reassess the current land use policies as they apply to Canberra town centres to ensure that that same consistent

approach is applied to developments that are being proposed. I know my colleague, Mr Hargreaves, had some problems in relation to what had applied down at the Hyperdome and how the markets had been badly affected by the development there.

There are some geographical differences between Tuggeranong and Belconnen. The Belconnen markets are a unique and distinct entity. They are quite a way away from the town centre, so it is a pretty good walk. It would take you 10 or 15 minutes. To do it in 10 minutes you would have to be walking pretty quickly. They are about a kilometre or more away, so there is a big difference: the markets at Tuggeranong were 50 to 100 metres behind the Hyperdome. I am well aware that developments and the building and construction work sent quite a few businesses to the wall there.

I can recall concerns expressed by my old mate Pat Feneley from Platform 3 who was very concerned about it but managed to survive, although it was touch and go for a while. Other businesses there were not quite as fortunate. However, that is a bit different. The recommendation is a very sensible one. We do need a consistent approach to proposed developments. I do not think that Canberra's suburbs are so different from each other that a consistent and fair approach cannot be applied to developments, so I think that is a sensible recommendation.

Recommendation 4, similarly, recommends that the government does not give any approvals "until there is publicly transparent evidence available of: the complementary nature of such redevelopments between all of the Group Centres in the Belconnen Precinct", and again the "the retention of individual competitiveness for each of the shopping centres". I know that is a difficult equation but it is something Canberrans expect. Canberrans are fundamentally very fair people and we would want to see that occur.

Of course, the report mentions the "balance of the competitive position between each of the five Group Centres in the Belconnen Precinct, including the Belconnen Town Centre, the Jamison Centre and the Belconnen Markets". In the course of the committee inquiry, there were a few misnomers: Kippax was treated as though it was a lot geographically closer to Belconnen than it really is. The committee has fixed that one. It is really quite distinct: it is outside the five-kilometre radius so it really is in a different position to the location indicated in some submissions.

All in all, I appreciate the chance to be part of this inquiry. It is a very important one, as is proper planning, having sensible regulation, ensuring that people do have choice and that there is competition, that the market can apply and that we continue to have good quality developments and good quality choices for the consumer in Canberra. At the end of the day, that is terribly important. It is also important that the government takes into account, and does not disregard, the clear wishes of a lot of people in our community. Quite clearly, this issue is of concern to quite a few shoppers who would like to see an Aldi-type market at the markets. There are many issues there that the government should consider and I commend the report to the government.

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

Public Accounts—Standing Committee
Report 8

MR SMYTH (Leader of the Opposition) (12.03): Mr Speaker, I present the following report:

> Public Accounts—Standing Committee—Report 8—*Revenue Raising Issues in the ACT*, dated 25 February 2004, together with a copy of the extracts of the relevant minutes of proceedings.

I ask for leave to move a motion that the report be authorised for publication.

Leave granted.

MR SMYTH: I move:

> That the report be authorised for publication.

Question resolved in the affirmative.

MR SMYTH: Mr Speaker, I move:

> That the report be noted.

Mr Speaker and members, *Revenue raising issues in the ACT* is a very interesting report from the Public Accounts Committee. The Public Accounts Committee determined to look at this in late 2002 and the amount of discussion that we have had in the deliberative phase of the inquiry is an indication of just how complex an issue this truly is.

There are 16 recommendations in the report. With regard to raising awareness about how we raise revenue, recommendation 3 is very important. The committee has recommended that the community engagement unit be tasked with developing a strategy to inform the community about how revenue is raised and what the limitations are. Because of the small number of submissions that we received, I suspect that the community understands little of how its taxes are raised, how we take taxes off the public and then how we spend them—how we make those decisions. It is very important that people realise how their money is being spent.

There was a small article in Monday's *Canberra Times* that said people were willing to pay more taxes if it was spent specifically on health. Such issues are the ones that we need to look at as legislators and that we need to talk to the community about, so they understand what does go on around them.

Mr Speaker, we considered the evidence we received about our revenue-raising capacity against the terms of reference criteria of adequacy, equity, efficiency, certainty and sustainability. I think it is fair to say that, in relation to adequacy, we concluded that the ACT has significant limitations on its revenue-raising capacity and that there could be some merit in considering guidelines that could be used to determine the adequacy of the revenue-raising measures and policies as they are currently in place.

In relation to equity, we concluded that achieving equity in the impact of revenue-raising measures should be a fundamental objective. An important part of achieving equity is minimising avoidance, and where possible revenue-raising measures should be progressive in their application.

In terms of efficiency, we concluded that the ACT, as a small jurisdiction, is not likely to have the economies of scale with respect to the administration of taxing measures that other jurisdictions do. Consequently, some revenue-raising measures that lack efficiency, such as stamp duty, could be replaced wherever possible.

In relation to certainty and sustainability, we concluded that there are issues related to sustainability in raising revenue in the ACT and that the limited availability of land and the relatively high dependence on land-related revenue-raising measures in our revenue mix are of concern. There are also important questions about the methodologies adopted by the Commonwealth Grants Commission because of the implication of those methodologies for funding provided to the ACT, particularly with respect to such matters as the cost imposed on the ACT of being the nation's capital. I think we all saw the reports yesterday indicating that there is potentially a reduction earlier.

The committee came up with 16 recommendations, and I will run through them quickly, Mr Speaker, because all merit consideration. First, in recommendation 1, in regard to the revenue that flows to the states from the GST, we believe it is important that we look at the real potential for the increased revenue to flow, particularly given that over a number of years the estimates that have appeared in budgets have been very inaccurate. We have to be clear about what it is that the GST means to the people of the ACT. That also means that you can look at the adequacy of compensatory measures that are put in place to offset the effects of the GST. That is very important if we are to achieve equity.

Recommendation 2 looks at the next stage of tax reform in this country given that, under the intergovernmental agreement, there was the potential to abolish certain other revenue-raising measures. That is due in about 2005 and we would be urging the government to assess whether there is the potential to remove some taxes as the revenue from the GST increases.

I have already looked at recommendation 3—that we do more to educate the public on revenue raising and how we spend revenue. Recommendation 4 is particularly important, and it goes as follows:

> Without compromising social considerations, the Government review those tax lines which have been assessed by the Commonwealth Grants Commission to be below the average revenue raising effort with a view to improving the ACT's overall revenue raising effort.

This is important and it is linked very closely to recommendation 12, which is about gambling. What the Grants Commission has done is say, "This is what you should be able to raise from these sorts of revenue and we think you ought to make sure that you get 100 per cent of it." The committee has some grave concerns about the fact that one of those lines is gambling. What the Commonwealth Grants Commission seems to be saying is, "Yes, get more out of gambling,"—out of people who have a problem with

gambling, Mr Speaker. Let's have no mistake about it. The evidence given to the committee bears that out. I will talk a little more about this when we get to recommendation 12, because I think it is important.

Recommendation 5 talks about minimising tax avoidance. I think we would all agree with that. If it is legitimate it should be done; if it is not legitimate then the government should make sure it gets all the revenue it can from the sources the legislation allows. Recommendation 6 is also about current taxes, and it asks the government to consider whether the taxes are regressive, whether that is a good thing and whether it should be looking for tax alternatives that are progressive.

I think it is fair to say that recommendation 7 will raise some interest out there in the community. The recommendation is that, "The Government assess the potential equity benefits of broadening the land tax base." I think it is important. This is work that the committee is not able to do as it does not have the necessary number-crunching ability. The point that the committee wanted to make on this recommendation was simply that we have a narrow frame at the high end and some of the evidence given was that that is stifling investment, or that those charges are simply passed on to the tenants of those investment properties. Is there a way to reduce the impact on low-income earners and those in the private rental market by broadening the base? I think this will stimulate some debate in the community.

Recommendation 8 looks at reviewing the social and environmental sustainability of current taxes on motor vehicle ownership and use. If you talk about user pays, a relevant interesting question is: if you use a bigger vehicle and you use it more often, should you pay more for the registration? We have shied away from this for a long time simply because of an inability to collect the data. However, smart systems are now available that can tell us how many kilometres a vehicle is doing by providing tagging that allows that to happen. This raises the possibility that, if you are a part of the group that believe that motor vehicles are having a substantial impact on the environment, you could be asked to pay more for that ability.

Recommendation 9 asks the government to look at the efficiency of social, economic and environmental sustainability impacts of the current stamp duty system and, whether in connection with recommendation 7 or not, perhaps some conveyancing tax should go when it is considered in the context of the broader issue of land tax. Of course, that also ties up with recommendation 2, which is about the potential to abolish certain revenue through the intergovernmental agreement. When the GST was first put in place, some of the taxes that were mooted to go were stamp duties and payroll taxes, so these are all linked.

Recommendation 10 talks about how we might build a bigger base by providing incentives for attracting businesses to the ACT. It asks whether providing tax incentives is the best way. It asks why we do not look at other ways in which we might attract people to the ACT.

Recommendation 11 is very important given the social plan that we discussed yesterday in this place. It talks about having a comprehensive concessions policy. I note that the government, in its social plan, does talk about having that, but it has been going on for a long time. The former government established a review into the concessions that were in

place and were being implemented. That review was completed in the time of this government. We are yet to see the review or hear from the government what its concessions policy would look like. All in the committee would be interested to see that.

Recommendation 12 asks the government to write to the Commonwealth to ask it "to review the Commonwealth Grants Commission's insistence that State and Territory Governments maximise their revenue from gambling". Currently—and we should be quite proud of it—ACT governments underachieve in their collection of revenue from gambling. The ACT figure is about 0.68 on a standard of 1. That is a good thing simply because, if we raise the amount of revenue we get from gambling, the evidence to the committee was simply that we would be taking that out of the pockets of the problem gamblers. We are all very much aware of the problem that that causes in our society, but to have the Commonwealth Grants Commission say that we have the potential to raise taxes from people who are already doing damage to themselves, their family, their friends, their businesses and their community is certainly not, we think, socially responsible. We should review that.

If there is reasonable potential, maybe you would consider it. But for us to raise by almost 50 per cent the taxation we currently collect would be a retrograde step, particularly when you look at the experiences of New South Wales and Victoria, which are heavily addicted to gambling taxes. Okay, you might take with one hand, but you are certainly paying it out on the other hand. You are robbing Peter to pay Paul because this money is going back out into the community to alleviate other social concerns.

That leads to recommendation 13, which asks that further research be done to establish the extent and the nature of problem gambling in the ACT. There are still large gaps in our knowledge of the effect of problem gambling in the ACT. We can only build on that with more research. The chair at the ANU has been endowed and is operational and that is a good thing. I think we have to fill in the gaps, particularly by investigating problem gambling in different cultural groups in the ACT. That is something that I suspect has not been done.

Following from recommendations 12 and 13, 14 calls on the government to address some of these problems in a number of ways: stricter regulation, better evaluation, monitoring and enforcement, and ensuring that appropriate amounts of revenue do go to addressing problem gambling. They are all linked. It is a very important part of what we do. If we are forced to raise revenue collected from problem gambling, I believe—and I think it is fair to say that the committee believes—we are making a rod for our own backs, and we simply should not be doing that.

Recommendations 15 and 16 look at some green taxes and we certainly believe that these should be consistent with the Office of Sustainability's indicators about environmental sustainability when they are issued. We still await those indicators. It is very important, if we are serious about a commitment to sustainability—and I do not think there is anyone in this chamber who is not—and we have the Office of Sustainability that has some indicators, that we raise revenue in accordance with those indicators.

There are a few comments on some pages of this report—which members will find—in which the committee expresses surprise on a number of occasions at, for instance, the

lack of detail in the government's own submission, the fact that it limited its analysis to the ACT's own source of revenue and the fact that there is very little mention of the GST, its implications and how we should be monitoring those. The government managed to leave about $109 million worth of revenue out of the information that it provided to the committee, which was about 10 per cent, so we thought there were some deficiencies in the submission. It is disappointing because it does limit the inquiry. We talked about it in the committee and we have decided to leave it at that.

Limited information was provided about the GST. The GST is a fact of life and it does provide a secure and substantial source of funds for states and territories. It should be recognised as that. To define revenue from the GST as Commonwealth grants is not appropriate. Let's face it, they collect it, they charge us a small administration fee and it flows back, so it is hardly a grant. It is money that we are entitled to under the IGA and under the legislation. Perhaps the Treasurer will clear this up when he speaks to the government response to the report by indicating why the government took that path.

Mr Speaker, this report is a substantial body of work. It has taken a substantial amount of time, and we thank those who gave submissions. I think the small number of submissions indicates not a lack of interest but the lack of knowledge in the community about how revenue is raised and how it is expended. I think it behoves us, as the members of the Assembly, to make sure that the public is aware of how they are taxed.

I do not think it is a breach of standing order 241 to reveal that there was a lot of discussion in the deliberative phase of this inquiry. It took the committee months to come to the final document. In the main, it is a consensus report. It is what the three of us, representing our various entities and our membership of the committee, thought we could agree on. With that, I thank members for their commitment and, in particular, thank the secretary of the committee for her fine work in herding us through this maze, as she has done so well so often.

MS TUCKER (12.18): I will make a couple of comments. Mr Smyth has summarised the report well. I comment particularly on the committee's position on the Grants Commission and revenue from gambling. I know it is not a new issue, but the fact that a committee of the Assembly has made a comment and recommendation to support any communication by the ACT government to the Commonwealth government regarding this matter I hope will be helpful. You cannot have a situation where a socially undesirable activity is being encouraged because of its potential for revenue raising.

Another interesting aspect of the report is the comments made generally on stamp duty, conveyancing and land tax. We have made a recommendation that the government has a good look at the impact of conveyancing and stamp duty on houses, because we know there is a vigorous debate in the community about the impact of this, not only because of its affect on society because of the difficulties it is presenting to first home buyers—or any home buyer, for that matter—but also with regard to its environmental implications. It is important for us to also take a broader look at land tax, the fact that it only applies to one sector at the moment and the impact that that is having on rental accommodation.

We had some really interesting evidence brought to the committee from tax academics that raised these broad questions for us to consider. It is a very helpful thing, because we all get caught up in how to apply the band aid, minimise the damage or try to deal with

the results of the current system, and no-one has the courage to say that we should step right back and have a look at the other ways in which we could deal with this. So what we have asked the government to do is model, for example, levelling land tax across all home owners and look at the potential for removing stamp duties and putting that into the land tax. We want to see the modelling done of that so that we can have an informed debate.

One of the recommendations of this committee is that we have an informed debate in the community. Everyone, no matter what political party they come from, has an interest in ensuring that we have reasonable revenue coming in but also that that revenue is raised equitably and is as environmentally responsible as possible. I am hoping that this will allow a depoliticisation of it, although that is probably a big ask just before an election. However, at least if the government did this work it might allow for a more objective conversation about the possibilities.

We also obviously have a section where we deal with environmental tax or the potential for environmental taxes. We have summarised some of the submissions in the report and have asked the government to have another look at this question. We make the comment in the report that one submission claims that over 80 per cent of residents in the ACT are supportive of increased taxes to enhance environmental services, so we know that there is community goodwill and understanding in this regard. I think that is also something that both major parties could work with in an objective way, which would have good outcomes for the environment. Tax can obviously be used as an economic instrument to change how we live on the planet.

I have to say that it is still a great disappointment to me that we lost the opportunity to achieve this in the GST debate in federal parliament. We never really had a big conversation about how we can change the tax system to change the environmental impact of human activities. Anyway, in the ACT we do have the potential to explore this. This is a unanimous report so we hope will see that matter explored further.

MR QUINLAN (12.24): I thank the committee for the work it has done. This is one of the most difficult commissions a committee has undertaken. I extend to its members my sympathy for the task that they had to undertake—to try to identify taxes. I will read it thoroughly and I am sure I will find a few million in there somewhere.

Question resolved in the affirmative.

Report 9

MR SMYTH (Leader of the Opposition) (12.24): Mr Speaker, I present the following report:

> Public Accounts—Standing Committee—Report 9—*Review of Auditor-General's Report No 9 of 2003—Annual Management Report for the Year Ended 30 June 2003*, dated 25 February 2004, together with a copy of the extracts of the relevant minutes of proceedings.

I ask for leave to move a motion that the report be authorised for publication.

Leave granted.

MR SMYTH: Mr Speaker, I move:

> That the report be authorised for publication.

Question resolved in the affirmative.

MR SMYTH: I move:

> That the report be noted.

Mr Speaker, the review of the Auditor-General's report 9 is in fact a review of what I think you could consider as the Auditor-General's own annual report for the year. The committee enjoyed looking at this because one of the functions of the Public Accounts Committee is of course to take a great interest in the Auditor-General and the function that that officer's office performs. With that in mind, the committee made four simple recommendations.

The first recommendation suggests that the Auditor-General consults with the Standing Committee on Public Accounts about the program that she is going to undertake at the commencement of each calendar year. One of the functions of the committee, of course, is to recommend to the Treasurer that the proposed budget for the Auditor-General's Office be adopted. Given that that office knows clearly what it is going to do and that it does consult with members—it does an annual survey—it would be appropriate, without interfering with the functions of the Auditor-General, for there to be some more formal dialogue without legislating for it, so that the committee is kept abreast of the inquiries that the Auditor-General's Office undertakes.

Recommendation 2 will be of interest to some and not to others. The auditor has recommended some changes to the act that would allow the Auditor-General's Office to report in different ways. These recommendations were not picked up by the government; it is the majority view of the committee that they should be included when amendments to the Auditor-General Act are brought to this place in the next period of time, and that the government includes the proposed amendments to sections 34 and 19 as proposed by the Auditor-General. We think it is important for accountability and would certainly look forward to a fuller explanation from the government as to why it would not like those two sections to be amended.

In regard to recommendation 3, in 1996 this place incorporated into the Auditor-General Act that when performance audits are done they incorporate environmental concerns. The definition of "environment" at that time included social outcomes. It has been of concern to this committee, since I joined the committee, that that does not appear to have been done effectively. That is not a slight on the Auditor-General and the office. It is a new and emerging area and we just feel that it is something that has not received emphasis.

We had debate with the Auditor last year about the adequacy of the budget and about whether there was enough training money in the budget to get staff up to speed. One of

the problems for them is that there is no course that you can do: one member of staff did a one-day course or seminar and brought that knowledge back to the Auditor-General's office. However, we think that, if we are serious about sustainability—as we said in the last report—and we are serious about making sure that, where we do do audits, we really get to the heart of them and examine not just the financial elements but also the spin-offs of those into the environment and the social outcomes, then it is very important that the auditor report on this. Where it is done, that would be fine. Where it is not done or cannot be done, the auditor should outline within the report the reasons for that.

Following on from that is recommendation 4, in which we recommend that the Auditor-General's Office budget be increased to take into account the implications of recommendation 3. We want to examine the potential for setting up a dedicated environmental and social auditor position in the office. If there is not the expertise and it is hard to buy the expertise, then we have to start growing our own. We think that, for a small amount of money in the overall scheme of things, an additional position should be created that would allow these audits to be done in compliance with section 12 (2) of the Auditor-General Act.

It was an interesting report to do. The issues of sustainability and that sort of audit are matters that we have looked at several times over the last couple of years. I commend the report to the Assembly.

MS TUCKER (12.30): As the member who initiated the original amendment to the Auditor-General Act 1996, I would also like to make a few comments on the recommendation regarding triple bottom line reporting, so that, in the conduct of a performance audit, there is the potential to take environmental issues relevant to the operations being reviewed into account as part of the work of the auditor. It is time that we resource the auditor's office appropriately to pick this up because we now have an Office of Sustainability, we are having indicators developed and things have definitely moved since I first proposed this amendment and it was supported by the Assembly. It is timely that now a committee of the Assembly is saying to the government that this work should be recognised and resourced properly.

I look forward to a positive response.

MS MacDONALD (12.31): I will speak briefly about recommendation 2.

MR SPEAKER: Ms MacDonald, I do not want to interrupt you, but it is about 12.30. Would you rather deal with it later?

MS MacDONALD: I will be one minute, Mr Speaker.

MR SPEAKER: Okay, that is good.

MS MacDONALD: I have no intention of going any further than that. I wanted to place on the record that I have dissented from recommendation 2, in which the majority of the committee indicated that it believed that there should be amendments to sections 34 and 19, as proposed by the former Auditor-General, and that this should be incorporated into the government's amendments to the Auditor-General Act.

I wanted to say that I did think about it and that, having thought about it further, I do not believe it is the way that we should be going. I also do not think that the Auditor-General addressed all of the concerns raised by the government. Some of those were not fully discussed, so I dissented from that recommendation.

Question resolved in the affirmative.

Sitting suspended from 12.33 to 2.30 pm.

Distinguished visitor

MR SPEAKER: I acknowledge the presence in the gallery of Mr Banuera Berina, Chairman of the Standing Committee on Privileges in the Parliament of Kiribati.

Questions without notice

Bushfires—declaration of a state of emergency

MR SMYTH: My question is to the Chief Minister, Mr Stanhope. Chief Minister, in question time yesterday you stated that the cabinet discussed the 40 to 60 per cent probability of declaring a state of emergency in connection with a potential threat to electricity infrastructure. You said:

> There was a discussion about the potential for the fire to impact on the electricity lines coming in to the ACT, across Namadgi National Park and the Brindabellas, a potential scenario being that if arcing was created as a result of smoke, ash, soot and other impediments in the air, an electric surge could essentially cause the Macgregor substation to do whatever they do—surges happen—resulting in 80 per cent of the ACT being left without electricity.

Minister, today's *Canberra Times* reports that ActewAGL was warned about the need to ensure good water pressure in the western suburbs of Canberra but not about a significant threat to powerlines carrying 80 per cent of the ACT's power. Chief Minister, why was ActewAGL not warned about the threat to the powerlines, given that you claim that the discussion of the 40 to 60 per cent possibility of declaring a state of emergency was prompted by a significant threat to the ACT's power supply?

MR STANHOPE: As I said yesterday, it was my memory that the discussion in relation to the state of emergency and its declaration at the cabinet meeting was in relation to potential blackouts of 80 per cent of Canberra as a result of damage to electricity infrastructure. That was my memory. It may be that others have a different memory of that, but that was my memory. That was raised again as a possible scenario as a consequence or one of the potential impacts of the fire. I think that was the information that was interesting to the cabinet. It was a potential or a potentiality that had never occurred to me. It was something that I had never understood—

Mr Quinlan: Ionisation.

MR STANHOPE: Mr Quinlan is something of an expert on this and has something of an understanding of these issues. I did not. I had never before been made aware of the

prospect of a fire or the matter in the air as a result of fire—soot and smoke creating the circumstances where power lines would arc and generate faults. My memory of the discussion that led to the issue of the declaration of the state of emergency being raised was as a consequence of a discussion around a potentiality that the Emergency Services Bureau was aware that there could be power failures in Canberra as a result of the fire front meeting the major powerline that travels through Namadgi—I do not know its exact route but it travels through Namadgi and the Brindabellas; I presume it is the transgrid line—and that there was raised this possibility.

To put the discussion in context, though, at that stage the fire had not reached, as I understand it, those powerlines. At that stage it was not a live issue; it was a theoretical possibility; a scenario was painted that there could be major issues in relation to power supply in a certain circumstance. I would imagine—I have no memory of it but I am saying that this is how I imagine the discussion may have proceeded—that somebody, either one of those making the presentation or one of the members of the cabinet said, "Well, what would happen if 80 per cent of Canberra was blacked out?" I cannot remember specifically how the conversation went but I imagine the response to that, from Mr Castles, Mr Lucas-Smith or whoever it was that made the comment about a declaration of a state of emergency—I believe it was Mr Castles—was something like, "Well, if 80 per cent of Canberra blacks out, you can imagine the turmoil that would be created. Just go for the obvious things—no traffic lights, no this and no that. Just imagine if 80 per cent of Canberra suffered a power failure; there would be enormous implications." In the context of that, somebody said, "What would we do?" and the answer was, "Well, you would have to declare a state of emergency." That is as I imagine the conversation went. It certainly was discussed. I do not remember who said what or who asked the questions or exactly how it was generated, but there was a conversation around a state of emergency and, to the best of my memory, it followed a conversation about the potential for arcing in powerlines in the Brindabellas.

MR SMYTH: So, therefore, Chief Minister, are you saying that there was no discussion of the threat of the impact of the fire on the urban edge and you would have us believe that the discussion of procedures for the state of declaration of emergency on Thursday, 16 January was not based on the same considerations that prompted the discussions on 18 January—the need to evacuate residents and the impact of the fire on the urban edge?

MR STANHOPE: That is my very clear memory. My clear memory is that the discussion around a state of emergency at the cabinet briefing was related to a discussion around electricity supply and was not a discussion around the potential for a state of emergency as a result of the fire front potentially impacting on the urban edge. As I have indicated previously, the cabinet was not left with any real feeling of anxiety around that as a potentiality. Each of my colleagues went to that issue yesterday, and I do not believe, in the context of the briefing that we received and the fact that there was no position put that anticipated that as an outcome at that time—namely, Thursday morning, the l6th—that the discussion around the state of emergency related at all to the circumstances in which a state of emergency would be required in the event of a real and imminent threat to residences or to the urban edge or to the suburbs, because, as I said, the briefing did not go to that as a real or anticipated possibility at that stage.

Health—Canberra Hospital

MRS CROSS: My question is directed to the Minister for Health. By way of background, it is necessary for me to first read a brief letter I have received. It states:

> I writing to complain about the services provided by the Canberra Hospital casualty department.
>
> My daughter was taken to the Canberra Hospital by ambulance on 17 February this year when she was injured at school. Due to the lack of resources and as my daughter's injury was not life threatening, we were advised that there would be a long wait.
>
> This was at 5 pm, so I rang my own doctor and was able to get an appointment at 10 am the following day. There were patients waiting since 10 am that morning. I informed the nurse that I could see my own doctor the following day and she explained that that would be earlier then I would see the doctor in the casualty department.
>
> They kindly lent me the wheelchair to enable me to get my daughter to the car and she has received excellent medical attention from my doctor, external radiologist and physiotherapist.
>
> Our wait at casualty could have been over 17 hours. NSW ambulances were continually bringing in very ill people, which naturally pushed the less ill patients down the cue.
>
> I was very annoyed to hear Simon Corbell's reply last week, to complaints that our casualty department is in serious trouble. My experience on the 17th February 2004 certainly demonstrated to me that we need to address the Canberra Hospitals lack of resources as an **URGENT** priority by our local and federal government.

I will not read the rest because it contains private details. That is the letter.

My question to Minister Corbell is: where does the truth lie between what is in this constituent's letter and what was going on on radio on 18 February when you claimed there were no real problems with queues in casualty at the Canberra Hospital, despite the recent spate of complaints about growing queues of patients waiting to be treated? Both sides cannot be right.

MR CORBELL: I have never said that there are no queues of people waiting for treatment at our emergency department. I said that, when you look at the national averages of waiting times for people being treated according to their triage category, you see that Canberra Hospital is right at the top. Canberra Hospital is one of the best performing hospitals in the country when it comes to meeting the nationally agreed criteria for waiting times based on triage category.

That is not to say that there are not delays in our emergency department; of course there are—there always have been; always will be. The emergency department, by its very nature, deals with an uncertain volume of people coming in. You can have a heap of very seriously ill people come in within 10 minutes. You can then have fewer people with less

injury or illness over the next 24 hours. The nature of an emergency department is that the volume of work is unpredictable. That means that at times of high volume people wait longer.

I can appreciate the concerns of this mother whose letter you quoted from. As a parent I would have exactly the same concerns. But the bottom line is that our hospitals work on a triage arrangement. Those with the most serious illness get the most immediate treatment. I do not think anybody is saying that that should not happen.

For the benefit of members I outline the steps taken by the government to improve resources. That is the question that your constituent asked. In 2002-03 the government increased funding by $300,000 to address the 4 per cent growth in emergency department presentations from the previous financial year. In 2003-04 we provided an additional $420,000 to fund these increasing emergency department presentations. There have been significant increases over the past two years to improve resourcing in our emergency department.

On top of that, we have taken significant other steps at both Calvary Hospital and Canberra Hospital. For example, at the Canberra Hospital a new communications clerk has been stationed within the ED to facilitate patient flows and communications with GPs, freeing up nursing staff to deal with the one on one treatment they need to give, along with medical staff.

Extra wardsmen have been rostered in the ED to assist with heavy patients and to facilitate transport out of the ED. The link service has a clinical liaison nurse stationed in the ED. The nurse aims to see all patients coming into the hospital via ED, and any clients passing through the ED without seeing the clinical liaison nurse are seen in the wards within 24 to 48 hours.

Late last year I opened the new clinical decisions unit at Calvary Hospital, which was established to improve case management of the flow of patients through the accident and emergency department. This allows better service and reduced length of stay. Wherever possible, it allows for people admitted to the ED who do not need to go into a ward time to be observed in a hospital setting prior to their being released to their home.

The government is taking significant steps. Emergency departments will always be busy places. Emergency departments will always face questions at a particular time during the year. But the bottom line is that, on nationally agreed data, our treatment times are some of the best in the country. The government is increasing funding to our emergency department to meet the growth that is occurring.

MRS CROSS: Is the minister prepared to stick his neck out and not settle for being right at the top of the waiting list—in other words being the least longest waiting list—

Ms MacDonald: I rise on a point of order. This is a preamble.

MRS CROSS: No, it is a question, which started with, “Are you prepared”. Listen. Are you as a minister prepared to stick your neck out and not settle for being one of the best waiting lists in Australia and show the Canberra community that you put its interests first

by doing something more committed and serious to reduce the 17 hour wait for people in that ward to least a quarter of that? Are you prepared to make that commitment?

MR CORBELL: Unlike Mrs Cross, I am not prepared to be naive.

Bushfires—forestry settlements

MR STEFANIAK: My question is to the Minister for Disability, Housing and Community Services, and Minister for Police and Emergency Services. The fire brigade was sufficiently concerned about the danger posed by bushfires in January 2003 that it warned a number of agencies. Specifically it warned Val Jeffery, the captain of the Southern District Bushfire Brigade, of the threat to Tharwa, and ACT Housing about the threat to residents of Uriarra, Pierces Creek and Stromlo forestry settlements. Val Jeffery was responsible enough to warn the citizens of Tharwa about the impending inferno. ACT Housing did not warn the residents of Uriarra, Pierces Creek and Stromlo forestry settlements, leaving them to fend for themselves as best they could on 18 January 2003. Why didn't ACT Housing warn the tenants in the forestry settlements?

MR WOOD: I am not sure about that. I would like to take that on notice and thoroughly check the details of the lines of communication and what happened.

MR STEFANIAK: I note the Minister will take my first question on notice, but as a supplementary I ask why did he fail in his duty of care to his tenants, given that on Thursday the fires were well within striking distance of the Uriarra forestry settlement?

MR WOOD: The information I have is that ACT Housing was advised of a likely problem in Uriarra and that it had been advised by ESB that ESB was in the stage of advising Uriarra tenants that it would be suggesting to them they should evacuate, or they might think about evacuating. Since ESB was doing that task, I am not sure that ACT Housing would want to duplicate it. Housing was certainly aware of the circumstances there and I would think it would have confidence that people were being told. But, as I say, I will get the precise information to the member.

Bushfires—declaration of a state of emergency

MRS DUNNE: Mr Speaker, my question is to the Chief Minister. In question time yesterday I asked you how you reconciled your claim that you were first informed that a state of emergency might be necessary "between 2.00 and 2.30 on Saturday, 18 January" with the evidence before the coroner that on 16 January cabinet was told that there was a 40 to 60 per cent chance that a state of emergency would have to be declared. In the answer that you gave yesterday, you said, among other things:

> This is all ifs and buts, and if this happens and if that happens … It was theoretical thinking being engaged in … I think the answer was that either Mr Castles, Mr Lucas-Smith or perhaps even Mr Keady said, "If we lost 80 per cent of our electricity, we would probably have to think about whether or not you needed a state of emergency declared."

I appreciate, Chief Minister, that if it were hypothetical, you might not have total recall about the assumptions behind that hypothetical. But are you definitely asserting that you were not told at the time of the briefing, on the basis of the actual conditions then

applying, that there was a 40 to 60 per cent chance that a state of emergency would have to be declared?

