
# DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

FIFTH ASSEMBLY

# WEEKLY HANSARD

1 APRIL

2004

**Thursday, 1 April 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.

## Mrs Dunne
### Motion of censure

**Mrs Dunne**: Mr Speaker, I read in the *Canberra Times* this morning that the Labor Party is contemplating moving a motion to censure me. If the government intends to do so, I would like the convention to be applied that it be brought on straight away.

**MR WOOD** (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for Police and Emergency Services, and Minister for Arts and Heritage) (10.31): Mr Speaker, I am prepared to move on that. I move:

> That this Assembly censure Mrs Dunne for her actions of contempt in relation to the distribution of a flyer at the Belconnen Markets.

Mr Speaker, I shall first give a broad outline of the chain of events. In October 2003, the Standing Committee on Planning and Environment accepted an inquiry into the provision of a cut-price supermarket at the Belconnen Markets. Mrs Dunne is chair of that committee.

In November 2003, Mrs Dunne circulated at the Belconnen Markets a flyer exhorting the reader to assist her in bringing Aldi, a cut-price supermarket, to the Belconnen Markets. In January 2004, the deputy chair, Mr Hargreaves, brought the matter of a conflict to the attention of the standing committee. In February 2004, a select committee on privileges was convened to examine the actions of Mrs Dunne in respect of the flyer. In March 2004, the select committee reported to the Assembly, finding that a contempt was proven. It was a serious contempt and it was accompanied by an intent to interfere with the workings of an Assembly committee.

Let me turn now to the content of that flyer, which has been the focus of that consideration. The flyer contains the words, “it seems the Markets will miss out.” To quote again, “I would like to see Aldi and the Belconnen markets working well together.” Another quote, “the Planning and Environment Committee, which I chair, is holding an inquiry into the decisions that have obstructed this project, threatening the long-term future of the Belconnen Markets.” A further quote, “To help bring Aldi to the Markets, write to The Secretary, Planning and Environment Committee, GPO Box 1020, Canberra 2601.”

These words are emotive, suggest issues which are contradictory to the terms of reference, and incite the reader to influence the inquiry by an involvement of the committee secretariat to achieve a result. The flyer compromises the perception of independence of view, the unbiased approach to the inquiry, and gives the impression

that the chair is not engaging in an unbiased way towards the inquiry entrusted to her chairmanship.

It is clear when committees are established that the view that objectivity should prevail is paramount. It is clear that the words indicate intent to influence the result of an inquiry. The intent by the chair of the committee is a serious breach of the protocols of the parliament and has contributed to the finding of contempt by the privileges committee.

I will now turn to the timing of the flyer. The flyer was distributed after submissions were called by the committee and before the submissions received by the secretariat had been distributed to members of the committee.

As to impact on the inquiry: the inquiry was in jeopardy of being aborted. The committee considered that the inquiry had been compromised and moved to address the perception of lack of bias. The chair's offer to stand down from that inquiry was accepted by the committee, as was the apology for the jeopardy in which the inquiry had been placed. There were acknowledgements that the process had not been corrected.

The chair said to the committee, "If the committee feels that the issue is serious, and by looking at the numbers, it would seem that it is ..." This is what was said. That was taken by some members of the committee to be a qualification of the apology. Indeed, the chair should have acknowledged herself that the issue was serious. It was a demonstration that the chair did not understand, or sought to avoid acknowledging, the seriousness of the issue in terms of either the fate of the inquiry or the breach in Assembly protocol. The committee felt a need to write to traders and issue a press release to allay fears of a predetermined position.

As to the blurring of roles: we have the chair of the Standing Committee on Planning and the Environment, a member of the Standing Committee on Planning and Environment, the opposition spokesperson on planning, and the member for Ginninderra. All those roles were blurred but, as chair of the committee, Mrs Dunne had the absolute responsibility to act appropriately and separate other considerations such as being the local member for Ginninderra and, in particular, the opposition spokesperson on planning.

Let me talk about the attitude to the privileges inquiry. It seems that the chair displayed a contempt for even the privileges committee by issuing a press statement before the privileges committee had concluded, suggesting in that press statement that she had been vindicated. This was before the inquiry had concluded and was based on something entirely different. She was referring to the report of the committee into the Aldi issue. That report dealt with quite separate issues. Clearly, she did not accept and acknowledge the seriousness of her actions.

Was there intent to interfere with the work of the committee? Well, look at page 15, paragraph 5.1, of the report of the privileges committee. There certainly was an attempt, with this bull-in-a-china-shop approach to the whole issue, to interfere with the work of the committee.

There was an apology to the house. The chair apologised on 30 March but the words of this apology related to her claimed misunderstanding of her roles. She did not indicate

that she was now aware of the contempt of parliament and I believe this was an attempt to avoid being further held to account.

I will now turn to the conclusion of the privileges committee. Mrs Dunne's defence was that it was "just a mistake". That was considered by the committee not to be plausible. Mrs Dunne has had a long service in this Assembly as an advisor to a Liberal chief minister. She has been involved in the affairs of this Assembly over a very long period.

Mr Speaker, this Assembly needs to make a firm statement about members compromising the integrity of the Assembly and we need to reinforce the vigilance that needs to be shown by members and the responsibilities we carry in this small parliament. It is the case that we have multiple roles, but in our 15 years of operation members have separated those multiple roles and focused on the major aim before them—in this case, the role as chair of the committee. That has been the history of this Assembly and there has been an occasion now and then when members have transgressed that role. When that has happened, this Assembly has moved to censure and censures have occurred. Mrs Dunne cannot argue that she did not understand. She is not a fresh-faced new member. She has been around this place for a very long time and she knows how committees, other agencies and this parliament work.

This Assembly now needs to send a message that behaviour of this sort is regarded seriously. All members must regard it as serious. There is a view that the punishment must fit the crime. There has been a conscious attempt by the chair of the committee to interfere most significantly and dramatically with the conduct of an inquiry. I suppose the sin is the same whether you are a member of a committee or the chair of a committee, but I think the chair in particular needs to be acutely aware of their role.

This conduct is not acceptable to the Assembly and I believe we need to assert that today through this censure motion. A mere apology—and, I believe, it was an inadequate apology—and the way in which it was given is insufficient. So today we must send a message that the initial transgression, the second transgression and then the non-acceptance of the privileges committee report are unacceptable behaviour. Therefore, it is incumbent on this Assembly to pass this censure motion.

**MRS DUNNE** (10.43): It comes as no surprise, Mr Speaker, that the Labor government would move such a motion today. Quite clearly, this matter first arose in mid-January and it was obvious from that time, from the first encounter with the deputy chair of the planning and environment committee, that this was the intended outcome of the process.

Mr Wood stood here today and said, first of all, that this is a serious matter. Yes, it is, Mr Speaker. This is a serious matter and this is why I place on record, for I think the third time in this place—and it is on the record of the planning and environment committee—my hearty apologies for the contempt. The committee on privileges has found that a contempt was committed. As I said the other day, I think there is a difference of opinion about motivation, but if the committee of the Assembly has found this is the case, I accept that judgement. I am not happy about it, I feel wounded by it, but this is not about ego, this is about admitting when you do something wrong.

When this was first raised with me, I recognised that there was a possibility of an apprehension of bias, and I apologise for that. I made recommendations to the committee

about how we should resolve that and the committee acted upon it. The Select Committee on Privileges has reviewed all of that information and has come to a conclusion, and I accept their judgement. As I do today, as I did last time this was discussed on Tuesday, I apologise unreservedly to the members of this place and to the ACT community for this lapse of judgement, for this failure on my part. And I do that unreservedly, and I hope that Mr Wood this time listens to what is being said.

Whilst having no problem in apologising—because generally, as a rule, I do not have a problem with apologising when I have done the wrong thing—I would hope that the members of the Labor Party in this place who are supporting this motion do not spend their time saying, "Well, it wasn't in the form that I would have liked" or "It wasn't contrite enough" or "You haven't done it enough times." Mr Speaker, on my reckoning the records of this Assembly show that I have given an unreserved apology five times.

But we need to look at the issues that are before us today. I am a member who stands here contrite because I have made a mistake, and I have apologised for that. I am a member who has been subjected to the scrutiny of my peers and been found wanting, and I admit that. But I am a member who is also the victim of base politics, and this motion today is a motion about base politics. We all indulge in base politics to some extent or another, because it is part of our job description. We are politicians, and in being politicians we practice politics.

But one of the things that we have to try and do as much as possible is rise above the baseness. We have to question the motivation of the people who come in here today and say certain things, despite the recommendations of the Select Committee on Privileges. Recommendation 1 of the committee states:

> 5.8 However, the committee does find that the Chair of the Standing Committee on Planning and Environment in distributing a flyer in her name at the Belconnen Markets was in contempt of the Assembly but recommends no further action be taken.
>
> 5.9 There has been some worrying aspects to this inquiry not least of which that a member could make one simple mistake … which can put her in contempt of the Assembly. It is obvious to the committee that there is a need for continuing professional development for Members especially in relation to the various roles members must play and the distinction between those roles.

Mr Speaker, at various stages in this debate in this place, in the planning and environment committee and in the Select Committee on Privileges, I have made the point that there has been a blurring of roles and that that blurring of roles happens many times in this place. Recommendation 2 of the privileges committee states:

> 5.10 The committee accordingly recommends that some form of continuing professional development in parliamentary procedures and conventions be introduced for Members additional to the new Members seminar.

I think we should accept that recommendation, along with the first recommendation that I was found in contempt of the Assembly but that no further action should be taken.

This is where we have to look at the motivations of the members opposite. They are quite happy to accept part but not all of that recommendation, and I would submit, Mr Speaker, that they are doing this for fairly base political reasons. And that, I think, goes to the discomfort that the government finds in having a Liberal member chairing an important committee like the planning and environment committee.

The planning and environment committee has brought down a number of reports—27-odd or something like that. All of those reports have been unanimous. Almost all of those have been critical of the planning processes in the ACT and have made recommendations for improving the planning processes in some way, shape or other, and therefore, I suppose, they are critical of the planning minister and the government in general. My experience has been that the government is discomfited because of the independence and the forthrightness of the planning and environment committee.

We need to question today the motivation of the government in moving—let us put it bluntly—to take further action against me, contrary to the recommendation of the Select Committee on Privileges. Is it because they see this as an opportunity to basically pull in the sails a bit of the planning and environment committee, to somehow nobble the planning and environment committee in one way or another.

Is this an attempt to impinge on the privileges of the planning and environment committee by attempting to curtail the independence of the members of that committee? I am not sure, because I cannot go to the motivations of all those people opposite who seem to have thought it was a good idea to take further action against me in spite of the recommendations of the select committee set up by this place.

We have to seriously question what is happening. Is there a conflict of interest between the operation of the government on this occasion and the operation of the planning and environment committee? Does the planning and environment committee cause sufficient discomfort to the government that they would want to curtail its operations?

There are a number of critical inquiries coming up before the planning and environment committee that go to the heart of the administration of planning in the ACT, some of which could potentially be severely embarrassing for the government and the planning minister in particular. They are matters of considerable public discontent and we have to ask the question: in doing this today, is the government trying to nobble the members of the planning and environment committee? These are very important issues.

It is not about ego and reputation as an individual member because my reputation as an individual member will be determined by the voters on 16 October. My reputation as an individual member has been damaged—and I admit that—by an adverse finding of the Select Committee on Privileges, and that is of particular personal regret and sorrow for me. It also is a reflection upon my colleagues, I suppose, because they put their faith in me and I have let them down. It is a reflection upon all of us here because members in this place put faith in me and I have let them down. Members of the community put faith in me and they could perceive that I have let them down. But I have tried on all occasions.

Until someone said to me that there is an issue of perceived bias, it had not entered my mind that that was the case. As I said, there was discussion with the select committee. I said to the select committee that I did actually toy with the idea of whether I should put in the crucial words, the parenthetic statement, "which I chair" in respect of the planning and environment committee. This seems to be at the crux of this issue. I actually had a discussion with my staff and with other staff as to whether or not I should put that in the flyer that went out, and we decided that we should for the sake of telling the whole story.

I think it is probably a bit a case of being damned if you do and damned if you don't. If I had put out that flyer and not said that, I would be criticised for holding back information. I put out the flyer and did say that and I found myself accused and found guilty of contempt. I say "fair cop" and I am willing to accept the stain on my reputation that that entails.

But the issue that is now before us that I should be censured flies in the face of the recommendations of the committee set up by this Assembly. This Assembly thought this was worth investigating and it was investigated. I think everyone who felt the need to do so had their day in court and was heard, and I feel that I had a fair hearing. But the recommendations are twofold: that I was found in contempt but that no further action be taken.

What we have here today is members of the Labor Party caucus flying in the face of the recommendations of a committee established by this place, and in doing so, flying in the face of one of their own members because one of their own members signed up to this report. There is no dissent in this report; there is no demurring. This is a unanimous report.

We have to ask: what is the motivation? The motivation is base politics. It is trying to extract as much vengeance as possible out of this; it is trying to deflect from a whole range of issues that embarrass the government; it is trying to take up the time of the Assembly when there are important issues at hand. As a result of this, we are now trying to exact punishment which was not the recommendation of a committee of this place and this is why members of this place should reject the motion put forward by Mr Wood.

**MR HARGREAVES** (10.58): I will not go over the facts of the issues which led to the creation of the privileges committee. I think most people are sufficiently aware of them. However, I want to address a number of things which appear to be inconsistent. I want to refer to the report by the Select Committee on Privileges.

Before I do, I would like to respond to the accusation by Mrs Dunne in today's *Canberra Times* that this is an attempt by me to take control of the planning and environment committee away from her. It is not so at all, Mr Speaker. I do not wish to take control of anything. But what I would like to do is have the committee take back control. Her own words were "to take control of the planning and environment committee away from her". She does not have control. It is that perception of control which led to the mistake over Aldi in the first place. Indeed, let me say this: if, in fact, Mrs Dunne does the right thing and resigns as chair of the planning and environment committee, I will not be nominating for the position of chair.

**Mr Smyth**: Backing a different horse, are we?

**Mrs Burke**: Who else would you be nominating?

**MR HARGREAVES**: I have never indicated that I would be and I am just putting it on the record to make sure people do not misconstrue my position. I would also like to say that I think my colleagues Mrs Cross and Ms MacDonald said to me in relation to this whole thing, "Mrs Dunne just doesn't get it, just doesn't get it." This is not about the Aldi issue: this is about propriety in this place; this is about upholding parliamentary procedure; this is about the responsibilities of the chair of the committee not to bring that committee and the parliament into disrepute.

Mr Speaker, I believe that Mrs Dunne showed a contempt at the privileges committee hearing by putting out her vindication press release which, in effect, said, "I was right all along." Well, the privileges committee had not concluded whether she was right or wrong and, indeed, when they did conclude, they found that a serious contempt had been made.

She also asked: is the government trying to nobble members of the planning and environment committee? Mr Speaker, I do not think I have a reputation within any of the committees upon which I serve for necessarily advocating a strict government line. I think, in fact, that the suggestion that a committee might be nobbled by me on behalf of the government is somewhat offensive.

**Mr Wood**: Yes, you've been a nuisance.

**MR HARGREAVES**: I have. My colleague Mr Wood indicates that I have been a nuisance. That is something I will wear as a badge of honour, and I appreciate your comments, Mr Wood.

The comments by Mr Hannaford in yesterday's *Canberra Times* that Mrs Dunne had been found to be in contempt of the Legislative Assembly for abusing her position as the chairwoman of the committee just about encapsulates what I am talking about. The Aldi issue is neither here nor there. She felt that she could use the political system as a political tool, and members would know that I have been vehemently opposed to this sort of thing since the day I became whip in this place. I have tried to take the politics out of the committees and I object strongly that politics have been used.

Mr Speaker, Mrs Dunne is reported in the *Canberra Times* as saying a number of things. She said on Tuesday that she had simply been trying to inform the public of the issue and had no intention of steering the direction of an outcome. The privileges committee indicated clearly in its report how it regarded that. The committee's finding at paragraph 5.1 on page 15 states:

> The committee is of the view that the distribution of the leaflet was "likely to amount to an improper interference ...

The committee said that this interference was serious; that there was a clear intent shown by the chair to create this interference; that there was an interference, it was serious and

there was clear intent. That flies in the face of what Mrs Dunne constantly insists in the media.

Mr Speaker, as I have said, I was quoted in the *Canberra Times* as saying that the community's faith in the integrity of the committee process has been harmed. I think it has been and it will be further harmed unless this Assembly makes a very firm statement.

There has been talk about providing information for an induction program. Such a program should also include what happens if the rules are breached. It is pointless having rules if you do not say what will happen to you if you breach them. We need to be as firm as we can about this. I feel very sincerely that the trust the community has in the committee system has been betrayed; and I have to say the trust that committee members have in the chair has been grossly compromised.

I think the comment that really got me going was when Mrs Dunne said, "It's no skin off my nose and I know I haven't done anything wrong." You can say that she might have been slightly misquoted perhaps, but I have to say that people do not misquote sayings like "It's no skin off my nose". It really does not matter much to me whether she is referring to the privileges committee or this censure motion, it would be a heck of a lot of skin off my nose in either case. She is also reported as saying, "And I know that I haven't done anything wrong." If we are talking about the privileges committee, what part of a privileges report don't you understand? This is what I mean when we say we just don't get it.

Mr Speaker, it is fine to stand up and say, "I'm sorry, I'm sorry, I'm sorry," but the punishment should fit the crime. There is a certain contradiction. I would like to quote from the *Hansard* of 18 November 2003 when there was an all-out attack on my colleague the Minister for Planning. You might recall that a contempt was found and a successful censure followed. After quoting Erskine May, Mrs Dunne said:

> On this occasion, the recalcitrant minister, who did everything he could to avoid questioning on the day, should be found guilty. He has been found guilty of contempt and he should be punished in the appropriate way, as precedent would set down, by either having the courage to resign himself, showing that he is a man. If he does not, the Chief Minister should have the courage to sack him and show that he is a man. If that does not happen, this place should find want of confidence in the minister and then he should resign.
>
> As precedent shows, there has been one other case of contempt brought before this place where a contempt was found, and the person lost his job. He resigned. He did the right thing and walked out of this building ...

Mr Speaker, Mrs Dunne is saying that we should have one attitude towards contempt which has been declared by a committee in this place and that we should pass a want of confidence motion—indeed, that was reduced to a censure motion and passed in this place. In other words, Mr Speaker, the precedence in this place is that where a contempt by a member has been found then a censure will almost automatically follow. I suggest to members that that is in fact an appropriate course of action.

Mr Speaker, this is a sad and sorry affair. Mrs Dunne can slag off at me as much as she likes but I have to tell you and members that I care not for the Aldi issue, I care not for

the content, but I care an awful lot for the process of this committee, of this Assembly and this institution—and that is what I am going on about; that is what I find wrong.

To say that you do not recognise that a contempt was perpetrated, after a committee had found otherwise, other than to say, "I'm sorry, there is an inconsistency …" *Extension of time granted.)* There are so many inconsistencies about this that I am not convinced that the chair of the planning and environment committee actually understands what has gone on.

There has been talk about the blurring of the roles. I do not accept that argument at all. What we are talking about is a breach of the standing in which the parliament and its committees and institutions are held by the community. We need to consider whether or not the punishment fits the crime, as it were.

I refer the Assembly again to the privileges committee's report and I draw your attention to a couple of issues. Paragraph 5.3 of the report says:

> The wording of the flyer was somewhat intimidating in canvassing only one point of view.

The way in which language is used influences people out there in the community, and we need to understand that. Paragraph 5.6 reads:

> Mrs Dunne has admitted her "mistake" in confusing her roles …

Okay. When the committee talked about this in the context of the Aldi inquiry, we accepted, as I have said before, that it was the honourable thing to do. But the response was insufficient on the second side of the issue.

I draw members attention to paragraph 5.7, which goes to the point about the committee saying, "No further action." Paragraph 5.7 states:

> This admission on Mrs Dunne's part together with the ordeal of having to undergo this privileges inquiry has prompted this committee to recommend no further action ...

The ordeal of having to go through a privileges committee inquiry has been regarded by the committee as a sufficient penalty to pay for a contempt of the parliament. I am sorry, Mr Speaker, I do not consider that sufficient. I think that a censure of one's peers is in fact the appropriate response to somebody who has perpetrated a contempt of parliament. So, Mr Speaker, I would urge members to support this motion. We should understand that we are guardians of the parliamentary process and the propriety that attaches to that.

**MR QUINLAN** (Treasurer, Minister for Economic Development, Business and Tourism, and Minister for Sport, Racing and Gaming) (11.11): Mr Speaker, I had not really intended to be involved in the debate but there are a couple of things that ought to be added. I want to refer to some quotations from Mrs Dunne's contribution a matter of months ago to a motion of want of confidence in Mr Corbell. What she said then is very inconsistent with what she said today. Let me read these quotes from the *Hansard*. She said:

> … there is no degree of contempt: it is either contempt or it is not. As with other things, you are just not a little bit pregnant, you are pregnant. If you have committed contempt, it is not just a little bit of contempt, it is contempt ... What we are talking about is contempt; it is not graded or anything like that.
>
> It has been demonstrated here by the minister's own admission that it was deliberate … This was deliberate, culpable contempt ...

Mrs Dunne went on about whether an apology was a sincere apology or just forced. I will not go any further than just remind members of what she said at the time.

She then referred to Erskine May, as quoted in the *House of Representatives Practice.* She went on to say:

> It is a matter of discretion … for this house ... it is not appropriate for the Estimates Committee to make a recommendation as to whether or not there should be a punishment.

I think she meant the privileges committee. She continued:

> It is the responsibility of the Estimates Committee to find out whether a contempt has been committed and to report on that. It is inappropriate for this committee to have made a recommendation that no further action be taken ...

What has changed in a matter of months? I will tell you what has changed—the fact that it is now Mrs Dunne who is in the dock. We all know and we can all very rapidly imagine the contribution Mrs Dunne would have made to a debate like this today had it been a member of this side of the chamber against whom the motion had been moved. So that is why I asked my office to just go back a matter of a few months to what was said by Mrs Dunne in this place. I ask members to compare what Mrs Dunne said in this place in November last to what she has said today.

**MR CORNWELL** (11.14): Mr Speaker, I am conscious that the convention of this Assembly is that a motion of this nature should be debated immediately and take precedence over all other business. However, it is rather unfortunate that the report of the Select Committee on Privileges is still set down for debate under Assembly business. I regret that because it places at least one member of the privileges committee in an extremely embarrassing position.

The Labor Party has decided to bring on a motion of censure against Mrs Dunne. However, let me remind members that Ms MacDonald, one of the Labor Party members of the privileges committee, is one of the three members who unanimously agreed with the recommendations of the committee. I am not out to attack Ms MacDonald in any way, shape or form. I do, however, wish to place on record that I feel extremely embarrassed for her because she has obviously had her views in relation to this report ignored by her own party. That is an embarrassing situation for any member of a party, because in good faith Ms MacDonald has agreed to these recommendations but her party has decided that that will be swept aside.

One does have to ask why this should be the case. Of course, some of this has come out from what Mr Hargreaves has said. It is very apparent. Mr Hargreaves happily quotes, may I suggest selectively, from the committee on privileges report. He quotes a number of points which he sees as damaging to Mrs Dunne. But he does quote rather selectively, Mr Speaker, and he fails to recognise what the committee said in paragraph 4.8. The committee said:

> In both instances Mrs Dunne has stated that her genuine intent was to make her opinion known to the public, not to influence the outcome of either the Planning Committee inquiry or this Privileges Committee inquiry.

It goes on to say in paragraph 4.10:

> The committee addressed the question of a member's role as advocate for their electors … and could not agree to the very narrow construct that Mrs Dunne put on advocacy ...

Okay, that is fine. The committee did not agree to that, but Mrs Dunne had one view and we had another. This, of course, has led to the unanimous recommendation of the privileges committee that, whilst the distribution of a flyer at the Belconnen Market was in contempt, no further action be taken. What is going on here now, Mr Speaker?