MR STANHOPE: I am asserting that, Mr Speaker.

MRS DUNNE: Mr Speaker, I ask a supplementary question. So you are asserting, Chief Minister, that after the briefing on 16 January you did not come to the conclusion that you might have to declare a state of emergency in any other circumstance?

MR SPEAKER: I think he has answered that.

MRS DUNNE: No, he has not answered that.

MR STANHOPE: I do not think I can answer it. I am not quite sure what it means. I have given an outline of the briefing that the cabinet received in relation to a number of issues. Those issues were noted.

Let me just say: there was no suggestion at the briefing on the Thursday morning by the Emergency Services Bureau—there was no suggestion or recommendation or even assertion—that it was inevitable that a state of emergency would need to be sought. I have explained that my understanding of the briefing and the discussion around a state of emergency at the briefing on the Thursday related to a discussion that had ensued about the implications of the fire impacting on electricity infrastructure; the implications of the possibility of arcing being a result of particles in the air; and the potential, as a result of the fact—as I understand it, as we were advised at that time; something else that I did not know until that week—that 80 per cent of the electricity supplied to the ACT is supplied through a single substation, and that is the Macgregor substation.

There was a real concern that if that substation were impacted in that way, 80 per cent of the power supplied to the ACT would fail. One can imagine in that circumstance that there would be some very serious consequences. One would need, of course, to think about how this might best be handled, and one way of handling that circumstance would be through the declaration of a state of emergency. As I have said, that is to my memory what ensued. Let me also say, however, that it may be that others do not have that same memory. But that is my memory.

I have indicated on a number of occasions, Mr Speaker, that I have been called to give evidence next Monday. I have not read the submissions or statements of any other witness. I have not read any of the transcripts. My approach and attitude to this is that it is vitally important that all the evidence of all witnesses be placed before the coroner and the coroner present her report on the basis of all the evidence.

I do not know what other witnesses are saying. All I know is what I can recall. I have said—and I am saying honestly—that my recollection of the cabinet meeting is that there was a broad discussion around the effect or implications of the fire impacting on electricity infrastructure, namely the potential for arcing to occur and the impact of that on the Macgregor substation, and the implications of the Macgregor substation failing on the electricity supply to the whole of Canberra. And, of course, in the context of that, it would be obvious to ask, "Well, what would we do then?" and there was then a discussion around the mechanics for the declaration of a state of emergency.

As I say, it was a discussion around the mechanics for the declaration of a state of emergency. It was not a recommendation that there be a state of emergency or we ready ourselves for the declaration for a state of emergency. It was a discussion around how it works and, in the context of an 80 per cent power failure to the whole of the ACT, it is, of course, one of the things that would perhaps result.

Of course, the opposition, thinking they are on a winner here, is looking for some connection between the briefing and the actions of government and ministers; and the fact that the disaster that occurred on the Saturday had been forewarned, that we were advised, that we should have been anxious, that we should have responded differently.

We need to put this in context. There were four ministers at that briefing—myself, the Deputy Chief Minister, the minister for emergency services and the Minister for Health. It is fair to say—and they can answer for themselves—that over the last two days Mr Quinlan and Mr Wood have given their responses to their impression of the feeling and the context of the meeting, and it is the same as mine, namely that we were not advised that there was any need at that time for undue anxiety in terms of the potential for the fire to impact on the urban edge. We all left the meeting with that position.

Mr Quinlan indicated yesterday that as a result of the briefing and the fact that he did not have that level of anxiety, he travelled to Melbourne for the weekend. Mr Wood went on holiday. Are you seriously suggesting—

MR SPEAKER: The minister's time has expired.

MR STANHOPE: that we as a cabinet, having received a briefing that raised our levels of anxiety, walked out and said, "Oh well, that was interesting, wasn't it". We did not.

MR SPEAKER: Order! The minister's time has expired.

Women's sport

MR HARGREAVES: My question is to the minister for sport. As the minister knows, I have been keen for some time on promoting sporting achievements by women in the ACT and providing opportunities for that success. In the light of International Women's day, I ask: what has the government been doing lately in promoting women's sport?

MR QUINLAN: I thank Mr Hargreaves for the question. I do recognise the support and advocacy he has given in relation to women's sport. I think that it is probably a good idea to introduce a bit of a brighter note into this place. In recent times it seems to have been descending somewhat.

When this government came to power the Capitals basketball team, for some reason, did not receive the same level of government grant funding as did the Canberra Raiders and the Brumbies, even though the Raiders and the Brumbies got a whole lot of subsidiary benefit from the agreements they had in relation to the stadium formerly known as Bruce. At that time, this government increased the funding to the Capitals. I have to say that they have been very successful. It increased the funding to the Canberra Eclipse, the women's soccer team. They won a title and they have a high representation in the

Australian Matildas. We have introduced the three for four rule for poker machines and increased funding flows directly to women's sport, increased the actual donations.

Beginning with the 2003-04 budget, the current budget, we have introduced $80,000 per year to provide for women's sport, $60,000 of it direct to sports programs for women and $20,000 for five coaching scholarships for women in sport. We have introduced an actively ageing program. Let me say that it has over 100 participants already and is growing. About 65 per cent of the participants in that are women. So it goes from activity in the local school hall right through to our elite teams.

This morning I had the great pleasure of farewelling three ACT Academy of Sport cyclists: Oenone Wood, a national champion—if you have not heard of her you do not read the paper or watch television; and Margaret Hemsley and Alison Wright, who are in the shadow Olympic cycling team. While I am on my feet I congratulate ACTAS's women's cycling coach, Warren McDonald, who is now the Olympic women's road team coach. The potential for Canberra and the ACT Academy of Sport to be represented at the Olympics and to share in the medals is very high. It is high, in part, because of the activities of the Academy of Sport.

Mr Speaker, I think that you would have to agree that overall this government has picked up and fulfilled its commitment to promote women's sport. We recognise that there is more ground to be made, but positive results are already being achieved and we intend to continue this push. It is pleasing to note that, in terms of the participation of girls in sport, the ACT ranks first in the nation. It is pleasing to note that there has been a tremendous growth in women's soccer and the participation of women in touch football, et cetera. I think that we have, amongst some of the dark matters that we have been going through in recent times, reasons to celebrate the performance of the ACT, particularly in women's sport.

Canberra—advertising campaign

MS DUNDAS: My question without notice is directed to the minister for tourism. Given that an interstate firm was chosen to produce the cover design for the "Do you see yourself in Canberra?" brochure, is the minister able to inform the Assembly what other firms were involved in the production of the "Do you see yourself in Canberra?" advertising campaign, including the production of the slogan? How many of those firms were based in Canberra?

MR QUINLAN: I cannot give the member a list of the firms, so I will take that question on notice. Interstate firms were certainly involved in the competitive process. When I discussed this matter with ACT Tourism I established that local firms were involved in the campaign process and that will continue to occur. As I do not carry that sort of detail around with me, I will take that question on notice and obtain those details for the member. As I said earlier, I have inquired about this matter. I have been assured that, where possible, given the competitive environment and the requirements that are placed on government agencies, local participation will be maximised. I will obtain those details later.

MS DUNDAS: I ask a supplementary question. The minister said that he would take my earlier question on notice. Would he also like to explain why interstate companies were

preferred? What will the government do in the future to support local companies to participate in tourism campaigns?

MR QUINLAN: The member should look at Competition Council requirements and policy to establish what can and cannot be done in relation to preferences.

ACTION bus service

MR CORNWALL: My question is to the minister for transport, Mr Corbell. On 2CC this morning the announcer read out an email he had received outlining that female bus drivers were taking their young children on their shifts and placing them on the front seat with toys to keep them occupied. A caller later claimed that male drivers were doing the same thing. That has prompted concerns for the child and whether the driver might get distracted if the child is upset, possibly causing an accident. Is this the government's idea of a family friendly workplace? If not, why is ACTION allowing its drivers to do this, given the obvious dangers to the child and the risk of an accident?

MR CORBELL: This is the first time I have heard such an allegation, but if Mr Cornwall has any better details of that allegation I am happy to investigate it further. I will certainly be taking steps as of today to clarify the situation and provide Mr Cornwall and the Assembly with further advice.

MR CORNWALL: I ask a supplementary question for clarification. Will the minister be coming back to the Assembly with further details about that problem on the buses?

MR CORBELL: I just said that.

Bonner concept plan

MS TUCKER: My question, which is directed to the Minister for Planning, relates to the environmental protection measures in the Bonner concept plan. I do not know whether the Minister for Environment would like to answer some aspects of that question. Tonight, as part of the development of the Bonner concept plan, there will be a public information display and people will have an opportunity to comment. One of the key issues that is listed on the flyer includes its relationship to adjacent land uses. The important environmental values of the Gooroo and Mulligans Flat reserves are a defining feature of adjacent land uses.

One pressing matter in this relationship between the new suburbs and the reserves is the location of bushfire buffer zones, and another is the intrusion of weeds. Has the need to protect these reserves from the impact of the new suburbs and other matters been taken into account in the concept plans? Will the minister table in the Assembly by close of business today any information that will be provided to the community at the meeting tonight as background information, or any other information related to the concept plan?

MR CORBELL: I do not have to hand details about the Bonner concept plan. I am happy to take the member's question on notice and to provide that information to her. In relation to the documentation that is being made available tonight, I understand that work on the Bonner concept plan is being done through a consultancy on behalf of the

planning and land authority. I am not aware of what material, if any, it proposes to make available tonight. I undertake to make inquiries and to provide that information to the Assembly today, if that is at all possible.

MS TUCKER: Did the minister take on notice the main part of my question, which relates to how the government is dealing with bushfire buffer zones and weed intrusion?

MR CORBELL: Yes.

MS TUCKER: The minister has given an undertaking to provide that information to the Assembly. I ask a supplementary question. On the question of weeds, is the minister aware of any work that this government is doing to discourage or prevent the sale of invasive weeds to Canberra residents?

MR CORBELL: The sale of invasive weeds does not fall within my area of responsibility as Minister for Planning. That issue would be managed either by my colleague Mr Wood as Minister for Urban Services or my colleague Mr Stanhope as the minister for the environment. I cannot answer the member's question.

Child protection

MRS BURKE: My question is to the Minister for Education, Youth and Family Services. On 10 February 2004 the Minister apologised to the Assembly for inadvertently providing an incorrect statement. She stated:

> On 11 December, before I was informed directly by the department of their failure to comply with the legislation, I also tabled the government's response to the standing committee on community services and social equity.
>
> Once this new information was brought to my attention, it was immediately apparent that the government's response did not, and could not address all of the serious issues contained in the committee's report and must be revised.

Yesterday the minister advised the Assembly that she received the fax from her department at 1.24 pm and delivered the government response at 3.59 pm. However, she failed to come clean in her response on the most important piece of information in her hands, namely, that the department had broken the law. Why did she not mention the fact that it had just been drawn to your attention that her department had broken the Children and Young People Act when she delivered her response?

MS GALLAGHER: I will check *Hansard* from yesterday, but I am fairly confident that I said it left the chief executive's office at 1.10, arriving at the fax machine in my office at 1.24. I did not at any time say that it was brought to my attention at 1.24. 11 December was a sitting day. As you can understand, in every member's office things are extremely iffy on sitting days—as they are on non-sitting days. As I have said in my ministerial statement, it was brought to my attention after I had tabled the government's response. I stand by that statement. I did not see the brief until after I had tabled the government's response. Once I saw the brief I immediately went and had a discussion with the Chief Minister. I did not get the fax at 1.24.

MRS BURKE: I ask a supplementary question. Why didn't the Minister's office advice her of the fax from the department before she delivered her ministerial statement, given that in her words it was immediately apparent that the government's response did not, and could not, address all the serious issues because of the information in the fax. If they could not do that, did they advise you at any time during the sitting day?

MS GALLAGHER: It was brought to my attention by my senior adviser after I had tabled the government's response.

Mrs Dunne: But during the sitting day?

MS GALLAGHER: During that sitting day. Yes, it was, because I had a conversation with the Chief Minister, I think in the anteroom, from memory. We had a discussion about what action needed to follow immediately following the advice of this. I guess you get a whole range of things coming in to offices all the time. I got a lot of questions about this. I got questions, why didn't the department tell me this themselves, as we were formulating the government's response? Why did they not tell me that they met the Community Advocate the day before I tabled the response, to put in train measures to brief me on this? While they were writing the brief, which I presume was not on the 11th, why did they not tell me then that they were about to advise me? There are a lot of questions about the timing of the arrival of that information. For it to arrive in my office on a sitting day and to be dealt with that same day, I presume around 5 o'clock when I had the discussion with the Chief Minister, is not a lengthy turnaround on any material coming into my office. It did not have "urgent" stamped on it. It was a fax. Nobody had rung to say, "We are about to send you some very important information which you need to read before you table the government's response." They are all questions that are currently being examined by the Commissioner for Public Administration. Again, as I said yesterday, Mrs Burke can keep going around and trying to prove that I have not told the truth at any stage in this, and she will simply be wrong. I have done everything I can to give her, and everyone in this place, the information about what occurred. There are questions going back to 1996 about this.

MRS BURKE: That's a furphy.

MS GALLAGHER: No, it is not a furphy. There are questions going back to 1996 about that. You can keep going around and we will keep fixing child protection, we will keep doing the work that needs to be done, and you can trawl through and try to accuse me of lying. The fact is at no stage have I lied about this.

Asbestos facility

MR PRATT: My question, which is to the Minister for Urban Services, relates to the handling of asbestos at the west Belconnen site. Minister, I understand that there is a pit at this site that is used for the disposal and storage of asbestos. I also understand that this pit requires maintenance to retain its functionality, including the pumping out of water that has collected in it. It has just been brought to my attention that there are some serious concerns about the way in which this site is monitored and managed and about the equipment, including protective clothing, provided to people working at this site.

Minister, what arrangements are in place to manage and monitor the operations of the asbestos site at west Belconnen? Have there been any instances of people working at this site not being properly protected from asbestos? Have there been any instances of access being gained to this site by people and animals that are not meant to be there?

MR WOOD: The circumstances around the asbestos pit would be fairly stringent. I do not have the details of them, but I have every expectation that there would be strong conditions and work standards and commitments that would need to be met. Mr Pratt has raised a significant issue if they are not being met. I will seek a report from my officers on that matter and get back to him.

MR PRATT: Minister, have any complaints been made recently to WorkCover about the operations of this asbestos site and has WorkCover contacted your department about this issue?

MR WOOD: I will check with the minister responsible for WorkCover and advise you of any connection between those agencies.

Food, wine and arts festival

MS MacDONALD: My question is to the Chief Minister. Next weekend, Canberra will celebrate Taste, the annual food, wine and arts festival. Can you tell the Assembly what there is to look forward to over the weekend? How has the festival grown in scope and size?

MR STANHOPE: A very exciting program to celebrate Canberra and Canberra Day will commence this weekend with Taste, which will be the precursor or lead-in to a week of fantastic events and a very significant celebration for Canberra and Canberrans. I must say that I was very pleased to be able again this year to launch the triple festival which will be held in 2004, that is, the very successful Canberra Balloon Fiesta, which is now part and parcel of Taste, Taste itself and Shannons Wheels.

Taste has been significantly upgraded. Extra and, I think, quite significant support and resources have been applied to Taste. Taste is now a weekend festival. Shannons Wheels has been in place for more than a decade and is one of the more successful, perhaps most successful, and enduring motor sport events, if I might call it that, in the ACT. It will be held on the same site, that is, Reconciliation Place and Commonwealth Park on the southern edge of the lake.

I think that this year, through the combination and the coming together of the three separate festivals, namely, Shannons Wheels, the Canberra Balloon Fiesta and Taste, there will be an enormous opportunity for Canberrans to get out and have some fun, to enjoy Canberra and to enjoy the community intercourse and the community connection that are part and parcel of a very successful community, which is what Canberra is.

Autumn is here and next week is Canberra's birthday. A number of events will be held next week, some of which will be particularly significant, such as the naming of the Canberra citizen of the year and the Canberra Day oration. This year Phil Chaney will deliver that oration. A number of other significant events will be hosted throughout the

week. Taste—a festival that is beginning to grow—has enormous potential for the showcasing of wine, food, entertainment and the arts in the ACT.

That festival, which will be held in conjunction with the Canberra Balloon Fiesta and the Shannons Wheels event, is an opportunity to attract the people of Canberra to a real celebration—Canberra Day. We, as Canberrans, should be proud and pleased to celebrate such a wonderful city and community, which has a burgeoning spirit and confidence in itself. We need to celebrate that spirit. From time to time some things in this community divide us and there are divisive public debates on a number of issues. We are aware of those issues. It is important to take this opportunity to acknowledge all the things that bind us as a community and all those things that bring us together.

Over the past year or so we have seen examples of that. We know of the strength and resilience of this community and the extent to which members of the community are prepared to work together to meet their aspirations. Canberra is a place that we all love. It is a place that we love to call home and it is a place that is dear to us all. Taste is a great opportunity to showcase what Canberra has to offer. It is a regional celebration, a celebration of the food, wine and arts of the region and, as such, it has enormous potential. Fifteen months ago I attended the Taste festival in Tasmania.

Mr Cornwell: Point of order: The person who asked the question should be listening to the answer.

MR SPEAKER: It would be a very cruel set of standing orders that made everybody listen to everything that is said in this place.

MR STANHOPE: It is important for us to celebrate all those things that are so wonderful about Canberra—its people, the community spirit, and the things that unite us and make us love this place so much. Included in that community spirit is a willingness to celebrate and enjoy Canberra together. I urge all members to attend Taste 2004. Radio station FM104.7 has sponsored the Skyfire fireworks display—a Canberra icon that will form part and parcel of the Taste celebration.

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

Supplementary answers to questions without notice

Bushfires—warnings

MR WOOD: I can confirm, Mr Stefaniak, what I said in the answer to the earlier question about the evacuation of Uriarra. In respect of that issue there were at least two phone calls on the morning of Saturday. One call was from ESB indicating to ACT Housing that they were warning the residents of Uriarra. The second call came a bit later when they said they were proceeding to evacuate residents of Uriarra. It was ESB who were doing that.

Housing—debt review committee

MR WOOD: Ms Tucker asked me a question yesterday about the housing debt review committee and I can answer as follows: ACT Housing are currently finalising the terms

of reference and arrangements for a debt review committee and the details will be announced shortly.

In developing those terms of reference Housing ACT has consulted extensively, including the following key community organisations: CARE Financial Counselling Services, Essential Services Consumer Council, ACT Shelter, Tenants Union, Welfare Rights and Legal Centre, and ACT Treasury. The terms of reference will be made available on the department's website and included in the tenants newsletter. It is intended that, initially, tenants will be referred to the debt review committee by Housing ACT managers and specialist managers, Welfare Rights and Legal Service and CARE Financial Counselling Services.

Students with disabilities

MS GALLAGHER: Yesterday in question time Ms Dundas asked me a question about the review of services to students with a disability and policy and mandatory procedures. I have had it confirmed that it is an internal review which has been completed which is, at the moment, subject to consideration by senior management. If Ms Dundas would like more information on that then I will be happy to provide what I can.

Child protection

MS GALLAGHER: Yesterday in question time Mrs Burke asked me a question in relation to the date on which I signed off the brief that I received on the 11th. Because Mrs Burke had some concerns about the sign-off date, I have a colour photocopy of the brief, which clearly indicates that I signed the brief off on 15 December 2003. I table that for the information of members.

For the information of members I also table the front of that brief, which clearly shows what the brief looks like when it is not signed. Also for the information of members I table a copy of the same brief, which arrived as a fax, with my notes of 11 December. I hope that clarifies the matter for Mrs Burke.

Paper

MR SPEAKER: For the information of members I present correspondence from the Chief Minister relating to the resolution of the Assembly of 10 December 2003 regarding the importance of government services being provided in the suburbs of Canberra.

Administration and Procedure—Standing Committee
Report 4—government response

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

> Administration and Procedure—Standing Committee—Report 4—Inquiry into InTACT as the Legislative Assembly IT Service Provider—Government response, dated March 2004

MR STANHOPE: I ask leave to make a statement.

Leave granted.

MR STANHOPE: I am pleased to present the government's response to report No 4 2003 of the Standing Committee on Administration and Procedure on its inquiry into InTACT service provision in the ACT Legislative Assembly, which was presented to the Assembly on 20 November 2003. Members will be aware that this is the inquiry that resulted from the tapping by members of the opposition, out of the office of the Leader of the Opposition, of the computer in Mr Wood's office—one of the most outrageous incidents that we have experienced in the Assembly.

The fact is that the Leader of the Opposition's office was used to inappropriately access the mail of another member of this place. There is perhaps no more appalling indictment of a lack of standards than to allow that sort of activity to be pursued—and certainly to be pursued through the office of the then Leader of the Opposition.

Before I go on to the detail of the report, I believe it is worth noting that at no stage has the Leader of the Opposition, or anybody in the opposition, felt the need to apologise either to the Assembly or to the minister affected for the fact that the minister's mail was accessed and read. There is no more appalling invasion of privacy than that—the office of the Leader of the Opposition being used to read somebody else's mail. And this is the party that will not support the inclusion of the right to privacy in a bill of rights!

Mrs Dunne: On a point of order, Mr Speaker, I am trying to get some clarification. I thought this was a government response to an Assembly report. I am just flicking through the report to refresh my memory, but I do not recall any recommendation in this report that anyone needed to apologise to anybody. Is that the case?

MR SPEAKER: The minister is entitled to give a response to a report in the terms he wishes. This was an inquiry into the role of InTACT and, as far as I can make out, that is the subject matter of his response.

MR STANHOPE: Thank you, Mr Speaker—it is. This inquiry was generated out of the tapping of Mr Wood's computer and the reading of his mail. I think it is ironic that, in the week that we debate a bill of rights, we have an opposition that refuses to acknowledge the need for the protection of the right to privacy.

Mr Smyth: Mr Speaker, I rise on a point of order. The Chief Minister has just asserted that Minister Wood's emails were tapped into. That is not true—that has never been an assertion.

MR SPEAKER: That is not a point of order.

Mr Smyth: The emails were inadvertently diverted to another office.

MR SPEAKER: It may well be a point of debate but that is a matter for later.

Mr Smyth: I accept your ruling, Mr Speaker, but the minister must use the correct terminology. If emails were inadvertently diverted, that is not tapping. The emails were not being tapped.

MR SPEAKER: Order!

Mr Smyth: If they have proof that the emails were tapped into and deliberately taken, then the Chief Minister should table it, because that information has been denied to the committee that investigated this matter.

MR SPEAKER: Thank you, Mr Smyth. That is not a point of order. It may be a point of debate that you may wish to raise later in debate, or even by way of a personal explanation, but it is not a point of order.

MR STANHOPE: Thank you, Mr Speaker. I have made my point. The government commends the committee on its report and is generally supportive of the committee's findings. Clearly the unauthorised diversion of the mail and its reading by members of the opposition, which ultimately led to this inquiry, is totally unacceptable, and it is regrettable that the opposition still does not accept that.

It is crucial that the electronic communication and data storage in the Assembly is secure and appropriately managed. It is noteworthy that the committee found that it was appropriate for the Assembly to continue using InTACT as its provider. The government notes the committee's views in relation to the establishment of the Assembly as a separate organisational unit and is generally supportive of that, subject to its being attainable within current resourcing.

The committee also calls for the development of a memorandum of understanding between the Assembly and the executive, implementation of a service level agreement with InTACT and the Assembly, and the introduction of improved security provisions to separate the Assembly IT network from that of the executive. The government notes the committee's views in these matters and is not opposed to any of the issues raised by the committee. I commend the government response to the Assembly.

Papers

Mr Stanhope presented the following paper:

> National Environment Protection Council—Annual Report 2002-2003.

Mr Quinlan presented the following paper:

> Financial Management Act, pursuant to section 58—Agents Board of the Australian Capital Territory—Statement of Intent (Revised Version)—01 July 2003 to 31 October 2003.

Community services facilities management strategy
Paper and statement by minister

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) (3.29): For the information of members I present the following paper:

> Community Services Facilities Management Strategy, dated March 2004, prepared by the Department of Disability, Housing and Community Services

I seek leave to make a statement.

Leave granted.

MR WOOD: In response to the report of the Select Committee on Estimates inquiry into the budget 2003-04 in June 2003, the government committed to preparing an asset management strategy to provide a framework for the ongoing management of community assets within the Department of Disability, Housing and Community Services. The government's social plan reflects our strong commitment to people and to communities. It is underpinned by the social priorities of improving health and wellbeing and promoting safe, strong, and cohesive communities.

A key element in achieving these priorities is the effective provision of community services and appropriate physical accommodation for those services. The first and most significant step in this process was the creation of the department. In so doing, the important task of integrating the development of policy and the delivery of a range of quality services to the community commenced. An important component of this integration has been the union of the management of the provision of community services and accommodation for community organisations throughout the territory.

The facilities management strategy is an integral part of this process and the right of the community organisations that have a lease to manage those facilities and deliver services is a central feature. The whole-of-government approach to property asset management is under development by the property branch of DUS. This will provide a framework in which all government owned buildings, including community accommodation and community facility buildings, will be managed in a consistent and transparent way across the territory.

Other ACT government property owners, including the department of Education, Youth and Family Services, ACT Health and the disability department, are actively involved in the development of this initiative. Community organisations will be consulted in developing a strategy.

The management strategy tabled today is the first step in our government's commitment to better coordinating and managing the facilities that we own and operate on behalf of the community. This initiative aims to align assets with departmental service delivery priorities; develop common policies and principles for the management of assets; develop common performance management measures for those assets; set a framework

for a department strategic approach to ownership and management; and establish a common framework for the acquisition, refurbishment and disposal of assets.

My department has undertaken extensive consultation with providers to ensure the strategy aligns with their needs and aspirations. I commend the commitment of the providers to the strategy and to demonstrating their shared responsibility in ensuring the best possible use of assets. The strategy will provide a framework within which the department will be able to more effectively review the operation of community facilities and better manage our assets.

The strategy will be implemented through a three-year action plan and identifies the challenges ahead. It identifies seven key strategies: effective consultation with stakeholders; an annual reporting format; a review of lease arrangements; improved property management practices; acquisition redevelopment and disposal strategies; ensuring all facilities have adequate public liability insurance; and resolving interagency issues relating to co-location of child care and youth facilities.

I stress again that the not-for-profit organisations that manage the 37 community facilities are partners of the strategy, working with the department to provide for the future needs of the Canberra community. The contribution of these organisations is critical to the effective operation of the centres and the delivery of community services. I move:

> That the Assembly takes note of the paper.

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

Papers

Mr Wood presented the following paper:

> Petition which does not conform with the standing orders—Inquiry into the death of Thomas Hickey—Ms Gallagher (48 citizens).

Mr Corbell presented the following papers, which were circulated to members when the Assembly was not sitting:

> Calvary Public Hospital—Information Bulletin—Patient Activity Data—External Distribution—January 2004.
>
> The Canberra Hospital—Information Bulletin—Patient Activity Data—January 2004.

MR SPEAKER: Mr Smyth, during the course of the Chief Minister's presentation of a paper I think I invited you to make a personal statement. I add that it has to be personal, rather than you saying that you have been misled.

Personal explanation

MR SMYTH (Leader of the Opposition) (3.35): Mr Speaker, I am always willing to accept an offer from you to make a personal statement under standing order 46. The point I simply wish to make is that the Chief Minister used the word 'tapped'. That is not a word that has been used before.

MR SPEAKER: The point I am trying to make to you, Mr Smyth, is that you have to relate it to personal circumstances. That is an issue which is a point of debate.

MR SMYTH: I seek leave to make a statement.

Leave not granted.

Suspension of standing and temporary orders

MR SMYTH (Leader of the Opposition) (3.36): I move—

> That so much of the standing and temporary orders be suspended as would prevent me making a statement.

It was always a courtesy and a convention that members would be given the opportunity to speak in a reasonable way. I do not want to use too much time but am happy to take as much time as is afforded to me to put the case that, since we have had a bill of rights brought into this place, the rights of members seem to be more and more constricted.

During that debate there was an opportunity given when Mrs Dunne wanted to add something. It is normally a courtesy extended and most people do not abuse it. I do not believe it has been abused at all in the life of this Assembly and I think it is a reasonable point. The Chief Minister has used a word that I believe needs explanation; I have taken up an opportunity that is afforded to members to seek to make a statement; and the government has said, "No; we do not want to hear your explanation." Therefore it is reasonable to suspend standing orders for that to occur.

Question put:

> That standing orders be suspended.

The Assembly voted—

Ayes 8		Noes 9	
Mrs Burke	Mr Smyth	Mr Berry	Ms MacDonald
Mr Cornwell	Mr Stefaniak	Mr Corbell	Mr Quinlan
Ms Dundas	Ms Tucker	Mrs Cross	Mr Stanhope
Mrs Dunne		Ms Gallagher	Mr Wood
Mr Pratt		Mr Hargreaves	

Question so resolved in the negative.

Contribution of women to society
Discussion of matter of public importance

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

> The importance of recognising the contribution women make to our society, particularly on International Women's Day.

MS MacDONALD (3.42): I appreciate this opportunity to speak about International Women's Day, which is held on 8 March each year—this year it is next Monday. This is an important day for the whole community to reflect on the status of women in our society. As the name suggests, International Women's Day is celebrated each year throughout the world. It is a day for recognising the contributions and achievements of women in our society and to highlight the continuing plight of millions of women across the world. The 8th of March is a day for women and men to come together to look at the gains women have made in our society and assess the gains that still need to be made in the future.

Some people in this place may be thinking, "Here we go again; it is the same old thing every year." Here we do go again because there are still millions of women across the world, our country and even here in the community of Canberra who suffer simply because of their gender. I look forward to the day when women gain full equality and we will not need to discuss issues like this and recognise days like International Women's Day. But until that happens the need for discussion and awareness remains great.

I will give a brief history of International Women's Day. The history of International Women's Day dates back to 1910 internationally. In Australia the first International Women's Day rally took place in the Sydney Domain on 25 March 1928. During this first rally women called for equal pay for equal work, an eight-hour day for shop assistants, the basic wage for the unemployed, no piecework, and annual holidays on full pay. Over the years these issues have been broadened to include the right to vote, the rights of indigenous women, peace, child care, and access to education and reproductive health, to name just a few.

Winning the right to vote has been recognised as a milestone in the Australian women's movement and dramatically changed the face of politics in Australia. As people active in politics, the need is great to appreciate the work of early suffragettes and recognise that there is still much left to be done to achieve representation for women in parliament and social economic life.

In the ACT we are lucky. In our current Legislative Assembly we have the unprecedented number of seven women members—more than in any of the previous four assemblies. That is a huge increase from the Fourth Assembly when, unfortunately, there were only two women in this place. The ACT also has the honour of claiming the first Australian female head of government. Rosemary Follett was elected Chief Minister in 1989, as you well know, Mr Speaker.

The people elected to government are there to represent the views and needs of those who elected them. To achieve this it is imperative that elected representatives reflect and are inclusive of the whole community. Women make up just over half of the population. It is vital that they are encouraged and supported to participate and contribute at all levels in the community and, in particular, as part of decision-making bodies.

The leadership of any organisation or group is enhanced by a diversity of styles and approaches. This applies to issues of governance. Any system dominated by a narrow spectrum of the community will always be limited in the extent to which the full range of interests and perspectives can be represented and progressed.

International Women's Day gives us the opportunity to look at the work of women at a local, national and international level. Locally, on Monday we will recognise and celebrate the contributions and achievements of women in the ACT with the presentation of the ACT International Women's Day awards. These awards will provide an opportunity for the community to celebrate and highlight the often invisible and taken-for-granted achievements and contributions of our local women.

It was great to see last year the large number of women recognised for their dedicated contributions to our community. Take for instance the late Betty Searle. Betty was a foundation member of the first women's liberation group in Sydney and was involved with several community groups including the Older Australians Advisory Council, ACT Women's Consultative Council, the Older Women's Network—as President from 1993 to 1996—and the National Older Women's Network. Betty encouraged others, especially older women, to participate in community affairs and pursue the cause of justice.

Other 2003 award recipients included Estrella Chau-Pongsupath, who was recognised for her community volunteer work and her involvement with the ACT Multicultural Council; Linda Crebbin, for her commitment to the legal profession and the community services sector and her involvement with the Women's Lawyers' Association, the Conflict Resolution Service and the Domestic Violence prevention Council's Criminal Justice Subcommittee; and Ann Proctor, who has shown leadership and inspired others to strive for excellence in community services, education and training at the Canberra Institute of Technology for almost 20 years. Not only have these women made a significant contribution to our community but their example also encourages others to get involved in the community.

Last year also saw the presentation of the inaugural Community Award. This award recognises that, in order to enhance the status of women, we need to work together as a community. It recognises a person or organisation that has made a substantial contribution to improving the quality of life of women in the ACT.

Appropriately, Females in Fitness was the 2003 Community Award recipient. FIT was recognised for its all-women's training program and its important and unique contribution to girls and women of all ages. I look forward to this year's awards presentation and am sure that, once again, outstanding women and organisations will be recognised on the day.

International Women's Day is not just about recognising the achievements of women in our community, across the nation and the world, it is also a day to raise awareness about the continuing struggles millions of women go through every day. For many of us, what some women across the world are subjected to or forced to do, simply because of their gender, is incomprehensible.

Addressing violence against women remains at the forefront of women's issues across the world and this priority has been further highlighted by the establishment of the International Day for the Elimination of Violence Against Women held on November 25 each year. The International Day for the Elimination of Violence Against Women and International Women's Day give all in our community the opportunity to confront and oppose violence towards women and work towards full equality. World wide, a quarter of all women are raped during their lifetime and, in a number of countries, women who have been raped are sometimes killed by their own family to preserve the family's honour.

Depending on the country, 25 to 75 per cent of women are regularly beaten at home and more than 120 million girls and women have undergone female genital mutilation. These figures are very distressing and should make us all stop and take note that, despite the enormous gains we have made, there is still much that has to be changed.

A report entitled *Not a minute more: ending violence against women,* released by the United Nations Development Fund for Women, or UNIFEM, in November 2003, revealed that one in three women or girls will suffer violence simply because they are female. That report says:

> One in three. That stark figure sums up the crisis confronting women throughout the world.

The report says that, out of three girls sitting in classrooms worldwide learning to read and write, one will suffer violence directed at her simply because she is female.

It continues:

> Of three women sitting in a market, selling their crops, one will be attacked—most likely by her intimate partner—and hurt so severely she may no longer be able to provide for her family.
>
> Throughout the world, this violence will be repeated: Globally, one in three women will be raped, beaten, coerced into sex or otherwise abused in her lifetime.

The report found that violence against women is pervasive worldwide. In no country of the world are women immune—even Australia. In fact, in the ACT, women are overwhelmingly the majority of victims of sexual assault and domestic violence. Statistics show that one in three women over the age of 45 has experienced domestic violence and 86 per cent of all reported sexual assaults during 2001 were perpetrated against women.

It is for reasons such as these that International Women's Day must be recognised. The day highlights the issues millions of women face daily and focuses the world

community's attention on those issues. The ACT government has recognised the enormity of women's issues and addressed issues of violence and community safety for women by developing the framework of *Justice, options and prevention—working to make the lives of ACT women safe*.

The framework identifies three major outcome areas: a justice system that provides protection, support, and advocacy for women; assistance for women that is appropriate, accessible, and responsive; and that the community understands and accepts the right of all women to live their lives free of violence. The framework requires government agencies to develop "action plans" each year which identify tangible ways in which they will implement the goals of the framework.

The implementation of the Select Committee on the Status of Women's report recommendations is further proof of the government's commitment to addressing and improving women's safety in the ACT. I just briefly commend and applaud the work that the Select Committee on the Status of Women in the ACT did and also pay tribute to the Chief Minister, Jon Stanhope, for having recognised when we first came into government that this was an issue which needed to be looked into.

A number of measures to improve women's lot have been taken from the government's response to violence against women, including: reforming criminal law in relation to sexual assault and domestic violence; new security measures, where Family Court officers meet women in the car park and escort them into the court; new education programs that aim to help all family members after violence has been perpetrated; and a new forensic and medical sexual assault care unit which provides an integrated sexual assault service for adults.

This government is also committed to increasing the representation of women in government and public office. At the moment about 49 per cent of the members of ACT government boards and committees are women. That is by far the highest rate of participation in Australia and this government is actively working to achieve our target of 50 per cent representation of women. Here in the ACT we should be proud of the level of participation of women in decision-making bodies and of the significant benefits for our community resulting from this. I am very proud of the level of participation that the Stanhope Labor government has been seeking to achieve and has, in the main, been achieving.

International Women's Day provides us all with the opportunity to recognise the contributions of women in their roles as decision-makers in our community. It is also an opportunity for all of us to commit to continuing to lead the way towards a society in which all decision-making bodies at all levels are inclusive of and truly reflect the full diversity of our community.

I look forward to International Women's Day on Monday. I will be attending both the International Women's Day breakfast, which is held annually, and a luncheon being put on by training and adult education, which will be interesting. These events give women across the ACT the opportunity to discuss how far we have come and how much further we have to go. I urge all members to get involved in the International Women's Day activities and show their support to the women of the ACT, Australia, and the world.

I have seen, just this afternoon, some posters the federal government has brought out on the issue of respect in relationships. These are to support women suffering from domestic violence. I applaud that promotion.

MRS DUNNE (3.55): It is a little unfortunate that it is a matter of, "Oh, it's the last sitting day before International Women's Day, so we have to say something." I have just gone through *Hansard* to see what was said last year, and there are a fair few similarities.

I think it is unfortunate that International Women's Day becomes a cliche. We middle-class women in a middle-class city like Canberra do not have very many experiences of true oppression, true poverty and truly unliveable circumstances. Some people do, but most of us do not. I think it is a great shame that we take these symbols and turn them into cliches.

I think it is sad, in a way, that almost all of the events around International Women's Day are marked by breakfasts, lunches and issues like that, and that it becomes a sort of food fest. I know I said something like this last year but, while we go off to the International Women's Day Breakfast, dressed in green and purple, billions of women around the world will have no breakfast. If we go to the breakfast, we will have a sumptuous meal prepared by somebody else, while most of our sisters will not even have a breakfast—and neither will their children.

I think that, when looking at International Women's Day, rather than patting ourselves on the back and becoming cliched about this, perhaps we should make some resolutions. We should be doing something as a legislature, or as individuals. It could be like a New Year's resolution and we could say, on this International Women's Day, "For the next year I will do X, Y or Z to improve the lot of women either close to me or far away."

Last year Mr Pratt spoke at length about the role of women in refugee camps. I do not believe we are really thinking about those. What I would like to do this international women's year is to further the cause of the women who are brought to Australia to work in servitude in brothels. That is an appalling issue. It is particularly appalling because, for some time, it has been raised across the country as an issue by people in the brothel industry and by people who have had association with the brothel industry who rescue people out of sexual servitude.

There have been inquiries, like the one run by Sandra Nori in New South Wales, which the ACT contributed to. That inquiry showed a small part of the sorry role that we in the ACT play in this murky business. When this issue was first raised, like most of the other men associated with this, the Chief Minister sort of said, "It's not really an issue; it is all anecdotal evidence; it doesn't happen to anybody, very much." My contention is that, if it happens to one person—

Mr Stanhope: I rise on a point of order. I have never said any such thing. That is a gross misreading of my position in relation to this. For Mrs Dunne to stand up in this place and suggest that I have said that sexual servitude is not an issue is just crassly and outrageously wrong and false.

MR SPEAKER: That is not a point of order. Some people might call it offensive, though.

Mr Stanhope: It is extremely offensive. Most of what Mrs Dunne says is extremely offensive.

MR SPEAKER: For the sake of debate, just withdraw it, please.

MRS DUNNE: Sorry—what should I withdraw?

MR SPEAKER: My understanding is that you intimated at least that the Chief Minister said that sexual servitude was not an issue.

MRS DUNNE: It was not a big issue. What I said was that it was not a big issue and that there were not very many people involved in it. If you want me to withdraw that, I will withdraw it.

MR SPEAKER: It is pretty confronting, to say that.

MRS DUNNE: I am sorry, Mr Speaker. Sexual servitude is a very confronting issue.

MR SPEAKER: Yes, but to say that—I will rule that as offensive. Please withdraw it.

MRS DUNNE: I withdraw it. Sexual servitude is offensive. Sexual servitude is a very confronting issue. For a long time in this country there were many people who tried to play it down. One of the things I would recommend to members here today, if we get a chance—it seems that we may be stopped from doing so because we may be sitting late—is to participate in one of the events of International Women's Day, the Pamela Denoon lecture at the Coombs Lecture Theatre tonight.

That lecture will be given by Kathleen Maltzahn, who is one of the people at the coalface helping people who have got themselves involved in sexual servitude and have been brought here under duress. We should be showing our solidarity with women who are truly oppressed by attending that lecture and learning something about the issues of sexual servitude. The women who are subject to such servitude do not receive respect in their relationships.

MS TUCKER (4.02): I will speak reasonably briefly because I know other people want to contribute to this discussion. I support Mrs Dunne's comments about the situation for women in sexual servitude in Australia. There have certainly been such women who, in the past, were thrown into detention centres. I am not sure, but perhaps the federal government has found a little more compassion since then. One well-known such case is that of the woman who died in a detention centre. In talking about women in Australia who are suffering oppression, we must include a deep regret about the many women held in detention centres under federal government policy.

In a more positive vein I would like to talk about the steps that have been taken, particularly in the field of parliamentary democracy in the Commonwealth, towards empowering women to be representatives of their communities. As a member of the

CPA executive committee I have had the privilege of working closely with the Commonwealth Women Parliamentarians Group, which has representatives from all Commonwealth countries.

Like Mrs Dunne, I am very happy to bring into this discussion the question of women in developing countries. I notice that Mrs Dunne has now left the chamber, so maybe she was not so interested in that. I am really pleased to see that, through the CWP, there is a growing awareness of the need to increase the number of women in our parliaments. The number of women elected to parliaments is a sensitive indicator of the place of women in the world. The UNIFEM 2000 report on the progress of the world's women found that only Sweden, Denmark, Norway and Finland had achieved gender equality in secondary education, had reached the 30 per cent target for women in parliament and had a gender balanced workforce.

The Commonwealth's analysis shows that Commonwealth countries have some way to go. The 2001 Commonwealth Women Parliamentarians database shows that the African region has 15.5 per cent women representatives, Asia 5.8 per cent, Australia 24.7 per cent, the British Isles and Mediterranean 18.6 per cent, the Caribbean, Americas and Atlantic 17.5 per cent, Canada 22 per cent, the Pacific area 8.7 per cent and Southeast Asia 8.5 per cent. That shows that there is quite a way to go.

The Commonwealth Women Parliamentarians Group began with an informal meeting of women in 1989 at a lunchtime meeting during a CPA conference. As is often the case, it started with women at an informal get-together, where there was an opportunity to talk to one other about the common experience of women in parliaments. That relationship gradually grew and a more formal organisation was formed. At the last meeting we had—in Bangladesh—another step was taken: we now have a chair who will be there for more than one year. So there will be more continuity of the work within the Commonwealth Women Parliamentarians Group.

That is a good thing in my view because it will enable the organisation to influence the CPA and work more with that organisation to make sure that the projects funded by the CPA do support women, especially in developing countries where they are certainly in need of support. Various workshops are run which assist women to be candidates, teach them how to deal with the media and look at ways of subsidising the work of being a candidate if those women do not have economic independence—which is quite often the case. Other areas covered are how women can stay in office and how to support women once they are in parliament.

The family-friendly aspect is not a minor issue in those places and it is not a minor issue in Australian parliaments either. For women who work in parliament, I know that real crisis situations can develop around family decisions and work. I do not think this has ever been sufficiently recognised in this parliament. This is not just about women; it is also about men who have child-caring responsibilities.

This issue always comes up when you have any kind of conversation around how women can be parliamentarians. Quite often this is trivialised in the debates when people say, "Oh yes—well, you deal with that." That is where I disagree totally. Whilst I would agree that it is potentially more of an issue in developing countries, where in some situations there is virtually no support at all because women do not have any economic

independence, it is still an issue in this country and no doubt in other developing countries.

Interestingly, the issue of family decisions and work came up again at the first conference of women parliamentarians in Australia, held in Victoria last year. Women parliamentarians in Australia are very concerned that the issue of the relationship between families and work is not taken seriously in this country. I hope that all members in this Assembly are prepared to pay a bit more attention to that. That is why I have suggested that it might be useful for the Assembly to set up a Commonwealth women parliamentarians group. The CWP group encourages all branches to do that, to facilitate more conversations around the difficulties. Mind you, I still say that men can be involved in that as much as women because it can affect them just as much.

This is not about cliches; it is about things happening in our society that we feel strongly about. I believe that International Women's Day is something we feel strongly about, as does Mrs Dunne, but she feels that it is not really achieving its purpose. I disagree with that. I think there is always a place for a celebration of strengths. Within that context we also talk about weaknesses and where we can go. I am appreciative of the opportunity to speak on this matter of public importance that Ms MacDonald has raised today.

MRS BURKE (4.09): I thank Ms MacDonald for putting this matter of public importance on the notice paper to give us an opportunity to have a say with regard to the aspects that we feel are important. I would like to focus on women in politics in the 21st century, especially in relation to International Women's Day. Ms Tucker is quite right; we are not going to win this battle on our own. It is more than a tongue-in-cheek attitude. In fathers forums and suchlike many men have made mention of an International Men's Day, which strikes an interesting note. The point I am making, Ms Tucker, is that after all we need to be working with men to ensure that we women have a stronger voice. We cannot do it against men; we need to try another tack.

I hail International Women's Day as an important event, but I think we need to make sure that there is some duality about it—that we get men on side. In 2001 the then Minister Assisting the Prime Minister for the Status of Women, Senator Amanda Vanstone, in celebrating International Women's Day gave a strong message. She said:

> A woman's place is in the house…and in the Senate and the Legislative Assembly and the Legislative Council and the House of Assembly.

How right she was. I believe women will continue to play a vital role in the changing face of politics now and into the future. Women have an enormous opportunity to present a very different yet complementary, vibrant, dynamic and colourful face within our political system, based upon their own unique ability, which obviously causes them to see things in a very different light from their male counterparts. That is why we really are blessed in this Assembly with a strong female balance, which hopefully tempers some of the strong male debate that goes on.

It is a fact that the face of modern politics—I use that term advisedly—needs to undergo a radical lift in order that politicians are more highly regarded than they presently are. As politicians, at every level we need to continually assess why we are doing the job we are

doing and whether we are moving with the times. We must ensure that we retain the essentials of good governance whilst keeping a balanced approach.

Women can and do offer a unique blend of caring, compassion, commonsense and practical acumen to a job that is often very male dominated. As has already been said, this is not about men versus women but, rather, it is about men and women. I do not believe that women necessarily make better politicians than men, or vice versa. But I believe women can ensure that they bring a much-needed balance to the debate.

As Ms MacDonald and I have said, we in this Assembly are fortunate to have the highest proportion of female representatives anywhere in Australia, and we should not forget the work of the early suffragettes who paved the way for women. Whilst there is much more to do in that regard, women should forget about the so-called glass ceiling and be prepared to stand up for themselves. Women need to believe in themselves and their own unique abilities, and remain focused on the reason for their involvement in whatever they are doing.

Many excellent high-calibre women have championed the cause and in so doing have paved the way for other women in the political arena. Women such as Margaret Thatcher, Joan Kirner and Betty Boothroyd, to name but a few, have shown that extraordinary things can be achieved by ordinary people willing to get up and have a go. Women need to be confident that they can and do achieve positions on boards, in politics or wherever, because of their merits.

Women have much to offer at every level. Women must seize an opportunity when one presents itself. Many opportunities in life are about timing. In having their say women are not usually backward in coming forward. Women must identify their resources, willpower and determination. Whatever we do must ultimately be for the good of others and not only for ourselves. Indeed the task is to bring something into the community and not take from it. I will be joining with other women from this place to celebrate International Women's Day on Monday 8 March 2004.

MS DUNDAS (4.14): I thank Ms MacDonald for again drawing the Assembly's attention to this matter of public importance—the importance of recognising the contribution women make to our society. I was just musing on that choice of words. Of course women are important to our society. Our society would cease to exist without women taking part in it.

I would like to use this International Women's Day speech to reflect on women, their role in community organisations, their role as grassroots organisers and the impact that makes on the agenda of society. I will be referring extensively to a report entitled, *Put Your Money Where Your Mouth is! The Need for Public Investment in Women's Organisations* by Siobhan Riordan, which is quoted in a publication from Oxfam entitled *Gender in the 21st Century*.

Ms Riordan talks about the difference in agendas between women in the community and political and economic leaders who control resources and determine the priorities of public policy. She draws on the example of peace-building efforts in Northern Ireland, Israel and Bosnia. Research has uncovered the fact that women have created grassroots organisations that were valid peace-building organisations. They have provided

institutional models for peace building and laid the foundations for cooperation between people divided by ethnicity, religion and political affiliation. In areas of explosive conflict, other civil society organisations have failed to generate or sustain ethnic mixing; yet, in working to improve the situation and status of women in their communities, women have succeeded in transcending ethnic and religious divides and demonstrated an ability to sustain the lives of their dependants and their communities.

Whilst that is an incredibly positive thing and is something many women in Australia support, the Women Building Peace and Women in Black organisations that work here in the ACT actively support the role that women around the world take in peace building. There is a UN resolution, which carries the same weight as all other UN resolutions, which recognises the important specific roles women must take in peace building. However, there is a great gulf between such small-scale women's initiatives and the power structures in which ceasefires are agreed and constitutions negotiated. Women do the groundwork to build peace but it is still men who make the decisions at the higher level, which means that those conflicts sometimes reignite. We must recognise the role women play in peace building and support their part in the peace-building process all the way to the top level.

Women's organisations make an important contribution to our society as they allow women to actively participate in our community as social participants and social leaders and also to argue about women's causes in the social and political economic agenda. I think this is important because, across the world, there is a gulf between women's agendas and political power structures. Created and controlled by a shrinking elite of men, political and economic power structures are concerned with the development model of unlimited growth of goods and services, money revenue, technological process and a concept of wellbeing identified as an abundance of industrially produced commodities.

In contrast, feminists have long argued that women's caring roles and their responsibilities in society produce different priorities, concerns and needs from those of the predominantly male elite who control economic globalisation and govern political power structures. It is because of that that it is most important for us to support women's organisations and help them to contribute to the political agenda.

With that point in mind I refer members to the status of women report, put together by a committee of this Assembly, tabled in November 2002. In the report the committee quoted extensively from a submission from two women's organisations that work here in the ACT to support women—the Women's Electoral Lobby and the YWCA of Canberra.

Arguments were put forward that the provision of operational funds to women's advocacy groups would allow those groups to engage in grassroots consultations and improve the quality of advice offered to government; that operational funds would enable mechanisms to open participation to broader and more representative groups and mean also that the few volunteer hours that are available to women, many of whom already work a double shift, can be spent on policy development and advocacy and not on the baseline tasks of administration. I remind the Assembly of recommendation 49, where the committee recommends that the government investigate the provision of ongoing funding for women's advocacy services.

I hope I have put forward a broader argument to the fact that we need to support women's organisations in the ACT. I hope the next budget includes more specific funding to go not just to women's sport and to women in the community but also to women's organisations. Those organisations can then help organise women and support them in advocacy and organisational roles to impact on our still male-dominated economic and political structures and put forward the views that they know will help improve our society. Women are important to society and we should support them as they move to make society better.

MS GALLAGHER (Minister for Education, Youth and Family Services, Minister for Women and Minister for Industrial Relations) (4.20): International Women's Day is celebrated around the world. It recognises that peace and social progress require active participation by and equality of women. The first International Women's Day was celebrated in 1911 in Germany, Austria, Denmark and a number of other European countries. Since then women around the world have campaigned continually for their rights and equality.

International Women's Day is an occasion on which to reflect on how far women have progressed in their quest for recognition, equal rights and peace. Progress has been made in recent decades. In some poorer countries women's access to education and health care has increased, although members in this place all know that much more can be done. Women's participation in the paid labour force is growing.

Many countries have adopted legislation that promises equal opportunities and respect for women's human rights. However, the majority of the world's 1.3 billion poor remain women. Women on average still earn less money than men for the same work. All around the world women continue to be victims of violence, with rape and domestic violence listed as significant causes of disability and death for women.

Women in Australia have worked to achieve equality since the first strike was organised by the Militant Women's Movement, calling for equal pay for equal work, in the Sydney Domain in 1928. Australian women have made continued efforts to improve their own status. At the same time women have enhanced the social, economic and cultural life of all Australians. Some in our community would say that in Australia, and particularly in Canberra, we no longer need an International Women's Day. Their view is that in our society women have achieved equal status to men. It is true, as Australia's commentator Anne Summers notes in her latest book, that women in Australia are doing wonderful, powerful and innovative things. Some are involved in exciting and path-breaking activities, but that is not the full story.

Nationally there has been an increase in female-headed sole parent families who are reliant upon government support. Many women still do not have adequate superannuation. Access and affordability to housing is a major issue and there are many women across Australia and in Canberra who cannot find suitable child care. At the other end of the spectrum, women are still not well represented as company directors, as barristers appearing before the High Court, or as High Court judges.

There is also a positive picture for many of Canberra's women, although this again is not the case for all. Women in Canberra are generally highly educated, articulate, employed

in well-paid positions and enjoy a decent standard of living. There are, however, still women who do not have financial security, who struggle to balance family and work responsibilities and receive limited recognition for their contribution to the community.

Women in Canberra are more likely than men to experience poverty and, according to the ABS, are five times more likely to be lone parents. According to ABS figures, in May 2003 the average weekly earnings of Canberra women were almost $203 below those of their male colleagues—or 82 per cent of average male weekly earnings. This is despite being among the most highly educated in the country.

The percentage of women with post-school qualifications is still below that of men. While women's life expectancy is higher than that of men's, participation in sport and physical activity is still lower. It is not surprising that women in Canberra, Australia and across the world form the majority of victims of sexual assault and that many of us still feel unsafe when alone at night. The picture is clear and work remains to be done. That is why International Women's Day is so important. It provides us with an opportunity to reflect on the important role of women in our community and recognise their achievements. It is also a day on which women come together to recognise the past and work together towards the future.

I agree with Mrs Dunne's point about attending breakfasts and lunches. I also find breakfasts and lunches difficult to attend; however, we have to look at those breakfasts and lunches as much more than just somewhere to eat. Women can gather at these events and plan for the future. There is usually a process provided for donations to women's organisations which work overseas to assist women to enjoy some of the conditions that we enjoy here in Canberra.

International Women's Day in Canberra is much more than breakfasts and lunches; there are many events around this special day. 'Splash Out' is returning to the Civic pool this year and many women's organisations arrange their own celebrations. This is an important day when women need to be recognised for all the work they do in their communities, families, schools and workplaces day in and day out every year.

Many women donate to campaigns overseas to assist women. These donations are primarily around education, workplace and domestic violence and for the provision of places where women can feel safe. As a member of a union, my union donates to overseas campaigns to support women. So I think International Women's Day is important in the sense of recognising things that are done day in and day out to support women collectively around the world.

In relation to the International Women's Day awards—I will be announcing the winners on Monday—more must be done to encourage a greater number of nominations from women doing a variety of things in our community. One of Mrs Dunne's points last year was that she was concerned that it was not necessarily the women making the lunches, working at canteens and supporting their families who get recognised through the awards process. I think that is a valid point. I am looking at ways to increase the education around these awards so more women are nominated. In the end the women who get the awards are those who have been chosen through a panel process, and must have been nominated by someone in the first place.

If someone nominated a woman who contributed at her local school or community organisation, as has been the case with many of the women nominated this year, then that woman's achievements would be considered equally alongside the achievements of women doing a number of other things. I think that over the next few years we will put in work to ensure that the awards process is very much on people's minds, so that women who are contributing in so many ways to their community and their family feel that they deserve to be nominated for an award as much as anybody else.

I will continue to look at ways to enhance that. We have had maybe 20 more nominations than last year. So we are going in the right direction but there is more to be done. I thank Ms MacDonald for the opportunity to talk about this important day. International Women's Day means a lot to me and I know it means a lot to women around the world.

MRS CROSS (4.27): I rise to speak in support of Ms MacDonald's MPI—the importance of recognising the contribution women make to our society, particularly on International Women's Day. I will not repeat a lot of the points made by my colleagues. It is interesting to see that, of the 10 male members in this Assembly, only two are in the chamber during this matter of public importance. This obviously continues to be a matter of public importance to women, while the men dismiss it as perhaps not so important. The contribution women have made to society has changed radically throughout recorded history.

Mr Wood: What about Tom Duncan?

MRS CROSS: Before I continue, I pay my respects to Mr Wood and Mr Duncan for being here to honour women. We know that, as the Clerk, Mr Duncan respects women. I am talking about the elected members of this place who represent the community. It is a good thing for you, Bill.

Mr Wood: I thank you for that but, if you are not here for some debate or other, does that mean you are not interested?

MRS CROSS: This is a matter of public importance on the importance of women in our society. The fact that there are no men from the opposition side and only one sitting on the bench on this side indicates to me that it is not so important to them.

Ms Gallagher: Jon and Simon were here before.

MRS CROSS: Where is Mr Corbell? That is interesting, is it not?

Ms Gallagher: He was in here for the first half of the debate, and so was Jon.

MRS CROSS: Was he? Then I will criticise the opposition. Some of this has been cultural change and some is what I would prefer to call enlightened change. In Australia we have been more fortunate than most nations. Our history has afforded us the opportunity to accelerate whatever change we have made.

At the time of our settlement the status of women was not what it is today. The first women brought with them over a millennium of attitudes that reinforced gender bias. It is to our credit that Australian women have progressed so rapidly and led the world on a number of fronts. In 1902, Ada Evans became the first woman to receive a law degree. However, she was prevented from practising as a lawyer for another 19 years, the year before non-Aboriginal women in Australia gained the right to vote in a federal election. Unfortunately Aboriginal women, along with Aboriginal men, had to wait another six and a half decades before they were able to do so.

Edith Cowan became the first woman elected to an Australian parliament in 1921. Two years later women could sit on juries for the first time. The first birth control clinic was set up in Sydney in 1933. Here is a good one. In 1966 the bar on married women as permanent employees of the federal public service was abolished. That same year Senator Annabelle Rankin became the first woman to be granted a portfolio in the Commonwealth government ministry.

In 1972 there was another red-letter day for women when the principle of equal pay for work of equal value was adopted. This came after 60 years of repeated attempts; however, few women were able to benefit from the change at that time because men and women worked under different awards. Unfortunately equal pay for women is yet to be fully achieved in this country.

In 1973 paid maternity leave was granted to women in the Commonwealth public service. In 1976 there was another defining moment when Joy Mein became the first woman president of a major political party—the Liberal Party, nationally. The following year 12 months maternity leave was granted to all permanent workers. This decision guaranteed continuity of employment following leave for the birth of a child.

Paid maternity leave is an issue I have been speaking on for many years, particularly in this place. I tabled a paper at the Commonwealth Parliamentary Association conference in South Australia in 2002. I did a comparative analysis of what it costs for maternity leave in Australia for women in the public service and what it would cost to cover all taxpaying women in Australia for such leave. The minimal cost to fund all taxpaying women was the cost of a cup of coffee a month.

When I ask people, "Do you know how much you pay for education in Australia every year?" most people do not know. If you ask them what they pay for unemployment benefits, they would not know. For unemployment benefits each taxpayer contributes approximately $1,800; for education we each pay between $600 and $700 a year; to fund the ABC we pay anywhere between $17 and $100 a year, depending on where you get your statistics. The cost to fund paid maternity leave would be only $30 a year per taxpayer—the cost of a cappuccino a month.

When you explain that to taxpayers they say, "Gee, that is not a lot." It is not a lot of money but the fact is that the issue of paid maternity leave for all taxpaying women in Australia has been used as a political football in this country for many decades. It has been 30 years since women in the public service were granted paid maternity leave. It is a great pity that this issue has yet to be addressed federally, as it continues to be used as a political football between the major parties.

I applaud the minor parties for attempting to do something about it but, unless the major parties get behind it, nothing will occur. It is remarkable that most of the decision makers involved in this are men. It is not up to business in Australia to fund paid maternity leave, for it is businesswomen in this country, among many other people, who have continued to fund Commonwealth funded maternity leave. We are pleased that public servants have this benefit. Having come from business, I was one of those that helped to fund it.

It always strikes me as rather intriguing when I hear federal ministers using the red herring of, "Well, really, I don't think business can afford it." Nor should they—it is not up to them to fund it—it should be funded by the taxpayer. The taxpayer funds the Commonwealth public service paid maternity leave scheme. This is an issue that needs to be addressed and the first major federal party that does it will secure many votes at the election—rest assured of that.

Inequity continues to spread. The concern I have is that, despite the fact that there are more women than ever before in paid work in Australia and that women's unemployment is at its lowest level in a decade, we still have a gender gap in wages which totals approximately 15 per cent. That is a record low, but it still exists and it should not.

While Australian women have made great gains in society we have done so in a conducive environment. Women in some other nations have not been so fortunate. I am encouraged when I speak with young women in Canberra who cannot comprehend living at a time when there were no women doctors or lawyers, or when women were prevented from attending university or were unable even to have a job, let alone be paid equally.

While such conditions largely no longer exist in this nation, tragically they still exist in other nations. International Women's Day is a clear statement that such attitudes and behaviour need to change and will hopefully provide a point of irritation for change to begin.

MR SPEAKER: The time for this discussion has expired.

Dangerous Substances Bill 2003
Detail stage

Debate resumed from 12 February 2004.

Clause 1 agreed to.

Clauses 2 to 9, by leave, taken together and agreed to.

Clause 10.

MS GALLAGHER (Minister for Education, Youth and Family Services, Minister for Women and Minister for Industrial Relations) (4.37): I seek leave to move amendments 1 and 2 circulated in my name together.

Leave granted.

MS GALLAGHER: I move amendments 1 and 2 circulated in my name together *[see schedule 1 at page 816]* and table a supplementary explanatory statement to those amendments.

These amendments are technical. The first amendment replaces the word "carried" with the word "transported". This corrects a minor incorrect reference. During drafting of the bill, the Office of the Parliamentary Counsel decided to use the word "carried" instead of "transported" as a more modern and broader term. However, the reference in this section is also a technical term defined under dangerous goods standards—that is, goods too dangerous to be transported. The second amendment inserts the word "as" after the word "document". This makes clear that the document referred to in clause 10(3) is the version of the document in effect as at the date of commencement of the bill.

Amendments agreed to.

Clause 10, as amended, agreed to.

Clauses 11 to 13, by leave, taken together and agreed to.

Clause 14.

MS GALLAGHER (Minister for Education, Youth and Family Services, Minister for Women and Minister for Industrial Relations) (4.39): I move amendment No 3 circulated in my name *[see schedule 1 at page 816]*.

This amendment inserts a new clause to ensure that, where dangerous substances are packaged, the packaging must be labelled or placarded in accordance with the regulations. This clarification is required because in some cases dangerous substances—such as a car battery—do not need to be packaged at all, and labelling or placarding could be directly on the dangerous substance itself. It is essential that the labelling and placarding provisions apply where a substance is packaged in containers as well as when the dangerous substance is not packaged.

Amendment agreed to.

Clause 14, as amended, agreed to.

Clause 15.

MS GALLAGHER (Minister for Education, Youth and Family Services, Minister for Women and Minister for Industrial Relations) (4.40): I move amendment No 4 circulated in my name *[see schedule 1 at page 816]*.

This amendment substitutes the words "kill or injure a person" with the words "cause the death of or harm to a person". This makes the wording in clause 15 consistent with other provisions in the bill—for example, clauses 43 and 44 of the bill.

Amendment agreed to.

Clause 15, as amended, agreed to.

Clauses 16 to 41, by leave, taken together and agreed to.

Clause 42.