**Mr Quinlan**: They are following the Dunne logic.

**MR CORNWELL**: Mr Quinlan interjects. So what we have got here is revenge, is it, Mr Quinlan? We do not have a judgement based upon these recommendations—no, we have a revenge, a settling of the score. That is very typical, of course, of this Labor Party, even to the extent of rolling one of its own members, Ms MacDonald, who was a member of this committee. Ms MacDonald, I feel for you; I really do.

Mr Hargreaves has stated this already, but I will quote again, what was said at paragraph 5.7 of the committee's findings:

> This admission on Mrs Dunne's part together with the ordeal of having to undergo this privileges inquiry has prompted this committee to recommend no further action be taken in relation to Mrs Dunne's transgression.

I can paraphrase at least the first part of that, Mr Speaker, by saying that I feel that Ms MacDonald, having agreed with this recommendation, is also going through an ordeal of being rolled by her party.

Mr Hargreaves talks about the conventions of this place. What possible confidence can this Assembly have in decisions agreed to by all members of a committee if they are to be changed by the party of one of those members? What possible confidence can we have in any decision brought down here? We all know the rules, that if you do not agree with a committee decision then you are entitled to dissent. That is perfectly reasonable. It happens on occasions—not often, I must admit, and that is to the Assembly's credit.

So we have to ask why this is happening now. As I say, Mr Quinlan has given the game away inasmuch as it is obviously a settling of scores against Mrs Dunne. There is an

election coming. There could be an attempt, of course, to change the committee chair. Mr Hargreaves states he does not want to be the committee chair. Well, he is a committee chair already. There could, of course, be a situation that other members of this committee are interested in the committee chairmanship.

**Mrs Cross**: Of course, that is the motivation for all this. Wake up.

**MR CORNWELL**: Yes, there could be, Mrs Cross. I am interested in your comments because I, too, like all members, will have the opportunity of reading your in-camera comments to the privileges committee. If you look askance at me—

**Mr Corbell**: Point of order, Mr Speaker. While I accept that a censure debate is by its nature extremely broad ranging, I think even Mr Cornwell would have to concede that he is testing the limits of the relevance rule, and I would ask you to perhaps remind him of the substance of this debate.

**MR CORNWELL**: Mr Speaker, may I speak to that? It is relevant, sir, as I will demonstrate, if you will allow me to do so.

**MR SPEAKER**: Well, we will look forward to you demonstrating that, Mr Cornwell.

**MR CORNWELL**: Thank you, Mr Speaker. I was just about to explain that the in-camera evidence given by Mrs Cross has in fact been approved and authorised for publication. It is important that I make that point. Ironically, the motion in the committee to do that was moved by Ms MacDonald, but never mind.

The fact is that there were certain quite serious allegations levelled against Mrs Dunne in that in-camera hearing. Mrs Cross said she wanted to give her evidence in-camera because she did not want people in the gallery. Okay, it was a rather strange request. But subsequently the evidence that she put forward was in fact scurrilous—that is the word I would use—against Mrs Dunne and suggested, unfortunately, that there are other reasons for this motion coming forward today, and I will be very interested to hear Mrs Cross's comments later.

The fact is that we have now got a situation where this committee's unanimous findings have been overturned by the Labor Party and they have cut adrift their member of this committee, and I regard that as more serious than anything Mr Hargreaves may say.

**MS DUNDAS** (11.24): Mr Speaker, I did want more time to consider this matter but, as other members who have clearly made up their mind do not want to speak yet, I will have to speak in order to make sure that the debate continues.

Mr Speaker, censure is a quite vexing question for this Assembly. I think we need to look at the core of what the privileges committee was investigating. It was looking at whether or not Mrs Dunne's actions constituted a contempt, and that was the clear intention of the Assembly when it established the privileges committee.

What the committee has found, after carefully examining what is meant by contempt of the privilege of this Assembly and of the House of Representatives, is that Mrs Dunne

was in contempt. I would like to read from paragraphs 5.4, 5.5 and 5.6 of the privileges committee report. Paragraph 5.4 states:

> However much Mrs Dunne protests that she in no way intended to mislead or influence the outcome of the inquiry, it remained her responsibility to realize that her actions were 'likely to amount to an improper interference with the free exercise by … a committee of its authority or functions.

Paragraph 5.5 reads:

> As discussed elsewhere in this report a member must distinguish between his or her role as an individual member and as a participant in the committee process. While this distinction is not always easy to make, the committee is of the view that in this case it was quite clear that there has been a seriously inappropriate blurring of these roles.

Paragraph 5.6 reads:

> Mrs Dunne has admitted her 'mistake' in confusing her roles in both the committee and the Assembly and did disqualify herself from further involvement in the remainder of the Planning Committee's supermarket inquiry.

I was looking back over the debate—I am not reflecting on that debate, Mr Speaker—that established the committee on privileges. At that time Mrs Dunne said that she apologised to the committee and offered to withdraw from the inquiry because it was put to her that she had crossed the line. She went on to say that she immediately admitted her mistake, she did that freely and unequivocally, and she had no intention to interfere with the work of the committee. With those undertakings from Mrs Dunne, the fact that the report into the Aldi inquiry was able to be completed and tabled, and the recommendation by the committee that no further action be taken, it does seem a bit heavy-handed to censure Mrs Dunne at this point.

I think we have to look at what else we have done in this place. Members have already referred to privileges inquiries that have looked into a number of issues, one of which was the actions of the Minister for Health. The outcome of that debate was that this Assembly expressed concern at the minister's actions.

I think in today's debate this Assembly is also expressing its concerns. I think the privileges committee report does that—it expresses its concerns at Mrs Dunne's actions. It talks about the need for members of this Assembly to be quite clear in the distinction between their roles, to try and find the appropriate balance between their roles on committees, their roles as representatives for electorates, and their roles as spokespersons for political parties. The report notes that this is a very difficult thing to do, but there are clear examples why it is important that this be done. We need to treat the committee process with respect, so that the community remains confident in the work that the committees do.

I think this Assembly should accept the committee's report, and we will have a debate on that report later today. I think the Assembly should accept the recommendations of the committee. All of us should be aware of the recommendations in this report, the

discussions in this report, and pay more respect and more attention to the role of the committees and our work on those committees.

In saying that, I am not willing to support the censure motion as moved. However, as I have indicated, I think it is important that this Assembly expresses its concern about the actions that led to Mrs Dunne stepping down from the planning and environment committee Aldi inquiry and the establishment of the privileges committee.

**MS TUCKER** (11.30): I am not supporting this censure motion. I, as chair of the committee, have considered the issue fairly closely. The committee recommended that no further action be taken. We were of the view that the ordeal of having to go through a privileges inquiry would be a difficult experience for anyone in this place—obviously, it was for Mrs Dunne—and that through that process hopefully there will be greater understanding by Mrs Dunne of the issues.

The blurring of the role of the inquirer versus the advocate was the subject of a lot of conversation in the committee process and the committee raised that point in its conclusions. That blurring of the role is central to this issue. It is something that I have seen misunderstood or abused by a number of members in this place over the years. I continue to see it.

There is a fine line between whether it is appropriate or inappropriate to send correspondence to me as an individual member rather than as chair of a committee or whatever. The situation there is a little bit vague. That is why I am very keen to see the recommendation picked up concerning professional development for members around these questions. I do not think that this is a simple matter and it is not just about new members, as I have said.

The position has been taken that Mrs Dunne had been a staffer here and should have known better, but I do not accept that. Even people who have been involved in the Assembly as members and who have not had experience of committees, particularly as the chair of one, will not necessarily understand the subtleties.

I remember very well my early experience here. Judith Henderson, if I am allowed to mention her in this regard, was an extremely important educator for me when I was chairing the social policy committee in my first term in office. I was literally a new member and the chair and I am very grateful for the fact that I was given the opportunity of benefiting from the expertise of Judith Henderson at that point. We spent a lot of time together in which she explained what were really quite new concepts for me in this place.

Mr Smyth probably would not mind my saying that he became the chair of an Assembly committee after having had extensive experience in this place and was quite unfamiliar with some of the conventions and expectations of a chair. He has been open to that and there has been a good process.

As I said when we tabled this report, this incident is a wake-up call for people and we do have to try to improve our understanding of these issues. I do not claim to understand everything; I am still asking questions when I am not sure what is clear and what is not. For me, the aim of this exercise is to improve the performance of every single one of us. This finding of contempt is serious in terms of Mrs Dunne's situation. She has

acknowledged that it is serious. She has said today that she accepts the finding of contempt.

I note that there has been the circulation of a newspaper article this morning in which she seemed to be less respectful of the finding. I have to say that that was of concern. I have talked to her about that. My understanding of what happened there is that she did not quite think through what she was saying, but she has made very clear statements in the Assembly this morning clarifying her response to the finding of contempt.

Obviously, Mrs Dunne needs to clarify it to the media as well, because an incorrect impression has been given in the newspaper article today. I am assuming that Mrs Dunne will clarify her response for the *Canberra Times*, which is the proper thing to do. I am not prepared suddenly to support a censure motion and so on because of that, in light of the fact that she has made very clear statements here today and recognised the need for us all to do more work on understanding the subtleties.

At this point in time we have the findings of the privileges committee that no further action be taken against Mrs Dunne and that there be further professional development. Mrs Dunne has gone through this privileges inquiry, which is a punishment in itself, and I do not think the passage of a censure motion is warranted. Ros Dundas said that she thinks that we are expressing concern through this debate, and we are. Yes, we are all concerned. That is certainly something that has come out of the debate.

Apart from that, I do not think that there is a need to progress further. What the committee chooses to do is, of course, up to the committee, but people should be very careful about being so ready to cast stones in this regard because, if members really wanted me to do so, I could probably pull out a few similar examples for nearly everyone in the place, and recent ones at that.

**MS MacDONALD** (11.35): I had not intended to rise to speak, but I will be brief. I was the government member on the privileges committee and, yes, its decision was unanimous. I had the feeling at the time that Mrs Dunne did not understand the gravity of the situation. Unfortunately, my reading of the newspaper articles of yesterday and today has just confirmed my suspicion that Mrs Dunne does not understand the gravity of what she has done. Yesterday's article reads:

> Mrs Dunne said she was saddened by the report and her intention had been to inform the electorate of the issues.
>
> "I maintain that this was an attempt to notify members of the public of what was going on. There was no intention to steer the outcome of the committee and in attempting to be as transparent as possible I got into trouble," she said.

I dispute that comment because the very title of the flyer that Mrs Dunne put out to the public was "Aldi at the Markets?" and in the flyer, as has been said many times, she said, "To help bring Aldi to the Markets, write to the Secretary, Planning and Environment Committee." If it was not her intention to sway the outcome of the committee, she would not have put down what the final outcome would be.

Turning to today's newspaper article, Mrs Dunne said at the very end of it, "It's no skin off my nose and I know I haven't done anything wrong." I am sorry, Mrs Dunne, but you

have been found to be in contempt by the privileges committee and the definition of contempt includes doing something knowingly or unknowingly, not having been aware of the fact that you have done it. Mrs Dunne, the fact is that you have committed a contempt and it has impacted on the committee. I have to say that I have had confirmed to me in the last two days that you really have not understood the gravity of the contempt that you have committed.

**MRS CROSS** (11.39): As members know, I was away on Tuesday at a family funeral, so I did not have a chance to read the privileges committee report tabled on that day until 3 o'clock this morning at home, having been here until late last night. Contrary to the misinformation by Scott Hannaford in the *Canberra Times* today, I had not given any comment to anyone or made a decision on what was going to happen if there was a censure moment, so the *Canberra Times* was negligent in its role. I did talk to Scott Hannaford earlier about it and he told me that he had tried to contact me, but the funny thing is that he forgot to leave his name and number. Someone that has a genuine intent to contact anyone for a comment should follow it through properly, rather than being tokenistic.

When I read the report, I was satisfied with it. I said so to Mrs Dunne this morning. I felt that the report was a good one. I commended Ms Tucker for the report. I thought it was thorough. I was prepared at that stage, even though I had grave concerns, to leave it at that. But at 4 o'clock this morning I read the *Canberra Times* and I was completely gobsmacked.

I was rather cross—excuse the pun—not only with Scott Hannaford and the *Canberra Times* for once again neglecting to follow up or get a comment from someone that they were writing about, but also when I read in the article that Mrs Dunne had said that she was not surprised at the move and that it was an attempt by Mr Hargreaves to take control of the planning and environment committee from her. It is not Mr Hargreaves's decision to do that; it is a committee decision, as it happens.

But there was the quote at the bottom that Mrs Dunne spoke to me about and I did talk to Ms Tucker about it. I went to the source, Mr Hannaford, and said, "Is this a quote? Is this accurate?" He confirmed to me that this quote was accurate. That changed my position somewhat. I thought that, no matter how many times we try to do the right thing, we keep coming up against a brick wall where some people are concerned.

I am going to address some comments that Mr Cornwell made in this place, given his smug delivery earlier in the comfort of his little party over there. These are comments that Mr Cornwell made in this place in November 2003 relating to a finding of contempt concerning Mr Corbell. He said:

> The fact is that a contempt has been found but the recommendation is that no further action be taken.

The recommendation was similar to the one in this report. He continued:

> What sort of message does this send anybody in this territory coming before a committee of the Assembly? "We can say what we like because, if we are even taken before a Privileges Committee, and that Privileges Committee finds us guilty of contempt, no further action will be taken anyway." What a weak, wimpish

> approach! What sort of leadership by their elected representatives does this show to the people of the ACT?

Enough of that one. The next one is from Mrs Dunne in September. Again, this was about Mr Corbell. Mrs Dunne said:

> As I said on that day, one of the most important things you can learn in life, and in politics, is to admit it, when you have made a mistake. Mr Corbell will never admit it, when he has made a mistake, and it is about time he was brought to book.
>
> I do not care that we made a mistake. I would care if this opposition didn't care that it made a mistake. I would care if we didn't do anything about rectifying a mistake. I care that this government has not done anything about rectifying the mistake. This parliament voted by a majority for a simple negotiation to take place. Since that time almost a month has passed, and this minister has done nothing.

I go to comments that were made by Mrs Dunne in this place about this report:

> I thank the committee for its report. I apologise again to members for the thoughtlessness of this action and apologise to members for the amount of effort that they have had to put into addressing this matter. I hope that we can all put it down to experience. I will learn from it and I hope that others members will.

I thought that that was very good. I thought that it was a very contrite comment and she was prepared to accept responsibility. That comment was made on 30 March. On 1 April we have the comment, "It's no skin off my nose and I know I haven't done anything wrong." I was told by the journalist that that was a direct quote and is accurate—he had his notes there. "I know I haven't done anything wrong" indicates to me an abrogation of responsibility. It wipes out the comment of the 30th showing that she was accepting responsibility and contrite. She has contradicted it with that arrogant comment.

It was interesting to me, having read the *Hansard* of Tuesday's debate on this report, that Mr Cornwell started off the debate by saying, "The first point I would make is here but for the grace of God go any of us." My comment on that smug little comment by Mr Cornwell is that it can only be interpreted as meaning that we all probably would have done the same thing. Wrong! That comment is pure sophistry. Every time one of us makes a minimising comment like that we diminish ourselves in fact and in the eyes of the community. It is a shameful sort of apology for what was determined by the committee to be improper behaviour.

That is not something that requires the establishment of a special development course for members. The average person in the street would know that such conduct is out of order and it is just a matter of who abides by the accepted norms of conduct and who disregards them. I will not be party to this sort of diminishing responsibility for misconduct. Mr Hargreaves's reminder of what Mrs Dunne said during a censure motion in November 2003 shows clearly that she spouts principles when it suits her but does not necessarily abide by those principles in her own case.

Mr Cornwell's other smug little comment from the security blanket of his chair was about the in camera evidence that I gave. I make it very clear in this chamber that the only reason that I requested to give that evidence in camera was to avoid another Liberal Party-cum-media circus like we had during the privileges/email affair of 2002. I was not

prepared to go through that again. Frankly, I felt that it was even in her interest that most people did not say what they had to say so everyone else could hear it unless they were looking to source the information, because it was simply about a committee member speaking on the actions of another committee member, in this instance the chair. There was no other intention there; there was nothing sinister, as inferred or implied by the smug Mr Cornwell. To say otherwise, frankly, is baseless.

I would be happy to move an amendment to reduce the motion to one of grave concern rather than its being a censure of Mrs Dunne if Mrs Dunne gives an undertaking to this Assembly today that she will stand down as the chair of the planning and environment committee. I make clear now that anyone implying that any member of this committee is interested in taking on the role of a chair months out of an election is an idiot. This is about accountability. This is about us upholding the standards and the principles that we expect of others. When we are here to help create laws for the community, we should not be above those same laws that we help create.

My concern is that, despite the fact that the privileges committee chaired by Ms Tucker did an excellent job that we just should have been able to accept and move on, Mrs Dunne could not leave it at that. She had to get her comment in about not having done anything wrong. I know that she showed contrition in this place the other day. Obviously, it was not genuine, because if it was genuine she would not have made the comment that is in the paper today. That is what I have a concern with.

I had no intention of supporting this motion. I think that Ms Tucker's job on this committee was adequate and we should have just left it at that and moved on, but it is obvious to me that Ms Tucker—

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

**MR CORNWELL**: Mr Speaker, I seek leave to table the transcript of evidence given by Mrs Cross to the Select Committee on Privileges on 8 March.

Leave granted.

**MR CORNWELL**: I present the following paper:

> Privileges 2004—Select Committee—Transcript of evidence in camera, dated 8 March 2004—Uncorrected proof copy.

**MR STEFANIAK** (11.49): When I saw the article in the *Canberra Times* that we were going to have this motion of censure, I looked at the heading and the start of the article to see whether it was a bit of an April Fool's joke, but apparently it was not.

I want to raise a number of issues, Mr Speaker. Firstly, Mrs Dunne has apologised about five times. She apologised again today. I will leave it to her to explain to you the words reported in the *Canberra Times*. I do not know whether she said them or the context in which they were spoken. She can tell you all about that. But this matter has gone on for a number of months and on every occasion she has apologised.

Mrs Dunne apologised and indicated that she would step aside as chair of the committee because she realised that what she had done was not appropriate. She said that she had done the wrong thing there and accepted that it was not appropriate, but she had done it in good faith. She accepted that early and stood aside as chair and a member of the committee. I went on the committee in her place. She has apologised again today. I think that that is something that people really need to take into account.

We had a similar situation recently. Being a lawyer, I am a big one for precedent. I think that precedent is very important. We had the case of a couple of ministers getting themselves in hot water as a result of the estimates committee process last year. One minister, Mr Wood, did not go forward to the privileges committee but the matter was debated here. The other minister, Mr Corbell, did and that committee, of which I was a member, brought down its deliberations in November.

The findings of the committee were not unanimous. Two members of the committee, the majority, accepted that there was a contempt, but felt that there should be no further action. I do not mind saying that I felt at the time that there should be some action and that it should be for the Assembly to take it, but I was overruled there and I was overruled in the Assembly. A motion of no confidence put forward by, I think, the Leader of the Opposition in relation to Mr Corbell was defeated.

It is quite clear that the majority of people felt that no further action should be taken there and that it was fine for a committee to recommend that. I did not happen to think so at the time, but that was the view of the majority. This committee unanimously found Mrs Dunne in contempt, but unanimously found that no further action should be taken. Surely, that unanimous report of the committee is sending a very strong message to this Assembly.

I do feel a bit sorry for Ms MacDonald, who was on the committee, as a result of the decisions her party has taken. Ms MacDonald, I would hardly take the *Canberra Times*, or any other media outlet for that matter, as gospel. They do get things wrong. Even if they get them right, they do not necessarily print everything, so you cannot use the *Canberra Times* article as an excuse.

Unfortunately, Ms MacDonald got rolled or whatever and her party has now decided that it wants to take this very political action. That is exactly what it is, a political action. I think that that is unfortunate, because it goes against her party's position in a not dissimilar matter. It may have been a more serious matter because it involved lack of evidence to an Assembly committee. But it was another case of contempt of the Assembly.

The members of her party accepted, rather grudgingly perhaps, that there was a contempt, but decided that no further action should be taken. But here we have them saying, "No, we are not going to accept this unanimous report of the committee, even though one of our own members was on it. We are not going to accept it. Let's play a bit of politics here; let's bung in a censure motion." That is a departure from the precedent they set.

There have not been many privileges matters before the Assembly. This is about the third matter, all of them being in this Assembly. Whilst we have had a couple of ministers and chief ministers go, resign or be thrown out through no confidence motions in the past, I cannot think—I would welcome correction, Mr Speaker—of any incidents in this Assembly whereby a committee chair has been removed. I would strongly caution members about that. You are going down very dangerous ground there. In fact, you certainly cannot, as Mrs Cross is suggesting, if I have understood it correctly, engage in horse trading if the committee chair goes. Sorry, that is not what it is all about. Members, we have never in this Assembly got rid of a committee chair.

We have a situation here where the Assembly committee has reported. It has found that the chair of a committee has done the wrong thing and been found guilty of contempt, but the committee in its wisdom and deliberations has decided that no further action should be taken and made that recommendation to this place in a unanimous report of the committee.

In talking about precedence, there is also a fair wealth of precedence in this place that, if committees make unanimous reports, they tend to be accepted, especially when it comes to a matter like this one. I think that it is very important for members to bear that in mind and also to bear in mind the fact that Mrs Dunne has apologised on a regular basis, has stood aside as chair and has stood down from the committee.

Mr Quinlan made some comments. He was one of the members who said in the majority report in November that there was a contempt, but no further action should be taken. What has changed here? This case involved somebody else, of course, so the situation is quite different.

Mr Hargreaves said something concerning Mrs Dunne's press release about being vindicated. I interpreted that one to mean, Mr Hargreaves, that she had a position on the markets and that she felt that whatever we had put down in the report was in line with what she believed and she felt vindicated there.

**Mrs Cross**: Two days before she was to give evidence at an inquiry. Come on, Bill!

**MR STEFANIAK**: I think that it might have been after that. Ms Dundas made the point that Mrs Dunne apologised at the first available and possible opportunity and suggested and accepted that no further action be taken. Ms Dundas, of course, was the chair of the privileges committee that brought down the report in November of last year and one of the majority who recommended that there be no further action. She has had considerable experience in these matters and shown considerable consistency and she was in a very good position to make comments and recommendations like that.

Members, I ask you to bear those matters in mind. Certainly, I think that it is important just to look at the precedents in this place, look at what has happened before. It is not a big history, but there are precedents there—precedents in relation to committee chairs, precedents in relation to getting rid of ministers and chief ministers. We have now had a little bit of precedent in relation to committees. Again, this committee has unanimously reported to us that there should be no further action and I think that it is important that the Assembly listen to the committee.

**MR PRATT** (11.57): Mrs Dunne's action concerning the flyer was found to be in contempt, but the committee found that no further action should be taken. That is about where it should have been left. I am disappointed that Ms MacDonald, a member of the privileges committee and part of the unanimous agreement on that finding, has found herself in a difficult position, having been left in a lurch by the governing party.

Clearly, the government has taken no notice of Ms MacDonald's position vis-a-vis the inquiry's findings, which is very disturbing. I believe that it is most relevant to draw attention today to the very difficult position that Ms MacDonald is in, because I think that it is a reflection on the veracity or otherwise of the government's decision today to run a censure motion.

I wish to make two points, Mr Speaker. Firstly, the so-called authenticity of the government's call for a censure has been undermined by the fact that a member of the governing party signed up to a recommendation that found Mrs Dunne in contempt and recommended that there be no further action. Did Ms MacDonald submit a dissenting report? No, she did not. Ms MacDonald clearly has been steamrolled and kicked aside by the government. That shows what the ALP thinks of the member for Brindabella.

That brings me to my second point. Mr Speaker, I am disturbed by the rampant disconnection of Ms MacDonald's position. Having made decisions in committee, she was quite happy today to stand up here and add weight to the government's censure motion. She has acted beyond her duty, that is, she has acted beyond the joint committee decision making process. I might add that her actions in rising today to speak on the basis of a newspaper article versus the position that she previously took as a member of a committee just reflect poorly on her. How can the constituents of Brindabella have any confidence in the consistency of Ms MacDonald?

I must say that I was mightily disappointed to see Mrs Cross pull this censure debate down to a piece of horse trading.

**Ms MacDonald**: Mr Pratt is turning this debate into one about me. I do not believe that the censure motion is about me, Mr Speaker.