MR PRATT (4.41): I move amendment No 1 standing in my name *[see schedule 2 at page 816]*.

Mr Speaker, first I commend the government for their agreement to adjourn this debate from the last sitting until today. I believe that this has allowed those on the cross benches and opposition members to properly complete their consultation process and amendments to be able to competently debate this bill today. The first group of amendments—Nos 1 to 5—deal with the absolute liability penalties attached to the requirements to comply with a safety duty: clause 42 deals with general offence; clause 43, exposing people to substantial risk of death or serious harm; clause 44, causing death or serious harm to people; clause 45, exposing property or environment to substantial damage; and clause 46, causing substantial damage to property or environment.

The opposition is today proposing that the absolute liability penalties attached to these clauses be removed and replaced with strict liability penalties. These clauses are subject to absolute liability, which, according to the Criminal Code 2002, does not make available the defence of mistake of fact. The opposition does not believe that absolute liability penalties should be imposed on subparagraph (1)(a) of clauses 42 to 46 inclusive.

MS GALLAGHER (Minister for Education, Youth and Family Services, Minister for Women and Minister for Industrial Relations) (4.42): The government will not be supporting Mr Pratt's proposed amendments. There are five safety offences in the bill and their construction is fundamental to the integrity of the scheme. The general offence of failing to comply with the safety duty set out in clause 42 is a strict liability offence. The specific offences in clauses 43, 44, 45 and 46, which refer to failures to comply with duties with the result that people are exposed to substantial risk of death or serious harm, people are killed or seriously harmed, property or the environment is exposed to substantial risk or substantial damage or property or the environment are substantially damaged, require conduct which is either reckless or negligent to be proved. Absolute liability applies to the first element of each of these offences but none of the offences is rendered absolute liability offences in its entirety.

Absolute liability applies solely to the requirement to comply with a safety duty. There is a reason for this. These duties are not discretionary; they are absolute, and it is essential that they are not undermined. By applying absolute liability to the requirement to comply with the duty it is not necessary to establish that the defendant was aware that he or she was required to comply with a particular safety duty. This is appropriate because the defendant's awareness of the fact has no real bearing on his or her moral culpability.

Mr Pratt would amend these absolute liability elements of the offences to render them strict liability. Should this change be made, it would mean that the defendant's awareness of the existence of a safety duty would become relevant and the mistake of fact defence could apply. In these circumstances, a defendant could simply assert that they did not know that they had a duty. This would abrogate the fundamental principle that ignorance of the law is no excuse. The prosecution would have great difficulty in proving that the defendant was aware of the requirement to comply with the safety duty if absolute liability were removed. Consequently, the effectiveness of the regulatory scheme established by the legislation would be severely compromised for no practical purpose.

It is unfortunate that the Scrutiny of Bills Committee report No 43 failed to properly assess this issue. I have written to the Chair of the Standing Committee on Legal Affairs in response to the report and have provided members with copies of that letter. In it I noted that that committee is incorrect in identifying clauses 42 to 46 as absolute liability offences. Absolute liability applies to only one of the elements in the offences contained in clauses 42 to 46. As it does not apply to each offence as a whole, these offences cannot be categorised as absolute liability offences.

A similar approach was taken in clause 311 of the Criminal Code (Theft, Fraud, Bribery and Related Offences) Amendment Bill 2003. The explanatory statement for that bill contains a useful explanation of the fact of providing that absolute liability applied to one element of an offence, usually the existence of a fact or circumstance where the accused's state of mind about that fact or circumstance has no logical bearing on his or her culpability for that offence.

This approach taken in the Criminal Code Bill and in the Dangerous Substances Bill is consistent with the comments by the committee in its earlier report, No 38 of 2003, which recognises at page 14 that "absolute liability may be acceptable where an element is essentially a precondition of an offence and the state of mind of the offender is not relevant". This is a fundamental matter of law and the government opposes the amendments moved by Mr Pratt.

MS TUCKER (4.46): The Greens will not be supporting these amendments. They take out the absolute liability component of the offences, which establishes the requirement to comply with the safety duty. The Scrutiny of Bills Committee raised the question of these offences in its report. The government response made the point that the absolute liability is only pertinent to the first component of any offence—namely, that the safety duty exists. In other words, no argument can be advanced that a defendant was not or is not required to comply with the safety duty, but the question of any offence would revolve around the performance of that duty. The debate on this amendment centres on one of the key elements of this regime, which is of a positive duty of care. The regime that this bill and the subsequent Occupational Health and Safety Amendment Bill put in place rests on an overarching presumption of care and responsibility—for people dealing with dangerous substances in this case and, in the OH&S Amendment Bill, more generally in the workplace.

In that context, it is important to build in a presumption of care and responsibility. We should not be able to use the law to dispute that we ought to have a safety duty in regard to dangerous substances under our control. In this case, it seems valuable to maintain an

absolute liability component in these offences as they apply to the requirement to comply with the safety duty.

MS DUNDAS (4.47): The Democrats will not be supporting the changes put forward by the opposition. I think the arguments have already been put forward about the need to have the absolute liability clause applying to people if they are required to comply with the safety duty. Changing that to a strict liability offence does allow some loopholes. If a person is required to comply then they should comply, especially when failure to comply could cause death or serious harm. As has been said, duty of care and safety need to be considered here. The Democrats will not be supporting these amendments.

Question resolved in the negative.

Clause 42 agreed to.

Clause 43.

MS GALLAGHER (Minister for Education, Youth and Family Services, Minister for Women and Minister for Industrial Relations) (4.49): I move amendment No 5 circulated in my name *[see schedule 1 at page 816]*.

This amendment inserts the words "to a substantial risk of" in clauses 43 (1) (d) (i) and (ii). This corrects an inadvertent omission of these words and makes the provision consistent with similar provisions in clause 45 (1) (d) (i) and (ii).

Amendment agreed to.

MR PRATT (4.49): Mr Speaker, I move amendment No 2 circulated in my name *[see schedule 2 at page 816]*.

I refer to my previous speech on amendment No 1 regarding the replacement of "absolute liability" with "strict liability".

MS GALLAGHER (Minister for Education, Youth and Family Services, Minister for Women and Minister for Industrial Relations) (4.50): The government will be opposing Mr Pratt's amendments Nos 2 to 5. They deal with the matter I spoke on under amendment No 1.

Amendment negatived.

Clause 43, as amended, agreed to.

Clause 44.

MR PRATT (4.51): Mr Speaker, I move amendment No 3 circulated in my name *[see schedule 2 at page 816]*.

I refer again to my previous speech on amendment No 1 regarding the replacement of "absolute liability" with "strict liability".

Amendment negatived.

Clause 44 agreed to.

Clause 45.

MR PRATT (4.52): Mr Speaker, I move amendment No 4 circulated in my name *[see schedule 2 at page 816]*.

I again refer to my previous speech on amendment No 1 regarding the replacement of "absolute liability" with "strict liability".

Amendment negatived.

Clause 45 agreed to.

Clause 46.

MR PRATT (4.52): Mr Speaker, I move amendment No 5 circulated in my name *[see schedule 2 at page 816]*.

In respect of clause 46, for the last time I refer again to my previous speech on amendment No 1 regarding the replacement of "absolute liability" with "strict liability".

Amendment negatived.

Clause 46 agreed to.

Clauses 47 and 48, by leave, taken together and agreed to.

Clause 49.

MS GALLAGHER (Minister for Education, Youth and Family Services, Minister for Women and Minister for Industrial Relations) (4.53): I move amendment No 6 circulated in my name *[see schedule 1 at page 816]*.

This amendment inserts the words "before the day the application is made" in clause 49(1)(f) to make the meaning of the word "before" clearer. This amendment will make the provision simpler to understand for users of the legislation.

Amendment agreed to.

Clause 49, as amended, agreed to.

Clause 50 agreed to.

Clause 51.

MS GALLAGHER (Minister for Education, Youth and Family Services, Minister for Women and Minister for Industrial Relations) (4.54): I move amendment No 7 circulated in my name *[see schedule 1 at page 816]*.

This amendment has been suggested to the government by Ms Dundas. The government believes that this amendment will improve the bill. Currently clause 51(2) of the bill allows the chief executive to seek further information about a person who has applied for a licence to handle a dangerous substance. All paragraphs of clause 51(2) are expressed to be limited to seeking further information that is relevant to the consideration of the licence application. This was inadvertently omitted from paragraph (d) and the amendment will introduce this limitation to paragraph (d).

MS DUNDAS (4.55): I thank Ms Gallagher for moving this amendment. This was an issue that was raised, along with briefings, with my office. I thank the government for taking up the suggestion. This clarifies giving the chief executive the authority to ask for information in relation to things contained in the Dangerous Substances Act. I think it is a minor but very important issue.

Amendment agreed to.

Clause 51, as amended, agreed to.

Clauses 52 to 84, by leave, taken together and agreed to.

Proposed new part 5.1A.

MR PRATT (4.56): I move amendment No 6 circulated in my name which inserts a new part 5.1A *[see schedule 2 at page 816]*.

The second group of amendments to part 5.1A are consistent with the Liberal opposition's legislation tabled and debated last year which dealt primarily with fireworks, their sale to the public and penalties relating to any breach of the legislation. In brief, the amendments state that no person can use a firework unless that person is issued with a display permit, a government-approved licensed pyrotechnician or community group or if the firework is a distress flare or the like.

In addition, the amendments state that no person can supply a firework to another person unless the receiver of the firework holds a display permit. They come with strict liability penalties if breached. They will basically amend the government legislation that is being debated here today that allows members of the public to buy consumer fireworks in the week leading up to the June long weekend. The amendments state that only government-approved community groups and licensed pyrotechnicians are allowed to be supplied with fireworks for use only at government-approved events.

The amendments are straightforward: they ban the sale of consumer fireworks to the public all year round. This is another bid by the Liberal opposition to protect the community and their pets from disturbance and danger. Against the general concern of community safety and generally disruptive behaviour and property damage, complaints

about fireworks top the list of concerns that I and my colleagues have received, and are continually receiving, over 2½ years.

It is a shame that the Labor government is again not listening to the community and is pushing this bill forward in its current state. My constituents, particularly those in Macarthur, Monash, Wanniassa and Kambah, are really looking forward to leadership from the government in resolving this issue: the abuse of the majority by the minority irresponsibly and illegally using fireworks. If the government actually organised a fireworks event for special occasions such as New Year's Eve, Australia Day and the June long weekend, the public would not feel the need to buy and abuse the use of fireworks at any time of the year.

This may reduce the level of disturbance and danger that the community is subjected to because fireworks are available to the public during certain periods and can be stockpiled. I implore the government to accept this amendment. I call upon my colleagues to support this amendment in the interests of community safety.

MS GALLAGHER (Minister for Education, Youth and Family Services, Minister for Women and Minister for Industrial Relations) (4.59): Mr Pratt is once again seeking to effect a ban on the sale and use of consumer fireworks. This is a matter that was debated in the Assembly in September. The Assembly at that time rejected such a ban in anticipation of the government bringing forward comprehensive legislation for dealing with the fireworks problem.

Ms Tucker will move an amendment towards the end of this debate that will insert a robust accountability mechanism into the legislation. As the government have already stated publicly on a number of times, if the new regime does not work we will be forced to ban consumer fireworks. Nonetheless, Mr Pratt has sought to pre-empt this approach with his amendment. Mr Pratt's amendment is in addition to the other serious offences provided for in part 5, point 1 of the bill.

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 GALLAGHER: These offences provide for an offence of unauthorised supply of certain dangerous substance, proposed section 76, which has a maximum penalty of 2,000 penalty units and seven years imprisonment, or both; and unauthorised use of certain dangerous substance, proposed section 79, which has a maximum penalty of 2,500 penalty units and 10 years imprisonment, or both. In addition, Mr Pratt has proposed that these be strict liability offences with a proposed maximum penalty of 50 penalty units and a maximum term of six months imprisonment.

As is clear, the illegal sale and use of explosives, which fireworks are part of, is very serious. Mr Pratt's amendment would have the effect of downgrading the offences in relation to fireworks by suggesting that these types of offences in relation to fireworks are less serious than for other types of dangerous substances. This might be true in relation to small consumer fireworks, such as the fountain, but it is patently untrue in relation to larger display type fireworks.

Mr Pratt's amendment does not differentiate between low-risk and high-risk fireworks. There is no reference, for instance, to the amount of pyrotechnic substance in the firework. The penalties he proposes are ridiculously low for high-risk fireworks. Mr Pratt has, in this case, taken the overly simplistic approach to the very complex problems raised for the community in regulating fireworks.

The government is committed to dealing with this problem comprehensively and has released a very detailed draft of proposed regulations for explosives and fireworks. These regulations have taken a comprehensive approach to the problems of controlling the fireworks trade from import, transport, manufacture, storage, supply and use through to disposal. These regulations recognise that the problems this community is experiencing are not only about consumer fireworks and the Queen's Birthday holiday but also much more fundamental. It is within this overall approach that the particular issues of consumer fireworks should be tackled. Mr Pratt fails to recognise this and proposes amendments to the bill that could have the unintended effect of undermining the seriousness of offences in the act as well as the integrity of the overall approach to dealing with fireworks.

If Mr Pratt wants to see consumer fireworks banned, he should raise this matter in relation to the explosive regulations, which is where the details of the fireworks regime are set out in a logical and integrated fashion. This is the appropriate function of subordinate legislation. Regulations are disallowable and subject to the Assembly's scrutiny. Clearly, the government cannot support Mr Pratt's amendment. To do so would undermine the integrity of this act.

MR STEFANIAK (5.03): Since last year, Mr Pratt—indeed the opposition—has been on record in relation to banning the sale of shopgood fireworks, which is what I understand he is seeking to do. That stance has been taken after a lot of consideration. The Standing Committee on Legal Affairs Committee, which I chaired, conducted an inquiry into the supply and safety of fireworks in the first half of 2002, and presented the Assembly with a detailed report by the given date of 30 June 2002. The committee decided to give the industry, despite a lot of objections from a lot of people, one more chance. I don't think that chance really worked; in fact, if anything, the Queen's Birthday weekend was probably one of the worst instances of fireworks being used illegally and of animals being terrified. But it wasn't only that. Since that time, I don't think I've ever heard quite so many loud bangs and bumps from fireworks—they were probably sold illegally; I am not too sure—going off in my suburb of Macgregor and other areas, including around West Belconnen.

I think this rams home that, over the last decade or so, governments of all persuasions have done their best to properly regulate this industry. I think we are the last territory now that still allows the sale of over-the-counter shopgood fireworks to consumers. I don't think any other state or territory—

Ms Gallagher: The Northern Territory.

MR STEFANIAK: We have spoken to Northern Territory officials and they seem to not have quite the same problem; indeed, they might well do it somewhat differently. The Northern Territory still has some problems though, and, from talking to the officials,

would prefer to ban fireworks as well. So I take your point: the Northern Territory would obviously still have same regime in place that it did when we spoke to the officials in 2002. However, that is it. A lot of the problems they get from fireworks come from the ACT as well.

Ms Gallagher: Or so they say.

MR STEFANIAK: So they say. This is coming from their officials, Ms Gallagher. The officials spoke to my committee and told us that. That isn't something you can just laugh off and discount.

Ms Gallagher: I am not laughing.

MR STEFANIAK: Good. I hope you are not. It is quite a serious issue. All Mr Pratt is seeking to do is to bring us into line with the rest of Australia. You can only be tolerant I suppose for so long. Everyone has bent over backwards to try to find solutions and to ensure that law-abiding people can still have their fun on cracker night or whatever. Unfortunately, there is a point at which you think "Enough is enough". There is a point when it is logical to follow what the rest of Australia is doing, which is what Mr Pratt is seeking to do. Neither Mr Pratt nor the opposition is taking this step lightly. Many of our members have very fond memories of and thoroughly enjoy fireworks. But there comes a time when enough is enough. Unfortunately, I think we have reached that time.

MS TUCKER (5.07): I think we know quite clearly that this amendment will not succeed as it outlaws all consumer fireworks. This position was not supported by the Assembly towards the end of last year. My position has changed over the past few years. I supported a tighter consumer fireworks regime during the inquiry of the Standing Committee on Legal Affairs, but was disappointed that the government took so long to act and called for the banning of consumer fireworks after the ongoing disruption that began around June last year. However, I believe now it would be consistent with the ACT Greens' position, worked out about a year ago, to support the government's belated attempt to properly regulate and control the industry on the clear understanding that this really is the last opportunity for consumers and retailers. I must admit that I would also have difficulty in supporting an amendment that included a jail sentence and a strict liability offence. The fact that this penalty can be found in this amendment leads me to the view that Mr Pratt also presumed his amendment would fail.

MS DUNDAS (5.08): The Democrats will also be opposing the amendment put forward by Mr Pratt today in relation to the ban of the sale of shopgood fireworks. We have said before—it is something that we have learnt in many other debates—that regulation and education are preferable to strict prohibition. Strict prohibition results in a black market and in unregulated industries. It doesn't provide as much community benefit as one would first think.

The Dangerous Substances Bill put forward by the Minister for Industrial Relations puts forward a quite robust framework for dealing with the issue of fireworks and is one that the Democrats support. We do have a very clear policy on that. Prohibition isn't the way to go. We want to support the public desire to continue to have access to fireworks over the June long weekend, but we want to do that in the safest way possible. A complete

ban of the sale of fireworks all year round will not make the firework industry in the ACT any safer.

Amendment negatived.

Clauses 85 to 87, by leave, taken together and agreed to.

Clause 88.

MS DUNDAS (5.10): Mr Speaker, I seek leave to move amendments Nos 1 and 2 circulated in my name together.

Leave granted.

MS DUNDAS: I move amendments Nos 1 and 2 circulated in my name together *[see schedule 3 at page 817]*.

These two amendments are consequential to the opposition I have to clause 92 of the bill, so I will address not only these amendments but also why I am opposing clause 92 at this stage. Clause 92 goes to the issue of the privilege against self-incrimination. The bill as put forward today removes the privilege of self-incrimination in certain circumstances such as when a person is required to attend questioning in relation to a reasonable belief that contravention of the act has occurred or is occurring. When questioned, a person may not rely on privilege against self-incrimination in refusing to answer a question.

As I noticed in the in-principle stage, the privilege against self-incrimination has been specifically listed in the ACT Legislation Act to protect it in all legislation unless it has been specifically displaced. It was something that we talked about during the discussion on the bill of rights on Tuesday evening. The Northern Territory Law Reform Commission produced a report on the issue of self-incrimination in 2001. The report states:

> Courts have traditionally and often emphatically upheld the privilege against self-incrimination. Gibbs CJ in *Sorby v The Commonwealth* (1983) speaks of the, "firmly established rule of the common law since the 17th century that no person can be compelled to incriminate himself". He goes on to say …:
>
> "It is a cardinal principle of our system of justice that the Crown must prove the guilt of an accused person, and the protection which that principle affords to the liberty of the individual will be weakened if power exists to compel a suspected person to confess his guilt. Moreover the existence of such a power tends to lead to abuse and "the concomitant moral deterioration in methods of obtaining evidence and in the general administration of justice."

The removal of the privilege against self-incrimination we believe is unwarranted and further weakens the fundamental common law principles. As High Court Justice Brennan said in *EPA v Caltex:*

> The privilege is designed to protect human dignity. It is designed not to provide a shield against conviction but to provide a shield against conviction run out of the mouth of the offender.

I am opposing clause 92 but seeking to amend clause 88. The Legislation Act has already determined that the right to not self-incriminate is something we should have in ACT law and not something that we should throw away. Even with an issue such as dangerous substances, I do not think we are warranted in throwing away such a fundamental common law principle as the right to not self-incriminate.

MS GALLAGHER (Minister for Education, Youth and Family Services, Minister for Women and Minister for Industrial Relations) (5.13): The government will be opposing both these amendments as they are consequential on another of Ms Dundas's amendments to delete clause 92 from the bill. The government will be opposing this amendment as well. The government agrees, however, that a note referring to the provisions of the Legislation Act about legal professional privilege should be included in the bill. I foreshadow a government amendment to insert a note to this effect after clause 92.

The Democrats' first amendment to insert note 1 into clause 88, which refers to the privilege against self-incrimination and to client legal privilege, is contingent upon their third amendment to remove clause 92, which refers to privileges against self-incrimination under part 6.1. The two most common privileges that can be relied upon to justify refusing to provide information are the privilege against self-incrimination and client legal privilege.

Under the privilege against self-incrimination, a person is entitled to remain silent and not provide any information that may assist in the investigation against them. Client legal privilege allows a person to refuse to provide information of a legal or sensitive nature about a client. The most obvious example is that a lawyer cannot be made to provide evidence against a client. Presently the note in clause 88 draws attention only to the provisions of the Legislation Act 2001 concerning how a notice may be served. Government amendment No 8 adds a note to clause 92 that will direct attention to the operation of client legal privilege.

A note about the effect of the privilege against self-incrimination is not included because clause 92 expressly displaces this privilege, meaning that it cannot be relied upon under part 6.1. Clause 88 enables the chief executive to require a person to attend to answer questions or produce documents. To do so, the chief executive must believe on reasonable grounds that a person may have contravened or may be contravening the act and issue a written notice to the person stating a reasonable time and place to attend.

Clause 92 displaces the privilege against self-incrimination. The effect of this displacement is that a person must answer or must produce a document and cannot refuse to do so on the basis that it could be self-incriminating. Clause 92 ensures that the chief executive will obtain the information or documents required and will not be frustrated by silence. It would be against established principles of common law and human rights if a person was compelled to provide information of a self-incriminating nature and that information was later used against the person in a criminal proceeding. In criminal law a person is entitled to remain silent and not provide any information that may assist an investigation against them. This is the privilege against self-incrimination. However, should a person choose to break their silence, anything said can be used to further investigations and ultimately be used against the person in a criminal proceeding.

In regulatory schemes, even where legislation carries criminal penalties, the ultimate objective of investigations is not the imposition of criminal penalties. A key objective of regulatory schemes is the protection of the community. There will be situations where silence could thwart this objective and expose the community to the risk of harm. For example, evidence may come to hand that someone has been illegally supplied with a dangerous substance that puts the community at risk. A person who has knowledge of this can be asked to give information on this dangerous situation without risk of self-incrimination.

Clause 92 displaces the privilege against self-incrimination and establishes a reverse operation. A person cannot refuse to provide information on the basis that it is self-incriminatory, but, if the information is incriminating, it cannot be used to further an investigation or against the person in a criminal or civil proceedings. In this way, the fundamental principles of the criminal law and basic human rights are maintained.

If the Democrats' third proposed amendment were to be successful, self-incrimination would then apply to part 6.1. A note concerning the operation of privilege, like that proposed by the Democrats' first amendment, would be both appropriate and necessary. Conversely, if the third amendment were not successful, the first amendment must also fail. Should the Democrats' first amendment pass and not the third, the provisions of part 6.2 will be inconsistent and fundamentally flawed. The result would be that clause 92 would displace the operation of privilege against self-incrimination, while a note in clause 88 will advise that the privilege does apply. Such a situation will expose any use of part 6.1 to legal challenges, rendering provisions 88 to 92 useless. For these reasons, the government opposes these amendments.

MR PRATT (5.17): We will support Ms Dundas's amendments.

MS TUCKER (5.18): We are supporting the amendments, although listening to Ms Gallagher I am a bit concerned. As we understood it, this amendment is the first that tones down some of the rather surprising levels of compulsion that the bill resorts to, where the chief executive or someone designated by them, I presume, can require people to attend meetings, produce papers and answer questions. This amendment introduces a note which highlights the fact that a person so compelled would be aware that they can claim the benefit of client legal privilege and that what they say cannot be used to more generally incriminate themselves. If, as is argued, these powers of compulsion are necessary, then it is important to safeguard the rights of such a person so that the powers don't extend beyond the purposes of the act and it is consistent with comments made by the Scrutiny of Bills Committee.

Amendments negatived.

Clause 88 agreed to.

Clauses 89 to 91, by leave, taken together and agreed to.

Clause 92.

MS DUNDAS (5.19): I will be opposing this clause. As I said earlier, I am still quite concerned about removing the common law privilege against self-incrimination, no matter what caveats are put on it. There are common law principles at stake here. I accept that the minister has gone some way to put in those caveats. We will be taking up some of my concerns in my earlier amendments in relation to how these parts of the act will apply, but I do think there are some fundamental principles that need to be maintained in our law system.

MS GALLAGHER (Minister for Education, Youth and Family Services, Minister for Women and Minister for Industrial Relations) (5.20): The government will be supporting clause 92 of the bill. Clause 92 modifies the operation of the common law privilege against self-incrimination. This is to ensure that, where the chief executive is investigating a potential breach of the act, people cannot refuse to answer questions. This partially displaces the common law privilege against self-incrimination.

A person should not be forced to disclose information that will then be used against him or her in a criminal proceeding. This is a fundamental right. Although the privilege against self-incrimination is displaced by clause 92, thereby preventing a person from remaining silent, the fundamental right is still preserved. People's rights are still protected because subclause (4) provides:

> … any information, document or thing obtained, directly or indirectly because of the giving of the answer or the production of the document—

to the chief executive—

> is not admissible in evidence against the person in a civil or criminal proceeding ...

The person is able to reveal a contravention of the legislation knowing that they cannot be charged over that contravention. I move amendment No 8 circulated in my name *[see schedule 1 at page 816]*.

Amendment agreed to.

Clause 92, as amended, agreed to.

Clauses 93 to 111, by leave, taken together and agreed to.

Clause 112.

MS GALLAGHER (Minister for Education, Youth and Family Services, Minister for Women and Minister for Industrial Relations) (5.22): I move amendment No 9 circulated in my name *[see schedule 1 at page 816]*.

This amendment inserts the word "not" after the word "required" in clause 112. This clause deals with prohibition notices which, as their name suggests, prohibit people from doing certain things that pose risk to safety. This amendment clarifies that, where a prohibition notice has been issued, people at the premises to which the notice relates

must be informed about the things that they are not allowed to do while the notice is operating.

Amendment agreed to.

Clause 112, as amended, agreed to.

Clauses 113 to 118, by leave, taken together and agreed to.

Clause 119.

MS GALLAGHER (Minister for Education, Youth and Family Services, Minister for Women and Minister for Industrial Relations) (5.24): I move amendment No 10 circulated in my name *[see schedule1 at page 816]*.

This amendment makes a minor wording change substituting the words "is given" with the word "relates". The effect of this amendment is that all people who are required not to do particular things by a prohibition notice issued by an inspector must comply with the notice, not just the person to whom the notice was given by the inspector.

Amendment agreed to.

MS DUNDAS (5.24): I move amendment No 4 circulated in my name *[see schedule 3 at page 817]*.

This is a very simple amendment. It changes the penalty units for clause 119 from 200 penalty units to 100 penalty units. I believe that 200 penalty units are overly harsh in this situation and inconsistent with the rest of the act. I think 100 penalty units is a more appropriate penalty and consistent with the rest of the act before us.

MRS CROSS (5.25): Mr Speaker, I will be opposing this amendment. The penalties need to be stiff in order to act as a deterrent and should reduce breaches of prohibition notices.

MS GALLAGHER (Minister for Education, Youth and Family Services, Minister for Women and Minister for Industrial Relations) (5.25): The government will be opposing this amendment. Ms Dundas proposes to halve the penalty that attaches to a person who breaches a prohibition notice issued by an inspector under the act. A prohibition notice would be issued where an inspector is satisfied that something is so dangerous that it needs to be stopped immediately. For instance, if an inspector finds that a piece of machinery used to process dangerous chemicals is broken or malfunctioning and is placing workers or the public at risk, a prohibition notice could be issued. This would stop anyone from operating the machinery until it has been repaired. Again, because of the risk of significant injuries where someone disregards a prohibition notice, there needs to be a high penalty attached to the offence or there is less incentive to comply with the notices.

Ms Dundas's proposed amendment would see the same penalty for a contravention of a prohibition notice as for an improvement notice under clause 107 of the bill. This would be most unfortunate as breaching a prohibition notice is a significantly more serious

offence. I understand that Ms Dundas is concerned that this is a strict liability provision. For this reason, the government has not proposed a term of imprisonment to be attached to the offence. The offence has been drafted as a strict liability offence because it is important that people comply with prohibition notices. The fact that the offence is a strict liability offence simply means that, in a prosecution under this provision, the DPP does not need to prove that the breach was intentional, reckless or negligent.

Under the Criminal Code the defence of mistake of fact is available for all strict liability offences. If a person thought that a prohibition notice did not require them to stop using a particular piece of equipment, but the notice did require them to stop using that equipment, they would have a defence to a prosecution.

MS TUCKER (5.27): We will be supporting this amendment which reduces strict liability penalties from 200 penalty units—$20,000 for a person and $100,000 for a corporation—to 100 penalty units—$10,000 or $50,000—which is perhaps more reasonable. It can be argued that these two offences ought to have a higher level of penalties than others that are currently set at 100 units, but the question really is about the level of penalty appropriate to offences where there is not a mental component.

You may not know that you have done wrong and there may be no recklessness or negligence involved. It may be an offence but not be considered a crime. I would say that 10 penalty units are probably too high for strict liability offences. If we need a higher level of penalty then mental elements, such as negligence or recklessness, could be factored in.

MR PRATT (5.28): Mr Speaker, we will support this amendment.

Amendment negatived.

Clause 119, as amended, agreed to.

Clauses 120 to 127, by leave, taken together and agreed to.

Clause 128.

MS DUNDAS (5.29): I move amendment No 5 circulated in my name *[see schedule 3 at page 817]*.

Again, this amendment changes the strict liability offence from 200 penalty units to 100 penalty units. I understand that this amendment will go down as the last amendment did, but I think it is an important point to make that we are talking about a strict liability offence here and that we are attaching quite an onerous penalty. I still believe, despite the words of the minister, that 100 penalty units would be a better requirement here.

MS GALLAGHER (Minister for Education, Youth and Family Services, Minister for Women and Minister for Industrial Relations) (5.30): The government will be opposing this amendment. The proposed amendment would again halve the penalty attached to the offence of breaching an enforceable undertaking. Before a person could be charged with this offence, the following things would have to happen first: (1) the person admits to the chief executive that they have been breaching the act; (2) the person gives an

undertaking to the chief executive that they will stop breaching the act; (3) the person then breaches this undertaking; (4) the chief executive obtains an order from the Magistrates Court ordering the person to comply with the undertaking; and (5) the person breaches the Magistrates Court's order.

Once matters get to this stage, it is a serious problem and heavy penalties are justified. The offence punishes people for breaching an order issued by the court. It is necessary to include this penalty because the Magistrates Court can only punish contempt in the face of the court. Failing to comply with an order of the court is not contempt in the face of the court.

MRS CROSS (5.30): As with the last amendment, I will be opposing this amendment. I believe that it is in order to deter breaches of the law. I think it is important not only to send a very clear message out there but also that 200 units stay in place. What surprises me is that if community safety, security and welfare are paramount, why would someone support a reduction in penalties? I don't understand that. It is like saying, "Let's ban it. If we're not going to ban it, then let's just reduce the penalty units because we really don't want to be too stiff on people that break the law." I just find it odd.

MR PRATT (5.31): The opposition will support this amendment. By halving the penalty rates proposed, the message we send out to the community—that is, we are concerned about community safety and the safe use of substances—will still be clear enough.

Amendment negatived.

Clause 128 agreed to.

Clauses 129 to 134, by leave, taken together and agreed to.

Clause 135.

MS GALLAGHER (Minister for Education, Youth and Family Services, Minister for Women and Minister for Industrial Relations) (5.32): I move amendment No 11 circulated in my name *[see schedule 1 at page 816]*.

Amendment agreed to.

Clause 135, as amended, agreed to.

Clauses 136 and 137, by leave, taken together and agreed to.

Clause 138.

MS GALLAGHER (Minister for Education, Youth and Family Services, Minister for Women and Minister for Industrial Relations) (5.33): I move amendment No 12 circulated in my name *[see schedule 1 at page 816]*.

Amendment agreed to.

Clause 138, as amended, agreed to.

Clauses 139 and 144, by leave, taken together and agreed to.

Clause 145.