**MR PRATT**: Could I speak to that, Mr Speaker?

**MR SPEAKER**: I will deal with it first, Mr Pratt. I think that it is relevant to the debate, because there are members who were party to a decision in the report. I think that it is relevant to the debate.

**MR PRATT**: Mr Speaker, the point that I have been making is that Ms MacDonald's position in all of this has undermined the government's attack. Mr Speaker, I was going on to say that I was extremely disappointed to see Mrs Cross pull this censure debate down to what I can only describe as a piece of horse trading. This place is not an Egyptian souk, a bazaar. It is the chamber and a matter of great seriousness has been brought on today by the government here, so the debate is very serious. I very much doubt that the privileges committee report, which we have to accept, would want to be associated with some tacky power play and colourful horse trading.

Mr Speaker, I call on members to get on with the business. Mrs Dunne has accepted her medicine. Let's put aside the hypocrisy that I have just talked about, the horse trading, and what is clearly a vengeance attack on the part of the government.

**MR SMYTH** (Leader of the Opposition) (12.02): Mr Speaker, the debate today is a curious one and one that was not unexpected, but I think that it is a sad day for the Assembly and, particularly, a sad day for Ms MacDonald, who has been hung out to dry by her party. The tradition in this place and the tradition in Westminster has always been that, when you make a mistake or something wrong is brought to your attention, you must take steps at the first available opportunity to rectify the situation.

When this mistake was brought to the attention of Mrs Dunne and she admitted that it was a mistake—she did not think that it was at the time but, looking back, felt that maybe she should have been more circumspect—she took steps to rectify it. Those steps are clearly outlined in the committee's report. She went to her committee and attempts were made to undo any damage that might have been perceived, and life went on.

Punishment for mistakes is normally meted out when a member or a minister fails to take responsibility for his or her actions and/or fails to correct the record and/or fails to apologise or, indeed, refuses to apologise to this place when requested. Often people are requested to correct the record or to apologise for things that they have done. Mrs Dunne has done that. She has taken responsibility, she has apologised, and at the absolute outset when it was brought to her attention she took steps to correct the situation.

If we want to draw on a parallel, the debate seems to be tit for tat with the debate on Mr Corbell last year. Mr Corbell did not do that. It was only when the motion was set in place to establish a privileges committee to look at the activities of Mr Corbell that Mr Corbell came in here and, right at the very end of his speech, grudgingly apologised. Mrs Dunne did not do that.

A committee was established to look at whether there was a contempt and the committee found that there was a contempt, but the committee went on to qualify what it had found by saying that we need some more training because that is really something of which we all need to be aware. Ms Tucker spoke in her speech about its not being a question of how long a member has been here. She actually cited me as an example. I was here for a term, I was here for three years, before I became a chair. Being a chair is somewhat different and there is a learning curve. As parliamentary practice evolves, the way in which chairs perform and behave evolves with them.

I think that it is simplistic to say that Mrs Dunne has been here for such a long time that she should have known better. Maybe she should have, but that is not a judgment we can make because we do not know what people are exposed to over time, what their actual involvement has been, and actually doing it is somewhat different from watching, observing or reading about it. So, on that point. I would agree with Ms Tucker.

Ms Dundas raised a point about the previous privileges committee finding contempt but saying that no punishment should be meted out. Ms Dundas made the point that the issue was downgraded to one of grave concern. The other thing that the Assembly needs to be aware of is that its standing in the community will be based largely on consistency and,

once a precedent is set, changing the precedent or modifying the precedent is an interesting process.

Yes, we did move a motion of no confidence in Mr Corbell. I make the point, Mr Speaker, because at that time a member of the committee, who happened to be the Liberal member of the committee, actually dissented from that committee's report. That member did not accept it. The difference with this report is that you have a unanimous, an uncontested, report with two recommendations. Today we have had from Ms MacDonald some bleating about how she has reread, she has reconsidered and she has done other things, and there is an article in the paper this morning that gives her more concern, but when I look at the report I cannot see a dissenting report from Ms MacDonald. There is none.

I cannot see in it commentary made that would support the notion that Ms MacDonald now puts forward as her excuse for having run with the hares and now wanting to hunt with the hounds. I looked for it but did not find any argument from Ms MacDonald. We had acceptance by Ms Macdonald that there was a contempt but there should be no punishment, except Ms MacDonald's acceptance has now been rejected by her own colleagues. The big loser today, I suspect, is Ms MacDonald, because she has been shown to have one opinion but that opinion has been trodden over by her own party.

Mr Quinlan referred to the case involving Mr Corbell and accused us of not being consistent. I will say two things in defence of our actions at that stage. Firstly, the report was not unanimous in the findings against Mr Corbell in regard to punishment. It was unanimous in that everybody agreed that there was a contempt, but there was a dissenting report that said that there should be punishment for a minister, because ministers hold more authority in their senior positions in this place.

The Assembly set the precedent of finding contempt and not having punishment. We did not accept that. We attempted to show no confidence. We simply said, "No, that's not appropriate. We recommend that we go with grave concern." We have to live by that—I am not going to reflect on that decision of the Assembly—but so do the members opposite, and it is the members opposite who are now picking and choosing. We are bound by the decision of the committee; we accept that. Those opposite are choosing not to accept that, and they have changed their position to go on the attack, as it were.

Mr Wood recited the facts and concluded that Mrs Dunne must be punished. At paragraph 5.7, the committee said:

> This admission on Mrs Dunne's part together with the ordeal of having to undergo this privileges inquiry has prompted this committee to recommend no further action be taken in relation to Mrs Dunne's transgression.

The committee went on to say—I think that this is what we need to concentrate on—in paragraph 5.9:

> There have been some worrying aspects to this inquiry not the least of which that a member could make one simple mistake (see paragraph 3.10) which can put her in contempt of the Assembly. It is obvious to the committee that there is a need for continuing professional development for Members especially in relation to the various roles members must play and the distinction between those roles.

That was a recommendation of the committee, a recommendation unanimously agreed to—a recommendation agreed to by Ms MacDonald.

Let's go to what Ms MacDonald said. She seems to be running with the hares when it suits her and hunting with the hounds on any other occasion. She said that the *Canberra Times* article confirmed her suspicion. I think that people need to read the *Canberra Times* article clearly. The *Canberra Times* article does talk about the possibility of a censure. It says that, if the government decides to pursue the censure motion, it will require the vote of one crossbench member, and refers to Mrs Cross.

We come then to the last two paragraphs. This is where the story changes. Ms MacDonald should perhaps read the article more closely or at least try to understand it. It goes on to say:

> Mrs Dunne said she was not surprised at the move and said it was an attempt by Mr Hargreaves to take control of the Planning and Environment committee away from her.

That is the opening statement about the context in which Mrs Dunne's comments are taken. The article goes on:

> "The Assembly [privileges committee] recommended unanimously that no further action be taken, and the Labor Party will have to decide between doing the right thing and political advantage," she said.

It goes on to say:

> "It's no skin off my nose and I know I haven't done anything wrong."

I have asked Mrs Dunne about those comments. At first blush you would think that it does not sound like she is contrite or that she is taking the report of the committee seriously. Mrs Dunne tells me that those comments were made in the context of her being the committee chair and that she thinks that she has done a good job as committee chair; they were not about what the privileges committee had found. As she quoted earlier, there have been something like 27 reports from the planning and environment committee, all of which were unanimous, which is something we all work towards and something that we do not get on a small number of occasions. I will leave that to Mrs Dunne to explain property. That is the context that she has given to me. I accept what she has said there and I think people need to understand it, but I am sure that Mrs Dunne, given the concerns raised here by members, will seek leave to explain that.

Mr Speaker, some of the comments by Mrs Cross were of concern and I ask you to look at whether there is precedence for a contempt here by Mrs Cross. Mrs Cross said words to the effect—we will all have to wait for the *Hansard*—"I'll downgrade this from censure to grave concern if you resign from the chair." I am not sure whether that is proper, whether it is an improper threat to a member, whether or not it is an attempt at blackmail and whether or not it might be covered by the crimes against the ACT government act. I would ask, Mr Speaker, that you look at what those words imply and whether or not the horse trading that is proposed and is so inappropriate actually reveals the plot.

**MR SPEAKER**: It is really a matter for you, Mr Smyth, pursuant to standing order 71.

**MR SMYTH**: I shall write to you, Mr Speaker. It really does confirm the plot that Mrs Dunne talks about in the second last paragraph of the article in the *Canberra Times* this morning. The plot has been revealed: "I'll downgrade if you quit." No such deal was offered for Mr Corbell, I remember. I seek an extension of time, Mr Speaker.

Leave not granted.

## Suspension of standing and temporary orders

Motion (by **Mr Smyth**) agreed to, with the concurrence of an absolute majority.

> That so much of the standing and temporary orders be suspended as would prevent Mr Smyth having an extension of time.

**MR SMYTH** I thank members. The plot has been revealed. There is some horse trading going on here.

**Mr Corbell**: I take a point of order, Mr Speaker. Mr Smyth moved a motion for the suspension of standing orders and he needs now to move the substantive motion.

**MR SPEAKER**: The standing orders have been suspended to enable him to have an extension of time. I think we would be doing it twice, Mr Corbell.

**Mr Corbell**: My apologies.

**MR SPEAKER**: And my apologies, because I contributed to that confusion.

**MR SMYTH**: I am happy to move it again, Mr Speaker. I thank members for the extension. The horse trading has been revealed. When Mrs Cross moved an amendment to downgrade the motion of no confidence to one of grave concern for Mr Corbell, I do not recall that there was an offer or an expectation that Mr Corbell would stand aside. I do not remember Mrs Cross saying, "I'll do this for you if you will now stand aside as minister." I think that we have here a very serious situation brought about by Mrs Cross. Mr Speaker, I will be taking the opportunity under standing order 71 to write to you to ask whether the precedence is such and whether or not there is a contempt in that. I will also be getting advice as to whether it is a breach of the crimes against the government act.

Mr Speaker, the report delivered by Ms Tucker on behalf of her committee has sought balance. The report provides a way forward. It says, "Look, there is a contempt. We find contempt." The Assembly obviously is accepting of that. It does say that there should be no further action, given what has happened, but it does offer a way forward in that it says that we all have to be aware and we all need the assistance of the secretariat, the training, our peers and the committee members so that we understand our roles and functions.

This is a very small Assembly and I do not recall this sort of conflict having arisen in the 15 years of its operation, but I suspect that many of us probably have sailed fairly close

to the wind in that time. This contempt report brings to a head that conflict of interest that we all have as ministers, committee chairs, committee members and members representing our constituents in that we all do several jobs that sometimes conflict.

An interesting point has been raised here. Later today we will establish an estimates committee and the question for members will be: if we establish an estimates committee and certain members are charged with conducting an inquiry into something on behalf of the Assembly, that is, the budget, does that mean that those members for the period of the estimates committee are not allowed to comment on the budget?

There is a crossover here that we need to be very careful about because we may inadvertently nobble members in their ability to do their job. We are, first and foremost, elected to this place to represent our constituents. We then need form the government or the opposition, or we end up on the crossbench. We have different roles in each of those positions.

My concern today is that, by not following what the committee has recommended, we may be setting a precedent in that those members that this afternoon will take on the role of being members of the estimates committee may be nobbled for a period of some 10 or 12 weeks from saying anything about the budget because they may be in contempt of the charge that we, as Assembly members, give them.

We are debating very serious issues today and the recommendation about training is particularly important, otherwise we may, effectively, take approximately a third of the Assembly out of operation for up to two weeks every sitting year. It would affect the government the worst, because the government would have two members. In this case, I assume that they would be Mr Hargreaves and Ms MacDonald.

They may be halted in their abilities to sell their government's budget in their electorate because they are charged with another duty by the Assembly, so the second recommendation is the important recommendation. We must understand what roles members must play and the distinction between those roles. I think that we as an Assembly need to be cognisant of that.

We will be voting against the censure motion. We do not believe that it is appropriate. We accept and abide by what the committee report has said. I put that to the members of the Assembly. I hope that they have listened to what I have said.

**MS DUNDAS** (12.18): Mr Speaker, I seek leave to move the amendment circulated in my name.

Leave granted.

**MS DUNDAS**: I move:

> Omit all words after "That", substitute "this Assembly expresses grave concern about the actions of Mrs Dunne in relation to the distribution of a flyer at the Belconnen Markets.".

Mr Speaker, I wish to speak briefly to this amendment. It changes the wording of this motion from a censure to one of this Assembly expressing grave concern about the actions of Mrs Dunne. As I said in the substantive debate, I believe that this Assembly can express grave concern about the actions, regardless of whether Mrs Dunne has apologised for them.

I would like to say that this debate has been quite interesting in the way that people have thrown accusations at each other across the chamber about whether or not they have changed their position on the role of censure motions, the role of privileges committees and the outcomes of those reports. I do not think that it would be in error to say that both the opposition and the government have changed their positions in relation to censure motions and the outcome of privileges reports; but, to be consistent in my own mind, I think that this motion needs to reflect the grave concern of this Assembly. I hope that this Assembly will see the consistency in that and support the amendment.

**MR SPEAKER**: Order! The question is that the amendment be agreed to.

**MS DUNDAS**: Mr Speaker, I seek leave to speak again very briefly.

Leave granted.

**MS DUNDAS**: The other thing I wanted to say is that, quite clearly, I have moved this amendment without asking for any action in return. The decisions of the planning and environment committee are the decisions of the planning and environment committee. This amendment has been moved to this motion just in the context of this Assembly. I refute the comment that Mrs Cross made that she would only accept an amendment if Mrs Dunne decided to step down. I am not moving this amendment with any caveats.

**MRS CROSS** (12.21): I will not be supporting Ms Dundas's amendment. That would be consistent with what I said before. Contrary to the silly comments made by Mr Pratt, it has nothing to do with horse trading. I was giving Mrs Dunne an opportunity to do the right thing as a responsible chair of the committee, given that she has been found in contempt by the privileges committee, even though the privileges committee said that she did have intent to do the wrong thing.

Mr Smyth contrived to use every red herring in the book regarding what this is all about. This is about right and wrong. It is interesting to me that a lot of the people opposite have gone on today about how many times Mrs Dunne has apologised. Frankly, none of that really matters because of the fact that she came out publicly in the *Canberra Times* today saying that she had nothing wrong.

Nothing Mr Smyth can say, no way that he sugar coats it, can change the definition of those words and, whether she meant it about her being removed as chair or some silly plot that some people on that side were referring to, that is utter nonsense. A committee of this Assembly has found her in contempt.

I will make another comment, because there seemed to be inconsistencies on that side. They are black when they want to be black, they are white when they want to be white,

and then there is all the grey in the middle. The following comment was made by Mr Cornwell in November:

> We are the guardians of the contempt procedures in this place. If we do not uphold them, how can we expect any community group to bother with the Assembly. If we do not take it seriously, who will? We must also challenge this absurd majority recommendation to take no action on the contempt, because there is an expectation that the Assembly will and it has a responsibility to do so. If we do not, then we are belittling ourselves. We are suggesting that this Assembly is not important enough: you can do pretty much as you like either before the Assembly itself, which is unlikely, or certainly any of its committees."
>
> I know that members of committees take their roles very seriously. Is it fair, is it reasonable and, more to the point, is it right that they should have the ground cut from under them in their committee work simply because the majority of members of this committee have given a clear demonstration that anybody in contempt of a committee of this Assembly will not have to worry about further action being taken. I do not believe that this is the approach that this Assembly should adopt in relation to the community, in relation to members or in relation to any member of this so-called executive government.

So which is it, Mr Cornwell, which standard? Is it contempt? If so, do we take action like you said in November 2003, or is it not? There seems to be a contradiction in what you have said in your position today and what you said in November. Of course, today it is understandable that you would get up and support your colleague, an admirable thing to do. However, you were on the committee, you did arrive at a unanimous decision of contempt, and you did not write a dissenting report to say that you did not agree with that finding of contempt. Did he write a dissenting report, Mr Speaker? No. If that is the case, we should follow Mr Cornwell's suggestion, the honourable suggestion of November 2003, which was that it is was not enough, as he was implying there, that no further action be taken.

It is the decision of the Assembly to do what it does with a committee report. Those of you that have been here a long time know that. We get recommendations in here all the time. It is for the executive to decide what it does with committee reports and it is for members in general to decide what they do with committee reports. They are not gospel. They do not come from God; they come from members of this Assembly for other members to decide what has to be done.

**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) (12.25): Mr Speaker, in view of previous debates in this place and the need for some reprimand, the government will be supporting the amendment. I do not I know that I will speak again, although I was the mover of the motion, but I indicate our support of the amendment.

**MR CORNWELL** (12.25): I commend to Mrs Cross my comments in November and suggest that she follow them through.

Question put:

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

The Assembly voted—

| Ayes 16 | | Noes 1 |
|---|---|---|
| Mr Berry | Ms MacDonald | Mrs Cross |
| Mrs Burke | Mr Pratt | |
| Mr Corbell | Mr Quinlan | |
| Mr Cornwell | Mr Smyth | |
| Ms Dundas | Mr Stanhope | |
| Mrs Dunne | Mr Stefaniak | |
| Ms Gallagher | Ms Tucker | |
| Mr Hargreaves | Mr Wood | |

Question so resolved in the affirmative.

Amendment agreed to.

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

**Sitting suspended from 12.30 to 2.30 pm.**

## Questions without notice

### Bushfires—acceptance of responsibility

**MR SMYTH**: My question is to the Chief Minister, Mr Stanhope. In the days after the 18 January 2003 bushfire disaster impact on Canberra's urban edge, you said that if any blame were to be levelled by the community at those responsible and involved in the ACT's emergency response, that blame should be cast upon you. In support of your motion of no confidence in Mrs Carnell following the coroner's report into the hospital implosion you said, "At the end of the day, the minister is responsible." Will you stand by your pledge to accept responsibility for failures in the ACT emergency response in January 2003?

**MR STANHOPE**: I thank Mr Smyth for the question. It is particularly important that all elected representatives accept responsibility and that they accept it genuinely. I have no issue with accepting my responsibilities. I will accept them and I will do it fully. I will accept my responsibilities in relation to any aspect of my role, my function and my responsibilities as Chief Minister, as a minister and as an elected representative of the people of the ACT.

Of course, there is fair way to travel in terms of the coronial inquest into the fires that impacted on Canberra in January 2003. I have expressed the view many times in this place, and I will continue to express the view, that I think it important that we not interfere with the workings of the coronial inquiry. I think it particularly important that we not pre-empt the outcomes of the coronial inquest or prejudge anybody that has appeared or has yet to appear before the inquest—indeed, anybody involved in fighting the fire on 18 January 2003 and in the days leading up to that.

I think it particularly important that we not rush to judgment; that we not seek to blame anybody or any organisation. In the fullness of time we will have a full report and response from the coroner on these issues, which will allow each of us a far better and deeper understanding of the events surrounding the fire.

On receipt of that report, the government will give full and detailed consideration to the report, its findings and any recommendations it may make. Each of us in this place will then obviously reflect on what should be the appropriate responses for us as individuals and for us as a government and a community.

**MR SMYTH**: I have a supplementary question. If the coroner comes down with adverse findings against the ACT government, will you resign?

**MR SPEAKER**: I think that was a hypothetical question Mr Smyth, so I will rule it out of order.

## Commissioner for the Environment

**MRS DUNNE**: My question is to the Minister for Environment, Mr Stanhope. On Tuesday in question time you said of the Commissioner for the Environment:

> Dr Baker is a most esteemed Australian. It has been a privilege to work with him. The ACT has been privileged to have a person of Dr Baker's eminence as the Commissioner for the Environment for the last 10 years. We owe him an enormous debt for his contribution to ACT environmental reporting—not just in the ACT but also nationally. He has done an absolutely outstanding job.

Yet the very next day, according to the *Canberra Times*, you said:

> Commissioner Baker's analysis is incredibly simplistic, and one of the concerns I have—

that is, you have—

> about it is it does ignore the basic underlying tenet of sustainability, namely the need to balance the economy, our social needs with our environmental responsibility.

Why, only days after you labelled the Flora and Fauna Committee and the Natural Resource Management Committee as whingers, have you again decided to attack the credibility of one of your senior environment advisers who is also a member of your sustainability reference group?

**MR STANHOPE**: Dr Baker certainly is an outstanding Australian and has made an absolutely outstanding contribution to Australia in a broad range of areas and fields. I am privileged to have worked with Dr Baker over the last year as Minister for Environment. It has been a real privilege for me to work with him. I esteem him enormously as an environmentalist, as Commissioner for the Environment and as somebody with a heartfelt and genuine commitment to the ACT, to environmental reporting and to sustainability and, indeed, as somebody with an enormous commitment to Australia and to science based research and advocacy.

Let's get the record straight about that. Let me say that I think that Dr Baker, over the last 10 years, has provided an enormous service, particularly to Canberra and to this region, in terms of the sustainability reporting that he has done and the incredible database that is beginning to be established as a result of the work that he has done.

That does not mean, acknowledging the esteem in which I hold Dr Baker and the extent to which I acknowledge his fantastic contribution to Canberra and to the nation, that I will agree with everything he does and says. That is the point. Here we have a report that Dr Baker has delivered. I do not believe that it is as rigorous as I might have liked it to be or it could have been. I do believe that it is simplistic. I do believe that in its structure and construction it really gives a misleading picture of issues within the ACT.

If reports are received, opinions are put or findings are made and we do not agree with them, I think it only appropriate that we say that we do not agree. Can you imagine what the situation would be if we said, "It is from a person of significant reputation and standing. We had better not disagree. We had better agree with everything. We had better take it as given. We had better not point out what we regard as the gaps, the flaws or the shallow analysis"?

I am staggered when people stand in this place and raise as a matter of concern or criticism the fact that we do not all agree all the time with everything that is presented to us in reports provided to government. That does not mean for one minute that it lessens my esteem for Dr Baker or his standing within the community. All it means is that I do not agree with everything he says.

**MRS DUNNE**: Chief Minister, is this just another example of you shooting the messenger, as you always do when anyone criticises you? Have you read the report?

**MR STANHOPE**: No and yes.

## Bushfires—warnings

**MR PRATT**: My question is to the Chief Minister. Mr Stanhope, can you assure the ACT community, in the aftermath of the January 2003 bushfire disaster, that the government's inquiry will fearlessly get to the bottom of all circumstances surrounding the disaster? On 4 February 2003, you said on Radio 2CN regarding the forthcoming McLeod inquiry, "It'll be open, it'll be public, it'll be conducted freely and frankly and fearlessly." I refer to comments by Mr Richard Arthur, President of the Phoenix Association, reported in today's *Canberra Times* as follows:

> Mr Arthur said the big question that people wanted answered—why they did not receive more warning of the fire—should have been answered by the McLeod report into the operational response to the disaster, issued in August last year.

The paper goes on to say:

> He said it was important that people were able to understand why things happened the way they did. "To that end, the inquiry—

he means the coroner's inquiry—

> is serving an extremely useful purpose. Why it has to take that long, why it couldn't have been put to bed by other means a year ago, is the real question."

Chief Minister, Mr Arthur is correct, isn't he? The McLeod inquiry was not public, open or fearless and it did not answer all the important questions. Why did you make that commitment when you had no intention for the inquiry to be open? Will you now admit that the McLeod inquiry was inadequate and that, in effect, you failed to take action to quickly reform the ACT's emergency capability and inform the community of what had gone wrong?

**MR STANHOPE**: No.

**MR PRATT**: I have a supplementary question. Why aren't you able to give a straight answer to the people of Canberra as to why the government in general, and you in particular, did not warn people of the threat to Canberra suburbs when the enormity of the gathering disaster was known?

**MR STANHOPE**: I am able to give straight answers and I have been doing so.

## Health administration

**MRS CROSS**: My question is to the Minister for Health, Mr Corbell. Minister, yesterday in question I asked you, "Can you assure the people of the ACT that there will not be a cover-up here should the ACT experience similar problems to those that have occurred in western Sydney hospitals?" You answered that the question was somewhat hypothetical and that the quick answer was no. Your response to my supplementary question, which was, "Can you briefly explain what mechanisms are in place to address such problems?" was, in part, "I can say that our mechanisms are robust and have certainly worked well in all the time that I have been Minister for Health."

Minister, recently a constituent of mine suffered a serious stroke and was admitted to the Canberra Hospital. The first three days of emergency care were excellent, however following his removal to the stroke victims' ward the care went downhill. Let me give you some main examples of the care provided. During a session of physiotherapy this stroke victim was left alone and fell and suffered a head injury which required five stitches. Following the fall, he was tied to the chair in his room with a bed sheet. Also, there were days when the nursing staff did not appear in the ward for up to four hours for any patient, leaving this man soiled and unchanged. Had this man's family not insisted on a meeting with the nursing unit manager and other staff, this sort of treatment would have continued. One reason given to the family was that there was a shortage of stroke victim nurses and that they had to rely on relief staff not trained in handling stroke victims. Incidentally, after the meeting, food for this patient improved dramatically.

Minister, given that the wife of this man is prepared to discuss this with you and is, indeed, happy for me to ask this question today, are you prepared to look into this failure in the system regarding treatment at the Canberra Hospital to ensure that these shortcomings are rectified and that patients do not continue to be treated in such a humiliating and second-rate way?

**MR CORBELL**: The claims that Mrs Cross outlines are very serious. I am very happy to meet with the wife of this individual at a mutually suitable time to discuss the issue further. I should also indicate clearly that if this person and their spouse have serious concerns they should also consider raising the issue with the commissioner for health services complaints. That is why that body has been established—so that issues of core care or concerns about care can be properly and independently investigated. Further, I trust that, if necessary, further discussions can take place with the Canberra Hospital management. I would say that, overwhelmingly, the feedback that I get about the services at the Canberra Hospital is excellent. Indeed, just today I received a strong letter of commendation from a gentleman whose wife had occasion to use the emergency department and who received excellent care throughout. He has written to me commending the hospital on its service. Hospitals deal with a variety of very difficult circumstances. Clearly the claims that Mrs Cross makes on behalf of her constituent are serious and I am more than prepared to investigate them.

## Bushfires—coroner's inquest

**MR STEFANIAK**: My question is to the Attorney-General. Attorney, the *Canberra Times* of today reports you as saying that, while 40 or 50 employees or volunteers have sought legal representation at the coroner's inquest, the government is likely to pay for only 15 barristers to represent individuals and groups of individuals. This raises the important question of an individual's representation being compromised, particularly in the event of any potential conflict between individuals having to share the same lawyer.

Indeed, your own Human Rights Act, at section 22 (2), provides for anyone, albeit charged with a criminal offence—nevertheless, this is a general principle—to be entitled to a number of minimum guarantees, equally with everyone else. These include:

> e) to be told, if he or she does not have legal assistance, about the right to legal assistance chosen by him or her;
>
> f) to have legal assistance provided to him or her, if the interests of justice require that the assistance be provided, and to have the legal assistance provided without payment if he or she cannot afford to pay for the assistance;

The coroner has also raised concerns about conflict of interest, from the directions hearing on 16 June 2003. In light of that, do you agree that, if there is any likelihood of conflict of interest or an individual's representation being compromised at the coroner's inquest, an individual should have his/her own barrister? If so, will you provide legal representation to all witnesses who ask for it?

**MR STANHOPE**: It is an important issue. We have spoken, on successive days this week, on the question of appropriate legal representation for people appearing before the coronial inquest. As I have indicated in previous answers to this question, which has already been asked in the last couple of days, on advice from the department of justice, I took advice and accepted that we should not necessarily assume that the interests of the territory are indivisible from those of public sector employees or others who might be required to give evidence before the coronial inquest.

We are mindful of comments that the coroner has made in relation to this, which went to where there might be a conflict or where the interests of the territory and the interests of others might diverge. As the inquiry has progressed, separate representation has been arranged for some people who appeared before the inquest.

We are all aware of comments of the coroner, or counsel assisting on behalf of the inquiry, that there may be divergence of interest. The territory has moved, over this last week of the adjournment, to address the concerns that have been raised: a result—and to some extent this is supposition—of what I have indicated are quite genuine levels of anxiety that some prospective witnesses are feeling. That is a statement of fact and has been personally expressed to me by people who expect to be asked to give evidence and who have yet to be called.

They are feeling very anxious at the prospect of appearing at the coronial inquest. They have observed with great interest events within the court. They are mindful that the coronial process is rigorous and vigorous in nature and to some extent confronting for some witnesses. Through the reporting of the inquest, we are well aware that some witnesses have experienced in the court some confronting questioning and suggestions in relation to their personal positions. As a result, these have led to somewhere between 45 and 55 separate individuals approaching either the department of justice or the head of the Emergency Services Bureau or the head of the urban fire service with requests for legal representation.

As a result of that and of an analysis of the needs of individual witnesses, it has been decided to provide separate legal representation to a number of prospective witnesses. It has also been agreed that legal representation will be provided to separate and distinct groups of witnesses. That has been discussed fully with all of those who have approached for those respective organisations. I should include in that the head of the Legal Aid Commission of the ACT, Chris Staniforth, who is coordinating the provision of legal assistance for some prospective witnesses.

My understanding is that those who have now approached those people with a view to ensuring that their representative requirements are met are satisfied with the arrangements that have been made. Mr Stefaniak, we are mindful to ensure that all potential witnesses—public sector and volunteers—who seek support or legal representation receive the legal representation and support which, through negotiation, it has been decided is appropriate to their needs.

**MR STEFANIAK**: I have a supplementary question. Chief Minister, have you sought separate legal representation at the inquest?

**MR STANHOPE**: I have not sought separate legal representation, and I will not seek it.

## Environment—management

**MR HARGREAVES**: I will be different and direct my question to the Minister for Environment. In recent days there has been a great deal of comment, much of it uninformed and some of it disingenuous, about the record of the government in

environmental management. Can the minister detail for the Assembly the government's record of achievement on environmental issues.

**MR STANHOPE**: It is appropriate that we address the government's achievements in the environment. It is true that over the last 2½ years there has been a range of very significant achievements and initiatives pursued by this government in protecting the natural environment of the ACT.

I could recite a list of very significant achievements of the ACT, starting perhaps with the decision to establish the first Office of Sustainability—the first commitment to sustainability in a formal sense by any government in Australia—immediately after coming to office. That has been a significant initiative. It has now been mirrored by other jurisdictions around Australia. But, once again, it is an area in which this government has led the way. It has shown the foresight and the commitment to issues around sustainability and sustainable development and the need for us to commit to sustainability and to the natural environment.

Immediately after coming to office, we also committed $1.5 million to establish a new focus for nature conservation—"A sustainable bush capital in the new millennium" program. This included additional ranger staff; comprehensive natural resource information management systems; tailored education and information programs for the community, through which we established and released last year a woodlands education kit, which has been particularly well received by schools throughout Australia; and a full review of the conservation priorities in the ACT, including the review of action plans progressively, including, most significantly and importantly, the action plan for box gum woodlands—the draft woodlands strategy, related to action plan 27, which was released and will be finalised in the very near future. It is a strategy that we, through the last budget, committed to implementing with an additional $1.6 million and the employment of additional woodlands rangers to ensure that it is appropriately implemented.

We have also provided over $1 million over three years for implementation of the bushfire fuel management plan; $2 million over three years to restore walking trails and repairing land in our nature reserves damaged in the fire; $250,000 to control weeds over the next three years in addition to the $250,000 for weeds post-fire; $300,000 over two years to work with existing networks of catchment groups and community service organisations in planning the restoration of the Murrumbidgee; and $200,000 for an environmental rural recovery program to protect streams and fence off areas subject to erosion and for revegetation. Also in the financial year 2003-04 the government, in collaboration with the community, planted over 100,000 trees to assist natural regeneration.

This is just some of the work we have done. We are also monitoring the natural systems impacted by the fire. We have released reports in relation to the impact of the fire on our natural eco-systems and the work we need to do to ensure that we assist to the extent that we can with that recovery process, acknowledging the enormous damage that the system has suffered.

We have established a captive husbandry program for the endangered northern corroboree frog, whose habitat was severely burnt. We have implemented a very good and innovative program to protect the frog. We have built a specialist facility for that at

Tidbinbilla Nature Reserve. The first year result of the northern corroboree frog program is 295 young frogs in excellent health. We are hoping to enhance that this coming year.

We have also continued and enhanced waste management in the ACT with a program of continuing innovation. There is increasing community support for the no waste goal. We have received incredible milestones in relation to the reduction of waste in the ACT as a result of our commitment, including completing and opening the Mitchell Resource Management Centre; and upgrading the Mugga Lane landfill, including the new site for Revolve. We have commenced construction of the Hume resource recovery estate; expanded the Parkwood recycling estate, formerly the West Belconnen landfill; established the eco-business program to assist businesses to reduce their waste, as well as water and energy consumption; and established the waste wise schools program.

We have completed a very significant strategy for the conservation and development of a sustainable water strategy for the ACT—something that nobody has ever done; the new water strategy for the ACT—which will be completed and released I think in the next few weeks as well. In addition, we have now completed a complete overhaul and review of the ACT greenhouse strategy.

**MR HARGREAVES**: I have a supplementary question. Can the minister confirm the importance of lowland woodlands conservation in the government's overall strategy for environmental protection and management?

**MR STANHOPE**: I certainly can. The conservation of lowland woodland in the ACT is an issue of high profile, an issue to which the ACT has committed very significant resources in terms of research, money and personnel.

As I have just briefly indicated, we have completed a lowland woodland strategy for the ACT. It is a very significant document. It is science based, and facilitated and controlled in its development particularly by Dr David Shorthouse. Dr Shorthouse, the architect and author of the lowland woodland strategy, would be the ACT's leading expert in the management of lowland woodland eco-systems and lowland woodland. His report is a very significant piece of scientific work. I note that, in his recent report, Commissioner Baker acknowledges the government's very significant progress on issues in relation to lowland woodland and their protection in the ACT. He notes the relatively high level of habitat protection in the ACT, including the lowland woodland and grassland strategy. His report indicates a very significant degree of satisfaction with the progress we have made in conserving biodiversity in the region. He states:

> The government's effort in relation to lowland woodland conservation is an area in which the government's efforts have been far stronger in recent years than previously.

That is an area of commendation from Dr Baker for the government in his state of the environment report and it is in relation to this government's commitment to and efforts in lowland woodland conservation.

In the context of that, as members know, we have also in the last year or a year ago committed an additional 1000-plus hectares of high quality lowland woodland to the nature reserve system. This is a significant contribution to the protection of lowland

woodland of yellow box/red gum forests in the ACT. This was an increase by one third in one fell swoop of lowland woodland to the nature reserve system to ensure that it is protected in perpetuity.

In addition to that, we have committed $1.6 million to the protection and enhancement of those reserve areas. Through those measures, we have secured a future and long-term certainty about that significant part of our eco-system.

We are also mindful of the fact that Mr Wood, minister for the environment in I think 1994, was the last minister to commit a significant area of high quality yellow box/red gum to the reserve system when he established the Mulligan's Flat—perhaps the jewel in the crown of high quality lowland woodland in the ACT. It is relevant that we reflect on that. The last commitment of high quality lowland woodland to the reserve system was in 1994—nine years before our commitment of another 1000 hectares. Prior to the 1000 hectares committed by us last year, there was the 1000 hectares or so within the Mulligan reserve committed by Mr Wood, which represents our commitment to the long-term protection of lowland woodland in the ACT.

This is a rigorous, scientific strategy that will assist us to preserve and manage our remaining woodlands. It has been prepared by very eminent scientists in close consultation with a full range of conservation groups in the ACT. It has widespread support across the board from those concerned with conservation of our natural environment in the ACT. It is a part of our commitment to the natural environment in the ACT, of which I am particularly proud, and it will be an enduring legacy of this government.

## Traffic flows

**MS TUCKER**: My question is to the Minister for Planning and is in regard to the traffic flow into and out of Gungahlin. Can the minister advise the Assembly of all the traffic monitoring the government has carried out from before the duplication of the Barton Highway was completed and since the completion of Horse Park Drive? Can the minister also advise the Assembly of the projected advantages to traffic flow on Northbourne Avenue of the removal of buses from the existing traffic lanes? I realise that the last part of the question will have to be taken on notice, but could we have that information by the end of the day?

**MR WOOD**: I do not know about that. I am the minister concerned, to start with. I will seek out what information is available and get back to you when that information is available.

## Social plan

**MS DUNDAS**: My question is to the Minister for Community Affairs. The Canberra social plan states:

> The Government has a strong commitment to work with the community sector and consumers to improve service delivery and to give the sector the certainty it needs to get on with what it does best—serving the needs of the ACT community.

The social plan goes on to say:

> This will ensure the longer-term sustainability of community organisations, maximise consumer outcomes, better determine community needs, and support innovation and excellence in service delivery.

Minister, given those commitments in the social plan, what is being done to put policies and processes in place to ensure that community organisations are automatically funded for award wage increases?

**MS GALLAGHER**: The question comes under my portfolio as Minister for Industrial Relations; I am dealing with that issue. Earlier, Mr Wood announced the community partnerships policy about how we would engage with the community sector. Arising from that, there was some work to be done around the funding of the community sector. It is a matter that has been before IRAC, the Industrial Relations Advisory Committee—a body not well named, I know. Representatives of ACTCOSS and the ASU sit on that committee and they have formed a working group to work with the Office of Industrial Relations on coming forward with recommendations to that body about how to adequately remunerate the community sector.

I should say that we have been playing catch-up a bit because of the refusal of the current opposition to fund SACS award increases. In the first two budgets, I think, of the Stanhope government money was put aside to address that shortfall, but we are still a bit behind in that regard. The work before IRAC was not progressing at a speed satisfactory to the community sector representatives and my office has now become involved and is working with those representatives and the Office of Industrial Relations to come up with a proposal to put to the government about all issues relating to funding of the sector and the long-term viability of the sector.

**MS DUNDAS**: I have a supplementary question. Minister, could you inform us of the timeframe for putting that proposal to the government? Also, are you concerned about the current practices that have ACT government departments continually referring cases to community organisations, rather than seeing if they can deal with the situations in-house, without considering the work that community organisations are already doing, given that they are working at full capacity, have growing waiting lists and their resources are stretched?

**MS GALLAGHER**: I will get back to you on when that work will be finalised. I know that my office has become involved in the last month and I have had some discussions with the adviser who is working on that issue with the ASU. I will get back to you on that. In relation to the partnership between the government and the community sector, it is difficult for me to have a view on that. It is a bit separate from the work that my office is doing, which is primarily around award increases and how government and the community sector resolve them and recommendations about how we deal with them.

But I think that there is an expectation, where government funds services, to provide a particular service. I know that from my own department. That is what we fund them for. If they are full to capacity, my experience is that many of those services, although they do not want to and they do not like doing it, admit that they are full and cannot handle

some of the cases. I am aware of that for my department, but it would be too difficult for me to comment on that issue as it is a bit separate from the industrial issue that I am looking at.

## Child protection

**MR CORNWELL**: My question is to the Minister for Education, Youth and Family Services. In a response to a question from me on 11 March, relating to the child abuse matter, you asked yourself these rhetorical questions:

> I have asked myself the question: what led to my being given the briefing on the 11th? When we look back we find there was a period of activity in the days leading up to the 11th that, it appears, prompted the department to put in place meetings with people, documents, guidelines, as you say, director's instructions and, in the final instance, a briefing to me.
>
> I have some questions: if the department knew about this on the 8th, why wasn't I told about it; why wasn't I told on the 10th when they met with the Community Advocate; why wasn't I even given the courtesy of a call prior to my tabling the government's response, saying, "Hey, we are about to send you a fax. This relates to the tabling of your response and you might want to hold off on it"? I have some questions on all of these things that did not happen.

You are the responsible minister. Clearly, there is a lot more to come out and you should really be able to answer our questions. Have you asked your department these questions on which you mused on 11 March, especially as it took you over a month to set up an independent inquiry? If you have asked your department these questions, what is the response?

**MS GALLAGHER**: These questions are currently being considered by the inquiry being undertaken by Commissioner Vardon. Appropriately, she will be interviewing the people that worked in the department at the time about all the issues that led up to this situation occurring. I answered that question honestly. They are the questions I have. I cannot answer those ones. They are being considered by Commissioner Vardon, but they are serious concerns to me. There is no way for me to have known all those things were occurring before the 11th. You just do not know those sorts of things are occurring on a day-to-day level in your department. I found out for the first time on the 11th.

It did take some time to put the inquiry together but that was because the information that was given to me on the 11th did not provide me with any information about what we should have an inquiry into. That was available only when we got the information back about the specifics of what the failure under the act was about, some of the preliminary information about how many children and young people that affected, and some of the issues that were involved in all that. We got that in the second week of January. Within two to three days we had an inquiry in place to answer all those questions. As you know, the inquiry will be reporting on the 7th. I imagine that we will be in a better position to answer all those questions then.

**MR CORNWELL**: Just for clarification, when you speak of "we", are you talking of your office—not your department, which clearly knew about these things but which did

not communicate with you? Is that right? You are talking about your office when you say that "we" had set it up?

**MS GALLAGHER**: The government, yes.

## Land conservation

**MS MacDONALD**: My question is to the Minister for Planning, Mr Corbell. Minister, can you advise the Assembly what have been the ramifications for the government and the people of the territory of the decision to transfer potential residential land in east Gungahlin to the Gooroo nature park?

**MR CORBELL**: I thank Ms MacDonald for the question. It allows me to outline to the Assembly the full range of considerations that the government has had to take into account in making the very significant decision to incorporate as part of the Canberra nature park a total of over 1000 hectares of an area previously designated as residential. This is part of the government's need to take a balanced approach to managing land that has conservation value but which has previously been identified for residential use. It is a difficult balance and one on which there is no absolutely right or wrong answer. It is a matter for judgement. Three hundred hectares of previously identified residential land, identified as such in the territory plan and identified as part of the 20-year land release sequence for Gungahlin, has been conserved as part of the Gooroo nature reserve.

The implications for the territory include the preservation of that land for the duration because of its environmental value. But, equally, there is a range of other impacts about which members would be interested to know. For example, the land was valued, for residential purposes, at over $300 million, which constitutes a very significant amount of revenue and associated land tax forgone by the territory, most deliberately, because we recognise the ecological value of the land. It would have provided for approximately 4500 additional dwellings. That is about two years' worth of land supply in the territory. But the government has taken the decision that it is appropriate that this land be conserved because of its ecological value and its contribution to the maintenance of ecosystems.

Without a doubt, the government is striking this very important balance. When members contribute in this debate they need to be conscious of the range of factors that the government takes account of. It is incumbent on all of us to communicate that in these debates. These are not minor concessions by the government or minor additions to contributing to the maintenance of the ecological framework of these endangered ecosystems in the ACT. These are major decisions which not only provide a significant ecological benefit to the community but also come at a significant cost to the community by way of revenue forgone—$300 million—and yield forgone—4500 dwellings. It is a very significant change.

If you look at other sites, this can only be reinforced. For example, the government has identified other land, in north Watson, south Bruce and east O'Malley, and conserved a further 347 hectares of land previously considered to be urban capable. The value of this land is $347 million dollars. It means the loss of approximately 5205 dwelling sites. In total, if you look at those two areas alone, you are looking at an area representing potentially, maybe 10 or so years of land supply in the ACT and worth close to $1 billion

dollars. These are not minor concessions on the part of the government; this is not tinkering around the edges. This means significant changes to the way we view land, land supply and land in terms of its ecological value and the ecosystems existing on that land.

That is the government's record. It is a very significant contribution to conservation in the ACT and it highlights how the government works every day to seek to achieve a balance between the competing needs of housing, housing affordability and the preservation of land here in the ACT. In particular, this is a matter on which Mrs Dunne would do well to reflect next time she accuses the government of not providing sufficient land in the ACT and at the same time criticises the government on its environmental record. It is hypocritical of Mrs Dunne in particular and, indeed, other members of this place, to take this view without being conscious of those particular issues.

## Blind cricket

**MRS BURKE**: My question is to the minister for disability services, Mr Wood. As is often said, the best has been saved for last. Minister, on 10 March this year, Mr Hargreaves represented the government at the launch of ACT blind cricket. I am reliably informed that during his speech—on behalf of the government, I should add—Mr Hargreaves blurted out intemperately, "You wouldn't want Simon Corbell on your team because he runs like a fat camel and throws like an elephant." Members opposite may smirk, smile and laugh, but the next bit is more serious. To worsen the embarrassment, he added, "I've played plenty of blind cricket before—when I was blind drunk." Minister, what action have you taken to rebuke Mr Hargreaves for his grossly offensive remarks to blind people in general and to the Blind Cricket Association in particular?

**MR SPEAKER**: Order! Mr Wood is not responsible for Mr Hargreaves. The question is out of order. Resume your seat.

**Mr Wood**: But I think that I should answer the question.

**Mrs Dunne**: I take a point of order. Mr Wood has responsibility for disability services in the ACT and this was a slight on disability services; so what has he done? Alternatively, Mr Wood could refer it to the Chief Minister as the person responsible for the operation of the whole of the government.

**MR SPEAKER**: I accept that point.

**MR WOOD**: I agree that it is a disability responsibility, Mr Speaker. Mr Hargreaves does many things on behalf of the government and on my behalf and does them very well indeed. Mr Hargreaves performs extremely well out there in the real community and I hear many great reports of him. He tells me that he and the blind cricketers have had conversations of all sorts and that there is no particular dispute between them. That is the advice I have from Mr Hargreaves and I can tell this Assembly that he will be representing me on future occasions.

**MRS BURKE**: Minister, I thank you for your response to that, but did Mr Hargreaves clear his speech with you before he gave it?

**MR WOOD**: I will tell you about speeches. I gave a speech at lunchtime at a very important event. I get some dot points and I extemporise—

**Mrs Burke**: Did you know that he was going to make the remarks?

**MR WOOD**: Just shut up for a minute and listen. I extemporise between the various dot points.

*Opposition members interjecting—*

**MR WOOD**: You too.

**MR SPEAKER**: Order! Thank you for your assistance, Mr Wood, but it is my job to tell them when to be quiet, so be quiet.

**MR WOOD**: There is an automatic switch and, when I stand up, that mouth opens. For speeches, I get speech notes. I prefer the notes to be in dot points, rather than prepared speeches, and I extemporise. I saw the speech that Mr Hargreaves gave and I have heard Mr Hargreaves with pleasure on many occasion. I am sure that many of you have, too. He speaks extremely well and he has a very nice touch to the way he does things.

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

**Mrs Dunne**: Mr Speaker, I draw your attention to the fact that Mr Wood told Mrs Burke to shut up. I think that is unparliamentary and disorderly and he should be asked to withdraw it.

**MR SPEAKER**: I have thanked Mr Wood for his attempt to assist me and I have advised him that it is my job to call people to order.

## Personal explanations

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

**MR SPEAKER**: Please proceed.

**MR CORBELL**: It is very interesting to hear the comments as recorded by Mrs Burke. All I can say, is that my grandfather has frequently referred to my physical coordination as a bit like a camel loading a shotgun, and therefore perhaps Mr Hargreaves is not that far off the mark.

*Opposition members interjecting—*

**MR SPEAKER**: Order, members!

**MR HARGREAVES**: In accordance with standing order 46, I seek leave to make a personal explanation.

**MR SPEAKER**: Please proceed.

**MR HARGREAVES**: I find Mrs Burke's remarks not only wrong but offensive. What I actually said at that gathering was that I have played cricket when blind, not drunk. I did not use the word "drunk". I also explained in the course of that speech that I referred to comments made to me by a gentleman from the Royal Blind Society which were to the effect that the society encourages people to say things like, "I will see you later."

He also recounted to me, prior to my remarks, the interesting story of a gentleman who was in a wheelchair speaking to a gentleman who was visually impaired. The gentleman who was in the wheelchair said that he often goes legless but he is never blind. The fellow who was visually impaired said—

**Mrs Dunne**: Point of order, Mr Speaker.

**MR HARGREAVES**: This is a personal explanation, Mrs Dunne.

**Mrs Dunne**: It sounds as though you are being a raconteur. I cannot tell which are the personal bits.

**MR HARGREAVES**: Get used to it.

**MR SPEAKER**: Order! Come to the personal explanation.

**MR HARGREAVES**: You are bobbing up and down.

**Mrs Dunne**: Which are the personal bits, those about you as opposed to somebody in a wheelchair?

**MR HARGREAVES**: The gentleman who was visually impaired said exactly the opposite and there was raucous laughter all around. The whole aim of the exercise, as I explained to my cricket association, was to emphasise the normalisation of people with disabilities, something which—in contrast to that crowd over there—I have been encouraging for years.