MS GALLAGHER (Minister for Education, Youth and Family Services, Minister for Women and Minister for Industrial Relations) (5.34): I seek leave to move amendments Nos 13 and 14 circulated in my name together.

Leave granted.

MS GALLAGHER: I move amendments Nos 13 and 14 circulated in my name *[see schedule 1 at page 816]*.

This amendment inserts a new paragraph 145(b)(iii) which will allow inspectors to examine documents that may be relevant to a contravention or possible contravention of the act, as well as documents relating to handling dangerous substances or documents relating to plant or systems used for handling dangerous substances. This will make the inspection power similar to those proposed in the Occupational Health and Safety Act contained in the bill I introduced on 12 February. The second amendment clarifies that an inspector who enters premises may carry out examinations to investigate whether the legislation has been complied with in the past as well as the present.

Amendments agreed to.

Clause 145, as amended, agreed to.

Clauses 146 to 153, by leave, taken together and agreed to.

Clause 154.

MS GALLAGHER (Minister for Education, Youth and Family Services, Minister for Women and Minister for Industrial Relations) (5.35): I move amendment No 15 circulated in my name *[see schedule 1 at page 816]*.

Amendment agreed to.

Clause 154, as amended, agreed to.

Clause 155.

MS GALLAGHER (Minister for Education, Youth and Family Services, Minister for Women and Minister for Industrial Relations) (5.36): I move amendment No 16 circulated in my name *[see schedule 1 at page 816]*.

This amendment corrects an important typographical error. The penalty for failing to provide a name and address to an inspector is intended to be 10 penalty units, in line with similar offences in other legislation.

Amendment agreed to.

Clause 155, as amended, agreed to.

Clause 156 agreed to.

Clause 157.

MS GALLAGHER (Minister for Education, Youth and Family Services, Minister for Women and Minister for Industrial Relations) (5.38): I move amendment No 17 circulated in my name *[see schedule1 at page 816]*.

This amendment makes a minor change to the provision dealing with the issue of search warrants by the court. The amendment makes it clear that a search warrant must state the offences for which the court has issued the warrants to investigate, which in some cases may not include the full range of offences for which the warrant was sought by an inspector.

Amendment agreed to.

Clause 157, as amended, agreed to.

Clause 158.

MS GALLAGHER (Minister for Education, Youth and Family Services, Minister for Women and Minister for Industrial Relations) (5.38): I move amendment No 18 circulated in my name *[see schedule 1 at page 816]*.

Amendment agreed to.

Clause 158, as amended, agreed to.

Clauses 159 to 163, by leave, taken together and agreed to.

Clause 164.

MS GALLAGHER (Minister for Education, Youth and Family Services, Minister for Women and Minister for Industrial Relations) (5.39): I move amendment No 19 circulated in my name *[see schedule 1 at page 816]*.

Amendment agreed to.

Clause 164, as amended, agreed to.

Clauses 165 to 168, by leave, taken together and agreed to.

Clause 169.

MS GALLAGHER (Minister for Education, Youth and Family Services, Minister for Women and Minister for Industrial Relations) (5.40): I seek leave to move amendments Nos 20 to 26 circulated in my name together.

Leave granted.

MS GALLAGHER: I move amendments Nos 20 to 26 circulated in my name together *[see schedule 1 at page 816]*.

Since the bill was drafted and introduced to the Assembly, ACT WorkCover has further considered its ability to complete investigations within the six-month time limit. There are a number of cases where complex investigations are taking longer than six months to complete, so the government is proposing to amend the time limit in this clause to 12 months. The government and WorkCover are committed to completing investigations as quickly as possible, but the time limit needs to encompass a full range of investigations, which can include very complex processes.

Amendments agreed to.

Clause 169, as amended, agreed to.

Clauses 170 to 191, by leave, taken together and agreed to.

Clause 192.

MS DUNDAS (5.42): I move amendment No 6 circulated in my name *[see schedule 3 at page 817]*.

The opposition is seeking to do more than just oppose this clause. We are seeking to omit clause 192(3). Clause 192 provides that the mental element proved to be held by one person can incriminate another. In other words, the guilty intentions of one person can land another person in jail. I accept that it is quite reasonable for employers to be held responsible for the actions of their employees. Clauses 192(4) and 193 cover that situation—as they should. But there is a significant legal leap to hold a person responsible for the thoughts of another, as we do in clause 192(3).

There is a long established principle of law that the prosecution must prove criminal culpability in order for a person to be convicted of a crime. We have enshrined this principle into the criminal code and it does not need to be violated under the Dangerous Goods Bill. It is a serious erosion of standard of evidence required for a conviction and it is unnecessary for the functioning of this act and I don't think it should be included in this piece of legislation.

MS GALLAGHER (Minister for Education, Youth and Family Services, Minister for Women and Minister for Industrial Relations) (5.43): Ms Dundas has proposed deleting clause 192(3). Clause 192 provides that, for the purposes of offences under the act, a person can be held liable for the acts or omissions done by a person's agent as long as the agents are acting within the scope of their actual or apparent authority. It is necessary to include these provisions to ensure that people cannot avoid their duties under the act by simply delegating them on to another person. This is a common approach to obligations under safety legislation, including occupational health and safety and dangerous goods legislation.

If a person is under a duty to do something, that duty must be complied with and the person is under an obligation to make sure that their employees and other agents are properly instructed so that the duties are met. However, there is a defence built into this provision in subclause (5). If a person has exercised due diligence and taken all reasonable precautions to avoid the act or omission, they cannot be held responsible for the conduct of their agents. If an employee were instructed to operate machinery in a particular way and the employee ignored those instructions and caused a serious accident, the employer who holds the duty under the act would have a defence to prosecution.

MRS CROSS (5.44): I will be supporting this amendment. This clause has the effect of requiring a defendant to prove innocence rather than for a prosecutor to prove guilt.

MS TUCKER (5.44): The Greens will not be opposing this clause. It seems to suggest that, if you need to prove someone's recklessness, negligence or intent, then you only have to prove someone working for that person had that intent. In other words, it might seem that you are as guilty as an employee for any offences in the act. The point is that no offences are simply a function of thought. An action or failure to take action would also need to be proved.

Clause 192(5) provides the defence against vicarious liability if you can establish that appropriate diligence was taken. However, if it is a reversal on the onus of proof, you will be found guilty for the thoughts and deeds of your employees or representative, unless you can demonstrate that you took reasonable precautions or appropriate diligence. Interestingly, in clause 193, which talks about the criminal liability of corporate officers, a person charged with offences resulting from insufficient regard to their duty of care needs to be proved to have failed to take reasonable precautions. In other words, there is a more conventional burden of proof for offences under this clause. It is not clear to me why both clauses 192 and 193 are there and why they are arranged in those different ways. The point of having clause 192 constructed as it is would seem to signal an inescapable commitment to duty of care. The difficulty I have lies in balance in this principle, with an equally important commitment to the presumption of innocence in issues of criminal law. This issue has come up before and some employers and managers are distressed because they are not sure what actions would constitute reasonable precautions.

Whichever way the debate on this amendment concludes, there is clearly a role for WorkCover in exploring those issues in the workplace and promoting consistent and appropriate risk management and management practices. Of course, there is also a reasonable expectation that the issues of associated risk and management would be independently addressed by responsible parties. In that context, clause 192, requiring proof of a proactive precautionary approach, has a real value.

Consequently, I am inclined to oppose this amendment, acknowledging that, on the balance of probabilities, if a person can demonstrate that they have taken appropriate precautions, they will not be found guilty for the actions of their representatives. Nonetheless, to shift to a person the negligence or recklessness of their representative is a serious act. It emphasises the need for all employers or managers of businesses dealing

with dangerous substances to ensure that reasonable diligence and appropriate precautions are taken. It is for that reason that I will be generally supporting an amendment by Mr Pratt, which emphasises the responsibility of the chief executive to ensure that businesses in the Territory are aware of their responsibilities under this act.

Amendment negatived.

Clause 192 agreed to.

Clause 193 to 195, by leave, taken together and agreed to.

Clause 196.

MS DUNDAS (5.48): I will be opposing this clause. This is a question of freedom of speech and the ability of a court to compel somebody to do something. Courts could currently sentence someone to jail, compel them to pay a fine or make them attend community service. It is human nature that people will generally do this with the barest amount of cooperation possible, but it is another matter entirely when you start coercing people to say things, with a penalty of being found in contempt of court, which can lead to imprisonment.

In response to this particular issue, which was raised by the Scrutiny of Bills Committee, the government likens this provision to court ordered retractions in defamation cases. The government said:

> It is difficult to see how publication of a factual statement concerning conviction recorded in open court can be considered as analogous to torture or is more cruel, inhumane or degrading than other criminal sanctions such as imprisonment.

The problem is that there is not a requirement of a factual statement in this legislation as it stands, simply a requirement to publish a statement in accordance with the direction of the court. Again, this is a significant step away from a retraction or an apology in a defamation case. A direction to apologise for saying something is significantly different to being told that you must say X, Y and Z and that you must do it in this manner. While this provision is specific to this act, it sets a dangerous precedent of governments telling citizens what to say and what to think. That is why I am opposing this clause.

MS GALLAGHER (Minister for Education, Youth and Family Services, Minister for Women and Minister for Industrial Relations) (5.50): I move amendment No 27 circulated in my name *[see schedule 1 at page 816]*.

This amendment allows the court to order publication of the details of an offence where a person has been convicted or found guilty. In some cases, the court may find someone guilty of an offence but do not record a conviction. This amendment brings the court's powers regarding publication in clause 196 into line with the chief executive's power regarding publication in clause 197.

Amendment agreed to.

Clause 196, as amended, agreed to.

Clause 197.

MS GALLAGHER (5.51): I move amendment No 28 circulated in my name *[see schedule 1 at page 816]*.

During consultation on the bill, Ms Dundas suggested that the bill would be improved if paragraph 197 (2) (d) were removed. The government agrees. Clause 197 allows the chief executive to publish details of convictions under the act. The provision would allow the chief executive to publish the identity of the convicted person, details of the offence, the decision of the court and the penalty imposed. At the moment, the bill would also allow the chief executive to publish any other relevant information about the offence. This is not necessary as the purpose of the provision is simply to ensure that members of the public can be informed about information that is relevant to the conviction.

Amendment agreed to.

MS DUNDAS (5.52): Mr Speaker I move amendment No 8 circulated in my name *[see schedule 3 at page 817]* .

We have just agreed to remove paragraph 197 (2) (d). I thank the government for doing that, but I believe that we also need to remove clause 197 (5) as I don't think it is necessary. I believe that the reference to the Civil Law (Wrongs) Act is unnecessary and we need to remove any rule that implies that, whatever a chief executive considers appropriate, is automatically a fair report, even if it is not, which is what clause 197 (5) does. We don't need it there. It implies that any information published by the chief executive is taken to be a fair report. We don't need that, especially considering all the other provisions about the publication of chief executive convictions.

MRS CROSS (5.53): I will be supporting Ms Dundas's amendment. It gives unfair protection to the chief executive by deeming all reports written to be a fair report.

MS TUCKER (5.53): The Greens will be supporting this amendment. I was pleased to see the government itself remove the protection against defamation from almost any statement the chief executive may choose to make. I still don't see why the chief executive needs a public concern protection of the civil law when the other matters, which are referred to in the part of this information of fact, are closely specified.

Amendment agreed to.

Clause 197, as amended, agreed to.

Clauses 198 to 205, by leave, taken together and agreed to.

Proposed new clause 205A.

MR PRATT (5.55): I move amendment No 7 circulated in my name which inserts a new clause 205A *[see schedule 2 at page 816]*

The last amendment by the opposition is a proposed new clause in chapter 10, part 10.2—"Chief executive to promote Act". Proposed new clause 205A states:

> The functions of the chief executive under this Act include—
>
> (a) developing and providing educational and awareness programs to promote understanding, and acceptance of, and compliance with, this Act; and
> (b) promoting understanding and acceptance of, and compliance with, this Act.

As per the examples given in the proposed amendment for paragraph (a), under this provision we would expect the chief executive to authorise ACT WorkCover to initiate and undertake education programs about safety duties to Canberra businesses, which may include briefing sessions—which I know were undertaken in a limited way across Canberra for the industrial manslaughter legislation—comprehensive direct mail campaigns, ensuring all registered Canberra businesses are reached, and print media and radio programs.

Training sessions about the safe manufacture, packaging, handling, transport and storage of dangerous substances would be expected to be undertaken by ACT WorkCover, possibly in conjunction with major business organisations in Canberra, to ensure practical training is given to assist Canberra businesses, in compliance with the act. I would like to take this opportunity to thank all of the stakeholders who gave the opposition feedback on this legislation. I hope that members find these amendments as necessary as the opposition does. Again, I implore the government to accept these amendments and implore my colleagues on the cross bench to support this amendment as well.

MS TUCKER (5.57): I move an amendment to this amendment circulated in my name *[see schedule 4 at page 817]*.

Basically my amendment to Mr Pratt's amendment would take out the requirement for the chief executive to provide training programs, as that would run across the duties of the employer, which is to train employees in the safe handling of dangerous substances, and lies outside the bounds of the duties and expertise of WorkCover. I have considered including in the amendment a clause that explicitly stated that nothing in the new clause would lessen the responsibilities that an employer has for the safe management of dangerous substances. I was advised very clearly, however, that other provisions in this bill make that emphatically clear and that such a disclaimer at this stage is of no benefit.

MS DUNDAS (5.58): The Democrats will be supporting Ms Tucker's amendment to Mr Pratt's amendment. As Ms Tucker has stated, I think it is very important that we take out examples in relation to training. Training should not be the sole responsibility of the chief executive. It is up to the organisations themselves to make sure that training takes place. The chief executive can develop those training packages. We are crossing some grey areas here. Whilst making sure that the chief executive has the function to promote the act, let us not confuse that in relation to the rest of the legislation.

MR PRATT (5.59): We will not support the Greens' amendment. I must take issue with a point made. Ms Tucker is right: it is certainly the responsibility of peak organisations

to carry out briefing and training programs. However, we believe that, if the government and ACT WorkCover are going to introduce and implement this program, the chief executive has a responsibility to ensure that training is carried out and that sufficient briefings are undertaken as soon as possible after the act takes effect. We stress that this is very important, particularly with complex acts such as this.

This is not a bad act in some respects. It takes a responsible direction in general terms, but it is complicated. If organisations are to implement this quite complex act properly, it is important that they be properly trained and properly briefed; therefore, it is imperative that ACT WorkCover exercises a leadership role not only in assisting the government in the introduction of this act but also in stepping forward and taking on a training role. We stress the need for that. We implore our colleagues to accept our amendment and not to accept the counter amendment put forward by the Greens.

Ms Tucker's amendment to **Mr Pratt's** amendment negatived.

MR SPEAKER: The question now is that Mr Pratt's amendment be agreed to.

MS GALLAGHER (Minister for Education, Youth and Family Services, Minister for Women and Minister for Industrial Relations) (6.01): The government will be opposing this amendment. A fundamental responsibility of government for administering legislation is to promote understanding and acceptance of, and compliance with, the legislation. It is unusual, however, for this to be specified in legislation. An example of where it has been specified is in section 25B(1) of the Occupational Health and Safety Act, which spells out the functions of the Occupational Health and Safety Commissioner. This indeed appears to be the model for subclause (b) in Mr Pratt's proposed amendment. An important difference, however, between the OH&S Act provision and the proposed amendment is that it is necessary to explicitly provide for the functions of a statutory office holder.

Mr Pratt's amendment indicates that he is concerned that the government provide information and education to the community on this legislation. I agree that this must be done. In relation to the dangerous substances legislation, it will be particularly important to carry out a comprehensive information campaign as part of the implementation of the legislation. The government is committed to this and ACT WorkCover will be essentially involved over the coming months in rolling this out. The government will also continue to provide information and guidance to the community and interested parties as part of its general responsibilities for ongoing administration of this very important regulatory scheme.

I note that others also share responsibility for information and guidance in relation to the requirements of the legislation. Duty holders, such as employers, manufacturers, suppliers and others, must also discharge obligations for information guidance to not only their workplace but also consumers of their products and, where appropriate, these duty holders must also provide education and training.

Inserting this proposed amendment would have consequences that I doubt Mr Pratt intends. I am particularly concerned with the implications of proposed subclause 205A(a). Most importantly, the use of words like "training program" could give rise to an extended interpretation to the effect that the government has a direct responsibility for

training of people working in industries where dangerous substances are handled. This could impose very onerous liabilities on government without a clear accountability framework as to what it is actually obliged to do. It would be most unfortunate, for example, if someone were able to claim that they were unable to meet their obligations or obtain a licence under the act because the government has not been running enough training programs.

I reiterate that the government is a regulator, not a trainer. The obligation to provide training fundamentally sits with other parties. It is very important that the respective roles of regulators and businesses are not confused with the obligation to inform, guide, educate and train. Mr Pratt's amendment would entrench this confusion. For this reason, the government will not support Mr Pratt's amendment.

MR PRATT (6.04): The minister is quite right: there cannot be an open-ended exercise by government on how far it takes training. If training programs are not carefully regulated they may give the impression that the state must look after everybody, no matter what. We don't believe in that principle. However, we certainly do believe that peak organisations have a major responsibility to undertake training.

Ms Gallagher: Put that in the clause then.

MR PRATT: It is a given. We all know that peak organisations intrinsically have that role. We expect them to carry out orientation and training activities on behalf of their constituent organisations. That is a given. We would not want to see them abrogate that responsibility and look for the nanny-state option. However, we do think that, in complicated legislation such as this, there is a very important role for the government to play in the implementation of a training program. An agreement could be put in place to limit the level of responsibility. I am sure we don't need to legislate here for that. A memorandum could be established between government and peak organisations to share the responsibility, to share the load.

I again stress the importance of this amendment. We believe that a partnership could be struck between ACT WorkCover and the peak organisations. Together they can make sure that our businesses in the ACT are well equipped, well briefed and entirely oriented to take up this complicated piece of legislation. There is a raft of penalties if they don't comply, not to mention the safety aspects that we are also concerned about.

Amendment negatived.

Clauses 206 to 210, by leave, taken together and agreed to.

Clause 211.

MS GALLAGHER (Minister for Education, Youth and Family Services, Minister for Women and Minister for Industrial Relations) (6.07): I move amendment No 29 circulated in my name *[see schedule1 at page 816]*.

Clause 211 protects commercial-in-confidence information that inspectors may become aware of while they were investigating compliance with the act. Inspectors are not allowed to divulge this information unless they have the consent of the person for whom

the information was obtained or they disclose it to a law enforcement authority. An additional provision is necessary to ensure that an inspector is not required to divulge commercial-in-confidence information to a court unless this disclosure is necessary under the act or any other act.

Amendment agreed to.

Clause 211, as amended, agreed to.

Clauses 212 to 223, by leave, taken together and agreed to.

Proposed new clause 223A.

MS TUCKER (6.08): I move amendment No 1 circulated in my name which inserts a new clause 223A *[see schedule 5 at page 818]*.

This amendment ensures that an independent review of the operation of this act is conducted shortly after the June long weekend in 2005 and that the review reports in sufficient time for the government and Assembly to amend the act if shown to be necessary. The amendment specifies some aspects of this new regime, in particular the management and impact of consumer fireworks, which must be assessed in this review. That is because the recent history of retail fireworks in this city has been controversial and the practices of the retailers have been unsatisfactory.

While I have set the timeframe for this review for 2005, I would presume that, if the system breaks down completely and we have anything like the same level of social and environmental damage as we endured over the past year, the Assembly would, without doubt, support the closing down of the retail industry altogether. The more general aspects of this review are also very important when moving from a fault based system to one which establishes a duty of care. Some evaluation of its fairness and efficacy is necessary.

MS DUNDAS (6.10): The Democrats will be supporting this new clause as proposed by Ms Tucker. I think it is important to have a review of this act. It is quite a substantial piece of legislation. It was originally tabled at the end of last year and since that time, until today, close to 40 amendments have been developed in just a couple of months.

This is a substantial piece of work. Having this review, especially in view of the controversial issue of fireworks, is important. I hope the Assembly supports this amendment. I would like to take this opportunity to thank the minister's office, the department and my office for the work that has been done in trying to make this legislation better. Without reflecting on the debate, I am disappointed that there are some still quite draconian regulations in this piece of legislation, but I think we have made some progress as to how we deal with fireworks in the ACT.

MRS CROSS (6.11): I will also be supporting Ms Tucker's amendment. This has been a very comprehensive piece of legislation. There has been extensive work—extremely cordial and professional—between my office and Ms Gallagher's office. I would like to thank my staff, particularly Nick Tedeschi, and Garrett Purtill from Ms Gallagher's

office for the work they have done. They have been responsible for making an extremely arduous process run as smoothly as possible.

MR PRATT (6.11): The opposition will also be supporting this amendment for the reasons outlined. This is a fairly comprehensive and somewhat complicated piece of legislation. We believe that the review process is necessary and we wish to see that happen. My colleagues have taken the opportunity to thank the minister and her staff for the work they have done. At this stage, I also take the opportunity—without showing my colours at this point on which way I am going to vote—to thank the minister and her staff for being quite open in the negotiations and the department for excellent briefs and putting us all in the picture.

MS GALLAGHER (Minister for Education, Youth and Family Services, Minister for Women and Minister for Industrial Relations) (6.12): The government will be supporting the amendment moved by Ms Tucker. It is a very sensible amendment. I would like to thank her for bringing the amendment forward. I would also like to take this final opportunity to thank the staff of WorkCover and the Office for Industrial Relations—particularly Penny Shakespeare and Shelley Schreiner, who I know has put enormous energy into this legislation, and Wayne Creaser—and the staff from my office and other members officers for their cooperation and support of this legislation.

Amendment agreed to.

Proposed new clause 223A agreed to.

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

MR SPEAKER: The question now is that the bill, as amended, be agreed to.

The Assembly voted—

Ayes 10		Noes 5
Mr Berry	Mr Hargreaves	Mrs Burke
Mr Corbell	Ms MacDonald	Mr Cornwell
Mrs Cross	Mr Stanhope	Mrs Dunne
Ms Dundas	Ms Tucker	Mr Pratt
Ms Gallagher	Mr Wood	Mr Stefaniak

Question so resolved in the affirmative.

Bill, as amended, agreed to.

Supplementary answer to question without notice
Aged persons residential development—Belconnen golf course

MR CORBELL (Minister for Health and Minister for Planning (6.18): I would like to take the opportunity to provide the Assembly with some additional information arising out of question time today before the next item of business. In the Assembly yesterday, Mrs Dunne successfully moved a notice of motion on aged persons accommodation. As I agreed yesterday in response to that motion, I am happy to table information provided by

agencies regarding applications for aged persons accommodation that have come before the government since January 2002.

This does not include those applications that involve the provision of accessible and adaptable housing and/or supportive housing. Six development applications out of 11 for aged persons accommodation have been approved since January 2002. A number of other applications that may accommodate aged persons have been determined or are under consideration by ACTPLA—the ACT Planning and Land Authority. However, they have not been included in the attached documentation as they are not specifically aged person accommodation.

As members are aware, aged persons accommodation includes independent living units and aged care beds. A number of initial approaches have been made to the government. These have not yet proceeded to a formal process. One development application received for the redevelopment of the former Mugga Lane Zoo—block 1, section 3, Symonston—was withdrawn by the proponent prior to its determination. The proponent required further time to fully address the planning policy issues in response to the draft preliminary assessment. There have been no applications for the direct sale of land for aged persons accommodation or development applications for aged persons accommodation rejected by the government since January 2002.

The government has advised a proponent of the proposed development of block 11, section 99, Holt, that it would not support a territory plan variation that would allow further residential development, including aged persons accommodation, on that block. Equally, the government has similarly advised a proponent for the Murrumbidgee Country Club in Tuggeranong. The information I have tabled has been assembled from a variety of databases and agencies. Whilst I trust it is accurate, if any deficiencies are later identified, I will correct the record for members.

MRS DUNNE (6.21): I seek leave to speak.

Leave granted.

MRS DUNNE: I thank the Minister for Planning for tabling this information, but I do draw to the attention of the Assembly that the minister has already made at least some of this information available to the media before it was tabled in this place.

Building Bill 2003

[Cognate bills:
Construction Occupations (Licensing) Bill 2003
Construction Occupations Legislation Amendment Bill 2003]

Debate resumed from 20 November 2003, on motion by **Ms Gallagher**:

> That this bill be agreed to in principle.

MR SPEAKER: I understand that it is the wish of the Assembly to debate this order of the day concurrently with order of the day No 3, the Construction Occupations (Licensing) Bill 2003, and order of the day No 4, the Construction Occupations

Legislation Amendment Bill 2003. There being no objection, I will allow that course to be followed.

MRS DUNNE (6.22): Before I speak on the Building Bill 2003, the Construction Occupations (Licensing) Bill 2003 and the Construction Occupations Legislation Amendment Bill 2003, I have to inform the Assembly of a personal interest. Some members may know that I have been in dispute with a builder who did unapproved works on our private residence. I have received an unsatisfactory result in pursuing this matter through the building licensing process as it currently exists. Therefore I am aware of the problems of the building licensing process from not just a theoretical position but personal experience. This is not a conflict of interest because, although I have a personal interest in this, I will in fact be debating a course that would not advantage me.

The Liberal opposition will be opposing this legislation as it currently stands. We do, however, reserve the right, if amendments are satisfactorily negotiated—I understand that the legislation has in-principle support from the majority of members here—to support an amended bill. But at this stage we cannot support the legislation.

The Building Bill 2003 and accompanying bills do a number of things: they replace the Building Act and regulations of 1972 and create a new licensing system for the construction occupations of builders, building surveyors, certifiers, drainers, electricians, gas fitters, plumbers and plumbing plan certifiers.

The legislation was tabled in November 2003 after an exposure draft tabled in June that year. There was a good deal of industry input and a good number of input submissions to the exposure draft process, but I am still concerned that the process itself was quite flawed. I was told today that there has been extensive consultation on this, but that is not the case. There have been submissions. Many of the proposals put forward by proponents in their submissions were ruled out by the government. There has not been a great deal of dialogue with the community on this important piece of legislation.

The system proposed in this suite of legislation is better than the current system, but that wouldn't be hard. The current licensing system is very cumbersome. It is very hard to get redress for work that is badly done, not done or done illegally, and that is a problem. Although this is an improvement, I think that, if we are going to go down this path, we should get it a lot better than it is now.

I will be brief because I am conscious of the time. Some of the issues that I propose to cover I will leave until the detail stage. The concerns of the opposition are many. Our principal concern at this stage is that we are dissatisfied with the impact of retrospectivity in the legislation as it currently stands. The issue of retrospectivity was a bit of a sleeper—it was not obvious; it did not come out and hit you that there were retrospectivity components. It only came to my attention in the course of last week. When I raised it with various people they said that that was their interpretation as well. I then spoke to departmental officers who were very helpful. They said that the legislation was retrospective and explained the reason why. There is an argument there in that you will get the shonky builder out there, but I am still not satisfied and the opposition is not comfortable with the extent of the retrospectivity. While it accrues a benefit to a consumer, it is a problem for the builder who may have done something that was

perfectly legal at the time and now becomes illegal because of the prescriptive nature of the regulations that underpin this legislation.

I will move on to that, but, before I do, I need to make the point that, when the issue of retrospectivity came to my attention, I immediately went to the Chairman of the Scrutiny of Bills Committee—I had read the scrutiny report and there was nothing in it about retrospectivity—and raised with him whether this was an issue that had come up in the scrutiny of bills process. He said that it hadn't. I sought his advice and on his advice I referred my concerns about retrospectivity to the Scrutiny of Bills Committee. At the same time, I informed the government and the cross-bench members of what I had done. I asked that we do not go down the path of debating this legislation until the Scrutiny of Bills Committee had reported again. It is slightly unusual to ask them to revisit legislation on which they had already reported.

Here we are today, knowing that the Scrutiny of Bills still have to report. They might solve all of my problems, in which case I won't have a problem with the issue of retrospectivity. But I think it is not only discourteous to the Scrutiny of Bills Committee that we are debating this legislation before they have had an opportunity to report but also bad legislative process, when we know that there is an issue before the Scrutiny of Bills Committee that impacts directly on a major piece of legislation. This is major legislation—there are inches of it—and we need to make sure that we are doing it well. There are a whole lot of niggling things about this legislation. We know that the legislation is not as good as it could be because it has been rushed through.

Mr Corbell: We tabled it in the middle of last year. It took nine to 10 months.

MRS DUNNE: Ten months does sound like a long time, but you have to remember that during that time we had Christmas and New Year, where nothing functions. I will draw by contrast the process—Mr Deputy Speaker, you will probably recall this—of the passage of the Environment Protection Bill, a bill of equal weight and substance with a much larger number of regulations underpinning it. That process took two years and there was real community consultation. When the bill was introduced in the Assembly and was debated, the community had been consulted. They were happy with the regulations and with the codes of practice that underpin the legislation.

This is not happening with this piece of legislation; there are problems with it, as you can see from the minister's response to the Scrutiny of Bills Committee report. The Scrutiny of Bills Committee in its report has drawn attention to the fact that we have civil liabilities for which there are penalties. The minister came back and said, "Oops, I am really sorry. It was a drafting error. We'll fix that up". But, as were going through Ms Dundas' office, members of her staff found other errors which have been missed by the Scrutiny of Bills Committee.

The minister is saying that it took nine to 10 months. That is a long time, but obviously it wasn't long enough. There are significant issues with not only the drafting but also the policy that underpins this legislation. We have a coming together of views of the industry and the opposition here. One of the principal problems that the industry has is that they had asked that the registrar of the building occupations should be an independent statutory office holder. The argument has come back to me, "Well, he is a statutory

officer because there is legislation that says what he does." That is a very narrow meaning of the word. He is not an independent office holder; he is part of the planning—

Mr Corbell: An independent planning authority.

MRS DUNNE: Yes, he is part of another structure. It is an independent planning authority, but, as the industry rightly points out, there is a difference between what is done in planning and what is done in building and there should be a distinction between the two. Planning and building are two distinct functional processes. The planning function deals with design, siting and location. It is the sort of thing that gets lots of people in this town into a lather. But the really crucial part, I would submit, is the one that becomes the poor cousin: that is, the actual execution of the process. You can have all the great urban design you like and all the design and siting rules that you like, but, if you have a bad builder, you are not going to come up with a good product. If you have a bad plumber, you are not going to come up with a good process and if you have an engineer who does the wrong thing, you are not going to come up with a good process. The fact is that engineers and architects are not covered by this legislation. Admittedly the minister has introduced other legislation on that today, but there are still considerable numbers of building occupations that are not covered by this legislation. The person who is their registrar, the person who is making decisions about whether they have demerit points, whether their licence is suspended or whatever, is not a free agent.

I have received complaints—there have been no current complaints—in the past that influence has been brought to bear on the registrar not to take particular action. Because this person is in the pecking order, he has had undue influence put on him not to take particular action. I don't think that is appropriate. Someone who has an important job to ensure the quality and the safety of the buildings that we live in should not be in a position where he is potentially interfered with in the conduct of his duties. One of the reasons we will be opposing the legislation is that we believe that the BEPCON process should be taken out of the planning authority. They need to be independent—a parallel structure—with good lines of communication; they should not be one and the same thing.

This was a proposal put forward by the Liberal opposition when the Planning and Land Bill was passed in December 2002. It is still a live issue. This view has been reinforced with me by the building industry. Submissions were put to the government by the building industry, but not by the usual suspects. There are the usual suspects—the Housing Industry Association and the Master Builders Association—but they were joined by the Master Plumbers, Drainers and Gasfitters Association, the Australian Institute of Building Surveyors, the ACT Construction Industry Training Council, the Australian Air Conditioning and Mechanical Contractors Association and the Building Designers Association and all made one submission. The Building Designers Association said, "Please regulate us as well." The government said, "No, not at this stage. It is too difficult." If we had taken the time, we would have been able to do these things. These are some of the reasons why we will not be supporting the legislation as it currently stands.