*Opposition members interjecting—*

**MR SPEAKER**: Order!

**MR HARGREAVES**: Mr Speaker, I explained the situation. Mrs Burke has accused me of saying I was drunk. She should withdraw it.

**Mrs Burke**: I did not say that.

**MR HARGREAVES**: You are wrong. You are not only wrong, you are regularly wrong and you are professionally wrong.

**MR SPEAKER**: Order!

**MR SMYTH** (Leader of the Opposition): I seek leave to make a personal explanation under standing order 46.

**MR SPEAKER**: Please proceed.

**MR SMYTH**: Mr Speaker, on Tuesday in question time Mr Corbell stated, and it appears on page 5 of the question time *Hansard*:

> This is an interesting policy direction from the opposition. The reason for that is that earlier this year the opposition's spokesperson on health advocated that this sort of facility should be part of the hospital.

Mr Corbell continued:

> I quote him from *Hansard*:
>
> > There are facilities. The key is the case load. We—
>
> that is, the Liberal Party—
>
> > would establish a time-out facility and make sure there is a forensic unit as part of the hospital.
>
> That is what he said only a couple of months ago, yet yesterday he came out and said that it is going to be at the prison.

Mr Speaker, I checked the *Hansard* and I have not been able to find this quote. I asked my office to ask the Hansard office to look for the alleged quote used by Mr Corbell and its response was, "We have searched the *Hansard* database and cannot find the quote that has been attributed to Mr Smyth."

Mr Speaker, I want to let the Assembly know that these remarks are not recorded in the Assembly *Hansard* for this year. I did not make those remarks. My position, and that of the opposition, has been consistent over a period of time: we would aim to build a forensic centre as part of the ACT prison. Hansard did find a record of my saying on 15 May 2002:

> Part of our continuing strategy to address the needs of those with mental health difficulties in the ACT was to build on this foundation. Part of that would have been answered in the construction of a prison with a forensic unit.

That was my view in 2002. That was the position all last year and it is our position now. I also want to point out that we have had very positive feedback from the community in response to our mental health policy. I also want to point out that Mr Corbell—

**Mr Stanhope**: Point of order, Mr Speaker: this had gone beyond a personal explanation.

**MR SPEAKER**: Come to the personal explanation.

**MR SMYTH**: Yes. I would also like to point out that Mr Corbell has claimed that the latest example of a forensic facility is in Tasmania. That is not correct.

**MR SPEAKER**: That has nothing to do with a personal explanation.

**MR SMYTH**: Perhaps the minister would like to correct the record then, Mr Speaker.

## Criminal justice statistical profile—December 2003 quarter
### Paper

**MR STANHOPE** (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (3.26): For the information of members, I present the following paper:

> ACT Criminal Justice Statistical Profile—December 2003 quarter.

I move:

> That the Assembly takes note of the paper.

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

### Paper

**Mr Stanhope** presented the following paper:

> Administrative Arrangements 2004 (No 1)—Notifiable instrument NI2004-34 (S1, dated Monday 16 February, 2004).

## Trans-Tasman Mutual Recognition Act
### Paper and statement by minister

**MR STANHOPE** (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs): Mr Speaker, for the information of members I present the following paper, pursuant to the Trans-Tasman Mutual Recognition Act 1997:

> Trans-Tasman Mutual Recognition Act (Cwlth)—
>
> > Trans-Tasman Mutual Recognition (Commonwealth Regulations) Endorsement 2004 (No 1)—Notifiable instrument NI2004-76, dated 24 March 2004.
> >
> > Draft Trans-Tasman Mutual Recognition Amendment Regulations 2004—Statutory Rules 2004.

I ask for leave to make a statement.

Leave granted.

**MR STANHOPE**: Mr Speaker, as the designated person under section 6A of the ACT's Trans-Tasman Mutual Recognition Act 1997, I have endorsed the proposed regulations

of the Commonwealth regarding the special exemptions that apply to the Commonwealth's Trans-Tasman Mutual Recognition Arrangement 1997. This is an arrangement between the Commonwealth, state and territory governments of Australia and the government of New Zealand that allows goods to be traded freely and enhances the freedom of individuals to work in both countries.

When the Trans-Tasman Mutual Recognition Arrangement was signed in 1997, exemptions were made for six industry areas in which it was thought that mutual recognition had the potential to generate net benefits, but where outstanding issues awaited resolution before mutual recognition could apply. The special exemption areas were: hazardous goods, therapeutic goods, road vehicles, gas appliances, electromagnetic compatibility and radio communications equipment, and consumer product safety standards and bans. While some progress has been made in resolving the issues, many remain unresolved.

As required by the text of the Trans-Tasman Mutual Recognition Arrangement, the Productivity Commission undertook a joint study of the arrangement and the Australian Mutual Recognition Agreement in 2003. As required by the Council of Australian Governments, officers have prepared a report on the Productivity Commission's study recommending acceptance of 25 of the study's findings and suggesting that further work be undertaken on the remaining 49 findings.

In order that the report should be completed and considered, the Prime Minister wrote to me on 10 March asking for my agreement to rolling over current special exemptions until April 2005. The additional time will also allow the cooperation groups to address the remaining differences between Australian and New Zealand laws and regulations. States and territories endorsed the changes to the Trans-Tasman Mutual Recognition Arrangement special exemptions by gazetting the regulations in their respective gazettes and, in the ACT, by notifying the instrument on the ACT legislation register.

Mr Speaker, on behalf of the ACT, the Acting Chief Minister, Mr Quinlan, endorsed the notifiable instrument on 24 March 2004.

## Insurance Authority Act
### Paper and statement by minister

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

> Insurance Authority Act, pursuant to section 12 (1)—Insurance Authority (Insurance Settlement Funds) Direction 2004 (No 1), dated 10 March 2004.

I ask for leave to make a brief statement.

Leave granted.

**MR QUINLAN**: Mr Speaker, pursuant to section 12 of the Insurance Authority Act 2000, I present this direction to the ACT Insurance Authority. The ACT Insurance Authority has received approximately $52.5 million dollars in settlement payments from

reinsurers in relation to losses in forests. The direction requires the Insurance Authority not to pay the settlement funds to ACT Forests without my written approval. The direction is to ensure that funds are released and applied as and when required. I commend the paper to the Assembly.

## Indigenous education—seventh six-monthly report
### Paper and statement by minister

**MS GALLAGHER** (Minister for Education, Youth and Family Services, Minister for Women and Minister for Industrial Relations) (3.31): Mr Speaker, for the information of members and in accordance with the resolution of the Assembly of 24 May 2000, I present the following report:

> Indigenous Education—Seventh Six Monthly report to 31 August 2003.

I seek leave to make a statement.

Leave granted.

**MS GALLAGHER**: I am very pleased to present the seventh report on performance in indigenous education. This report covers the period up until 31 August 2003. The Labor Party initiated this reporting in 2000 and six reports have been tabled since then. The government is continuing its commitment to improving educational outcomes for indigenous students. This commitment is even more vital when placed in the context of the Canberra social plan, which articulates the government's vision of all people reaching their potential, making a contribution and sharing the benefits of our society.

Of primary importance is the government's commitment to ensuring that the outcomes for indigenous students are similar to those for non-indigenous students. The increased liaison with families that is now occurring and the employment of more highly skilled staff to work with students are vital steps towards improving student outcomes. The government is maintaining its focus on the *Within reach of us all: services to indigenous people action plan 2002-2004* and the four major areas of endeavour within this plan. Many programs, activities, learning experiences and initiatives are being provided to ensure that commitments can be achieved. It is clear that the focus in this area is bearing fruit, yet it is recognised that still more needs to be done.

There are many examples in this report that show how schools and their communities are working to improve outcomes for indigenous students. Government assistance and a range of support structures, which facilitate working with students, their families and communities, are proving fundamental to achieving improved outcomes for indigenous young people.

You will be pleased when you read in the report of the many and varied activities taking place in schools. These activities acknowledge indigenous cultures, value their heritage and instil knowledge across the whole student population. You can read the full text of an indigenous child's cultural acknowledgment at a Wanniassa Hills Primary School assembly, when the student told the audience:

> My ancestry on my grandfather's side is Bidjara from the central western part of Queensland and my ancestry on my grandmother's side is Kabi-Kabi.

It is pleasing to see the variety of ways in which schools are tackling the notion of reconciliation and valuing this diversity within the ACT community. The *Services to indigenous people action plan* describes four commitments that show our determination to make a positive difference to the life of local indigenous young people.

Mr Speaker, I want to draw several key points to the attention of members. I will speak to the four commitments from *Within reach of us all: services to indigenous people action plan 2002-2004*. Overcoming racism and valuing diversity: in the six-month period this report covers, many more school-based anti-racism contact officers for students have been trained and a wide-ranging policy has been put in place to resolve complaints. Even greater emphasis has been placed on employment issues for indigenous people with the introduction of a formal plan for further enhancing equity and diversity in the workplace.

Forming genuine and ongoing partnerships with indigenous communities: members will remember the ACT indigenous education compact, which defines the commitment to indigenous students and their needs, and the partnership between the community and the department in addressing those needs. Many schools have drawn on indigenous community members to be part of a ceremony to introduce the compact and demonstrate that partnership. These public acts recognise the importance of the compact and the need to continually strive to achieve educational improvements for indigenous students.

While I understand that the Aboriginal and Student Support and Parent Awareness committees are funded through an Australian government program, it is recognised that ACT government staff provide support to these groups and are the source of many indigenous-related activities. The number of established committees has risen, reflecting a growing awareness of the role ASSPA committees can play. For example, the ASSPA committee for the Lanyon cluster of schools arranged a full program of cultural events for an indigenous students' reconciliation celebration day. Many schools outside that cluster took part, including a bus load of students from Jervis Bay School. This government supports the Billabong Aboriginal Corporation's work and its programs are expanding to cater for troubled indigenous youth.

Creating safe, supportive, welcoming and culturally inclusive education and service environments: I mentioned in the introduction the extensive range of cultural activities already occurring in schools. NAIDOC Week and Reconciliation Day continue to be a source of inspiration for these events. However, it is most interesting to note that these activities are taking place more and more, not just on the prescribed dates, but throughout the year.

Just reading through the lists of things that schools are doing clearly demonstrates a growing commitment by schools to an indigenous curriculum, and shows members the rich and varied characteristics of life in our schools. An exciting indigenous community project that the government has supported is the development of a set of story books for the younger age group. The books promise to be an exciting locally produced indigenous resource.

Indigenous children and young people achieving outcomes equitable to the total population: in the wake of the recent Productivity Commission's report on overcoming indigenous disadvantage, it will be no surprise to members that the majority of indigenous preschoolers are entering kindergarten with higher skills in mathematics, reading and phonics than those who did not attend preschool. Staff from our ACT Koori preschool program are increasing their efforts to draw indigenous youngsters into regular education programs in the preschool sector.

In the financial year 2002-03, the government provided extra resources to upgrade the level of and increase the number of positions for staff working with indigenous students in our schools, and their families. With recruitment processes completed in this period, a new indigenous education service structure was established and the roles of staff redefined. Some staff training commenced and tenders were called for the delivery in 2004 of a certificate IV in community services work for these staff.

This restructure saw the introduction of an increased emphasis on home visits for students needing additional support. It is expected that this enhanced delivery model will, over time, positively contribute to the continuing issues of indigenous student attendance and these students' retention in the schooling system. A pilot indigenous mentor program saw the benefits that such a program could bring to older students, especially those at risk of disengaging from school. It is pleasing to note the education and training opportunities arising from partnerships with local institutions and organisations through such initiatives as the *Partners in a learning culture: ACT indigenous action plan 2003-2005*.

This report discusses a number of programs and initiatives occurring through Education, Youth and Family Services. I am pleased to say that progress has been made in these areas, although of course more needs to be done. In itself, this August report is an interim one. The next report, dealing with the end of the previous school year, will cover more specific areas of educational endeavour, such as the year 10 and 12 results and literacy and numeracy achievements. While it is difficult to show much gain in a six-month period, I am confident that benefits and results will be more evident over time.

Finally, Mr Speaker, I want to emphasise the importance of this report. It demonstrates the government's commitment to the local indigenous community and its young people, and all Australian governments' concern that child development and indigenous disadvantage be addressed. I welcome the continuing opportunity to work with the ACT indigenous community, the Indigenous Education Consultative Body and other agencies and organisations to ensure further improvements in performance in indigenous education. I commend the seventh report on performance in indigenous education to the Assembly.

Mr Speaker, I move:

> That the Assembly takes note of the paper.

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

## Paper

**Mr Wood** presented the following paper:

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Cemeteries and Crematoria Act—Cemeteries and Crematoria Appointment 2004 (No 2)—Disallowable Instrument DI2004-34 (LR, 25 March 2004).

Hotel School Act—

Hotel School Appointment 2004 (No 1)—Disallowable Instrument DI2004-35 (LR, 25 March 2004).

Hotel School Appointment 2004 (No 2)—Disallowable Instrument DI2004-36 (LR, 25 March 2004).

Legislative Assembly (Members' Staff) Act—

Legislative Assembly (Members' Staff) Speaker's Salary Cap Determination 2004 (No 1)—Disallowable Instrument DI2004-32 (LR, 22 March 2004).

Legislative Assembly (Members' Staff) Members' Salary Cap Determination 2004 (No 1)—Disallowable Instrument DI2004-33 (LR, 22 March 2004).

University of Canberra Act—

University of Canberra Council Appointment 2004 (No 1)—Disallowable Instrument DI2004-37 (LR, 29 March 2004).

University of Canberra Council Appointment 2004 (No 2)—Disallowable Instrument DI2004-38 (LR, 29 March 2004).

University of Canberra Council Appointment 2004 (No 3)—Disallowable Instrument DI2004-39 (LR, 29 March 2004).

## Suspension of standing and temporary orders

Motion (by **Mr Wood**) agreed to, with the concurrence of an absolute majority:

That so much of the standing and temporary orders be suspended as would prevent the resumption of the debate on the motion of grave concern against Mrs Dunne being called on forthwith.

## Mrs Dunne
### Motion of grave concern

Debate resumed.

**MR HARGREAVES** (3.40): Mr Speaker, I seek leave to speak again very briefly and I seek that leave so that Mrs Dunne has an opportunity to be the final speaker.

Leave granted.

**MR HARGREAVES**: I wish to address some remarks made in this debate by the Leader of the Opposition. Mr Smyth suggested in this debate, by inference, that Mrs Cross was attempting to blackmail Mrs Dunne into resigning. He did not use those words exactly and I do not have a copy of the wording, but I recall that.

During the debate, Mrs Cross indicated a preferred conclusion to this issue. She indicated to Mrs Dunne that there was an honourable way to reinstate Mrs Dunne's standing as a member of this place. Mrs Cross indicated that she was prepared to soften her position in relation to action by the Assembly if Mrs Dunne resigned as chair of the Standing Committee on Planning and Environment. She did not blackmail Mrs Dunne. Such a suggestion is not only a misrepresentation of Mrs Cross's offer, but it is totally unparliamentary. The defence of a coward is to attack an accuser. This suggestion shows the shallowness of Mr Smyth's defence of Mrs Dunne. Not only did he launch into quite a personal attack on me, but he cast serious aspersions on the integrity of Mrs Cross.

**Mr Smyth**: Point of order, Mr Speaker: I question the relevance of this. This is more in the nature of a personal explanation under standing order 46.

**MR SPEAKER**: No, the Assembly has granted Mr Hargreaves leave to speak and he has leave to speak.

**MR HARGREAVES**: The issue is whether the recommendation of the Privileges Committee should be accepted by this Assembly. In defending the integrity of her committee and the position of any chair of the committee, Mrs Cross should not be attacked in this way. Her position should be considered and treated with respect.

Mr Speaker, I believe that the Assembly should express its position unequivocally and I will accept the will of the Assembly. I have put my arguments forward and have done so without making a personal attack. Mr Smyth should apologise for his intemperate approach and his unparliamentary personal attack. At the very least, he should withdraw any suggestion, made directly or by innuendo, that Mrs Cross was attempting to blackmail Mrs Dunne into resigning.

**MR SPEAKER**: Did you use the word "blackmail", Mr Smyth?

**Mr Smyth**: I do not recall using it. I withdraw the word "blackmail" if I used it and if members find it offensive.

**MR SPEAKER**: Thank you, Mr Smyth.

**MRS DUNNE** (3.43): I seek leave to speak again.

Leave granted.

**MRS DUNNE**: Mr Speaker, let me conclude this debate by reiterating my unreserved apology for what I admit has been an error, namely the publication of a now notorious pamphlet. I also want to clarify my remarks as reported in the *Canberra Times* this morning. Mr Speaker, as far as I can recall, I was quoted accurately and I shall not attempt to deny the report but, as Mr Smyth said earlier in this debate—and as I said

privately to other members in this place—it is a question of context. Having expressed four or five apologies at this stage, it would have been foolish of me to claim to be without fault in this matter in the *Canberra Times* on the day that the matter was to be debated.

What I was speaking about in this context was what I could perhaps best describe as the alleged attempt by the Labor Party to remove me as chair of the Planning and Environment Committee. What I meant was that I had not done anything wrong in the sense of anything intended to subvert the committee process. Whether or not this admitted error results in my removal as chair, my conscience is clear. It was the result of a mistake, an error of judgment for which I have apologised, not any act of malice or bad faith.

This brings me to the question of intent, and I thank Ms Tucker for some of the counsel that she has provided in this matter. Clearly, intent is required to establish a contempt. One of the arguments that I made before the Privileges Committee was that I did not have any intention of subverting the process. I would contend that a committee cannot have direct access to a member's mental processes. I have discussed this matter with Ms Tucker, who tells me that intent, in this context, refers to the intent to commit the specific act, namely the release of the pamphlet, and not to any intention on my part to commit a contempt.

I accept unreservedly the findings of the committee regarding intent because I clearly did not issue the brochure by accident. I also thank Ms Tucker for her words about what I would call neophyte chairs. Much has been said in this place about how experienced I was as a staffer and how senior I was. It would be very instructive for some of the members opposite to see my payslips from the time, to see how senior I was. I never attracted the title "senior adviser". I was an adviser in this place for some time but I was not a member of this place and I was not a chair.

Ms Tucker made some very important points this morning when she said, "You might have a lot of experience in this place, but until you actually sit down and do the job of a chair, you do not have very much experience of that and it is sometimes a difficult job." As I said in this place this morning and on other occasions, I did seek advice about what should go in that pamphlet, but I did not seek the advice of the secretary of the Planning and Environment Committee. On reflection, I have realised that this was a mistake because I suspect that she would have advised me that it was the wrong thing to do and we would not have been here today.

I apologise to the members in this place for all that has happened in this matter.

Motion, as amended, agreed to.

## Skills shortages
### Discussion of matter of public importance

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

> The skills shortage currently facing a number of ACT industries and the role of government in encouraging and supporting ACT business to take on trainees and apprentices.

**MS DUNDAS** (3.40): This matter of public importance relates to businesses and to the problems that they are experiencing as a result of skills shortages. It applies also to trainees and apprentices and to the roles that they play in ACT industry. How does this affect young people in the territory who access those traineeships and apprenticeships? As was mentioned earlier, this week is Youth Week. We should be doing everything we can to ensure that issues affecting young people are on the agenda. The general unemployment rate in the ACT is considerably lower in comparison to other jurisdictions but our youth unemployment rate is unacceptably high—about 20 per cent—and it is no better than the national average.

As is the case in relation to a number of social indicators, wellbeing in the ACT community is better than the Australian average, but it is no better for our most disadvantaged groups. The majority of ACT school leavers either do not qualify for a university place or do not wish to go to university. It is vital that we provide options for our school leavers so they do not join the unemployment queues. Early unemployment has a major impact on the lifelong employment status of a young person and that, in turn, affects his or her lifelong health status, so it is a critical time for young people.

I raised this matter of public importance because I believe that the ACT government could reduce youth unemployment by better promoting and supporting new apprenticeships. At the same time it would strengthen the ACT business sector and broaden the economy—a win-win situation all round. New apprenticeships are an inexpensive option for the ACT government. The bulk of the cost of the new apprenticeship is borne by the employer who pays the training wage. Employers can usually also access some incentives from the federal government.

Some of the costs of vocational training are borne by the trainee, who pays $250 to a registered training organisation. The remaining costs are paid by the Commonwealth government through grants to ACT training and adult education. Those costs are then passed on to the RTOs. I do not believe that increasing the number of trainee or apprenticeship places would impose a significant financial burden on the ACT government. It would generate all the positive spin-offs that come from a reduction in youth unemployment.

The economic white paper, which is part of the Canberra Plan, refers not only to the importance of training for young people; it refers also to lifelong training, capitalising on the great institutions that we have in the territory and helping institutions to help those who are seeking to broaden their employment opportunities.

I am aware of two barriers to expanding the number of traineeships and apprenticeships: first, the amazing administrative burden that is placed on employers and, second, the lack of awareness of the support that is available to employers to simplify the process of engaging and managing trainees and apprentices. I believe that those two issues are quite closely linked. Many territory businesses are willing and able to employee trainees and

apprentices but they just do not have the time to complete the mountain of paperwork that is required to make it happen.

I talk to many small business owners who would benefit from having a trainee in their workplace. They could pass on their business skills to that person and obtain a benefit from having somebody else working with them. The amount of time that small business owners spend on administration and on completing the necessary paperwork prevents them from doing their core business. People get stuck in a cycle. They would like to employ an apprentice but they cannot because of the paperwork that is involved. We must simplify the process and assist those businesses that want school-based new apprenticeships, ordinary apprentices, or trainees to work with them.

The ACT Training and Adult Education website, which should be the first point of reference for employers wanting to engage a trainee or an apprentice, tells employers that they need, first, to find a suitable employee; second, to complete a training contract and get it approved by Training and Adult Education; third, to complete a training plan with a registered training organisation once they have found the right person for their business; and, fourth, to organise structured training.

All that has to be done before an apprentice or trainee can commence to learn or to help them with their businesses. That would amount to a huge investment of the time of management. Management would have to work through all the different registered training organisations and establish what kind of training they offered, whether or not it was the best training for the business, and whether the training contracts that were approved were in the right format. Many businesses—small businesses in particular—just do not have the capacity to invest that sort of time, even though they know they would benefit from having trainees on their sites.

Industry training advisory boards have the skills that are necessary to help businesses complete the necessary paperwork and organise the training, but they are currently struggling to do that work as they have been provided with only one-off incentives by the federal government. Any investment by the territory government would reduce the administrative burden on businesses and quickly result in a lot of new placements for workers. Group training organisations could shoulder that entire administrative burden by directly employing trainees or apprentices and then simply billing businesses for the work performed by them.

A number of thriving group training organisations are currently taking on the administrative work relating to trainees and they are involved in pastoral care—supporting trainees throughout the workplace. Businesses and trainees benefit from that. However, there is a lack of industry awareness about the management of existing training and placement systems. Many employers do not understand the role of group training providers. Group trainers and training advisory boards require sufficient support to assist businesses with the administrative side of engaging apprentices and trainees. Employers would also require to be informed about the availability of such support.

What support is given to group training organisations? Unfortunately, a lot of training time is taken up to ensure that training packages are continually developed and assessed, and that registered training organisations are complying with registration requirements. However, that is only one part of the suite of training and apprenticeship options that are

available. Support should be available for all those different options. It would be of value if the ACT government established whether the costs of vocational education courses presented a barrier to prospective vocational education students.

I referred earlier to the fact that, under these new and structured apprenticeships, students have to pay an upfront study fee of $250. However, other vocational education courses could cost substantially more. The upfront fee for a CIT semester of study is as high as $680. Additional costs are also incurred for materials and excursions, and there are all the other associated costs with being a student. Some young people are choosing not to enrol because they just cannot afford to pay those upfront fees. They are missing out on training opportunities that are being offered.

I understand that a 50 per cent concession is available to all CIT students on full Centrelink benefits who are paying fees. However, it still means that they might have to find close to $400 just to commence their apprenticeships. It is not easy for anyone to find that sort of money. Only a limited number of loans are available to cover these costs. Targeted fee waivers or delayed fees might give more disadvantaged young people access to apprenticeships, thus breaking the cycle.

Young people want to undergo training and improve their skills so that they are more employable. However, they need money in order to be able to do so. Often they can only get money as a result of having a job, so they get stuck in the unemployment cycle. They cannot improve their training opportunities or their skills because they do not have the job that they need to earn the money that will enable them to do that. We must find a way to break that cycle and to reduce our youth unemployment. There are broader policy implications in this area.

It is vital to the long-term health of the ACT economy that we increase the number of young people being trained in the trades and the professions. As I noted earlier, even the economic white paper picked up on that important point. Canberra restaurants are struggling to find qualified chefs so that they can open up their businesses and provide services. Skills shortages in other industries will prevent new businesses being established in the future. Those skills shortages might also lead to a decline of lifestyle in the territory and to the closure of businesses.

We might be keeping up in some areas but we are not keeping up in others. Many people referred to the bricklayer shortage and to the fact that not enough new people are being employed in those manual trades. Many people who are permanently on the unemployment queue could benefit from those sorts of jobs. However, they just do not have the training. They need support to obtain an apprenticeship or a traineeship so that they are able to do undertake that work.

If the Canberra economy is to keep growing and diversifying and we are to meet our labour needs we must continue to train people. We must establish where those skills shortages are and we must help industries to take on board more trainees. We must also establish what role the government should play in supporting businesses that employ trainees and apprentices. I acknowledge the work that the government already does in supporting vocational education programs in schools.

I also acknowledge the vital role of the CIT in revising training packages and supporting a large number of students to obtain qualifications in a diverse array of industries. However, much more could be done to assist businesses that are employing trainees. I hope that today's matter of public importance will encourage the government to look at the support that it provides for group trainers and industry training boards. We must reduce youth unemployment in the ACT, tackle our learning skills shortages, ensure that we look after the disadvantaged in our community, and ensure continued growth in our economy.

**MS GALLAGHER** (Minister for Education, Youth and Family Services, Minister for Women and Minister for Industrial Relations) (4.00): I thank Ms Dundas for raising this matter of public importance and for giving me an opportunity to talk about our exceptionally successful vocational education training packages and about trainees and apprentices in the ACT. Let me demonstrate the measure of that success. In the 12 months to December 2003 apprenticeship and traineeship commencements in the ACT increased by more than six times the national rate of commencements.

In September last year the number of apprentices and trainees in training in the ACT was 34 per cent higher than the figure for the previous year. ACT employers have been exceptionally supportive of young people commencing their careers. The National Centre for Vocational Education Research recently published figures showing that the number of apprentices and trainees that commenced training in the ACT is 42 per cent higher than the figure for this time last year.

Let me give members some idea of the areas in which those increased commencements have been occurring. In the automotive industry there has been a 149 per cent increase, from 169 to 420; in the building and construction industry a 65 per cent increase, from 211 to 348; in the business and clerical area a 50 per cent increase, from 653 to 977; in communications a 210 per cent increase, from 48 to 149; in community services, health and education a 55 per cent increase, from 460 to 715; and in finance, banking and insurance a 203 per cent increase, from 144 to 436.

The most recent newsletter of the Construction Industry Training Council states that, while council had been hopeful about maintaining its high 2003 intake numbers, it was pleased that those numbers would probably be exceeded this year—by up to 30 per cent. In December 2003, in the key age group of people aged 20 to 24, 31 per cent of apprentices and trainees were in training in the ACT compared with the national average of 26.6 per cent. Those outstanding results have come about as a direct result of the efforts of this government.

Over the past year the government has more than doubled its activities in directly promoting the apprenticeship and traineeship uptake, and it is continuing to do so. There has been significant expenditure on television, radio, cinema and print advertising. The Training and Adult Education branch of my department is working with Commonwealth-funded new apprenticeship centres to get out the message to employers that there are real benefits for them if they take on apprentices and trainees. This year, as well as promoting training opportunities for young people through advertising and direct consultation with employers and training providers, the government is focusing on providing opportunities

for mature age people to upgrade their skills and increase their career and employment options.

The government has undertaken extensive communication and it has implemented many new marketing projects, which have paid off. The statistics speak for themselves. As a major new initiative—to my knowledge this has never been undertaken anywhere in Australia before—this government will be publishing a community magazine that will be distributed to every household in the ACT. That magazine will provide useful information about how vocational education and training can benefit individuals and their families.

The government continues to look at the best way in which to maintain momentum in the funding of all this training activity. That includes regular consultation with industry to ensure that the government is in tune with its needs. Every six months the department scans the ACT environment and it systematically produces a logical collection of the latest intelligence on skill shortages from the industry. Through that process we are able to ensure that we have a sound information base from which to develop policies and address skills shortages.

For example, shortages of bricklayers, plasterers and tilers—exacerbated by the impact on the ACT building industry of the bushfires and high levels of housing activity nationally—are being addressed by the provision of substantial financial incentives through the Building and Construction Industry Training Levy Fund. That encourages employers to take on apprentices in these trades. The group training organisations, the Master Builders Association and the Construction Industry Training Council are all working to ensure that young people in the ACT participate in this activity.

I hope that more employers take advantage of this opportunity to help to meet the present and future skills needs of their industries. One unexpected outcome of the bushfire tragedy is that the rebuilding activity is providing the real work experience required by many young people who want to become tradespeople. Last year I attended the Apprenticeship of the Year awards hosted for the time by the Construction Industry Training Council. That is another way in which to promote these trades. Sometimes recognition for trades that are represented by the Construction Industry Training Council are not always reflected in Australian National Training Authority local and national awards.

Consultations with industry through the ACT Industry Training Advisory Association—an association set up and funded by the ACT government after the federal government withdrew funding from industry training advisory boards in the ACT—are broad ranging and deal with issues other than skills shortages. They cover issues such as changes to training packages and their impact locally; new training opportunities in the ACT; issues that impede expansion of the delivery of nationally recognised training; industrial and equity issues that may cause barriers for the disadvantaged; and delivery of vocational education and training qualifications in schools.

Those discussions, which are held twice a year after receipt of written industry analyses, contribute to the development of priorities governing expenditure by the ACT on vocational education and training. The government, in its economic white paper, committed itself to a training pathway guarantee of one year's post-school training in a

relevant and available vocational education and training course, within 12 months of leaving school, for those students not already in some form of post-school study or training. The government also indicated in the white paper that it would amend the Payroll Tax Act to exempt group training organisations from the payment of payroll tax for second and third year apprentices.

The government is committed to ensuring that the government school system is resourced to deliver skills in ICT—an emerging skill shortage area for all school students. That will have a positive flow-on effect for future trainees and apprentices. In this area the ACT is leading the way nationally as the first jurisdiction to introduce ICT competencies for year 10 students. The government also stated in its white paper that the ACT is the first Australian school system to be fully connected to broadband services.

The government bolstered the capacity to focus on the vocational education and training needs of the ACT through establishing two new sections in its Training and Adult Education branch. They are the career transition section and a new apprenticeships and VET initiatives section. Those initiatives will build on our success in increasing the number of trainees and apprentices in the ACT, meeting the needs of employers, and providing positive career options for people in the ACT.

It is apparent through the increase in the number of trainees and apprentices in the ACT that the government's efforts in advertising and promoting VET as a legitimate post-school option are paying off. We have seen for the first time in the ACT that we should not just focus on university education. Young people are taking up the options that are being offered to them through VET. I again refer members to the percentages that I referred to earlier. In December 2003, in the key age group of people aged 20 to 24, 31 per cent of apprentices and trainees were in training in the ACT compared with the national average of 26.6 per cent. The number of apprentices and trainees that commenced training in the ACT is 42 per cent higher than the figure for this time last year.

Growth rates in the ACT are 13 per cent compared to the national growth rate of 2 per cent. This government is now considering sustaining those increases rather than promoting them as it is a substantial cost to it. VET funding stands at $91 million, with the Commonwealth government, a significant partner, contributing about $21 million of that amount. Those increases will have to be matched by funding from the ACT government. We will be watching and monitoring the figures closely to establish whether or not they remain at that level. If they do not we will have to establish whether or not we are able to sustain them.

A lot of work is going on in this area and I am pleased with the results we are achieving. We are probably achieving results that we did not expect because of the increases that we are seeing. However, they are certainly welcome. I agree with a lot of the arguments put forward earlier by Ms Dundas. It is important for young people, it helps the ACT economy and it provides options for them other than the unemployment queues. Ms Dundas made reference to the paperwork that is involved in the provision of VET. Everyone who knows something about it would be aware that it is complicated and that there are a lot of recording requirements.

The Australian National Training Authority and the relevant ministers are looking at ways of making that process simpler for everybody. Businesses, industries and governments experience difficulty when dealing with the quality assurance requirements of ANTA and the Commonwealth government. This government is looking at ways of simplifying a complicated process that is diversifying all the time. As user choice increases—and I imagine that it will as one of the Commonwealth government's requirements under the proposed new ANTA agreement is that user choice be extended—I am sure that the process will become even more complicated.

As additional providers become involved more emphasis will have to be placed on the quality of the programs that are being delivered by them. We will have to reassess the needs of students because the number of training providers is increasing faster than was predicted, and they are being encouraged to do so. I am sure that everyone would like to see less emphasis on paperwork but I do not see that happening in the near future. It is not something that the ACT government is really in a position to control—it is a national issue.

Ministers are interested in reducing some of the emphasis that the Commonwealth government places on promoting user choice and diversity of training options. That will mean that this area will become difficult to monitor which will be of concern to everyone. All in all, the trainee and apprenticeship schemes in the ACT are proceeding very well—much better than anyone thought possible. However, we will have to watch the numbers. If they keep increasing at the rate that has been predicted we will have to decide how to fund them in the future.

**MRS BURKE** (4.12): I commend Ms Dundas for bringing this matter of public importance to the attention of the House today. A number of industries in the ACT are currently facing skills shortages. The role of this government is to encourage and support ACT businesses to take on trainees and apprentices, so I will certainly be supporting this worthwhile motion. According to the Australian Chamber of Commerce and Industry, the Australian Industry Group and the Business Council of Australia, skills shortages are becoming an increasingly significant barrier to investment by employers right across the country.

That is also the case in the ACT. The ACT is not an island that is shielded from the problems that are occurring all across Australia. All states and territories and industry are grappling with these problems. Businesses are often pressured and pushed into finding the staff that they need to fill the gaps in new and emerging industries. The three main peak industry groups have highlighted the fact that skills shortages and inappropriate skill sets affect industry's capacity to conduct research and development and find innovative ways to conduct business in an increasingly competitive world environment.

It is worth noting there that we are talking about skills shortages and inappropriate skill sets, which comes back to the question of employability. Somebody might have all the qualifications in the world, but in this area of vocational education and training, traineeships and apprenticeships come into their own. Members would be aware that one-third of university graduates currently go back into the TAFE system to up-skill in some vocational area. I currently have a delightful student in my office and she has just

done that. She has been to university, she is doing some work experience in my office and she is now back in the TAFE system.

Perhaps most importantly all three peak industry groups highlight strongly that skills shortages are currently perceived by industry as the most serious constraint on investment. The question that has to be asked is: What is the ACT government doing about these concerns? I heard the minister refer earlier to figures relating to investment in VET and so forth. However, in the bigger picture, when addressing the problem of skills shortages, industry has still not come up with a concrete solution to this problem.

This Australia-wide problem will not be addressed by having money thrown at it. All that will do is make things difficult for industry. The things that this current government is doing could be contributing to those blockages. What are the front-end policy concerns that contribute to this problem? As early as this week I was lobbied by the Australian Education Union, which highlighted unease in the government's true commitment to and action when addressing vocational education and training problems in the ACT. It was an excellent meeting. I got a lot out of it and I hope to be meeting with those people again.

Vocational education and training in the ACT suffers from a significant lack of true commitment by this government. As a result, students are not being adequately channelled into careers where there are skills shortages. TAFE, for example, which was once a jewel within the education system, suffers from an identity crisis. Ms MacDonald, who attended the meeting to which I referred earlier, would be aware that these issues have been referred to and debated in this chamber. I appreciate and accept that a former Liberal government cut the funding for these programs, which I do not necessarily think is acceptable.

We now have to look very differently at how we train and up-skill people. Trainees and apprenticeships are the way to go. That flexible scheme will give students portability of skills that they can transfer right across Australia. As the minister said earlier, some of the good systems that were developed through the Ministerial Council on Education, Employment, Training and Youth Affairs, the Australian National Training Authority and so forth, will open the doors and this will become a really good system. Dr Brendan Nelson at the federal level is trying hard to focus on some of these vocational education and training systems.

Just as concerning is the fact that students in the ACT are not enrolling in traditional VET courses simply because the costs for each of them are becoming increasingly prohibitive. We—and I am sure the government—have been looking into this issue of costs. As a result, students are entering into courses in which they really do not want to participate purely on the ground of costs, which is of grave concern. That concern was voiced strongly by members of the Australian Education Union when I met with them this week. We must value vocational education and training in the ACT if we are to address serious skills shortages in a number of areas.

Funding must be better directed to outcomes and quality and it must not be based purely on efficiency criteria, which was the case in the past. I am sure that all members would agree on that issue. What does research tell us about skills shortages in the ACT? The skills vacancy index is the principal indicator in determining skills shortages. In

September 2003 that index showed us that government and defence, sales assistants and store persons, food, hospitality and tourism, as well as traditional trades are all areas in which skills shortages exist in the ACT.

What is the government doing in those areas? The government says a great deal, but what is it doing? Let me ask the government members some pertinent questions. What, for example, is it doing with regard to careers advice? What about career pathways in the industries examined and defined as having skill shortages? What is the government doing to develop pilot strategies to up-skill existing workers—an initiative strongly supported by the Australian Council of Trade Unions? What about the development and implementation of career marketing campaigns and the development of career marketing materials?

Years ago I was a part of—and I am sure it still exists—the careers market. If a person does not know what career he or she wants to follow, going to a career market really will not answer some of the questions that he or she might ask. We must do more before we reach the point where people are being asked what they want to do. We must go much further back into the system—probably as far back as year 7 and year 8. What about the gathering of extensive statistically valid research and data on the nature and extent of skills shortages in participating industries, in particular, in traditional trades?

What about further research on occupational specialisation and segmentation? What about the identification and implementation of innovative training pathways within training packages? What about the development and implementation of marketing campaigns targeting employers and the creation of more fluid and effective linkages between ACT employers and students. Some of this happens currently, but I think more can be done to strengthen this area. More businesses should be alerted to the fact that they can take students into their work force. In the big picture we must ramp up what we are doing for trainees and apprentices and we must let people know how to go about taking on trainees.

What is this government doing to lift the profile of vocational education and training and to better support teachers who are seriously overworked? The answer to all those questions is very little, if anything at all. If this government is committed to skills shortages in the ACT, Mr Quinlan and Ms Gallagher should take note of what has been said by the Australian Education Union. They should read the report of the House of Representatives Standing Committee on Education and Training entitled *Learning to work*, which was released only three days ago.

Because of time limitations I will not be able to address that issue, but I am sure the minister has a copy of that report. There are some great recommendations in it. I fully support many of the recommendations in that report. I met today with a member of that committee and asked what the committee will be putting to the government. I will be following closely the recommendations of that committee. The ACT has skills shortages in a number of areas. I challenge the government to address seriously the recommendations in that *Learning to work* report.

The government must better support vocational education and training and VET teachers and students. Students require career counselling a lot earlier than they are receiving it at present. There should be a full-time and dedicated careers adviser in every ACT high

school. The government must create sustainable and effective linkages between VET institutions and the private sector. Pathways between schools and businesses are crucial to address these skills shortages. Sound policies are needed from the government that encourage ACT businesses to take on trainees and apprentices. VET teachers should be better supported. I have pleasure in supporting this motion.

**MS MacDONALD** (4.22): It is important that members understand the two factors that influence skills shortages. First, workers are not trained or provided with skills to do a certain job. The work itself does not attract workers. Second, workers might receive low pay, the work might be transitional in nature, and it might be physically demanding. The government has a limited influence over those factors. The Department of Employment and Workplace Relations identifies national skills shortages. The ACT is not large enough to qualify as a statistical local area, so its figures form part of the figures for New South Wales.

In the ACT, the Department of Employment and Workplace Relations has identified information communication technologies as a skill shortage. However, I would suggest that there are information communication technology skills shortages around the country. The ACT government, through the Chief Minister's Department and Treasury, identifies skills shortages after undertaking an analysis of the economic environment. The government also undertakes an analysis of Australian Bureau of Statistics data and the data provided by other Commonwealth agencies.

The Department of Education, Youth and Family Services consults widely with key stakeholders, such as the Chamber of Commerce and Industry, industry training advisory bodies and industry representatives and employers through forums and workshops. When I worked for an ITAB, the ACT government consulted with that body. I believe that that consultation has only increased since this Labor government has been in office. The result has been that skills shortages have been reported in some areas.

The department, through the Training and Adult Education branch, identifies these areas as priority areas for vocational education and training. An example of this proactive approach occurred in 2001-03 when a skill shortage was identified in the aged care industry. Funding was provided to train over 100 enrolled nurses over that period in addition to the normal intake of around 80 per year. Over the past five years funding has also been provided to train existing aged care workers in addition to increasing new apprenticeship numbers.

Those priority areas are described in the department's *Vocational education and training half-yearly outlook*, the most recent of which was published in November 2003. That document is published only after consultation with the organisations to which I referred earlier. I am aware that the industry training advisory bodies are consulted in that regard as I used to participate in that lengthy and complex process. Current priorities include arts and entertainment, automotive, business services, community services and health, finance and insurance, government administration and defence.

Business end-users of information technology, personal services and retail, printing and graphic arts, property services, sport and recreation have also been identified as priority areas. The in-depth analysis undertaken by the department enables us to direct much-needed resources into these areas. Planning decisions about purchasing training and

education are guided by these findings. Further, special attention is being provided to small business, existing workers in particular industries, women re-entering the workforce, indigenous people, mature age workers and youth.

Overall, it has been a success story. We are still maintaining our efforts to meet areas of need for ACT industries. The ACT government has highlighted specific actions to address skills shortages in the economic white paper. Let me refer to some of those actions. Action 18 will provide customised business-training initiatives for small business, giving them relevant skills to do the job, which is important. Action 20 will provide culturally appropriate business training for the indigenous community and for staff working in this field.

Action 32 is a new program that will build links between school and industry for secondary students who undertake work-based projects in the workplace. I look forward to seeing the outcome of that incredibly necessary program. Action 33, the training pathway guarantee, will provide one year's post-school vocational training for students who are not already in some form of work or undertaking further education. In effect, that means that those people will not be left alone, as has been happening in the past. They will now undertake some form of formal training or learning, which will assist them.

Action 34 involves skills development for young adults at risk. This initiative will focus on the wellbeing of young people at risk in our community. It will also provide them with skills training and employment. Action 36 involves the development of a vocational education and training program for mature age workers over the age of 45. This is one area of great interest to me. I am sure all members would be aware of my ongoing interest in vocational education and training. However, I also have a specific interest in lifelong learning. It is incredibly important that we focus on re-skilling or up-skilling workers who are over the age of 45. Those people's jobs may well have changed or they may no longer be available. We must refocus and add to the skills that they already have through this important program.

This government proposes further action through its social plan. There is a strong focus on lifelong learning and training, and there are priorities to increase participation and achievement in education by children and young people. This government has undertaken to increase literacy levels in our community and it is aware of the need to improve the transition between school, further study and the work force. On the issue of literacy, many of us take for granted the ability to read and write. The ability to read and write is essential if we are to obtain employment and participate fully in the community and in society. We can never overstate the importance of adequate literacy programs.

The government will implement pathway plans for year 9 students, which will increase their likelihood of achieving the year 12 certificate. I understand that similar plans will also be implemented for year 10 students. This government supports the implementation of disability standards of education, the continuation of the adult and community education program and non-accredited recreational training for the Canberra community.

Overall, this government's record is impressive and one which it intends to continue. This government's record demonstrates that it is addressing the skills shortages issue and it is taking this community forward through its commitment to well-resourced and

properly directed vocational education and training. Earlier, when Mrs Burke was contributing to debate on this motion, she said that this government was doing nothing in the area of career education and that it was doing nothing for careers advisers. If Mrs Burke had a close look at the budget she would see that this government committed $2 million for the provision of careers advice at both government and non-government schools.

I find curious the statement by Mrs Burke that this government is doing nothing in that area. I thank Ms Dundas for bringing to our attention this matter of public importance. Skills shortages are faced not only by the ACT; they are faced by every other state and territory. We must examine these issues in more detail. On Tuesday evening I attended a forum at which we discussed TAFE providers and the issue of skills shortages. We must ensure sure that workers have appropriate skills in the future. I thank Ms Dundas for brining this matter to the attention of the Assembly.

**MR PRATT** (4.31): I rise today to agree with Ms Dundas's MPI and join her and my colleague Mrs Burke to encourage the government to support ACT business to take on trainees and apprentices. The government has moved ahead on this issue and a lot has been done in the last couple of years, thankfully, but I would like to make some observations. To begin with I will run through the current information for both business and potential trainees/apprentices that is available on the Department of Education, Youth and Family Services website.

As of this morning there was information about becoming an apprentice or trainee; information on programs such as adult and community education, the student to industry program, the school-based new apprenticeship program, career pathways and VET. That is not too bad. However, there is no information to inform business how to become involved in these programs. If there is such information I would be happy to hear about it and, for the record, change my perspective—perhaps.

The information is not cross-referenced with the Business ACT website. The Business ACT website is quite well resourced with information for business—when you finally find it. It is not clear and it does not clearly assist businesses looking for a trainee or apprentice. Perhaps there is room for improvement there. We are talking about fine-tuning, not driving a bulldozer through existing programs. While the ACT government has programs in place to assist both business and trainees/apprentices, they are not clearly set out for businesses; the information is not readily available. It seems they rely more on business organisations or the general business community to educate business and organise traineeships and apprenticeships, rather than taking the lead and doing it themselves. I want to speak about that in more detail later—I have an example of that.

Business can work with government to help the community by employing people under traineeships or apprenticeships. However, working together does not just mean dumping in the laps of businesses; it means supporting and encouraging business through training, information provision and professional industry support to ensure that there is a successful relationship between the trainee/apprentice and the business. Once the linkage is made there needs to be ongoing support to encourage businesses to carry what they might see in the first instance as a bit of a burden. We need to tell businesses that they have a responsibility to carry this burden as well. That liaison must be maintained.

It is essential that partnerships are forged between government and business. The government must ensure that it is viable and cost effective for business to participate in these schemes. I know that some industries in this town do make sacrifices. I would like to see them perhaps make a few more sacrifices. There is a limit to the extent that which those sacrifices can be made, so the government needs to help business to generate these rather effective programs.

Cost-effectiveness does not relate only to financial incentives. It also means support to the business owner, especially small businesses owners, so that the majority of their time is not spent working out issues relating to the trainee/apprentice when this support could be provided by government. Many small businesses consist of a small number of people. If small businesses could be assisted by government in the day-to-day administration of matters relating to the trainee and the department of education can have a stronger liaison officer link between the government trainee provider and the small business owner, that would be quite positive.

We clearly have a significant shortage of skilled labourers in the construction industries. In many instances construction delays across ACT projects occur because of the shortage of skilled workers. The building industry is not, however, waiting for government to do something to assist in kick-starting some of these linkage programs to address the shortages; they are trying to assist education institutions to move this along. An example of a creative initiative where we do see industries in partnership with an education institution is the partnership between the construction industries and Copland College, which conducts building trades apprenticeship training. Not only that but, in a rather wonderful spirit, industry in this case has agreed to take on in their caseloads a number of youth at risk who are in danger of not finishing school. In addition to liasing with the college and picking up a number of students, they have also been prepared to take a risk.