When we come to debating the regulations, unless there are significant changes to the regulations we will be opposing the schedule in the construction industry occupation legislation that covers the regulations, simply because the regulations are prescriptive in

nature and do nothing about co-regulation or cooperation in regulating the building industry. Whether you like it or not, the building industry in the ACT does a great deal of self-regulation. There have been many problems in the building industry in the ACT which have been solved—not by the regulator but by the industry itself. One of the most important aspects of public policy in the last little while has been the introduction of the MBA Fidelity Fund. This fund, more than any other aspect of building regulation or building law in the ACT, has done something to deal with the shonks.

I have been informed by people who have close association with the MBA Fidelity Fund that something like 20 builders who previously operated in the ACT are no longer operating because they have not been given indemnity insurance by the Fidelity Fund because of the quality of their work or the fact that they are not financially viable. This is what real self-regulation and co-regulation can do. It is unnecessary to have draconian measures set out in regulations that say that the builder will lose four demerit points if a smoke alarm is not installed. A smoke alarm is very important, and somebody should pay the price if it is not installed. It is not the builder who should pay the price but the certifier who ticks off on the building.

You lose demerit points if the wall is not plumb. What is "plumb"? These regulations do not look at fitness for the purpose; they look at prescriptive things such as whether there is a three-millimetre or eight-millimetre gap, whether things are square and whether floors, ceilings and sills are strictly horizontal. If you run a level over any floor in this building or any other building around town, you would be surprised at how many are not horizontal. But somebody could lose demerit points if you ran your level over any of the buildings built in this town in the last three years or built prospectively.

These are the reasons why the Liberal opposition cannot support this suite of bills. I commend the government for making a start. It is a start; the process has been improved, but it has not been improved enough. I have had a whole lot of arguments put forward by the government in the last little while as to why, first of all, we should debate this legislation today and why it should be passed. The doozey of them all was the one put forward today: if we did not debate and pass the legislation today we would not get our national competition policy payments which were due at the end of this month. The trouble is—

Mr Corbell: You didn't even bother to pick the bill up till last week.

MRS DUNNE: Mr Deputy Speaker, I would like that withdrawn. That is absolutely and utterly untrue.

Mr Corbell: It is not unparliamentary.

MR DEPUTY SPEAKER: Please withdraw.

Mr Corbell: No, I won't withdraw.

MR DEPUTY SPEAKER: Please withdraw. We have got 20 minutes.

Mr Corbell: I don't see how accusing a member of not bothering to pick the bill up till last week is unparliamentary, but, for the sake of time, I will withdraw the comment.

MR DEPUTY SPEAKER: Thank you, Minister.

MRS DUNNE: This member picked up the bill on 27 November and has been dealing with it ever since.

The main argument put forward today as to why we had to deal with the legislation today was that we would not get our national competition policy payments. This is really scraping the bottom of the barrel as an excuse. When I was in government we used that argument and I didn't believe it then. Do you expect me to believe it of this government? Not at all.

There are plenty of reasons why we should not be debating this legislation today: the Scrutiny of Bills Committee has not finally reported, there are significant problems with the legislation and this government is failing to consult with the community. Mr Corbell can rant and rave as much as he likes and can say that I am a disgrace, but I am the one who is doing the work. I am doing my darndest to protect the interests of the community against a government who doesn't really care.

MS TUCKER (6.40): This package of legislation introduces reforms to the regulation of trades in the construction industry. This will affect building certifiers and plumbing plan certifiers. The significant change that will result from the legislation is a shift from multiple licensing and disciplinary systems to a single system. The aim of this is to achieve a more consistent and transparent approach to the regulation of each trade.

Another feature of the legislation is the establishment of advisory panels to replace statutory boards. This will provide a more consistent approach to the provision of advice and mandatory qualifications for licensed applicants. Another reform is the creation of flexible and effective forms of disciplinary action against delinquent licence holders. It proposes a new demerit points system for licensees and the capacity to issue infringement notices against unlicensed persons who do work requiring a licence. The new Building Act clarifies the approval steps for building work, the role of building certifiers and some sections of the current act. It also includes a provision that facilitates the use of grey water and of fresh water collection, as is generally agreed we should seek to encourage.

In that spirit then, I have an amendment that gives the minister the power to rule out the use of some materials in approved building works, such as rainforest timbers. The amendment establishes "sustainability guidelines" as the mechanism for identifying proscribed materials. The heart of this whole project is the goal of creating a scheme which is consistent across all construction occupations and which provides for a transparent and modulated approach to regulation, discipline and the rectification of faults. There has been some considerable consultation with this proposed scheme. I recall the exposure drafts of these bills being open for comment for several months last year. The bills themselves were tabled in the Assembly in November last year.

There are a number of aspects of these bills that warrant close examination. One is the establishment of a registrar within the ACT Planning and Land Authority. Everyone in the Assembly would be aware by now that HIA and MBA are championing the concept of an independent registrar. They would prefer a registrar appointed by the minister on

the advice of the reference group, with regulations replaced by codes of practice developed by the reference groups or perhaps industry boards. These concerns were floated early on in the consultation process and have now emerged again. I have also been reminded that Mrs Dunne in the past, on 10 December 2002, moved to remove the building regulations from the control of the Planning and Land Authority when it was set up. I shared, and still share, the view of the government on this.

The ACT is a small jurisdiction that, uniquely in Australia, deals with both the state and local government functions of planning and building regulation and control. While usually separated into local government and state government planning and building licensing and inspection regimes, these activities deal in effect with the same industry and the same individuals. There is, in fact, a continuum of action: from planning application to construction, completion and certification. It makes good sense, given the scale and scope, for people in this one agency to cover a wider range of activities than would be the practice in another context.

One specific issue that has been raised in this context is that the registrar may be too much in the shadow of the chief planner. It is in addressing that concern that I have had an amendment drafted. It defines the registrar as a public authority for the purpose of the Annual Reports (Government Agencies) Act 2004.

Another key issue that we have had to deal with over the past few days has been the status of nominees, which this new licensing regime requires all licensed businesses to identify. It is an issue that seems to reflect fairly entrenched differences of view. This legislation will require the nominees appointed by businesses to oversee the work in their area of responsibility. It also requires them to report some information, such as their termination from employment, to the registrar. These requirements are because nominees are seen to have a public duty as well as a responsibility to the businesses.

I understand that the HIA, in particular, would rather have the businesses carry all the responsibility for the quality of its work and to tie the nominees into what they describe as the "sanctity" of the employer/employee relationship. However, the whole purpose of a nominee approach is to put some of the onus on the nominees to either ensure the work is carried out to the appropriate standard or, if that becomes impossible, advise the registrar of that fact.

Demerit points have also been fairly hotly contested—10 points, 20 points, 15 points; 10 years, no years, three years and so on. My view is that demerit points in themselves are not a penalty; they are rather a measure of problems. Consequently, I do not see the application of demerit points to problems which emerge after the act comes into force, but are the result of building activity in the past, as a retrospective penalty. These, and a number of other issues that are reflected in some of the industry concerns, I will address in more detail in the detail stage.

MRS CROSS (6.45): I will speak very briefly, given that we don't have much time left. The concern that I have with this these bills—the Building Bill 2003, the Construction Occupations (Licensing) Bill 2003 and the Construction Occupations Legislation Amendment Bill 2003—is not that we are debating them generally but the fact that concerns have been brought to our attention by the industry, which is going to be most affected by these bills. Some of them reacted a little slowly and it wasn't within the

timeframe that certain public servants would have liked, but at the end of the day we are elected representatives of the community. We are here to serve those people; we are not here to do our bidding. We are not here to indulge ourselves and we certainly are not here to be dictated to by staff as to how we should do our job. I don't think it is appropriate for staff to handle people from this industry in anything but a polite and courteous way. I have had complaints to my office that this has occurred and it causes me great concern. There have been a variety of emails exchanged on this topic. There seems to be some misapprehension by the office of the Minister for Planning that the industry was generally happy. One of the issues raised was that of retrospectivity.

I received an email today. It was sent by the HIA on behalf of both the HIA and the MBA, which I forwarded. It stated that the issues that continue to be of concern are: the appointment of the registrar, which is considered to be the most important; development of codes of practice; a cap on demerit points; and retrospectivity rectification. On the nominees, they claim that the government did make some changes yesterday that went some way to alleviating their concerns, which were tidied up completely, but if we were able to achieve positive outcomes on the points above, which I mentioned a little while ago, we could let this one pass. As noted, the government has indicated that this will happen, so, although we would like to see it legislated, we could again let this one pass. The concern that I have is that the industry are attempting to compromise. They have made it clear what they are attempting to compromise on and what they find a little bit difficult to compromise on.

My concern is that a number of members in this place have written to the minister's office asking that this legislation be postponed until the industry's concerns are addressed—not our concerns, not staff concerns, not the empire building that I see going on in this building and others, but industry concerns. These bills will affect industry. Remember that we—that is members and staff—are not here to self-indulge ourselves; we are here to serve the community and the industry. They are begging us to do something. They are saying, "Please, we know we're a little late with some of our concerns. Yes, you have consulted with us and, yes, we've all consulted with them and, yes, they're not perfect". There you go: we are all fallible.

At the end of the day, I do not like getting comments like, "We are proceeding anyway," despite the fact that we are continually raising these concerns. We do not do it very often in the way it was done last week. We have raised concerns that we feel need to be addressed and they should be addressed. These people do not work for us; we work for them. Frankly, I find it rather irritating that people think that they are above the people they are here to serve. Given that this is only an in-principle debate, I will leave it at that. But we will debate this matter further when we bring it on next week.

MS DUNDAS (6.49): In principle I will be supporting this suite of bills—the Building Bill 2003, the Construction Occupations (Licensing) Bill 2003 and the Construction Occupations Legislation Amendment Bill 2003—that we are debating today. They are a fundamental overhaul of the rules governing the building and construction industry in the territory. I appreciate the significant amount of time and consultation that have gone into these bills since the exposure drafts were released and particularly since the bills were tabled in the Assembly in November last year.

I am disappointed that the in-principle debate has been caught up so much with whether or not we should be having this debate at all. I would like to return to what these bills are trying to do. It is fair to say that the building industry is one that is often maligned. These bills will, I believe, restore public confidence in the industry. New complaints disciplinarian enforcement procedures, as well as advertising requirements, will lead to more informed and better choices for consumers.

The bills overhaul the regulation of the building industry and bring the rules covering builders, building surveyors, drainers, electricians, gasfitters, plumbers and plumbing plan certifiers into one place. There is further regulation of the operation of nominees within the construction industry. The legislation sets out clear penalties for breaches of the act and the legislative rectification process.

A Construction Occupations Registrar will be established and will have a range of disciplinary and enforcement powers at their disposal, many of which are new initiatives. The Construction Occupations (Licensing) Bill maintains the current levels of qualification as a condition of entry to the relevant occupations. There will be better enforcement proceedings against licensees who work without following approved standards and there will be clear penalties for licensees who advertise their business without providing their licence number or, in the case or corporations, their ACN.

There is a demerit point system proposed for a range of construction work offences which will operate similar to drivers licence demerits. Each construction occupation will have an advisory board set up within six months of completion of debate on the legislation. These advisory boards will help not only to develop and maintain codes of practice for the respective occupations but also with investigations and disciplinary hearings as well as provide advice to the registrar of qualifications.

The main point about these bills is that they make the operation of the building industry better than it is at the moment. There are many amendments that have come out of discussions with the Assembly and with industry that will make the bill even better. I would just like to foreshadow some of the amendments and give my opinion on a few of them. I thank the government for moving a suite of amendments, particularly in relation to clauses 42, 79 and 82 of the Construction Occupations (Licensing) Bill, and to clause 145 of the Building Bill, which came out of discussions with my office. These amendments address some inconsistencies within the legislation and impose a possible jail term on strict liability offences, something the Scrutiny of Bills Committee has repeatedly said is undesirable and something that I have also said many times is undesirable. We need to watch what we do with strict liability offences within our legislation.

I will also be moving amendments to clause 80 to replace the 220 units with 50 penalty units. This brings penalties in clause 80 into line with the majority of other penalties in this area. It drops the penalty from 250 units for advertising without a licence. This is a much more realistic penalty. It also removes the anomaly of a penalty for advertising without a licence being greater than that for working without a licence. I also note that the Greens are proposing amendments for the introduction of guidelines for the use of sustainable building materials and to make the Construction Occupations Registrar

provide annual reports. They are simple but quite significant amendments and are supportable.

The suite of bills before us will not only make the building industry better but also, I believe, allow the community to have greater confidence in the building industry. There are some concerns that need to be sorted through, but I think we need to keep in mind the fundamental principle that we are trying to work with the building industry and to make that industry the best industry that we can here in the territory.

MR CORBELL (Minister for Health and Minister for Planning) (6.53), in reply: Before I speak about the significant improvements to the construction occupation licensing system that these bills—the Building Bill 2003, the Construction Occupations (Licensing) Bill 2003 and the Construction Occupations Legislation Amendment Bill 2003—will deliver, I think it is worth while just briefly reminding Assembly members of the process that has been undertaken to date in the development of these reforms. I also thank those members who have taken the time to carefully consider this legislative package and who have sensibly provided their support. I thank them for that.

In June last year, I tabled in the Assembly an exposure draft of the Construction Occupations (Licensing) Bill. As the debate on the need for reform to our licensing system has been under way for a number of years, and indeed has stretched over two governments, I thought it was important that, given the size of the reforms, there was an opportunity for community and industry involvement. An industry briefing was held prior to the commencement of the six-week community consultation period following the tabling of the exposure draft, which commenced on 1 July last year. Individual letters were sent to each licensee, of which there were more than 5,000, inviting them to attend one of the many information sessions that were held on the reform proposals. In addition to that, nine fact sheets were produced that covered the major elements of the reform package. These were made available on the ACTPLA website, at the ACTPLA customer services centre and at information sessions.

I wrote to all Assembly members on 7 July last year, offering a briefing on the proposed reforms. I note with surprise that the offer was not taken up at that time by a single Assembly member. Following the community consultation period, further discussions were held with industry groups regarding a range of issues. A response to the 11 submissions received, which addressed each of the 150-plus issues, was sent to each person who made a submission. Copies of the consultation outcomes were also made available at the ACTPLA customer services centre. Consultation continued with industry groups through to the finalisation of the licensing bill.

In regard to the Building Bill, the decision to rewrite the Building Act 1972 was made shortly after the exposure draft consultation period began. Once that decision was made, the relevant industry groups were informed and had a number of meetings with project officers to consider the detail of the changes. Members will recall that these bills were tabled in November 2003. Once these bills were tabled, I again offered Assembly members the opportunity to be briefed on the details of the reforms. I thank Ms Dundas, Ms Tucker and Mrs Cross for taking the opportunity to inform themselves on the detail of the package.

It is unfortunate that some industry representatives waited until last week to raise again a range of issues—and I stress this—that had already been responded to through the community consultation report. A small number of new issues had been raised. Members will see later in the debate that there are two government amendments that address the concerns about the retrospectivity of demerit points and the mandatory requirement provisions for nominees.

I stress in relation to the issue of retrospectivity—I know members have raised it in the debate this evening—that the need for retrospectivity is because the Building Act 1972 is being repealed. A new act is replacing it. So, unless there is retrospectivity application of the new act, potential offences committed whilst the previous acts were in existence would not be able to be actioned. It is a loophole that would allow potentially shoddy workmanship to escape without any sanction, and that is not acceptable.

As you have just heard, the consultative approach taken to this reform package has been comprehensive. There has been an open door approach in finalising the reforms. It is unfortunate that some individuals and organisations, having been party to these reform proposals, now seek to have yet another go. It is also surprising, given that a number of changes had already been made to the legislative proposals based on the helpful and sensitive recommendations of industry.

I can appreciate that change can be unsettling, especially when you have an act which has been in place for over 30 years. But that is not a good enough reason to maintain the status quo when most people agree that this is not a good regulatory system that we have in place at the moment. Time will reveal any modifications that may be needed and industry will continue to have an important role to play in identifying issues that need to be addressed. At the end of the day, we will continue to work cooperatively with our licensees, the community and industry bodies to ensure the best possible outcomes for our community. I have been clear that this has been the government's intention and I would hope that industry assurance of their commitment to this approach is genuine.

This package of legislative reforms to the licensing of building and construction occupations is one of the key planks in the ongoing improvements to the land and planning system in the ACT. Both the Assembly and the community spend much time debating what we want Canberra to look like and what we value as a community when it comes to high quality design and development. But it is important to remember that part of achieving our goals in designing a high quality built environment is ensuring that the built product is also of the highest quality—that the electrical wiring, plumbing or gas fitting work meets the Australian standards we apply and that the work of building certifiers contributes to ensuring that the buildings we live, work, and play in are safe and meet the required standards of construction. That is what this package of bills is all about. It is about a package of reforms that modernises an existing legislative framework that is currently cumbersome and deficient in many areas. It is about the transparency of that system and about refocusing the regulatory framework to be relevant and effective for today's community. Integrating the multiple licensing processes into one process and introducing new measures of accountability both for the regulators and licensees will achieve a more efficient use of resources and, ultimately, better quality building and construction work in the ACT. Consumers can be assured of adequate avenues of redress and have confidence in the quality of licensed tradespeople they employ. Licensees can

trust that peers who give their industry a tarnished image will be dealt with appropriately.

The Scrutiny of Bills Committee raised the issue of accountability in relation to the discretionary powers of the Construction Occupations Registrar. The committee recommended that, where discretionary powers exist, care should be given to ensuring that there is sufficient definition of the scope of those powers. There is merit in this observation. As a result of that recommendation, key provisions within the Construction Occupations (Licensing) Bill have been identified that would benefit from greater clarity.

I will be moving amendments to include criteria that the registrar must consider prior to making decisions to endorse a building licence for specialist building work or endorse plumbing licences for backflow prevention work. I will also be moving amendments to include factors that the registrar must take into consideration before making a rectification order or deciding whether to take disciplinary action against the licensee, and what that disciplinary action should be.

The Scrutiny of Bills Committee made a number of other recommendations with which the government has agreed. I will also be moving amendments to address most of those matters. I will not, however, be moving an amendment to remove the capacity of the registrar, as a disciplinary action, to impose a financial penalty of not more than $1,000. As I stated in my response to the Scrutiny of Bills Committee, the capacity for the registrar to issue a financial penalty is considered appropriate as there may be circumstances where it provides the registrar with an appropriate alternative to suspension of a licence. The purpose of disciplinary action is to place sanctions on the licensee commensurate with the seriousness of the breach.

The issuing of a penalty clearly applies to the licensee without penalty to existing clients, particularly if the circumstances indicate that public safety or consumer protection is not compromised by allowing the licensee to continue to provide construction services. Appropriate safeguards around the reasonable application of any or a combination of disciplinary actions is provided through the appeal mechanisms to the AAT.

In conclusion, I would like to take the opportunity to thank the committee for their timely consideration of such a large legislative package. I value the input of the Scrutiny of Bills Committee to the legislative process and appreciate their role in ensuring the quality of the legislative reforms that come before the Assembly. One of the significant outcomes of this legislative reform will be the capacity to more effectively deal with people who the industry describes as cowboys. I commend the bill to the Assembly.

Question put:

> That this bill be agreed to in principle.

The Assembly voted—

Ayes 8		Noes 5	
Mr Berry	Ms MacDonald	Mr Cornwell	Mr Stefaniak
Mr Corbell	Mr Quinlan	Mrs Cross	
Ms Dundas	Ms Tucker	Mrs Dunne	
Mr Hargreaves	Mr Wood	Mr Pratt	

Question so resolved in the affirmative.

Detail stage

Clause 1.

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

Construction Occupations (Licensing) Bill 2003

Debate resumed from 20 November 2003, on motion by **Ms Gallagher**:

> That this bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clause 1.

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

Construction Occupations Legislation Amendment Bill 2003

Debate resumed from 20 November 2003, on motion by **Ms Gallagher**:

> That this bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clause 1.

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

Supplementary answers to questions without notice
Bushfires—warnings

MR WOOD: Before I move the adjournment, I should apologise to the House and correct something I said today in question time. In question time I replied to a question from Mr Stefaniak about warnings to evacuate Uriarra residents on 18 January. I did so, relying on my recollection of what I had read a little time ago. That recollection was wrong. Today I referred to the Emergency Services Bureau as being in contact with ACT Housing. However, it was not the Emergency Services Bureau but the Emergency

Control Centre—something quite different—that was in contact with ACT Housing. The Emergency Control Centre reported that residents were in the process of being alerted and later of being evacuated. I should not rely on my memory so much. I am aware of the comment in the McLeod report at page 281 about forestry settlements. It states:

> Efforts were made by police to advise residents to evacuate on the morning of 18 January but this advice did not reach everyone.

ACTION bus service

MR CORBELL: In question time today, Mr Cornwell asked me a question about bus drivers taking their children on the bus while on duty. I can been provide the following in answer to Mr Cornwell and members:

> ACTION policy clearly does not allow for any drivers to mind their children on their shifts. I am advised now that on Tuesday, 2 March this year on radio station 2CC it was reported that an ACTION female bus driver had taken her two children on a shift. This particular driver has been identified and has been requested to cease this practice and make appropriate childcare arrangements.
>
> The driver has been offered in the short term another shift to accommodate her situation and to avoid this circumstance occurring again. ACTION responds immediately when they become aware of such an instance. ACTION is working with employees towards a more family friendly workplace; however, bringing children to work is clearly a safety issue.

Bonner concept plan

MR CORBELL: Also in question time today, Ms Tucker asked me a question about the Bonner information session and concept plan. I can advise Ms Tucker that this is the second public information night tonight, from 4 pm to 8 pm, on the Bonner information session concept plan. Concept plan options have now been prepared, together with maps, that show all constraints and opportunities for development. A preferred option of the concept plan—option 3—has been prepared, but this is for discussion purposes only and will need some further refinement. The fire threat to the estate, which Ms Tucker asked me about in question time today, is discussed in this draft work and will be subject to a separate and independent fire threat assessment to finetune the physical treatment on the urban edge.

The assessment will incorporate any criteria applicable following from recent reviews into the urban edge. The current preferred option proposes significant links of edge road, approximately 90 to 95 per cent, interfacing with the Canberra Nature Park. Particular attention has been given to avoid areas of high conservation value in the design of this estate. Copies of the government media release regarding cats in Forde and Bonner will be available to members of the public at tonight's public meeting. A separate briefing is to be made available to the Conservation Council of the South East Region at the next working group meeting which will be held in about a month. A copy of the material that will be made available at the information session I have with me and I am happy to make it available for the information of members.

Mrs Cross: How long do ministers have to get back to us when they put a question on notice in the chamber?

MR SPEAKER: They have 30 days.

Adjournment

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

> That the Assembly do now adjourn.

The Assembly adjourned at 7.14 pm until Tuesday, 9 March 2004, at 10.30 am.

Schedules of amendments

Schedule 1

Dangerous Substances Bill 2003

Amendments moved by the Minister for Industrial Relations

1
Clause 10 (1) (d)
Page 7, line 11—

omit

carried

substitute

transported

2
Clause 10 (4) (a)
Page 8, line 20—

after

document

insert

as

3
Proposed new clause 14 (3)
Page 12, line 15—

insert

(3) In this section:

dangerous substance includes a container or package containing a dangerous substance.

4
Clause 15 (1) (a)
Page 12, line 19—

omit clause 15 (1) (a), substitute

(a) cause the death of or harm to a person; and

5
Clause 43 (1) (d)
Page 36, line 15—

omit clause 43 (1) (d), substitute

(d) the person either—

(i) was reckless about whether the failure would expose anyone to a substantial risk of death or serious harm; or

(ii) was negligent about whether the failure would expose anyone to a substantial risk of death or serious harm.

6
Clause 49 (1) (f)
Page 43, line 22—

omit

before the application,

substitute

before the day the application is made,

7
Clause 51 (2) (d)
Page 46, line 5—

omit clause 51 (2) (d), substitute

(d) give the chief executive the authorities and consents that the chief executive asks for to allow the chief executive to obtain from other people information (including financial and other confidential information) that is—

(i) about the person or a close associate of the person; and

(ii) relevant to the consideration of the designated matter in relation to the person.

8
Clause 92 (3), new note
Page 77, line 19—

insert

Note The Legislation Act, s 171 deals with client legal privilege.

9
Clause 112 (2) (a)
Page 90, line 19—

after

required

insert

not

10
Clause 119 (1)
Page 93, line 11—

omit

is given

substitute

relates

11
Clause 135 heading
Page 102, line 9—

omit

control

substitute

charge

12
Clause 138 (2) (b)
Page 103, line 14—

omit

control

substitute

charge

13
Clause 145 (b) (ii)
Page 109, line 19—

omit clause 145 (b) (ii), substitute

(ii) plant or a system used for handling dangerous substances; or

(iii) a contravention, or possible contravention, of this Act;

14
Clause 145 (h)
Page 110, line 9—

omit

is being

substitute

has been, or is being,

15
Clause 154 (4)
Page 117, line 18—

omit

where a thing

substitute

where the thing

16
Clause 155 (3), penalty
Page 118, line 18—

omit

100

substitute

10

17
Clause 157 (5) (b)
Page 120, line 22—

omit

sought

substitute

issued

18
Clause 158 (5) (b)
Page 122, line 1—

omit

(warrant form)

substitute

(the warrant form)

19
Clause 164 (3)
Page 127, line 17—

omit

if a person

substitute

if the person

20
Clause 169 (1) (a)
Page 131, line 17—

omit

6 months

substitute

1 year

21
Clause 169 (1) (a) (i)
Page 131, line 20—

omit

6-month period

substitute

1-year period

22
Clause 169 (1) (a) (ii)
Page 131, line 22—

omit

6-month period

substitute

1-year period

23
Clause 169 (1) (b)
Page 131, line 25—

omit

6 months

substitute

1 year

24
Clause 169 (1) (b) (i)
Page 131, line 28—

omit

6 months after the day of the seizure

substitute

the 1-year period

25
Clause 169 (1) (b) (ii)
Page 132, line 2—

omit

6 months after the day of the seizure

substitute

the 1-year period

26
Clause 169 (1) (c)
Page 132, line 5—

omit

6 months

substitute

1 year

27
Clause 196
Page 151, line 24—

after

convicted

insert

or found guilty

28
Clause 197 (2) (d)
Page 153, line 1—

omit

29
Proposed new clause 211 (4)
Page 163, line 12—

insert

(4) A person to whom this section applies need not divulge or communicate protected information to a court, or produce a document containing protected information to a court, unless it is necessary to do so for this Act or another Act.

Schedule 2

Dangerous Substances Bill 2003

Amendments moved by the Mr Pratt

1
Clause 42 (2) and (3)
Page 36, line 6—

omit clause 42 (2) and (3), substitute

(2) An offence against this section is a strict liability offence.

2
Clause 43 (2)
Page 36, line 22—

omit

Absolute

substitute

Strict

3
Clause 44 (2)
Page 37, line 14—

omit

Absolute

substitute

Strict

4
Clause 45 (2)
Page 38, line 6—

omit

Absolute

substitute

Strict

5
Clause 46 (2)
Page 38, line 21—

omit

Absolute

substitute

Strict

6
Proposed new part 5.1A
Page 71, line 4—

insert

Part 5.1A Particular prohibitions for fireworks

84A Definitions for pt 5.1A

In this part:

display permit means a permit under the regulations that authorises a licensed person to conduct a public fireworks display.

distress signal firework means an article containing a pyrotechnic substance intended for signalling, warning, rescue or similar purposes.

firework means an article that—

(a) is designed for use as a form of entertainment; and

(b) contains a pyrotechnic substance; and

(c) may contain 1 or more other explosive substances; and

(d) burns or explodes (or both) to produce a visual or aural effect (or both).

general use firework means a firework that may be supplied to a person without the supplier being required to hold a licence or other form of authority (however described) under the regulations to supply the firework.

Example

a snap for a bon-bon that contains no more than a prescribed amount of pyrotechnic substance

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

pyrotechnic substance means a substance or mixture of substances designed to produce an effect by heat, light, sound, gas or smoke, or a combination of these, as the result of non-detonative self-sustaining exothermic chemical reactions.

use a firework includes ignite or explode the firework.

84B Unauthorised supply of fireworks

(1) A person (the ***supplier***) commits an offence if the person supplies a firework to someone else (the ***receiver***).

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

(2) This section does not apply to the supplier if—

(a) the receiver produces to the supplier a display permit that authorises the receiver to receive the firework; or

(b) the firework is a general use firework or distress signal firework.

(3) An offence against this section is a strict liability offence.

84C Display permit required for use of fireworks

(1) A person commits an offence if the person uses a firework.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

(2) This section does not apply if—

(a) the person is authorised by a display permit to use the firework and the use of the firework is in accordance with the permit; or

(b) the firework is a general use firework or distress signal firework.

(3) An offence against this section is a strict liability offence.

7
Proposed new clause 205A
Page 160, line 1—

insert

205A Chief executive to promote Act

The functions of the chief executive under this Act include—

(a) developing and providing educational and training programs to promote understanding and acceptance of, and compliance with, this Act; and

(b) promoting understanding and acceptance of, and compliance with, this Act.

Examples for par (a)

1 educational programs about safety duties

2 training sessions about the safe handling of dangerous substances

Note 1 A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see Legislation Act, s 104).

Note 2 An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

Schedule 3

Dangerous Substances Bill 2003

Amendments moved by Ms Dundas

1
Clause 88 (2), note
Page 74, line 20—

omit the note, substitute

Note 1 The Legislation Act, s 170 and s 171 deal with the application of the privilege against selfincrimination and client legal privilege.

Note 2 For how the notice may be served, see Legislation Act, pt 19.5.

2
Clause 88 (4) (c)
Page 75, line 5—

omit clause 88 (4) (c), substitute

(c) if the notice requires the person to answer questions—state that the person may attend with a lawyer.

Clause 92
Page 77, line 9—

[oppose the clause]

Clause 119 (1), penalty
Page 93, line 13—

omit

200

substitute

100

Clause 128 (3), penalty
Page 98, line 22—

omit

200

substitute

100

Clause 192 (3)
Page 148, line 17—

omit

7
lause 196
Page 151, line 23—

[oppose the clause]

Clause 197 (5)
Page 153, line 20—

omit

Schedule 4

Dangerous Substances Bill 2003

Amendment moved by Ms Tucker to Mr Pratt's amendments

1
Amendment 7
Proposed new clause 205A

omit proposed new clause 205A, substitute

205A Chief executive to promote Act

The functions of the chief executive under this Act include—

(a) developing and providing educational and awareness programs to promote understanding and acceptance of, and compliance with, this Act; and

(b) promoting understanding and acceptance of, and compliance with, this Act.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see Legislation Act, s 104).

Schedule 5

Dangerous Substances Bill 2003

Amendment moved by Ms Tucker

1
Proposed new clause 223A
Page 174, line 21—

insert

223A Review of Act

(1) The Minister must arrange for a person (the **reviewer**) to review the operation of this Act as soon as practicable after 30 June 2005.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see Legislation Act, s 104).

(2) The review must include an assessment of—

(a) the effectiveness of this Act in regulating the supply of fireworks in the ACT; and

(b) the social and environmental effects, in the ACT and elsewhere, of the use of fireworks supplied in or from the ACT.

(3) The reviewer must not be a public employee employed in an administrative unit that is responsible for the administration of this Act or the *Occupational Health and Safety Act 1989*.

(4) The reviewer is not subject to direction by the Minister or the chief executive in carrying out the review.

(5) The reviewer must give the Minister a written report of the review before 15 January 2006.

(6) The Minister must present the report to the Legislative Assembly before the end of the Assembly's 3rd sitting day in 2006.

(7) This section expires on 30 June 2006.

Answers to questions

Bushfires—counselling services (Question No 1180)

Mr Smyth asked the Chief Minister, upon notice:

For the funds allocated as bushfire initiatives in the 2003-04 Budget for counselling services:

(1) How much of the allocated funding for (a) 2002-03 and (b) 2003-04 has been spent;

(2) How many residents have accessed counselling services established as part of the bushfire recovery;

(3) Will this service cease to exist at the end of the current financial year.

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

1. Allocated Funding spent in
   a. 2002-03 - $164,483
   b. 2003-04 - $120,235 to end of December, 2003

2. As at the end of January 2004, a total of 434 people have been provided with counselling services from the Recovery Centre.

3. Ongoing services for those who might still require counseling will be available after 30 June 2004.

Taxis (Question No 1231)

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

In relation to taxis operating in the ACT

(1) Are drivers required to sit for tests about their knowledge of suburbs, streets, the quickest way to reach a destination;

(2) Are they expected to assist the elderly or infirm passengers if required;

(3) If neither of the above are required, why not;

(4) If (1) and (2) are required, what action is taken in the event of a complaint and where should such complaints be made.

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

(1) Yes, the Taxi Driver Training course conducted by Transport Industries Skills Centre requires the driver to meet competencies in relation to the taxi service area. These competencies include knowledge of key locations/tourist attractions and identifying the most appropriate routes to be taken and major routes.

(2) Yes a driver must comply with every reasonable request of a passenger.

(3) Not applicable.

(4) Complaints can be made to Canberra Cabs on 62132222 or the Road Transport Authority by contacting 62071423, by email to taxiservices@act.gov.au, or by calling Canberra Connect on 132281. Canberra Cabs will investigate complaints and the Chief Executive of Canberra Cabs may refer a driver to the Network's internal Disciplinary Committee. The Road Transport Authority may take disciplinary action under the Road Transport (Public Passenger Services) Regulations 2002 following the investigation of complaints.

Graffiti—aerosol art event (Question No 1233)

Mr Cornwell asked the Minister for Arts and Heritage, upon notice:

In relation to:

(1) Has the Department recently provided $2,000 for the purchase of spray cans for graffiti activity;

(2) What is the purpose of this allocation.

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

(1) The Department of Urban Services has provided $40,000 to the Youth Coalition of the ACT through its Community Partnership Program to organise and stage the inaugural Fatback Festival as part of this year's Celebrate Canberra festival. The Fatback Festival is aimed at Canberra's youth, and includes events such as a concert, skateboarding demonstrations and competitions, a barbeque and an aerosol art event. Aerosol art is a significant and recognised art movement, represented in major art collecting institutions, including the National Gallery of Australia.

(2) The Fatback Festival aerosol art event will see the preparation of aerosol art on large boards by invited and recognised Canberra aerosol artists. Paint and boards will be provided to artists by the Festival organisers on the day of the event following discussions with individual artists on the specifics of their proposed work. The painting will take place at several locations within Glebe Park, the site of the Fatback Festival. The finished pieces will be exhibited as part of National Youth Week in April this year.

You should note that in other jurisdictions, legal alternatives like this aerosol art project have proven to be a valuable part of broader crime prevention strategies to re-direct behaviour away from illegal graffiti activity.

ActewAGL Transact merger (Question No 1234)

Mr Cornwell asked the Treasurer, upon notice:

In relation to the ActewAGL merger with TransACT taking place from 1 February, as reported in the *Canberra Times* on 29 January 2004, page 5:

(1) Which jobs and how many of those jobs will be lost immediately as a result of the merger;

(2) Which positions and how many of those positions will be lost within 12 months of the merger;

(3) What will the estimated cost of conducting the merger be to (a) TransACT, (b) ActewAGL and (c) the A.C.T. Government;

(4) What procedures will be put in place to ensure that ActewAGL's Internet service provider will have no advantage over other providers on the TransACT network and how will this be assured and monitored.

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

(1) ACTEW has advised that at the commencement of the new arrangement on 1 February 2004, 4 permanent TransACT positions were made redundant. These redundancies were for an IT support employee and three sales employees.

(2) It is anticipated that some 20 positions could become surplus over the next 12 months. ACTEW has advised that ActewAGL will try to accommodate these losses through attrition or re-appointment to vacancies elsewhere within ActewAGL.

(3) I am advised by ACTEW that the cost of the merger is as follows:

a) **TransACT**: The cost of the merger to TransACT is minimal, limited to the cost of redundancies, if required, and revaluation of some minor assets not required by ActewAGL.

b) **ActewAGL**: The direct cost of the merger to ActewAGL will include some external legal and advisory costs, and some relocation and integration costs. There will also be some internal costs associated with ActewAGL staff involved in the merger process. These costs will be more than recovered through operating efficiencies and contract fees over the term of the management agreement.

c) **The A.C.T. Government**: There will be no direct cost to the ACT Government.

(4) ACTEW advise that the TransACT Board is reviewing all Internet Service Provider (ISP) arrangements. The existing management agreement between ActewAGL and TransACT prevents unfair advantage to ActewAGL's ISP business as a result of new arrangements. All ISP contracts will be managed by TransACT staff in a separate TransACT division, which will operate at the TransACT building at Dickson. This division will have transparent record keeping and auditing.

Water—Ainslie
(Question No 1235)

Mr Cornwell asked the Treasurer, upon notice:

In relation to recent correspondence in the *Canberra Times* regarding poor water pressure in Ainslie on 15 January and Pearce on 26 January:

(1) How many suburbs, by name, experience this problem;

(2) Is it confined to the hilly sections only or is the age of the pipes a problem;

(3) What is being done to fix the problem and what is the estimated time for completion;

(4) If nothing is being done to fix the problem, why not.

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

(1) I have been advised that over the two weeks indicated in question (1), ActewAGL received 17 complaints, relating to low water pressure during the Sunday night exemption. These complaints were received from 10 suburbs, namely; Ainslie, Bruce, Campbell, Charnwood, Dunlop, Hackett, Kambah, Lyneham, Melba and Yarralumla.

(2) ACTEW has informed me that all the problems occurred on properties either at, or near, the top of hills. The age of the pipe is not a factor as the pressure drop occurred in both old and new sections of the network.

(3) In response to complaints received, ActewAGL gave affected residents a further exemption to use their sprinklers on an alternative evening. However, if hot and dry weather persists, some low-pressure problems may be experienced until the exemption concludes at the end of February 2004.

(4) ACTEW assures me that all prudent action is being taken to address this concern.

Child abuse reports (Question No 1236)

Mr Cornwell asked the Minister for Education, Youth and Family Services, upon notice, on 10 February 2004:

In relation to Family Services:

(1) How many reports of possible child abuse did the Department refer to Family Services in 2002-2003 under mandatory reporting requirements;

(2) What feedback was received by the Department from Family Services to these referrals;

(3) If no feedback was received, why not.

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

It is difficult to respond to the questions posed by Mr Cornwell as it is not clear what information he is seeking. Reports are made to the Department of Education, Youth & Family Services ie. the department and Family Services are the same administrative unit.

I would be happy to provide further details should this question be further clarified.

Horse trails—Campbell Park Offices (Question No 1237)

Mr Cornwell asked the Minister for the Environment, upon notice:

In relation to bridle trails:

(1) Have bridle trails in the vicinity of Campbell Park offices been closed off and if so, when did this closure occur;

(2) Why did the closure occur and when is it envisaged these trails will reopen;

(3) Does the closure require horse riders to make a detour and if so, by what distance.

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

(1) The bridle trail between the Duntroon Horse Holding Paddocks and Mt Ainslie which traverses an area of land adjacent to the Campbell Park Offices was closed on 28 November 2003.

(2) The trail was closed when the Department of Defence advised of the possible existence of unexploded ordnance (UXO) in the vicinity of Campbell Park offices. In its present state, the area is not suitable for horse riding because of the risk to both horses and riders. We are aware that the temporary closure of this trail is an inconvenience to paddock users, however every effort is being taken to have the issue resolved urgently. Environment ACT has written to the Department of Defence and I have written to the Minister for Defence to seek clearance of the site. Discussions between the Environment Protection Unit of Environment ACT and the Department of Defence have commenced. However it is expected that resolution of this issue will take some time.

(3) The closure does require horse riders to make a detour if they wish to access Mt Ainslie. The length of the detour using Fairbairn Avenue is 1.2km.

Seniors—elder abuse (Question No 1238)

Mr Cornwell asked the Attorney-General, upon notice, on Tuesday, 10 February 2004:

In relation to elder abuse and the Department of Justice and Community Safety review of the Powers of Attorney Act:

(1) Is the issues paper that was due to be released towards the end of 2003 for public comment, as indicated by you in a response to the Estimates hearings on 22 May, now available;

(2) If not, when will the issues paper be available.

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

I am advised that my department has prepared the final version of the issues paper for a review of the *Powers of Attorney Act 1956* and that it will be released within the next month.

ACT Multicultural Council (Question No 1239)

Mr Pratt asked the Chief Minister, upon notice, on 10 February 2004:

In relation to the ACT Multicultural Council Inc:

1. How much funding did the Multicultural Council receive from the ACT Government to prepare the Multicultural Festival in (a) 2000-01, (b) 2001-02 (c) 2002-03 (d) 2003-04?

2. Does the ACT Government provide the Multicultural Council with any additional funds to that provided for the Multicultural Festival; if so, what were the additional funds provided and for what purpose in the years listed above?

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

1. Nil – The ACT Multicultural Council Inc is not responsible for administering the National Multicultural Festival.

2. The ACT Multicultural Council Inc was provided with funds as at **Attachment A**.

ATTACHMENT A

Funding provided to the ACT Multicultural Council Inc by the ACT Government

ACT Multicultural Grants Program	Year	Amount	Purpose
	2003-2004	$480	Creating, publishing and distributing a Directory containing the contact details and facts on existing culturally and linguistically diverse youth groups
	2002-2003	$2,250	Producing a regular newsletter, establishing a multicultural youth network, holding three workshops on child care
	2001-2002	$1,000	Producing the bi-monthly newsletter "Multicultural Voices".
	2000-2001	$1,000	Provide a pilot program of cultural diversity training workshops, which will include a seminar of guest speakers to establish relevance and increase cognitive appreciation of issues
Community Foundation Grants	**Year**	**Amount**	**Purpose**
	2002-2003	$48,953.00	Child Care Program to allow refugee parents to attend English classes at CIT. Please note that the funding is to be allocated over a two-year period. An initial payment of $26,924.15 was made in 2002-2003.

Core Funding from the Department of Housing and Community Services	Year	Amount	Purpose
	2003-04	$67,422	Advocacy and representation, sector development, social policy development and cultural diversity workshops.
	2002-03	$59,659.02	" "
	2001-02	$58,203.91	" "
	2000-01	$56,923.14	" "

Please note that all figures are GST inclusive.

Police force—computer aided dispatch (Question No 1240)

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 10 February 2004:

In relation to computer aided dispatch system (CADS):

(1) Did you state on 6 March last year that the new CADS will be operational in September or October 2003; if so, why is the system not operational;

(2) Did (a) you state in response to Question on Notice number 1188 that the project is to be completed by 30 June 2003 and (b) media reports out of the Coroner's Inquiry into the 2001 bushfires indicate that Mr Lucas Smith believed the system would be operational by April 2004; if so, what is the correct date for the system to be operational and why is there confusion about the completion date;

(3) How much funding had been expended on this project as at 31 January 2004 and what has been delivered for that expenditure.

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

(1) In response to Ms Dunne's question on 4 March 2003 regarding an update on the progress of the new ambulance dispatch system I did state that it was anticipated that the new computer aided dispatch system for the emergency services will be operational around September or October 2003.

Negotiations with the preferred tenderer over the terms of the contract took longer than anticipated at the time of my response. The contract was not executed until 5 May 2003. At the time Fujitsu signed the contract the agreed completion date had moved to 14 December 2003. However, this is a complex project that involves the concurrent development of both hardware and software and its integration, as well as the concurrent development and documentation of operational procedures. It also requires the retraining of many of the members of the emergency services in mission critical skills and must therefore be carefully designed and delivered.

(2)(a) In Question on Notice number 1188 I advised that "The project is expected to be completed by 30 June 2004" not 30 June 2003.

(b) April 2004 is the correct date for the system to be operational.

(3) As at 31 January 2004 the following has been expended on the project:

CAPITAL EXPENDITURE	$811,042.92
OTHER EXPENSES	$101,889.00
TOTAL	**$912,931.92**

The following has been delivered by the same date:

- hardware for the communications centre, including computer servers (CAD, Database, Web and Mobile Data), PC workstations, monitors, network and communications equipment
- Vision CAD software, database software, systems software and GIS data on the servers and workstations for the communications centre
- enhancements to the CAD software and interfaces to communications systems to meet the unique requirements in ESB's specification
- Direct Turnout System (DTS) hardware in the fire stations, including PC controller, UPS, battery banks, network equipment, crew acknowledgement switch, printer, monitor mounted in communications cabinets, and electrical work in each station
- DTS software for the equipment in fire stations
- integration testing of the CAD, DTS, Status Signaling, wide-area paging, SMS and faxing systems
- integration testing of Automatic Fire Alarm and Caller's Line Identification interfaces
- five days of Systems Administrator training and 14 days of Operator training.
- provided assistance to ESB with data preparation tasks such as tuning the road network
- commenced development work on the customisation of the mobile data system.

Community service orders (Question No 1241)

Mr Stefaniak asked the Attorney-General, upon notice, on 10 February 2004:

In relation to Community Services Orders (CSOs):

(1) How many CSOs have been issued by the courts in (a) August 2003, (b) September 2003, (c) November 2003, (d) December 2003 and (e) January 2004;

(2) On how many occasions did people sentenced with a CSO breach their obligations under that order;

(3) What were the consequences of these breaches.

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

(1)

	Supreme Court	Magistrates Court	Total
August 2003	0	18	18
September 2003	0	29	29
November 2003	0	27	27
December 2003	0	16	16
January 2004	0	16	16

(2)

	Supreme Court	Magistrates Court	Total
August 2003	0	6	6
September 2003	0	1	1
November 2003	0	2	2
December 2003	0	8	8
January 2004	0	1	1

Note: The breach proceedings included in these statistics do not necessarily relate to the same cases in which CSOs were made and recorded in answer (1) above.

(3)

Magistrates Court CSO Breach Outcomes

	Withdrawn Dismissed	CSO revoked	No Further Action	Fine Imposed	Section 403 Bond	No appearance Warrant to Issue	Not served	Pending
August 2003	2	1	1	1	1	-	-	-
September 2003	-	-	-	-	-	-	-	-
November 2003	-	-	-	-	-	-	-	2
December 2003	-	-	-	-	-	1	3	4
January 2004	-	-	-	-	-	-	-	1

Crime statistics (Question No 1242)

Mr Stefaniak asked the Minister for Police and Emergency Services, upon notice, on 10 February 2004:

In relation to crime statistics in the A.C.T.:

What is the breakdown of major crime activity by region for Belconnen, City, Tuggeranong and Woden for (a) 2001, (b) 2002; and (c) 2003 for the crimes of (i) assault (non sexual); (ii) assault (sexual); (iii) drugs offence; (iv) unlawful entry; (v) vehicle theft; (vi) property damage; (vii) robbery (armed); and (viii) robbery (unarmed).

Mr Wood: The answer to the member's question is shown in Table 1. The information relates to incidents by calendar year.

Unlawful entry is not defined as an offence category under ACT legislation and this term is interpreted as the offence of burglary. The information provided does not include trespass or other entry offences contained in ACT or Commonwealth legislation.

Table 1 – Crime Activity by Region

YEAR	2001	2002	2003
	Assault		
Belconnen	613	712	608
City	595	589	521
Tuggeranong	497	600	580
Woden	676	601	676
	Sexual assault		
Belconnen	79	142	81
City	42	76	43
Tuggeranong	53	87	57
Woden	89	85	88
	Drugs		
Belconnen	124	152	202
City	149	167	182
Tuggeranong	117	85	119
Woden	119	118	105
	Burglary (unlawful entry)		
Belconnen	1566	1590	1351
City	1502	1587	1307
Tuggeranong	904	918	907
Woden	1981	2051	1826
	Stolen Motor Vehicle		
Belconnen	748	658	909
City	670	530	652
Tuggeranong	357	316	368
Woden	781	646	817
	Property damage		
Belconnen	1973	1927	2364
City	1744	1624	1581
Tuggeranong	1760	1574	1759
Woden	2654	2225	2506
	Robbery (armed)		
Belconnen	31	33	21
City	27	9	31
Tuggeranong	7	9	14
Woden	29	26	22
	Robbery (unarmed)		
Belconnen	43	29	52
City	65	46	47
Tuggeranong	24	23	42
Woden	52	59	56

Veterans memorial
(Question No 1243)

Mr Cornwell asked the Chief Minister, upon notice, on 10 February 2004:

In relation to the planned construction of an A.C.T. Veterans' Memorial as outlined in the Canberra Social Plan 2004, page 37:

(1) When will this Memorial be built;

(2) Where will this Memorial be built, given that it is proposed to be 'centrally located';

(3) Has design of the Memorial been completed, and if so, can details of this design be provided;

(4) What is the estimated cost for the building of this Memorial.

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

(1) The timing for the Memorial's construction will be subject to budget considerations, as well as the research that will be required to establish the names for inclusion on the memorial.

(2) A number of locations are currently being investigated, including in the City, at Woden and on the Federal Highway.

(3) The design for the memorial has not commenced.

(4) The estimated cost for the building of the memorial is subject to budget considerations.

International Men's Day
(Question No 1244)

Mr Cornwell asked the Chief Minister, upon notice, on 10 February 2004:

In respect of the acknowledgement that the A.C.T. Government currently does and will presumably continue to recognize women's achievements and contributions to the community through the A.C.T. International Women's Day Awards as outlined in the Canberra Social Plan 2004, page 35:

(1) Why has the A.C.T. Government not included in The Canberra Social Plan similar awards for the recognition of International Men's Day;

(2) What activities and awards will the A.C.T. Government have in place for the recognition of future International Men's Days;

(3) If nothing has been planned by the A.C.T. Government to celebrate future International Men's Days in the A.C.T., why not.

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

(1) The ACT Government has not included similar awards for the recognition of 'International Men's Day' in the Canberra Social Plan because it is not a recognised celebration.

(2) The ACT Government does not have any activities in place for the future recognition of 'International Men's Day'.

(3) See answer to (1) above.

Planning—service concessions (Question No 1245)

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

In respect of initial reforms to be made to energy, water and sewerage concessions as outlined in the Canberra Social Plan 2004, page 28:

(1) From what date will the new concession for households connected to gas be introduced in order to remove the anomaly in current arrangements and streamline energy concessions;

(2) From what date will the rebates be adjusted to ensure that A.C.T. residents on low incomes are not disadvantaged by electricity, water and gas price rises;

(3) From what date and in what form will advice on improving energy efficiency be offered to households in receipt of concessions;

(4) What will the value of each of the concessions above be to each household or consumer on a yearly basis;

(5) Will each of the concessions above also be made available to all low-income self-funded retirees in the ACT.

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

(1-4) The Chief Minister announced in The Canberra Social Plan (Action 1.2) that the government would increase the concession payments on electricity, water and sewerage charges to ensure that people on low incomes are not disadvantaged by price rises. This includes a new concession for gas.

The date of the scheme's commencement and the value of the concession to individual recipients was not announced within The Social Plan.

Details for the initiatives will be announced by the Government shortly.

(5) Eligibility for the new scheme would continue to be the same as for the current concession, that is, holders of current Centrelink Pensioner Concession Cards and Health Care Cards and Department of Veterans' Affairs Pensioner Concession Cards and Gold Cards. Low-income self-funded retirees would only be eligible for the energy concession if they are also a holder of one of these concession cards.

Canberra residents—50th anniversary (Question No 1246)

Mr Cornwell asked the Chief Minister, upon notice, on 10 February 2004:

In respect of the 'Canberra Gold' Chief Minister's Award to be given annually during Canberra birthday celebrations to all people reaching their 50th anniversary as A.C.T. residents as outlined in the Canberra Social Plan 2004, page 40:

(1) Will the awards be presented commencing with this year's Canberra birthday celebrations;

(2) If not, when will the awards commence;

(3) Will all residents having resided in Canberra for over 50 years also be eligible for the award, not just residents who are no reaching their 50th year as a resident;

(4) May any individual nominate a person for such an award, and if so, where can nomination forms be obtained and what is the closing date for nominations each year;

(5) If there are conditions applying to such nominations, what are they?

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

(1) No

(2) Canberra's birthday 2005

(3) Yes

(4) The implementation process is yet to be finalised

(5) As above

Syringe vending machines (Question No 1247)

Mr Smyth asked the Minister for Health, upon notice:

In relation to the trial of issuing syringes from vending machines outside health centres:

(1) Why has the Government announced that it will move ahead with the trial when it has not responded to the Committee report on this subject;

(2) When will the Government formally respond to the Committee report;

(3) How much do you estimate that the trial of issuing syringes from vending machines will cost;

(4) Has the A.C.T. Government purchased the vending machines or will it lease them;

(5) What is the design of the machines to be used, for example, coin slot to get new needle or disposal of old needle to get new needle;

(6) How many vending machines will be used during the trial and where will they be located;

(7) What arrangements will be put in place to encourage safe disposal of needles after use;

(8) What educational activities will be put in place to advertise the availability of the syringes and promote the safe disposal of needles after use amongst relevant groups;

(9) What criteria will be used to assess whether or not the trial has been a success.

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

(1) The Government's decision to move ahead with a trial of vending machines is consistent with recommendations made in the Standing Committee's Report and with the Government's response to the Standing Committee Report as tabled in the Legislative Assembly on 10 February 2004.

(2) The Government's response to the Standing Committee's report was tabled in the Legislative Assembly on 10 February 2004.

(3) A contract is yet to be signed with a vendor so the price per syringe pack is yet to be finalised.

(4) ACT Health will lease the machines for the period of the trial.

(5) The machines will accept coins. Disposal bins will be located beside the machines.

(6) The machines will be located outside the Community Health Centres at Civic, Belconnen, Tuggeranong and Phillip. Consideration is also being given to locating a machine outside the Narrabundah Community Health Centre.

(7) Disposal bins will be located beside the machines and they will be clearly signposted. Used needles will be able to be placed in the same packs they are issued in, and the packs re-sealed for safe disposal in the bins. Packs will be clearly labelled to remind consumers of safe disposal practices.

(8) The location of the machines and safe disposal practices will be promoted through the distribution of information leaflets and articles placed in newsletters/ magazines of existing alcohol and drug agencies such as the Canberra Alliance For Harm Minimisation (CAHMA) and the current Needle and Syringe Program outlets across the ACT.

(9) An external evaluation will be undertaken of the trial. The scope and methodology of the evaluation is currently being finalised.

Hospitals—New South Wales patients (Question No 1248)

Mr Smyth asked the Minister for Health, upon notice:

In relation to a review of funds paid to the A.C.T. by N.S.W. for health services and further to an article that appeared in the *Canberra Chronicle* on 16 December 2003 detailing plans by the Southern Area Health Service to the rate paid to the A.C.T. for health services, what input, if any, has the A.C.T. had in this review

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

- The review referred to in The Chronicle article may be the negotiations between the ACT and NSW on arrangements for provision of cross border hospital services. No doubt, NSW Health and the Southern Area Health Service (SAHS) have carried out an internal review of the arrangement prior to these negotiations. Such internal reviews are part of good practice before entering into negotiations on any contract, especially one as substantial as this. The ACT Government cannot have input into an internal review by NSW Health of the price it pays to the ACT for health services. Similarly, the ACT would not seek NSW input into an internal review it made into cross border arrangements with NSW.

- The ACT and NSW have commenced negotiations on the next cross border agreement on hospital services. The ACT Government is seeking an appropriate payment for ACT public hospital services to NSW residents, and does not intend to negotiate a price reduction for those services. The ACT is also seeking improved cooperation in the management of cross border flows.

Hospitals—locum recruitment (Question No 1249)

Mr Smyth asked the Minister for Health, upon notice:

In relation to recruitment of locums at the Canberra Hospital and Calvary Public Hospital:

(1) How many (a) locums and (b) doctors were recruited from overseas to work at the (i) Canberra Hospital and (ii) Calvary Public Hospital during 2002 and 2003;

(2) What was the total cost of recruiting these (a) locums and (b) doctors to work in the public hospital system during 2002 and 2003;

(3) What countries did the overseas doctors recruited as (a) locums and (b) doctors during 2002 and 2003 come from.

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

1. From 1 July 2002 to 30 June 2003 locums and doctors recruited from overseas to work in the ACT at The Canberra Hospital and Calvary Public hospital are outlined in Table 1 below:

Table 1: Locum and doctors recruited to ACT public hospitals in 2002-03

Year	Type of Doctor	The Canberra Hospital	Calvary Public Hospital
2002-03	Locum (being defined as a short term appointment <6 months)	0	5
	Doctors (being defined as a long term appointment of >=6 months)	12	1

2. Estimated costs for recruiting these doctors, which includes relocation and agency recruitment costs are outlined in Table 2 below:

Table 2: Recruitment costs for locums and doctors from overseas to ACT public hospitals in 2002-03 financial year

Year	Type of Doctor	The Canberra Hospital	Calvary Public Hospital
2002-03	Locum	0	$4,095
	Doctors	$111,232	$13,458

3. The countries that overseas doctors were recruited as locums and doctors for ACT public hospitals during 2002 and 2003 are outlined in Table 3 below:

Table 3: Country of origin of recruited locums and doctors from overseas to ACT public hospitals during 2002-03 financial year

Year	Country of origin	The Canberra Hospital	Calvary Public Hospital
2002-03	LOCUMS		
	New Zealand	0	5 (2 living permanently in Australia)
2002-03	DOCTORS		
	Colombia	1	0
	Egypt (living in Ireland)	0	1
	India	3	0
	Malaysia	1	0
	Papua New Guinea	1	0
	Singapore	1	0
	Sri Lanka	1	0
	United Kingdom	4	0

Calvary Hospital—security (Question No 1250)

Mr Smyth asked the Minister for Health, upon notice:

In relation to security at Calvary Public Hospital and further to your response to Question on notice No 1212 which stated that the audit identified some immediate security issues, what are the immediate security issues identified.

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

The nature of the work of the hospital is such that it is necessary to allow public access to many areas of the facility. Many areas of the hospital are clearly seen as public areas whilst others are non-public. Some areas, such as ward areas, appear to be "cross-over" areas which at times are freely open to the public, but at other times are closed.

Control of access is being achieved in many key areas through the use of the electronic access control system (proximity card system).

A Review of Physical Security Risks was conducted at the Calvary Hospital campus in October 2003 with the following issues and recommendations identified:

- Staff safety
- Unauthorised access to premises
- Risk to drugs
- Medical records security
- Mail Screening

The recommendations of this review were:

1. A complete review of all external perimeter and internal doors and locks
2. Employment of uniformed and trained security guards on a 24 hour basis.
3. Greater accountability of keys and pin numbers for keypads through Staff awareness training
4. The installation of additional duress alarm buttons
5. Implementation of external lighting improvements
6. Co-ordinate security management
7. Update/upgrade/implement security policies and procedures
8. Train staff in hazardous mail procedures

All recommendations are currently being investigated with several areas of improvement already completed.

Public service—airline travel (Question No 1251)

Mr Smyth asked the Treasurer, upon notice:

In relation to airline travel in the A.C.T. Public Service and A.C.T. Government:

(1) How many airline flights each month did officers in your department or associated agencies undertake on official business between 1 July 2003 and 31 January 2004;

(2) How many of these flights were on (a) Qantas, (b) Rex Airlines and (c) Virgin Blue services;

(3) How many airline flights did officers in your departments or associated agencies undertake on official business between Canberra and Sydney or vice versa between 1 July 2003 and 31 January 2004;

(4) How many of these flights were on (a) Qantas, (b) Rex Airlines or (c) an airline other than Qantas or Rex.

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

(1)

July 03	21
Aug 03	35
Sep 03	54
Oct 03	50
Nov 03	57
Dec 03	30
Jan 04	18

(2)

	Qantas	Rex Airlines	Virgin Blue
July 03	18	3	0
Aug 03	28	7	0
Sep 03	51	3	0
Oct 03	38	12	0
Nov 03	40	15	2
Dec 03	8	22	0
Jan 04	16	2	0

(3)

July 03	6
Aug 03	18
Sep 03	14
Oct 03	20
Nov 03	17
Dec 03	22
Jan 04	6

(4)

	Qantas	Rex Airlines	Virgin Blue
July 03	4	2	0
Aug 03	11	7	0
Sep 03	11	3	0
Oct 03	9	11	0
Nov 03	5	12	0
Dec 03	0	22	0
Jan 04	4	2	0

Business—online advisory service (Question No 1253)

Mr Smyth asked the Minister for Economic Development, Business and Tourism, upon notice, on 11 February 2004:

In relation to the online interactive business advisory service and further to the response to Question on notice No 913 which indicated that the Canberra Advisory Service (CanBAS) concluded on 31 December 2003 and that the new Request for Proposal (RFP) included a module defining the requirements:

(1) Has the RFP been concluded and a new tender awarded to provide this service;

(2) If yes to (1) who was awarded the new contract and how will this service differ from the previous service; if no to (1) when will the new contract be finalised.

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

In relation to the online interactive business advisory service and further to the response to Question on notice No 913 which indicated that the Canberra Advisory Service (CanBAS) concluded on 31 December 2003 and that the new Request for Proposal (RFP) included a module defining the requirements:

(1) Yes;

(2) Something Ventured Pty Ltd has been awarded the new contract for both personal contact and interactive online business advisory services. This service will differ from the previous service through the provision of the following additional components:

(a) a comprehensive service specialising in online business training and advice through a website;

(b) information and online e-training offered to small business Clients to become more involved in e-commerce.

(c) Interactive Human Resource training provided through an online Human Resource Workbook and e-whiteboards, so Clients can learn to comply and develop the procedural staff handbooks and practices they need in their business;

(d) online links to the relevant bodies that can help Clients with employment issues;

(e) A Human Resource hot line service where Clients can get ongoing support; and

(f) opportunities for online networking.

Canberra Connect—call centre (Question No 1254)

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

(1) In relation to Canberra Connect and further to a recent report that Canberra Connect software failed and the phone lines for Canberra Connect, which claims to be accessible from 8 am to 8 pm Monday to Friday and 9 am to 5 pm on Saturdays (excluding public holidays), were not switched through to Telstra, on how many occasions in the period January 2002 – January 2004 has this problem occurred, on a month by month basis.

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

(1) The Canberra Connect call centre operates from 8 am to 8 pm Monday to Friday, and 9 am to 5 pm on Saturdays. Telstra provides an after hours service for Canberra Connect at all other times.

In the period January 2002 to January 2004, the activation of the after hours service for Canberra Connect has failed on only two occasions, 13 January 2004 and 22 January 2004. Canberra Connect has upgraded its switching capabilities and supporting procedures to minimise the risk of any recurrence of this problem.

Welcome Back Cotter event (Question No 1255)

Mr Smyth asked the Chief Minister, upon notice, on 11 February 2004:

In relation to the Welcome Back Cotter function on Australia Day:

1. How many residents attended this function;

2. What was the cost to the ACT taxpayer of hosting this function;

3. From where in the budget did the funds come from to pay for this event;

4. Why was it decided to hold this function on Australia Day and not another day;

5. How were funds made available for this event, but not for Australia Day in the National Capital to organise local activities to celebrate Australia Day?

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

1. The final attendance at the event was estimated to be in the vicinity of 5,000 to 6,000 people over the four-hour period.

2. The total cost of hosting and promoting the event was $25,736.68.

3. The budget was allocated from the Chief Minister's Department.

4. The ACT Government staged 'Welcome Back Cotter' to celebrate the reopening of the Cotter Reserve and in particular the bridge and playground built to replace those lost in the 2003 bushfires. For decades the Cotter has been much loved by Canberrans – especially in Summer – as a place for families to escape the heat and the city and to enjoy nature so close to suburbia.

   In light of the enormous pressure placed on permanent and temporary facilities on the day, the overwhelming public feedback received by staff and volunteers was extremely positive in regards to both the Cotter Reserve and the staging of the event.

5. In 2003 the ACT Government opted not to offer financial support through its 'Festivals Fund' to the particular proposal by 'Australia Day in the National Capital' (ADNC).

The funding committee believed the event proposal submitted by ADNC failed to connect appropriately with a major Australia Day concert on 25 January 2004. As such it did not consider funding the proposed ADNC event as 'a best use of taxpayers dollars'.

The 'Welcome Back Cotter' event warranted the expenditure of funds to celebrate the 'recovery' of this important part of Canberra from the January 2003 bushfires.