**Ms Gallagher**: That is the whole point of the program.

**MR PRATT**: That is not the whole point of it.

**Ms Gallagher**: The whole point of the program is to take young people at risk.

**MR PRATT**: If that is the case that is an example of a very good pioneer project. We should not simply be asking an industry to take on youth at risk, we should also be trying to encourage industry and colleges to take on any budding apprentice, male or female, who wants to follow a trades pathway, perhaps even before going to university. All power to the principal of Copland College, I must say. There is a lot of imagination and dedication there, and a bit of pastoral care too. The government has a little more to do in generating these sorts of opportunities for youth at a loose end and to assist industries desperately looking for skilled labour.

I know the government understands the need because they have in place the right types of programs to address this area and there has certainly been significant growth. I say all power to the minister for moving down that track. The government has taken a number of new initiatives over the last couple of years and I think that is for the betterment of both industry and youth who do not want to go to university. However, for reasons I cannot fathom, the marriage between industry and our teaching and training institutions

is still not strong enough. I believe that more needs to be done at the departmental/corporate levels to generate this two-way traffic—on the one hand youth who need to be encouraged, guided, career counselled and then taken up and, on the other hand, industries which have a lot of gaps to be plugged.

Why is there still any disconnect at all? Is there an adequate strategic planning process at the corporate/departmental level in order to identify local industry requirements? I think there is, but I do not know that it is as effective as it could be. Who is managing the junction point between industry and education to identify perceived needs five and 10 years out? I believe that more can be done by the department at the local level. For example, is the department looking at the success that we have seen at Copland College, which is the result of the initiative between a particular part of industry and Copland, and trying to take that model and mobilise it more broadly across the ACT education system?

**Ms Gallagher**: There is one in Tuggeranong now.

**Mr PRATT**: That is great. The minister is nodding her head; I am pleased to see that. We need to see more than just a corporate plan; we need to see the department engaging at the high school, college and CIT coalfaces looking for those sorts of creative opportunities. I am glad to hear that Tuggeranong is picking that up. Let us see if we can get all of our colleges doing that. I am glad to see that the minister has been moving on the career guidance program. This is clearly an area that still needs to be worked on at the year 9/10 level, looking to streamline kids who are going to be better suited to VET and perhaps guided through colleges on that course.

In conclusion, we know that industries have needs and that there are significant shortages. We believe that a stronger marriage is needed at the corporate and departmental level. The career guidance model needs to be up-gunned so we can find kids who have the skills, capabilities and potential to go down some of those pathways. The department needs to be a little more creative in tracking down and reinforcing the success stories, particularly at the college level, to ensure that we can strengthen that marriage between industries, schools and other training providers.

**MR SPEAKER**: The time for the discussion is concluded.

## Postponement of order of the day

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

> That order of the day No 1, Assembly business, be postponed until after order of the day No 2, Executive business.

*(Quorum formed)*

## Environment Legislation Amendment Bill 2004

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

Title read by Clerk.

**MR STANHOPE** (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (4.43): I move:

> That this bill be agreed to in principle.

I seek leave to have my in principle speech incorporated in *Hansard*.

Leave granted.

*The incorporated document appears at attachment 1 on page 1608.*

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

## Statute Law Amendment Bill 2004

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

Title read by Clerk.

**MR STANHOPE** (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (4.45): I move:

> That this bill be agreed to in principle.

I seek leave to have my in principle speech incorporated in *Hansard*.

Leave granted.

*The incorporated document appears at attachment 2 on page 1609.*

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

## Charitable Collections Amendment Bill 2004

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

Title read by Clerk.

**MR WOOD** (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for Police and Emergency Services and Minister for Arts and Heritage) (4.46): I move:

> That this bill be agreed to in principle.

I seek leave to have my in principle speech incorporated in *Hansard*.

Leave granted.

*The incorporated document appears at attachment 3 on page 1610.*

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

## Planning and Environment—Standing Committee
### Proposed reference

Debate resumed from 11 March 2004, on motion by **Mrs Dunne**:

> That the Legislative Assembly refer to the Standing Committee on Planning and Environment for investigation and report by 1 July 2004, the proposal for aged care facilities on part of Section 99, Block 11, Holt, the disused holes 19 to 27 of the Belconnen Golf Course and on the amendment moved by Ms Dundas: Omit everything after "1 July 2004", substitute:
>
> "(1) the proposal for aged care facilities on part of Section 99 Holt, and disused holes 19 to 27 of the Belconnen Golf Course;
>
> (2) the proposal for aged care facilities on Section 87 Belconnen, with particular reference to any impact on the social and environmental impact upon Belconnen Lakeshore; and
>
> (3) refer to the demand for aged care accommodation in the Belconnen region and any other relevant sites.".

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

## Privileges—Select Committee
### Report

Debate resumed from 30 March 2004, on motion by **Ms Tucker**:

> That the report be noted.

**MS DUNDAS** (4.48): Members have taken the opportunity this morning to say most of what needed to be said in relation to this report. We have had the reports of two privileges inquiries tabled recently which made a raft of recommendations to improve the workings of this process and of this Assembly. We should now move forward with the recommendations in relation to the advice and support given to members and make sure that the framework within which privileges committees operate are streamlined. Standing orders are currently being reviewed. I am happy to note this report.

Question resolved in the affirmative.

## Community Services and Social Equity—Standing Committee
### Report

**MR HARGREAVES** (4.49): I seek leave to move a motion to allow the Standing Committee on Community Services and Social Equity to report on its inquiry into support services for families of people in custody while the Assembly is not sitting.

Leave granted.

**MR HARGREAVES**: I move:

> That if the Assembly is not sitting when the Standing Committee on Community Services and Social Equity has completed its inquiry into support services for families of people in custody, the Committee may send its report to the Speaker, or in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, circulation and publication.

The Standing Committee on Community Services and Social Equity has a term of reference which includes support services for families of people in custody and also services to children in Quamby. There is quite a bit of work involved in this. We realise that the workload of the Assembly is going to be extensive in the very near future and we believe there is a chance that the report will be completed between sittings. It would be most appropriate if members were able to gain access to that report without waiting for the next rather full sitting day.

## Planning and Environment—Standing Committee
### Report

**MRS DUNNE** (4.51): I seek leave to move a motion to allow the Standing Committee on Planning and Environment to report on its inquiry into the Karralika drug rehabilitation facility when the Assembly is not sitting.

Leave granted.

**MRS DUNNE**: I move that the resolution of the Assembly of 11 February 2004 be amended by inserting a new paragraph 9 that says:

> That if the Assembly is not sitting when the Standing Committee on Planning and Environment has completed its inquiry into the Karralika Drug Rehabilitation Facility, the Committee may send its report to the Speaker, or in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, circulation and publication.

Question resolved in the affirmative.

## Postponement of order of the day

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

> That order of the day No. 1, Executive business, relating to the Electoral Amendment Bill 2003 be postponed until the next sitting.

Question resolved in the affirmative.

## Architects Bill 2004

Debate resumed from 4 March 2004, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

**MRS DUNNE** (4.53): The Architects Bill is an important piece of legislation that brings the licensing and description of the works done by architects into the twenty-first century. It replaces a 1959 act which is sorely out of date. Through my consultation with the industry the message has come loud and clear to the opposition that the industry is very much in favour of this legislation being passed. It was said to me that the bill was about 95 per cent of what the industry could ask for.

The industry does have reservations. I will attempt to address some of those reservations in my amendments. The opposition will be supporting this bill in principle and in its final amended form. We believe that it is an important piece of legislation for bringing clarity into the issue of the registration, licensing and regulation of architects, which is overdue. The practising arm of the industry has some concerns with the bill which relate to the imposts and legal requirements on nominees. I contemplated drafting some amendments in that regard but it would really have meant gutting the bill and going back to taws. The general message was that it was more important to pass the bill, even if it was a bit flawed, than trying to make it 100 per cent.

There is concern in the industry about the implications for nominees. I know the government has attempted to address some of those issues by amendments which have not yet been circulated in this place. I would like to place on the record one of the concerns of the industry, which is also my concern. It is not so much about the issue of nominees in general but nominees who are specifically employees of a company, and possibly a large company. Nominees who are partners in a company have a much better deal of it but, if someone is an employee, there is the risk—and I think it should be flagged here—that those people may become the scapegoats if anything goes wrong in an organisation. I would like the government to make it clear that that is not the intent of the bill.

That situation could be remedied by way of amendment but it would be quite complex and would needlessly hold up the passage of this bill. So I have not gone down the path of amending the bill, but I think we should flag that as an issue of concern. When we come to review the bill—all acts are reviewed after they come into operation—this is something that should be kept in mind. We should ensure that the operation of provisions in relation to nominees is such that nominees who are employees as opposed to partners or members of boards are not victimised.

I have some other quibbles with this legislation. The officials have tried to "harmonise" on this—they are not allowed to hum. The aim was to harmonise the regulation of architects from one jurisdiction to another. There is a view that we are not nearly as harmonious as we should be. There are some particular concerns because the ACT is an "island" surrounded by New South Wales. People in the New South Wales region practise in the ACT and require registration here as well as in New South Wales and—vice versa—Architects based in Canberra practise in New South Wales and require registration there, and there are some inconsistencies.

I have attempted to address some of those inconsistencies in amendments to more closely harmonise the ACT laws, the description therein of what architectural services are and some of the disciplinary measures, so they are more in keeping with New South Wales provisions. The clear message from the Productivity Commission when they reported on

the regulation of architects was, first of all, that perhaps we should not do it but that, if we are going to do it, regulation needs to be minimal and it needs to be consistent across jurisdictions.

Whilst I have some reservations about the lack of consistency, the clear messages are that this is a vast improvement on the existing legislation and that what has been done in this legislation goes most of the way to creating a good regime. There are some concerns which I think that the government in this place and practitioners need to keep in mind to ensure that there are no unintended consequences. The Liberal opposition will be supporting the bill.

**MS TUCKER** (4.58): This bill sets up a system of registration somewhat similar to the licensing regime recently established for the construction occupations. This project had its genesis in a Productivity Commission report in 2000 which suggested, I imagine for reasons of competition and efficiency, that all architects legislation be withdrawn. Fortunately, another possibility suggested was to establish a registration process, which is the path we have followed here in the ACT and, it would seem, in all jurisdictions. One of the principles of this project has been to seek, as much as possible, to harmonise the registration schemes across all the states and territories. So while we will not end up with a national scheme exactly, we will have a fairly strong correlation between the different jurisdictions and a national database.

This bill has, of course, been developed in fairly extensive collaboration and consultation with architects themselves and the industry. It sets up a registration scheme, with the registrar answerable to a board made up of architects and non-architects, establishes complaint and disciplinary procedures and a nominee scheme to ensure that all work described as architectural is indeed vouched for by an architect. I think it is worth picking over the essential differences with the registration scheme being introduced here and the licensing scheme so recently introduced for occupations in the construction industry.

In essence the licensing scheme requires that all people carrying on work identified as construction occupations, such as building and plumbing, be licensed. With regard to building design work, there is no requirement for such a designer to be a registered architect. There are blanket restrictions in some jurisdictions where, for example, buildings of more than two floors must be designed by an architect. In this bill, however, there is no requirement for any designs to be produced by architects.

The purpose of this bill is to ensure that only work by architects can be advertised or promoted in this way. In many ways it addresses the needs of architects to have a recognised profession delivering services with assured quality, rather than the public being able to obtain building designs from either an architect or another source. Given the fact that this is a registration scheme rather than a licensing scheme, and given the fact that the ACT supports a fairly limited number of practising architects, it makes sense to appoint a registrar to work with a fairly small board.

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

**MS TUCKER**: I have an amendment that will require the board to report to the minister annually and another amendment to ensure that conflicts of interest are disclosed via the minister to the relevant Assembly committee, echoing provisions in the action act. I am aware that the RAIA has some concerns with the role of nominees. Arguably the purpose of nominees is different in this bill. Here we are dealing with the optional added value of a registered architect as opposed to the obligatory expertise that comes with a licensing scheme.

As I understand it, the RAIA was suggesting that the nominee architect ought not to be left holding the baby if things go pear-shaped and that somehow the business ought to deal with the pears and the babies. There seems to be a problem with the architect needing to have alerted the business to unsatisfactory practice to relieve themselves of responsibility. I understand those concerns but cannot see how we can let them off the hook and still ensure that the work in question is performed by or judged satisfactory by a nominated professional.

We could do away with nominees altogether and simply leave the market and the courts to sort out whether the work is of a satisfactory standard and if it has or has not been performed by a registered architect. The problem then would be that the quality that architects believe they offer and want to assure the public they provide is uncertain. I appreciate that architects express concern about the level of responsibility they consider this bill will impose on them, but have come to the view that there are no halfway measures available. The government amendment, however, does remove the uncertainty that seems to be attached to terms such as "supervise", "provide" or "responsible" and leave the interpretation of ensuring "compliance with the act" up to the architects board.

Another matter of concern is the definition of crimes that warrant disciplinary action. When the deregistration of architects is considered, on one hand the basic hurdle seems to be one of bankruptcy, and an offence with a penalty of imprisonment for a year or more on the other hand. The establishment of disciplinary grounds applies to offences resulting in imprisonment for a year or more, but they are specified as involving fraud, dishonesty or violence.

While no-one wants to endorse violence, I do not see how that necessarily reflects on one's capacity as an architect. Such a specification might have ruled out Francis Greenway! However, there being grounds for disciplinary action does not alleviate the board from responsibility to consider the relevant circumstances; so offences such as violence would apply only if they were relevant to the architect's practice. Similarly, bankruptcy would only be grounds for deregistration when the bankruptcy is relevant to their practice. This bill is well structured and I will support it. I will address some other points at the detail stage.

**MS DUNDAS** (5.04): The ACT Democrats will be supporting the Architects Bill. This bill, like all the bills debated in the past sitting weeks, has been a long time coming. It is unfortunate that this work was not done sooner. There is certainly the impression that the urgency of the architects legislation being dealt with today is tied to the fact that the ACT has lost national competition policy payments. That is regrettable but should not be the sole impetus for government to legislate. Obviously the existing Architects Act was

out of date and needed reform and this bill provides a reasonable solution to the problems presented in the old act.

I would like to talk briefly about the Productivity Commission's report on the review of legislation regulating the architectural profession. The heart of the report goes to the issue of competition between architects and building designers and the fact that legislation should not unduly restrict that competition. The commission's report went significantly further than this legislation, recommending that all state legislation be repealed and that the industry should be self-regulated by a national framework. However, it is my understanding that the states did not agree to this framework but agreed to update and modernise their architects boards and remove unnecessary restrictions on the practices of building designers.

I am not aware of any particular restrictions that exist on building designers in the territory. I am certainly not aware of any laws that restrict the practice in the ACT like those in other jurisdictions that mandate that architects must design certain buildings. The commission noted that other professional bodies such as accounting or engineering bodies are able to maintain their professional standing without statutory regulation.

This bill represents a compromise between the findings of the Productivity Commission, state and territory governments and architects. It is a reasonable compromise and I think we should note that sometimes leaving room for discussion and compromise in government can be a positive thing. I am aware that additional concerns about the bill have been raised by the industry, including the Royal Australian Institute of Architects. I think some of those concerns stem from confusion about the meaning of particular parts of the legislation and others are problems where there is disagreement about the form of regulation. But in general there seems to be a consensus with stakeholders that they will be able to live with the general outcomes presented today. I particularly welcome the inclusion of a community representative on the architects board to give consumers more of a voice in the regulation of the profession.

I note that a number of my colleagues have amendments to this bill. I agree with the sentiments raised by Ms Tucker's amendments that the board does not currently have to report on its activities. I will be listening with interest to Mrs Dunne's comments on her amendments. At this stage I am not inclined to support them as they appear to significantly alter the ability of the board to discipline its members. I will await with interest more discussion on those amendments in the detail stage. That being said, I am happy to support the Architects Bill 2004.

**MR CORBELL** (Minister for Health and Minister for Planning) (5.08), in reply: This bill finalises the national reform process that began as a response to national debate on the issues of architects legislation. The Commonwealth, on behalf of all states and territories except Victoria, requested that the Productivity Commission review architects legislation across Australia. The review was for the dual purpose of assisting jurisdictions to meet their obligations under the national competition policy agreements and to achieve greater consistency in any future regulation of the architectural profession in Australia. The review was completed in the year 2000.

The national framework for the harmonisation of architects legislation was developed through the Australian Procurement and Construction Ministerial Council following the

joint state and territory response to the Productivity Commission's original recommendations. This framework enables jurisdictions to legislate to support nationally agreed recommendations, allowing for essentially a developed set of professional standards as the basis to register architects in Australia. As well as satisfying competition policy objectives in the national harmonisation agreement, this bill updates an antiquated act.

The bill establishes the ACT Architects Board to ensure that registered architects provide services to the public in a professional and competent manner. It also provides mechanisms to discipline registered architects who are found to have acted unprofessionally or incompetently. The board will be responsible for registering architects, investigating complaints against architects and where necessary taking disciplinary action.

The new complaints and disciplinary processes parallel arrangements in the recently passed Construction Occupations (Licensing) Act. The board will also investigate matters referred to it by the minister for advice and report in relation to the practice of architecture, including codes of professional conduct. A key role for the board will be to provide general advice to consumers of architectural services. This is particularly important with respect to professional conduct and standards of competence expected of registered architects.

While the existing act provides only for the registration of individual architects, these days many firms provide a range of services including architectural services. The bill requires a firm that provides architectural services to nominate one or more registered architects to be responsible for supervising the provision of these services by the corporation or partnership. To be eligible to be a nominee the registered architect must be a director, partner or employee of the corporation or partnership. This issue of nominees has been the subject of vigorous debate in all jurisdictions that have embarked on legislative reform since 2000. The Royal Australian Institute of Architects' preferred position is that, to be able to provide architectural services, companies and partnerships must have a majority of registered architects as directors or partners.

It is interesting to note that both the New South Wales Architects Board and the Architects Accreditation Council of Australia made submissions to the commission that the existing restrictions in relation to companies and partnerships were not appropriate. The important issue is to ensure that, where a company or partnership provides architectural services, those services are provided or supervised by a registered architect. This conclusion was reflected in the commission's second recommendation and subsequently in the framework for harmonisation which the ACT government supports. Multi-disciplinary firms were not common when jurisdictions originally developed architects legislation. This reform deals more effectively with the need for arrangements for the provision of architectural services by both single and multi-disciplinary firms.

Members may be aware that Queensland and New South Wales have new architects acts. The Northern Territory amended its existing legislation to include provisions that have the same effect as the nominee provisions proposed in this bill. Western Australia has introduced legislation that also has provisions comparable to the nominee provisions. While I appreciate that the RAIA does not support the nominee provisions as its preferred approach it would be irresponsible of the ACT to draft legislation consistent

with the RAIA's approach. To do that would put us out of step with the jurisdictions that have reformed their legislation in accordance with the agreed principles.

The RAIA was advised when we began drafting this bill that this matter was not open to negotiation because of our commitment to harmonisation principles. The RAIA raised the issue of the nominee provisions again in the last week, specifically in relation to the function of the nominees and their concerns that the functions may be problematic for firms that only provide architectural services and only employ registered architects. Their concern was in relation to the word "supervise". Now that the RAIA has clarified what their specific issue is in relation to the nominee functions I believe it is appropriate to amend clause 30 of the bill. The amendment I will move provides more flexibility for the nominee in performing their functions, depending on the operating arrangements of the firm in relation to architectural services.

The provision for a code of conduct is one of the most significant consumer protection improvements of this bill. The code will relate to professional standards and client service required of all registered architects. A failure to operate in accordance with an approved code would be a ground for disciplinary action. The RAIA and the Architects Accreditation Council of Australia have worked together to develop a moral code of professional conduct which New South Wales, with some modifications, is proposing to adopt. The ACT will use this model as the basis for a professional code of conduct under this legislation.

As members will be aware the scrutiny of bills committee raised an issue in their report 46 of 24 March, relating to the operation of clause 54. The clause relates to the giving of confidential information to the architects board by an architect subject to a disciplinary inquiry. The clause provides that the architect is not civilly liable for the giving of the information to the architects board as part of the disciplinary process. The issue raised by the scrutiny of bills committee is whether such deprivation of protection for the confidential information is a breach of a right to privacy. The committee made a number of suggestions for a less rights restrictive approach to achieve the objective of the clause.

Taking the clause in context this provision only relates to confidential information divulged as part of a disciplinary process. Disciplinary processes, including inquiries, are not undertaken in public because of a need to ensure that the rights of any architect subject to possible disciplinary action are protected. Because of the way in which the disciplinary process is undertaken, the giving of confidential information necessary to enable the board to make a well-informed decision is also protected.

It is important to note that the confidential information must be relevant to the disciplinary grounds that gave rise to the commencement of the process. If the board receives confidential information it has the power to call the client who is the owner of the confidential information as a witness in an inquiry or seek further information directly from the client in relation to the confidential information received. Because clause 54 only applies in the context of disciplinary proceedings, the divulging of confidential information outside of these processes could be subject to civil action.

I believe that the provisions of the bill as drafted provide sufficient safeguards for the handling of confidential information and have therefore decided it is not necessary to prepare any government amendments to the bill in relation to clause 54. The team that

has advised the government on the drafting of this bill included representatives of the RAIA, the Board of Architects and the Architects Accreditation Council of Australia.

The quality of this bill is due largely to the sharing of knowledge and professional advice on the legislative requirements to make it workable, effective and, most importantly, consistent with the national harmonisation principles. The bill is a significant step towards the harmonisation of architects legislation. It provides a more effective framework for ensuring consumers have access to and knowledge of the professional competencies required of registered architects. It will make an important contribution to improving the quality of building design in our city. I commend the bill to the Assembly and thank members for their support of the bill in principle.

Question resolved in the affirmative.

## Detail stage

Clauses 1 to 6, by leave, taken together and agreed to.

Clause 7.

*(Quorum formed.)*

**MRS DUNNE** (5.19): I move amendment No 1 on the pink paper circulated in my name *[see schedule 1 at page 1612]*.

This is the first of three amendments to be moved by me which, as I said in the in principle stage, seeks to more closely harmonise this bill with the New South Wales act. This definition substitutes the definition in the current act, which is somewhat circular, with the definition contained in the New South Wales act which more accurately describes architectural services. The questions of definition are a problem. Sometimes we end up with definitions which are descriptions of the bleeding obvious in some ways. For instance it says in clause 7 (1) of the existing act that in this act "architectural services" means a service about architecture that is ordinarily provided by a person eligible to be registered under this act.

It does not actually say anything about what sort of service that is. It is not very descriptive and it was one of the things that gave pause to myself. When I discovered that this was also a concern at the Institute of Architects I thought it was reasonable that we should adopt something more rigorous. The principal complaint, and what the Royal Australian Institute of Architects in the ACT had to say about this legislation was that there was not enough harmonisation with New South Wales and that, if you have people working across the border, it is appropriate that there should be more harmonisation. This definition is the definition in the New South Wales act and it means that we are comparing apples with apples. I commend the amendment to the House.

**MR CORBELL** (Minister for Health and Minister for Planning) (5.21): The government will be supporting this amendment which inserts the definition of "architectural services" that is in the New South Wales Architects Act 2003. I am sure members will be interested to know that the definition proposed by Mrs Dunne is in fact the original definition proposed by the government at the start of this legislative reform process. The

definition was changed to the one in the bill at the request of the Royal Australian Institute of Architects. While the issue of this definition has not been raised with the government since, if the profession has now decided that the New South Wales definition better describes the services they provide then the government is very happy to revert to its original proposal.

**MS TUCKER** (5.22): As has been explained, this reverts to the original definition of "architectural services" proposed for the bill and I am happy to support it.

Amendment agreed to.

Clause 7, as amended, agreed to.

Clauses 8 to 29, by leave, taken together and agreed to.

Clause 30.

**MR CORBELL** (Minister for health and Minister for Planning) (5.23): I seek leave to move amendments Nos 1 to 3 circulated in my name together.

Leave granted.