Civic youth centre
(Question No 1257)

Mr Pratt asked the Minister for Education, Youth and Family Services, upon notice, on 11 February 2004:

In relation to the Civic Youth Centre:

(1) Further to your reply to Question on notice No 1084 in which you state that there are plans to replace the Civic Youth Centre in another location, what is that location;

(2) When will work begin for the replacement of the Civic Youth Centre;

(3) When is the work scheduled to finish;

(4) How much has been budgeted for the replacement;

(5) Have any community or youth groups been consulted on the replacement of the Civic Youth Centre;

(6) If so, which groups have been consulted;

(7) If there has been no consultation, why not.

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

(1) The new Civic Youth Centre is to be located on the corner of Ballumbir Street and Petrie Street, Section 84 Civic.

(2) The developer, Queensland Investment Corporation (QIC) is responsible for the construction of the new youth centre. QIC's latest program indicates the earliest possible start date on site is June 2004.

(3) QIC's latest program indicates a completion date of March 2005.

(4) The developer is responsible for provision of the replacement youth centre and accordingly the Territory has not had to make a budget provision for construction of the new facility up to this point. However, the Government is giving consideration to the provision of funding for the inclusion of the Junction youth health facility and improved functionality of the youth centre. This will be considered in the context of the development of the 2004-05 Budget.

(5) Yes, a range of interest groups has been consulted.

(6) The groups and organisations that were consulted include: Anglicare, Youth In the City, Service for Connecting Young Carers (Cyclops), Youth Coalition of the ACT, Canberra Emergency Accommodation Service (CEAS), Partnership Outreach Education Model (POEM), ACT Health, ACT Division of General Practice, Child Youth & Women's Health, Open Family, Minister's Youth Council and ACT Community Health.

(7) Not applicable.

Immigration—business migration (Question No 1258)

Mr Pratt asked the Chief Minister, upon notice, on 11 February 2004:

In relation to the business migration function within the ACT Office of Multicultural Affairs:

In relation to business migrant sponsorship, how many potential business migrants, who have met the relevant criteria and presented the ACT Office of Multicultural Affairs with a business plan, have been offered Territory sponsorship in (a) 1999-00, (b) 2000-01, (c) 2001-02, (d) 2002-03, and (e) 2003 to date?

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

Number of Sponsored Applicants

	1999-00	2000-01	2001-02	2002-03	2003-04 to date
Regional Sponsored Migration Scheme	-	-	29	96	71
Business Skills Visa Subclass 163	-	-	-	10	70
Business Talent Visa Subclass 132	-	-	-	-	47
Total	**Nil**	**Nil**	**29**	**106**	**188**

Bushfires—water bombing display (Question No 1259)

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on Wednesday, 11 February 2004:

In relation to water bombing displays:

(1) How much did the water bombing display that was conducted on 9 February 2004 with the Squirrel helicopter and the Bell 214 helicopter cost;

(2) When was it decided that the display would be conducted;

(3) How much has been allocated in the budget for the displays of this type.

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

(1) The Squirrel helicopter provided a demonstration of 1.1hours at a cost of $1,280. The contract for the Bell 214 helicopter has a provision of five hours for demonstrations and training and this is provided at no cost to the agency.

(2) The display was programmed in January 2004 to introduce the use and capabilities of the aircraft to Departmental and ACT Bushfire Services senior officers.

(3) $5,000.

Water—waste reduction shower roses (Question No 1260)

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

In relation to A.C.T. public housing properties and water saving measures:

(1) Have bathrooms in all A.C.T. Government housing properties been fitted with water saving shower roses to assist with water waste reduction;

(2) If not, why not.

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

(1) No.

(2) It is standard Housing ACT policy to fit AAA water saving shower heads to existing properties undergoing major upgrade, for new properties being designed and constructed, and when replacing faulty shower heads in other properties. Other water saving features such as dual flush toilets are also installed on the same basis. Due to the nature of this programmed approach to installation, not all properties have water saving shower heads as yet. All properties will progressively receive water efficient shower heads as new ones become necessary and this will enable Housing ACT to take advantage of improvements in the technology as they become available.

Students—disabled (Question No 1261)

Mrs Burke asked the Minister for Education, Youth and Family Services, upon notice, on 11 February 2004:

What are the policy, protocols and procedures for the day-to-day treatment of children with a disability or special needs within special schools like Cranleigh, Marymead and Woden Special School.

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

Government Special Schools
The four special schools, Cranleigh, Malkara, Black Mountain and Woden, provide intensive educational, vocational and life skills programs for students with disabilities.

Class sizes in special schools vary from 5-8 students per class.

Individual Learning Plans
Every child accessing special education services has an individual learning plan (ILP). The ILP is developed in consultation between teachers, parents/caregivers, other relevant professionals and the student if appropriate. It is a written statement that, among other things, outlines the student's current level of functioning and sets both long and short term educational objectives for the student. The ILP is reviewed on a regular basis.

Resources
The allocation of resources to the school to support the student is linked to the ILP. The student centred appraisal of need process has a strong educational focus. It looks at the areas in which a student needs support, such as communication, social development and curriculum participation. The appraisal takes place at a meeting held between the principal, classroom teacher, parent/caregiver and other people who have an interest in the student. The principal is responsible for managing the resources to achieve the goals in the ILP.

Classroom support
The classroom teacher, in consultation with the executive teacher and the principal, is responsible for implementing the ILP. Special teachers' assistants support the classroom teachers and provide assistance with student needs such as toileting, feeding, signing, Brailling and general educational support.

Transport & specialist services
Some children require services that are provided by other professionals such as speech therapists and physiotherapists. These services are provided by Therapy ACT.

Special needs transport may also be available for students whose parents are unable to take them to school or who are unable to access normal bus routes.

Parent involvement
The involvement of parents/caregivers is an essential part of services to students with a disability.

Housing—inspections (Question No 1262)

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

Can the Minister advise:

(1) The frequency of inspections for A.C.T. Housing properties;

(2) The method of recording such inspections;

(3) How this information is used, and by whom;

(4) Where such information is held;

(5) Evidence of these inspections for 2001, 2002, and 2003.

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

(1) Housing ACT aims to conduct a client service visit, which includes a property inspection, each property within ninety days of the commencement of a new tenancy and annually thereafteris difficult to achieve due to factors such as client availability and staff work loads relating to other often pressing matters. Additional inspections of Housing ACT properties take place as part of the condition audits required under the Total Facilities Management (TFM) contract. A Housing Manager can also request the TFM carry out an inspection if a specific issue requires assessment. and/or as requested by a Housing Manager if a specific issue needs assessment.

(2) Inspections are recorded identified in on Housing ACT's computerised business management system. Property condition reports that are completed by Housing Managers at a client service visit, are filed on property files. Condition audit reports are provided by TFM's.

(3) Information relating to the property condition is used by staff and the facilities managers to plan maintenance and repairs. Information relating to tenants is used to update or correct client records. Condition audit reports are progressively being forwarded by the TFM's as they are conducted.

(4) This information Information from condition audits will be is held in the computerised business management system and property condition reports completed by Housing Managers are filed at Nature Conservation House in accordance with normal file management practice. Client service visits are reported in the Quarterly Output reports tabled in the Legislative Assembly.

(5) Evidence of client service visits is required as part of the reporting requirements to the Legislative Asssembly and records are also audited as part of the Department's annual auditing process by the ACT Auditor General. No details of individual properties and/or inspections will be tabled to protect the privacy of the tenants. As part of their contract, the TFM's are required to undertake a condition assessment of all Housing ACT properties by 30 June 2004.

Housing—illegal sub-letting (Question No 1263)

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

(1) How many people in Government houses do not reside in these properties and are sub-leasing them;

(2) Why is this allowed;

(3) How many Government employees are currently living in A.C.T. Housing properties;

(4) What methods are employed to ensure that only Canberra's most needy are occupying Government houses.

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

(1) There are no known instances of sub-leasing. As soon as Housing ACT becomes aware of an illegal sub letting arrangement legal action is taken to either reclaim the property or for the tenant to resume occupancy.

(2) Sub-letting is not permitted.

(3) The number of Government employees in Housing ACT properties is not known because if they are not eligible for rebate, employer details are not recorded because of the provisions of the Privacy Act. If they are eligible for a rebate the employers detail is only recorded on the application and is not collated in any central register.

(4) Allocations to public housing are made in accordance with the Public Rental Housing Assistance Program, which requires applicants for housing assistance to meet income and asset tests. Assistance is required to be provided in accordance with an applicant's assessed priority need and the order in which they apply for housing. Once housed, tenants have security of tenure in accordance with Government policy. Social housing is also provided, through community organizations, on a comparable basis to public housing using publicly provided dwellings.

Housing—vandalism costs (Question No 1264)

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

What is the cost to the Government through vandalism to public housing properties since November 2001 to date and detail such costs in relation to

(a) multi-unit complexes and
(b) single dwellings.

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

Housing ACT has not always identified vandalism rectification works separately. Although graffiti removal and its surveillance have been recorded separately by Housing ACT since before 2001, it is only in recent months that general vandalism has been separated out and is identifiable.

Since November 2001 approximately $148,000 in expenditure has been recorded under the category of graffiti treatment and the more recent category of third party vandalism. The vast majority of these works have been incurred on multi-unit complexes.

Water—restrictions
(Question No 1265)

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

In relation to a review of sports grounds:

(1) Has the assessment of the state of category 3 and Category 4 sports grounds been completed;

(2) If so, what are the results of that assessment; if not, when will it be completed;

(3) How many Category 3 and 4 sports grounds are in a condition where they will be able to be used during the winter

(4) What is the estimate of the cost of the work needed to restore these ovals to usable condition;

(5) Which ovals require such restoration work and what will be the cost of restoring each of these ovals;

(6) Which ovals are in such bad condition that they will not be available for use during the winter season of 2004;

(7) How much will it cost to restore each of these ovals to a condition of being fit for use;

(8) Has any work been done on studying the likely impact of the unavailability of these ovals for competition during the 2004 season;

(9) In regards to (8), if so, what was the outcome; if not why not.

Mr Wood: The answers to the member's questions are as follows:

(1) Yes the inspection of Category 3 and Category 4 sports grounds has been completed.

(2) The assessment has led to the withdrawal from formal sporting use of the following Category 4 grounds: Campbell Neighbourhood Oval (NHO); Chisholm NHO; Evatt NHO; Farrer NHO; Florey NHO; Gilmore NHO; Isabella NHO; Kaleen South NHO; Macgregor NHO ;Monash NHO; Richardson NHO; Spence NHO; Theodore NHO; Watson NHO and the Category 3 ground Bonython NHO.

(3) There will be eight Category 4 grounds and twenty Category 3 grounds that can be used during the 2004 winter.

(4) The cost of restoring these ovals to a usable condition, as per our quotation from CityScape Services, is $90,190.50.

(5) The following ovals require restoration work at the amounts indicated: Kaleen North NHO-$14,808; Nicholls NHO-$22,600; Page NHO-$11,785; Conder NHO-$14,587; Rivett NHO fields 1 and 2-$11,906 and Yarralumla NHO-$14,405. The remaining grounds that are to be used during winter 2004 will receive restoration work in spring 2004 but based on recent inspections are expected to be playable for the winter season.

(6) The ovals listed in the answer to question (2) will not be available for use during the winter season of 2004.

(7) The estimated cost of restoring these grounds is up to $10,000 per hectare.

(8) The effect of having grounds unavailable and the impact for competitions for the 2004 season has been carefully analysed in consultation with the relevant sporting bodies.

(9) The outcome has been to offer alternative sports grounds in place of those that are unavailable. At this stage all competitions have been accommodated.

Teachers—work programs (Question No 1266)

Mr Pratt asked the Minister for Education, Youth and Family Services, upon notice, on 12 February 2004:

In relation to teacher planning in the A.C.T:

(1) Is a high school teacher required to follow a prepared program of work, written either by the teacher or by a superior teacher;

(2) If not, why not and how are work programs for classes determined;

(3) If teachers do not write the work programs for classes, how much input is provided by the teachers;

(4) Does a prepared program of work have to meet the requirements of the A.C.T Department of Education, Youth and Family Services; and

(5) If so, what are those requirements

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

(1) High school teachers in ACT government schools follow a prepared program of work written either by the teacher or by a superior teacher.

(2) See above.

(3) Refer to (1)

(4) Yes.

(5) The steps for writing/reviewing curriculum in schools include:

a. Familiarisation with the ACT Curriculum Frameworks and National Profiles for the particular KLA
b. Identifying and aligning it to the needs of the school
c. Auditing the current curriculum
d. Writing the curriculum which includes determining content, resources, teaching and assessment strategies as well as cross curricular perspectives.

Transport—hire car operators (Question No 1268)

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 12 February 2004:

In relation to illegal operators in the hire car industry in Canberra:

(1) What action has been taken, or strategy put in place, to catch and penalise illegal operators in the hire car industry;

(2) What role does the Motor Traffic Branch of A.C.T. Policing take in catching and penalising illegal operators in the hire car industry;

(3) How many illegal operators in the hire car industry in Canberra have been (a) given warnings or (b) penalised or charged by A.C.T. Policing in (i) 1999-2000, (ii) 2000-2001, (iii) 2001-2002, (iv) 2002-2003 and (v) 2003 to date.

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

(1) There have been no incidents involving breaches of the *Road Transport (General) Act 1999*, as they relate to the hire car industry, reported to ACT Policing since December 1998. Where such an incident is reported to police, assessment and appropriate action would be taken in accordance with ACT Policing practice. As there have been no reported incidents to ACT Policing, this issue is not identified as a priority and there is no specific strategy in place to catch and penalise illegal operators.

The ACT Road Transport Authority regulates the hire car and restricted hire car licencing provisions under Division 9.3 and 9.4 of the *Road Transport (General) Act 1999*. Variation in the operation of these licences is also regulated by the ACT Road Transport Authority.

(2) ACT Policing Traffic Operations is an operational area within ACT Policing that has the capacity to attend to reported incidents in relation to illegal operators in the hire car industry. They would respond to reported incidents in accordance with ACT Policing practice.

(3) Refer to the answer to question 1.

Housing—cleaning and maintenance costs (Question No 1269)

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

(1) What is the cost of cleaning and maintenance and associated out-sourced property and maintenance services provided to A.C.T. Housing properties

(a) prior to and
(b) since the use of facilities management in 1998 99;

(2) What checks and balances are in place to ensure best practice in relation to the management of the processing of invoicing and payments out to such contractors.

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

(1) The annual cost in 2003-04 is expected to be $26m

The comparable Budget figures in previous years are:

1998-99	$20.600m
1999-00	$20.600m
2000-01	$22.160m (please note that the GST came into effect on 1 July 2000)
2001-02	$22.388m
2002-03	$22.160m

Please note: $3m of Capital Improvements budget has been transferred to Repairs and Maintenance budget for 2003-04 as, under the revised Asset Recognition Policy, some work previously defined as capital is now recurrent in nature.

(2) Total facility management contracts, for maintenance commenced on 1 July 2001. My Department is constantly reviewing the performance of these contracts. All work is raised and managed by the Total Facilities Manager. Upon completion, invoices are submitted to the Department for authorisation and payment. The Total Facilities Manager is required to audit 5% of all works orders raised to subcontractors, the results of these audits are provided to the Department on a monthly basis. In addition, the Department has its own Audit Team, which independently audits the Total Facilities Manager and subcontractor performance each month.

Housing—debt
(Question No 1270)

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

(1) Was there a debt blow out within A.C.T. Housing at the end of the 2003 calendar year;

(2) If so what was the amount of that debt and why did this blow out occur.

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

(1) & (2) Total arrears owing by current tenants increased by $188,855 or 17.38% over the October to December 2003 period. This represents 1.3% of total rental income in the October to December period. Tenant arrears traditionally increase each year towards Christmas although this year was larger than previous years. My department is examining the reasons for this and moving to reduce the level of debt.

Housing—manager turnover (Question No 1271)

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

(1) What is the reason for the large turnover of housing managers within A.C.T. Housing, excluding those managers that are moved after six months in an area to avoid burn out;

(2) What is the process for recruiting housing managers and what criteria are used for recruitment.

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

(1) Housing Managers move positions for a wide range of reasons including promotion, extended leave, illness, higher duties, temporary incapacity and for developmental reasons. There are occasions where staff are rotated to fill gaps caused by any of the above reasons and often temporary staff are employed to fill positions pending permanent recruitment.

Housing ACT does not have a policy or practice of moving staff after 6 months to avoid burn out. While it is accepted that aspects of the Housing Manager role can be challenging, the Department continues to monitor work levels and responsibilities against Public Service work standards.

(2) Housing Managers are ASO Grade 4 Officers in the ACT Public Service and are recruited using the merit selection processes that apply to all ACT Government employees.

I have attached the selection criteria for the Housing Manager position.

HOUSING ACT Competency-based Position Profile	Position Number:	Title: **Housing Manager**
	Location: **ACT**	Classification: **ASO4**
	Version Date:	**8 March 2002**

SELECTION CRITERIA
Your statement addressing the Selection Criteria is the most important part of your application. You should use each of the selection criteria as a heading and under each heading explain how your experience, skills and qualifications/training enable you to meet this criterion. (The dot points under the selection criterion clarify the types of behaviours expected in relation to that criterion) To support your claims ensure you include current and relevant examples of work experience**.**
Keep you answers short and succinct.
The Selection Criteria for the Housing Manager positions are set out below. The criteria describe the essential requirements for a person to operate effectively in this area of employment.
In completing your application:
You do need to read the advice to applicants and the advice to referees.
You do need to answer each criterion and its supporting evidence by giving relevant examples to demonstrate your knowledge and experience.

ASO4 SELECTION CRITERIA	EXAMPLES OF TYPICAL BEHAVIOUR
Provide evidence of experience or capacity to:	**Evidence must address occasions when you had to:**

1. **Match and deliver services to a diverse range of clients**	▪ Assess client circumstances and determine appropriate response ▪ Deliver services to a diverse client group utilising support agencies as required ▪ Use a variety of strategies to ensure equity of services and outcomes for clients ▪ Adhere to and promote the Customer Service Standards and the Housing ACT Customer Service Charter
2. Communicate effectively one-on-one with clients and support services	▪ Use communication skills for a range of audiences and purposes – oral, written and using technology ▪ Employ listening, language and interpersonal skills to identify the needs of clients ▪ Put forward ideas; encourage and consider the views of others ▪ Represent the organisation; persuade and negotiate with others
3. Achieve results in own work area	▪ Identify own work goals and prioritise them in accordance with the organisation's requirements ▪ Achieve work goals and revise work plans to attend to ongoing or new responsibilities ▪ Apply organisational skills including the management of competing work priorities ▪ Adapt work practices in response to a changing work environment ▪ Show initiative and a commitment to continued learning
4. **Work cooperatively with clients and others**	▪ Work cooperatively with others and promote team player behaviours and outcomes ▪ Manage relationships to achieve successful client focused outcomes ▪ Treat others with respect and courtesy ▪ Value different ideas and approaches
5. Use analytical skills	▪ Interpret requirements and procedures and apply problem solving skills to effectively match responses and services to client needs ▪ Consider all relevant factors and make balanced, well-informed decisions and recommendations ▪ Identify policy and legislation relevant to an issue and apply according to set routines
6. Act with integrity	▪ Accept responsibility and accountability for outcomes of own work ▪ Adhere to the ACTPS Values, Code of Conduct and Housing ACT's values ▪ Apply workplace diversity and occupational health and safety principles in delivering work outcomes
OTHER REQUIREMENTS: Current driver's licence	▪ licence number, class and expiry date

Authorisation:

The details contained in this job description accurately reflect the requirements of the position.

(Signature)	**(Signature)**
Bob Hutchison	Helen Fletcher
Executive Director, Housing ACT	**Director, Housing Services**
13 March 2002	13 March 2002
Date	**Date**

Pay parking
(Question No 1276)

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

(1) How much revenue will be raised during 2003-04 with the introduction of pay parking in Belconnen and Tuggeranong;

(2) How much revenue is it anticipated will be raised during (a) 2004-05, (b) 2005-06 and (c) 2006-07;

(3) What is the itemised cost to date for each town centre to introduce pay parking;

(4) How much additional expenditure, including for the employment of additional parking officers, will be incurred in (a) 2004-05 and (b) the out years as a result of the introduction of pay parking in Belconnen and Tuggeranong;

(5) What would the itemised cost be for each town centre to restore free parking in Belconnen and Tuggeranong.

Mr Wood: The answers to Mrs Dunne's questions are as follows:

(1) It is expected that revenue from pay parking in Belconnen and Tuggeranong during 2003-04 will be $469,000 and $205,000 respectively.

(2) (a) $2,970,000
(b) $2,970,000
(c) $2,970,000

(3) The itemised cost to date for each town centre is:

	Belconnen	Tuggeranong	Total
Consultancy for the implementation of pay parking	-	-	$155,921 (c)
Purchase of Ticket Machines	$707,044 (a)	$583,456 (b)	$1,290,500
Civil Works including signs, road markings and Installation of Ticket Machines	$473,550 (a)	$325,076 (b)	$798,626
			$2,245,047

(a) Amount paid (b) Accrued cost (c) This item was not split between each town centre

(4) (a) $645,000
(b) $645,000

(5) The Government does not propose to remove the recently installed machines.

Flags—distribution
(Question No 1277)

Mr Stefaniak asked the Chief Minister, upon notice, on 12 February 2004.

In relation to the A.C.T. flag;

(1) How many flags have been distributed since you took office and to whom have they been distributed;

(2) Is there any charge for these flags, if so, what is the charge;

(3) What mechanisms are in place for individuals or groups with little or no resources to borrow flags instead of purchasing them.

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

(1) Twenty four, with 9 being donated and 15 loaned

List of organisations that flags have been donated to:
-Australian Workers Heritage Centre QLD
-National Service and Combined Forces Assoc of Australia
-Burnett War Memorial Museum QLD
-Ride for Youth of the Outback
-Canberra and Region National Services Assoc
-Scouts ACT –2 replacement ACT flags for Camp Cottermouth
-Protocol Unit, Premiers Dep't SA
-Merriwa Shire Council Visitor Centre

List of those organisations and individuals that flags have been loaned to:
-Canberra & Region National Services Assoc
-Annette Ellis MP for disabled students representing the ACT
-Canberra Masters Netball Team
-Team Canberra Sydney 2002 Gay Games
-Richard Haggar, Western Australia for Australia Day January 2003
-Scout Association
-Exchange Teachers Program Dec 2002 till Jan 2004
-Member of the community – for daughter's 21st birthday celebrations
-Friendship Force Queanbeyan/Canberra
-The Gathering Place, Brigidine Convent
-Canberra Big Bike Ride, Canberra Connect
-Protocol Unit, Premiers Dep't South Australia
-ACT Combined Defence Force Services Hockey in Adelaide
-Under 16 Boys & Girls Basketball Championships Tasmania as requested by Sidebottom Member for Braddon, Burnie Tasmania
-Friendship Force Queanbeyan/Canberra

(2) No

(3) Individuals or groups with little or no resources to purchase an ACT Flag are loaned a flag for the duration of a specific event or function on the understanding that if the flag is not returned, or returned damaged, the organisation is asked to pay the replacement cost of the flag ($65.00).

Grafitti hotline
(Question No 1279)

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

In relation to the 6207 2500 City Management Hotline to which people can report incidents of graffiti vandalism:

(1) Why is this number not more widely promoted, specifically targeting graffiti vandalism in order to encourage people to report such incidents to City Management?

(2) How many calls during 2003 were taken regarding graffiti in (a) January-March, (b) April-June, (c) July-September and (d) October-December?

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

(1) The Graffiti Hotline, which is managed by the City Management Customer Service Centre, is promoted in press releases, brochures and publications, it is listed on page 55 of the White Pages phone book and on the front page of Canberra Urban Parks and Places website.

(2) The City Management Customer Service Centre received 345 requests for the removal of graffiti for the periods below:

January-March	72
April-June	58
July-September	114
October-December	101
Total	**345**

Superannuation provision account
(Question No 1280)

Mr Smyth asked the Treasurer, upon notice:

In relation to the Superannuation Provision Account (SPA):

(1) Further to your reply to a question from the Public Accounts Committee on 17 December 2003 during the hearings into annual reports in which you stated that you are happy with the diversity built into [the SPA] investments, what did you mean by this statement;

(2) Following the announcement, from the Acting Treasurer on 28 October 2002, that the balance of asset allocation would be changed to favour cash and fixed interest assets, when will the preferred long term asset allocation strategy be implemented;

(3) Given the statement in the annual report for 2002-03 from the Superannuation Unit of the importance for establishing a [strategic asset allocation] and maintaining consistent portfolio allocations, what advice did the Government receive before the decision of 28 October 2002 was taken;

(4) If the preferred long term allocation strategy has not yet been implemented, what is the reason for this delay;

(5) Has any estimation been undertaken of the cost to the SPA resulting from the change to the allocation of assets that was made in October 2002, in terms of any losses in the returns achieved for the various asset classes;

(6) If any estimation of this cost has been made, what quantum of the cost was due to the performance of each major asset class;

(7) If no estimation of this cost has been made, why not.

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

(1) The statement reflected my comfort with the level of expert advice being provided to Treasury in respect of strategic investment policies, and the advice periodically provided to me.

(2) Implementation of the long-term strategic asset allocation requires the appointment of appropriate fund managers across all asset classes. This is being progressed.

Once appropriate managers are in place, Treasury will advise me of the appropriate time to adopt the long term allocation.

(3) The portfolio asset allocations were allowed to naturally go overweight cash and fixed interest through a combination of directed cash inflows from Government to cash investments only, the strong returns of Australian fixed interest and the fall in value of the Government's equity investments. During 2001-02 and 2002-03 no new monies were directed to equity investments.

(4) Refer to response to question (2).

(5) No. Any estimate would require assumptions about how the assets would otherwise have been allocated. Given that the implementation of the long term asset allocation is being progressively achieved, it is not possible to be definite about the asset allocation that would otherwise have been in place at any given time

(6) N/a.

(7) Refer to response to question (5).

Hennessy House
(Question No 1281)

Mr Smyth asked the Minister for Health, upon notice:

In relation to certain capital works that were undertaken at Hennessy House during 2002-03 and further to the reply to Question on notice No 1215:

(1) What was the urgent reason that necessitated the Calvary Hospital Child and Adolescent Mental Health (CALCAM) team having to move from Calvary Hospital to Hennessy House;

(2) What was the required deadline referred to in the answer to paragraph (1) of Question on Notice No 1215 and how was this deadline determined;

(3) How was it possible to determine that the Technical and Special Classes (TASC) room in the Hennessy House precinct was able to provide potentially suitable accommodation for the CALCAM team when significant renovation work was required before the CALACM team could occupy these premises;

(4) How long is it anticipated that the CALCAM team will be located in the TASC room.

(5) When was the renovation project (a) commenced and (b) completed.

(6) Have there been any implications for the capital works budget for A.C.T. Health for 2003-04 following the need to cash [manage] the Capital Works Program to undertake the renovation of the TASC room.

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

(1) CALCAM was a pilot project at the time and arrangements were made for them to occupy a building on the Calvary Campus (Residence C) for a twelve month period. CALCAM actually occupied the building for a longer period. The reason CALCAM had to move from the hospital building to nearby Hennessy House was two-fold.

First, there were some significant functional design and OH&S matters raised by the staff and a decision was made that this could be best addressed by moving them to more suitable, upgraded facilities.

Second, Calvary had an urgent need to place some medical specialists on site including an orthopaedic surgeon and two pediatricians. The pediatricians are vital to support both the Public Hospital Emergency Department and the Maternity Unit.

(2) The required deadline was 25 March 2003. This date was agreed between Calvary Public Hospital and Mental Health ACT to provide urgently needed accommodation for medical specialists.

(3) The TASC room in Hennessy House became available for consideration when the previous occupant, Psychiatric Rehabilitation Services (PRS) was moved to the Belconnen Community Service and Richmond Fellowship at the Belconnen Community

Centre. This left the TASC room available for a collocation to occur providing benefits and efficiencies to the operations of the Mental Health service. The extent of renovations was the result of the need to provide an up to date working and teaching environment, and meet government voice and data communication requirements.

(4) There are no plans for the removal of the CALCAM team from the TASC room.

(5) (a) The renovation project commenced on 19 March 2003.

(b) In order to meet the Calvary deadline, work to make the building ready for occupation was completed by 26 March 2003. All other work, including the provision of phone and data cabling, heating and cooling, additional car parking and security were progressively undertaken while the buildings were occupied, to June 2003. At that stage the project was substantially completed. Minor changes continued to be made until the end of the year.

(6) There is no impact on the 2003-2004 Capital Works Program as funding was approved in that program for the CALCAM Project to provide the cash that was used in 2002-03.

Goods and services tax (Question No 1282)

Mr Smyth asked the Treasurer, upon notice:

In relation to the goods and services tax (GST) and further to the reply to Question on notice No 1154:

(1) What revisions, if any, have been made by the ACT Government to the estimates of revenue to be derived from the GST in 2003-04, following the release of the Commonwealth's Mid-Year Economic and Fiscal Outlook in December 2003;

(2) What revisions, if any, have been made to estimates of GST revenue for the ACT for the outyears;

(3) Further to the answer to paragraph (4) of Question on notice No 1154, does the ACT produce its own estimates of revenues to be derived from the GST and, if so, how have these estimates differed from the estimates prepared by the Commonwealth; and

(4) What factors, in addition to population and the size of the GST pool, are used by the ACT to derive estimates of GST revenues?

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

(1) The latest estimate of GST revenue to the ACT in 2003-04, as published in the Commonwealth's 2003-04 Mid-Year Economic and Fiscal Outlook, is $648.7m or +$14.2m from the previous estimate of $634.5m. This upward revision is a result of growth in the estimated 2003-04 GST revenue pool.

This variation was not reflected in the recently released ACT Budget Mid Year Review as it will be subject to further revision in the lead up to the 2004 Treasurers' Conference.

(2) No revisions have been made in line with the approach outlined in (1) above, due primarily to a timing issue.

A number of the assumptions used to determine outyear estimates are expected to change following the release of the Commonwealth Grants Commission's *2004 Review Report on State Revenue Sharing Relativities* in February 2004, which is subject to discussion at the upcoming Treasurers' Conference.

(3) The ACT produces it own estimates of the Territory's share of revenue derived from the GST for the outyears.

The Commonwealth does not produce outyear estimates on a State-by-State basis. Estimates for the outyears are derived from a model developed by the South Australian Treasury based on Commonwealth advice regarding the aggregate GST revenue pool for each of the outyears.

(4) The ACT's share of the GST revenue pool is a factor of:

- the Territory's population, relative to the Australian population;

- the GST revenue pool;

- the Commonwealth Grants Commission's recommended GST relativity for the ACT; and

- the unquarantined pool of Health Care Grants paid to the States, and the Territory's relative share of that pool.

There is no direct link between the amount of GST revenue collected in a State and the amount of GST grant funding that a State receives from the Commonwealth.

Urban services—publications (Question No 1311)

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

(1) What is the purpose of the departmental publication entitled *Making Canberra an Even Better Place 2004*?

(2) What was the (a) print run and (b) cost of the print run?

(3) Where will it be distributed?

(4) What will be the cost of distribution?

(5) Is the information on the services described also available elsewhere?

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

(1) The booklet replaced the Report to the Community introduced by the Carnell Government. The booklet is designed to provide information to the general public on a number of important and topical Departmental services and events, including on-line services, recreational information, hazard reduction, and community activities. It also contains important contact information and some practical tips on issues such as water management.

(2) (a) 5000 copies were printed.
(b) The cost of the print run was $5491.82, which includes design costs.

(3) The booklet has been distributed to Canberra Connect Shopfronts, ACT Public Libraries, and all other public contact points within the Department.

It is provided to people applying for positions in the Department, at Departmental induction programs, to visiting delegations and schools groups, and at public events such as the Canberra Show.

(4) Existing in-house distribution channels were used at no cost.

(5) Similar information can be found on the Urban Services' website and in certain brochures, however not in the consolidated format used in the booklet.