**MR CORBELL**: I move amendments Nos 1 to 3 circulated in my name *[see schedule 2 at page 1613]*.

Clause 1 specifies the functions for a nominee of a firm in relation to the provision of architectural services by the firm. The existing provision specifies that the function of a nominee is to supervise the architectural services provided by the firm and ensure that the provisions of these services comply with the act. This amendment modifies the functions to remove the specific reference to "supervise" so that the function of the nominee is now simply to ensure that the architectural services for which the nominee is responsible complies with the act. This provides an appropriate degree of flexibility in the nominee functions, to enable firms that provide architectural services to make appropriate arrangements that do not unnecessarily complicate their administrative and operational requirements. While the requirement to supervise is no longer specified it does not change in any way the functions of the nominee. My second amendment, under clause 30 (2) it says:

> The nominee commits an offence if they fail to adequately fulfil their specified functions.

This amendment aligns the offence provision to the function specified in the new clause 30 (1) so that the nominee commits an offence if they fail to ensure that the relevant architectural services comply with the act. Finally, my amendment No 3 aligns the offence provisions to the new clause 30 (1) so that a corporation or a partner in a firm commits an offence if a nominee has failed to ensure that the relevant architectural services comply with the act.

**MS DUNDAS** (5.25): There has been a lot of discussion about the terminology used in these clauses. I understand that the minister has decided to omit these clauses

substantially in order to allay the concerns of the industry. My understanding of the problem is that there was some debate over the specific meaning of "supervise" and what that word means in terms of the responsibilities of a nominee. The decision to omit these clauses and replace them with quite simple wording seems to be a reasonable way forward, as the provision that a nominee must ensure compliance with the act seems to be sufficient for the operation of the act.

**MRS DUNNE** (5.26): The opposition will be supporting these amendments. I think it goes most of the way, if not all the way, to addressing the concerns I have about the role of nominees. I think that, whilst doing that, it is something we need to be mindful of in the operation and the eventual review of this act to ensure that, while this provision works well for customer protection and consumer protection, it does not put an onus of impact on employees rather than partners, or members of a board. I think the minister's proposed amendments will address all of those things; I hope that is the case. This is certainly an improvement on what is there already.

Amendments agreed to.

Clause 30, as amended, agreed to.

Clauses 31 to 40, by leave, taken together and agreed to.

Clause 41.

**MRS DUNNE** (5.27): I move amendment No 2 circulated in my name *[see schedule 1 at page 1612]*.

This amendment seeks to put more clarity into the disciplinary provisions in this act. Disciplinary provisions are of course very important and this attempts to describe more fully what disciplinary provisions should be looked at under the act. I have some concerns with the current structure. Again, this is a very open-ended and vague way of dealing with discipline. This takes away the general open and vague provisions that currently exist and substitutes descriptions of "professional misconduct" and "unsatisfactory professional conduct" that relate more precisely to specific actions that may be a problem under this legislation.

This amendment provides clarity and certainty for practitioners and consumers. I think it would be a better way of proceeding. This again reflects the provisions in the New South Wales act, which I have been seeking to harmonise as much as possible, for ease of swapping between jurisdictions. One of the things that bedevils us in federation is that people may operate their businesses across jurisdictions and there are different sets of rules in each jurisdiction, which adds to the cost of running a business. I think that wherever we can minimise that we should do so.

**MR CORBELL** (Minister for Health and Minister for Planning) (5.29): The government will not be supporting this amendment as it has what the government considers to be quite a detrimental effect on the operations of the disciplinary provisions in the bill. There are two key reasons why this amendment and the subsequent amendment Mrs Dunne proposes to move should not be supported. The first point I would like to make relates to the proposed definitions of "professional misconduct" and

"unsatisfactory professional conduct". Members will note that the last provision of both definitions enables regulations to be made that could effectively expand the definitions. I think this is a totally inappropriate arrangement, given that both definitions are the basis for taking of disciplinary action.

The benefit of the current structure of the bill is that the disciplinary grounds are clearly stated so that registered architects know absolutely the grounds that could result in disciplinary action. Mrs Dunne's amendments propose the removal of these clearly stated grounds and placing them in a definition that can be adjusted by regulation. This introduces an element of uncertainty to the disciplinary provisions and would mean that the grounds for disciplinary action sit in two places. This has the potential to complicate and confuse the process and is, in the government's view, a backward step. This is particularly so when one of the principles of harmonisation is to introduce a more transparent disciplinary process. This amendment would clearly fail that test, and the government will not be supporting it.

**MS DUNDAS** (5.31): The Democrats cannot support these amendments either. My understanding is that, while the amendments reflect the content of the New South Wales act, they do not fit with the intentions of the ACT bill; nor do they reflect the approach taken by the bill in general. My understanding is that these amendments would drastically change the meaning of "disciplinary grounds", meaning that the board could not take action—even very minor action such as a reprimand—unless the misconduct of an architect was so great as to justify the suspension or cancellation of their registration. I believe this could hamstring the board so that it could take only an all or nothing approach to disciplining architects. Thus the board would be unable to take disciplinary action on minor grounds, where a reprimand or small fine would be the most appropriate way to deal with a transgression, rather than a full suspension or cancellation of registration.

**MS TUCKER** (5.32): The Greens will also be opposing these amendments. While the argument others have put is that these amendments bring things into closer harmony with New South Wales, it is important to understand that none of the legislation is entirely in harmony with that in other states. This bill specifies quite closely a regime for disciplinary action. By creating a definition of "professional misconduct" in this way, these amendments, if successful, would in essence limit action to offences of misconduct serious enough to warrant deregistration. In other words, no disciplinary action would be possible until offences reach such a level of seriousness.

Amendment negatived.

Clause 41 agreed to.

Clause 42.

**MRS DUNNE** (5.33): I move amendment No 3 on the pink paper circulated in my name *[see schedule 1 at page 1612]*.

I will move this amendment because it gives me an opportunity to raise an issue of particular concern to me which is outside the provisions you would normally find in an act. One of the things that causes considerable concern to me and to others is clause

42 (1) E which says that a disciplinary ground is, amongst other things, that the architect has been found guilty in the ACT or elsewhere of an offence involving fraud, dishonesty or violence that is punishable by imprisonment for one or more years. I can understand fraud or dishonesty but I am not sure about violence. We do not have "fit and proper persons tests" in the ACT.

I explored ways of addressing this with the drafter. Perhaps I should have had a backup amendment—that is something we should consider in future. As far as I know there are no provisions in other laws that would make violence a disciplinary ground. I stand to be corrected if that is it not the case. It certainly is it not the case in New South Wales and I wonder why—I know that we abhor violence—it would be a disciplinary ground so that a person could no longer practise as an architect. I can understand fraud, dishonesty and incompetence, but we just have to raise the question about that issue. There is no amendment that would delete it, and I probably should have had a backup amendment to do so. I raise it as a matter of concern.

**MS DUNDAS** (5.35): I too noted with concern this piece of the legislation but, as with Mrs Dunne, it was quite a difficult piece of the legislation to amend. As I stated earlier I am not going to support Mrs Dunne's amendment, but I thank her for raising those issues with this particular clause of the bill. It is something we are going to need to keep an eye on.

**MR CORBELL** (Minister for Health and Minister for Planning) (5.36): The government will not be supporting Mrs Dunne's amendment No 3. Without going into too much detail, Mrs Dunne's amendment means that an architect must do something serious enough to warrant the cancellation or suspension of their registration before action can be taken on a less serious breach. That is because the "unsatisfactory professional conduct" upon which the finding of professional misconduct is based becomes a disciplinary ground only after the architect has committed professional misconduct; the board cannot take disciplinary action until a disciplinary ground exists.

In essence, the registered architect must have done something serious enough to warrant cancelling their registration before you could then deal with lesser disciplinary grounds that might only have warranted a reprimand. That is clearly not an appropriate approach where you want to be able to issue reprimand for less serious offences without having to first meet the threshold test of a serious misconduct charge and potential cancellation of the right to practice. The problem, I think, is that Mrs Dunne is trying to impose part of a complaints process and definitions from New South Wales into the ACT bill, which has a specified disciplinary process needing specified disciplinary grounds. The justification for Mrs Dunne's amendments is to harmonise with the New South Wales provision but it is important to put things in perspective.

The government's bill, as with the reforms completed in New South Wales, Queensland, Western Australia and the Northern Territory, is only the beginning of the harmonisation process. It was also recognised during the negotiations on the harmonisation principles that each jurisdiction would have local variations that reflected their preferred legislative and administrative approach. Not every jurisdiction has definitions for both "unsatisfactory professional conduct" and "professional misconduct". In fact, the Northern Territory and Tasmania do not define either term.

The jurisdictions that have one or both definitions use them in different ways. In the Western Australian and Queensland models, their equivalents of "unsatisfactory professional conduct" are only one ground for disciplinary action. In Victoria, "unsatisfactory professional conduct" is when the registered architect does not comply with a disciplinary action imposed by the tribunal.

The New South Wales definition of "unsatisfactory professional conduct" is, in fact, the disciplinary grounds defined in this bill. Clearly it would be beneficial for there to be agreement on those definitions, as the architectural profession is a very mobile work force. Architects often work between jurisdictions and no doubt ACT based architects will face the same issues when working in other jurisdictions that do not have an identical act to ours. However, each jurisdiction has their own way of describing what actions are unacceptable in relation to the conduct of architects.

If all jurisdictions agree that a definition of either or both terms is necessary and agree on what the definitions should be and how they are applied, I am sure the government would be happy to amend the bill and the act, once it is passed, to include these definitions. However, I believe the information I have just indicated to members makes it clear that we are a long way from that point and that the existing provisions are more appropriate, transparent and consistent with the principles of harmonisation.

On a final point in relation to the issue of violence which Mrs Dunne raised, I am advised that this particular issue of violence, if you like, is only relevant insofar as it is relevant to their practice as an architect. Say there is a matter of violence between an architect and a client, then clearly that is potentially an issue of unprofessional conduct of some type and it is therefore relevant to have it included.

**MRS DUNNE** (5.40): I thank the minister for that clarification. I think it is very important and needs to be amplified—because this debate has extrinsic material—that this reference to violence is in relation to an architect's professional duty and not to their private life outside their business life. That is a welcome clarification.

Amendment negatived.

Clause 42 agreed to.

Clauses 43 to 66, by leave, taken together and agreed to.

Proposed new clause 66A.

**MS TUCKER** (5.41): I move amendment No 1 circulated in my name which inserts a new clause 66A *[see schedule 3 at page 1614]*.

This amendment requires the architects board to report annually to the minister under the Annual Reports (Government Agencies) Act 2004. This ensures greater transparency and accountability than would otherwise be provided.

**MR CORBELL** (Minister for Health and Minister for Planning) (5.41): The government will be supporting this amendment and Ms Tucker's amendment No 3 that provides

regulations to support the new clause 66A. This bill establishes the board, to exercise its functions independently, impartially and in the public interest. However, it is appropriate for the board to provide an annual report to the minister outlining activity in relation to complaints and disciplinary action and any other matter of relevance to their functions. The minister's power under clause 67 to direct the board to report on certain matters could achieve the same outcome as these amendments; however, from an administrative and accountability perspective a mandatory annual reporting requirement is a more appropriate arrangement.

**MS DUNDAS** (5.42): This amendment ensures that the architects board remains accountable to the minister and to the community. This is a non-controversial amendment and simply ensures that the work of the architects board is publicly available and open to scrutiny under the annual reports act. Ms Tucker's second amendment requires that the board report on a number of specific statistics, as well as on their general activities throughout the financial year. I am happy to support these amendments to provide a little bit more of an accountability mechanism in this act.

**MRS DUNNE** (5.42): The Liberal opposition will be supporting Ms Tucker's amendment. It is a good idea and, dare I say, it harmonises with the approach taken by this place in the construction industries legislation that was passed recently. To echo what Ms Dundas said, it just creates more transparency and means that the activities of the board are more publicly available. I support the idea.

Proposed new clause 66A agreed to.

Clauses 67 to 71, by leave, taken together and agreed to.

Clause 72.

**MS TUCKER** (5.43): I move amendment No 2 circulated in my name *[see schedule 3 at page 1614]*.

This amendment amends the disclosure of interest provisions to ensure that they are reported to the minister and, through him or her, the relevant Assembly committee. It mimics provisions of disclosure in other acts.

**MR CORBELL** (Minister for Health and Minister for Planning) (5.44): This amendment expands on the disclosure of interest provisions in clause 72. The current provision requires a board member to disclose a direct or indirect personal or financial interest in a matter under consideration by the board. The disclosure must be recorded in the board's minutes and the board member must not take part in any consideration or decision on the matter.

This amendment has the requirement for the chairperson to provide a statement to the minister on any disclosures within seven days after the end of each financial year. The minister must then give a copy of the statement to the relevant standing committee of the Assembly. The amendment will assist in ensuring the transparency and accountability of the board's operation. The government is happy to support the amendment.

**MRS DUNNE** (5.45): As chairman of the Planning and Environment Committee I think, "Oh dear! More work for the Planning and Environment Committee." But I support the intent of Ms Tucker's motion. This is a path we will need to go down more often when setting up boards—especially registration boards—and committees of this kind so there is a clear understanding of where there might be conflicts, and that these are in the public domain. I commend the amendment.

Amendment agreed to.

Clause 72, as amended, agreed to.

Clauses 73 to 104, by leave, taken together and agreed to.

Schedule 1.

**MS TUCKER** (5.46): I move amendment No 3 circulated in my name *[see schedule 3 at page 1614]*.

This amendment specifies some of the details which the architects board needs to report on annually to the minister. It is not an onerous duty but it is an important one.

Amendment agreed to.

Schedule 1, as amended, agreed to.

Dictionary agreed to.

Title agreed to.

Bill, as amended, agreed to.

## Public Accounts—Standing Committee
### Report 2

**MR SMYTH** (Leader of the Opposition) (5.47): Pursuant to order of the Assembly 12 February 2004 I present the following report:

> Public Accounts—Standing Committee—Report 10—*Financial Management Amendment Bill 2003 (No 3)*, including a dissenting report, dated 31 March 2004, together with a copy of the extracts of the relevant minutes of proceedings.

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

Leave granted.

**MR SMYTH**: I move:

> That the report be authorised for publication.

Question resolved in the affirmative.

**MR SMYTH**: I move:

> That the report be noted.

On behalf of the Standing Committee on Public Accounts, it is a pleasure to present the report on the Financial Management Amendment Bill 2003 (No 3). The bill was referred to the committee and concerns the use of the Treasurer's Advance. I suspect that it grew out of long-term concerns about how the Treasurer's Advance is used and, in particular, about the use of $10 million of the Treasurer's Advance that was moved to fund fire safety in ACT Housing the year before last.

The committee examined the bill; held public hearings, which the Treasurer, the newly-appointed Auditor-General, Mrs Tu Pham, and Ms Dundas attended; and sought submissions. If members look at the appendix, they will see that the committee received submissions from most of the states and territories and the Commonwealth. Overall, it was interesting to see what is happening in other jurisdictions. The summary in appendix C shows the various ways that other jurisdictions approach the use of the Treasurer's Advance. The majority are somewhat more lax than that currently in place in the ACT at this stage.

After some discussion, the committee made four recommendations. Rather than go line by line through Ms Dundas's bill and say, "Approve this bit, approve that bit"—the government's submission indicates that it was going to bring forward a number of amendments to this section of the Financial Management Act; the committee looked at the suggestions and thought that some of them were very good—rather than recommend that Ms Dundas's bill be agreed to or not agreed to, the committee has said:

> The Legislative Assembly should not consider the Financial Management Amendment Bill 2003 (No 3) until the Government presents its amendments to the *Financial Management Act 1996*, in relation to the Treasurer's Advance.

That is recommendation 1. Recommendation 2 gives the Treasurer some hints on what the committee would like to see come forward. Some of it is the Treasurer's own work, amended slightly, and some of it has come from the submissions. Recommendation 2, paragraph (a), states:

> provide for urgent and unforeseen expenditure, and where there is an error in omission or the understatement of other appropriations;

This has come from the Commonwealth's definition, which is quite broad, with the understanding that sometimes you do make a mistake. We all make mistakes and expenditure, programs or the taxpayer should not be disadvantaged because of that. We thought the inclusion of the Commonwealth's definition of "urgent" was quite appropriate and is, of course, covered in recommendation 2, paragraph (b).

Recommendation 2, paragraph (c), defines expenditure. There was some toing and froing in the committee about how to define expenditure. We spoke to the Auditor-General who said that money is considered to have been expended when you have entered into a

contract. Up until then there might be an intention, but it might not happen. After the contract is entered into, under accrual accounting the money is accounted for and is spent. The Auditor-General thought the use of the word "obligation" was a bit vague.

If the government is committed to spending money on such and such an item, that could be taken as an obligation, but whether the government followed through on that is another question. The committee tightened up the definition of "expenditure" so as not to put the government in the embarrassing position of having entered into an obligation. Under Ms Dundas's amendments, because the money was not paid over before 30 June it would have to come back, which would lead to some complications both in fulfilling contracts and in the accrual accounting techniques.

The committee tightened up the definition of "expenditure", which means that if a contract has not been entered into by 30 June the money is not considered to be expended and, therefore, should be returned. That is the bottom line. This then leads on to recommendation 2, paragraph (d), which states:

> provide for the return of 'unspent' funds to the Territory's Banking Account by 30 June each year;

Paragraph (e)—this is the Treasurer's own suggestion and he should be commended for it—states:

> provide that Treasurer's Advance authorisations be tabled in the Legislative Assembly within 3 sitting days of issue—

we thought that was very reasonable—

> and that this information be presented cumulatively, with a summary of total expenditures tabled at 30 June each year.

We look forward to seeing the recommendations of the committee in the Treasurer's own amendments. Given that they are, in the main, his amendments, and some that already exist around the country, we do not think that will be too difficult. We look forward to seeing the amendments quite quickly. Recommendation 3 is something that the committee has recommended before. Recommendation 3 states:

> The Government develop regulations as a matter of priority, for the use of the Treasurer's Advance.

Governments will always want guidelines. I think assemblies and legislatures will always want something a little tougher; hence the use of regulations which, of course, are disallowable by the House. We have made this recommendation in previous reports. I think the Treasurer might have a different view. We hope the Treasurer will take this on board.

During the inquiry we heard from the Treasurer. He revealed that the government had sought legal advice as to whether or not it would be appropriate to use the Treasurer's Advance while the committee was looking at the Appropriation Bill. This has arisen from the government's perceived need to have additional funding for child protection. The legal advice is contained in the report at appendix D. The advice concludes that it is

up to the Treasurer how he uses the TA and that it would be quite legal for him to use it according to the FMA. The question is: is it appropriate, when an issue has been referred by the Assembly to a committee for consideration, for the Treasurer to move in opposition to that motion? This is the nub of recommendation 4. Recommendation 4 states:

> The Government should not circumvent the Estimates process by using the Treasurer's Advance to make payments for items already included in a supplementary appropriation bill.

That was a recommendation of two-thirds of the committee. Ms MacDonald dissented from the fourth recommendation. Members will find her reasons for doing so at page 22. The dilemma is that the Assembly has set up an appropriation committee, an estimates committee, to look at expenditure of the government. The government did not like the timeframe, so it is now determining whether or not to use the Treasurer's Advance to circumvent the Assembly's decision. This sets a very dangerous precedent. The Assembly decides to do something, whether the government agrees with it or not. In this case the government did not agree with it, but it then uses a different technique to get the outcome it wanted but not the outcome the Assembly desired.

The question is whether or not that is a contempt—having decided to do something, the government flexes it muscles and does something else. I ask members to read pages 18 and 19 of the chapter entitled "Other matters". This is a very dangerous precedent: the Assembly sets up a process which the government goes out of its way to avoid. I do not think that is what we are meant to do; that is certainly not the will of the Assembly. The Assembly said that the bill, which is asking for these funds, be directed to an estimates committee to determine what will happen. It behoves the government to abide by that decision, whether it likes it or not. The question is: will the government go as far as to use the TA? What would the Assembly then feel obliged to do? The ball is in the court of the Treasurer in this case.

Ms MacDonald, in her dissenting report, puts some reasoning forward as to why she thinks the government should be free to use the TA. She states:

> The use of the Treasurer's Advance is legal—

yes, that is true—

> is appropriate in this matter—

The nub of the question is: is it appropriate to circumvent the process that the Assembly sets up? We will have to wait and see what the government does. The second paragraph of Ms MacDonald's dissenting report states:

> … the Treasurer's Advance provides a necessary and convenient means to ensure that appropriate funds are provided.

I am not sure whether convenience is something that this Assembly affords. This Assembly affords scrutiny. If the Assembly determines to scrutinise something, I am not sure whether it is convenient for the government to do what it wants. I am sure we will

see where this goes in the short term. Perhaps the Treasurer will enlighten us tonight whether or not he has used the TA for this purpose. This brings into focus the whole point of the inquiry and the whole point of the bill: how do you use the TA appropriately so that the government is free to govern and govern wisely when it comes to spending taxpayers' money and, at the same time, how does the Assembly carry out its role of scrutiny in this case?

We thank the Treasurer, the new Auditor-General and Ms Dundas for appearing before the committee. We had interesting discussions. We thank the relevant jurisdictions that have given us submissions. They make quite interesting reading. The variation between the various jurisdictions, how they govern their TA and the amount of the TA that some of them get is quite extraordinary. I commend the relevant appendix to members.

I thank members of the committee, Ms Tucker and Ms MacDonald, for their efforts in getting this done quickly. In particular, I thank the secretary, Ms Mikac, for putting the report together so quickly and expeditiously so that we can table it at this hour on this day.

**MS MacDONALD** (5.59): In the main, I support the majority of the report of the Standing Committee on Public Accounts. I state in my dissenting report:

> I dissent from the fourth recommendation of this report; that the Government should not circumvent the Estimates process by using the Treasurer's Advance to make payments for items already included in a supplementary appropriation bill.
>
> I think it important to note that the Government should be able to make use of the Treasurer's Advance. In the event that the Government need allocate additional funding for child protection prior to the passing of the Appropriation Bill, the Treasurer's Advance provides a necessary and convenient means to ensure that appropriate funds are provided. Without it, the government as well as child protection agencies in the ACT will have their hands tied.
>
> Advice on request from the Auditor General illustrates that assuming additional expenditure for child protection is unforseen at the first Appropriation Act, then the use of the Treasurer's Advance to meet that expenditure would be legal, (regardless of the existence of any Supplementary Appropriation Bill).
>
> Subject to limitations as outlined in s18 of the *Financial Management Act 1996,* there is nothing which would prohibit the Treasurer from authorising an advance in circumstances where the proposed expenditure has been included in a Bill which has been tabled in the Assembly. The existence of the Supplementary Appropriation Bill in this matter is irrelevant. Providing the relevant elements in s18 have been satisfied, the Treasurer may authorise the relevant expenditure.
>
> The process may very well be legal but it has been advised that the appropriateness of making use of the Treasurer's Advance is up to the Assembly. I appreciate the need to adhere to the estimates process—

and I am on that estimates committee—

> but at the same time understand the need to provide for flexible funding, especially for child protection. The estimates process provides for a transparent means of

> allocating funds and I understand this need. At the same time similar transparency is provided by s18(4) of the above act. In using the Treasurer's Advance, the Treasurer must provide a statement of the reasons for giving the authorisation and permit the 'appropriateness' of these reasons to then be scrutinised by the Assembly.

It is erroneous to say that there is no scrutiny and no transparency by the use of the Treasurer's Advance. Mr Smyth has already quoted me as saying:

> The use of the Treasurer's Advance is legal—

the committee has been assured of this by legal advice and by advice received from the Auditor-General—

> is appropriate in this matter, is subject to measures guaranteeing accountability and should not be ruled out in the fourth recommendation.

A final comment in relation to that is that the time taken for the supplementary appropriation bill to be drawn up and passed in the Assembly can be anything between six and 14 weeks. As the need for expenditure would have been foreseen at the time of the supplementary appropriation bill, the need for urgency would have made it necessary to use the Treasurer's Advance. While the estimates process was under way, the need for that money could have been urgent. To make a department or a section of a department wait when the need is urgent would be problematic.

I commend the rest of the report. It will enable the government to bring its amendments before the Assembly and Ms Dundas's bill to be considered at the same time, as is appropriate.

**MS DUNDAS** (6.04): I will speak only briefly on the report of the Standing Committee on Public Accounts at this time because I would like more time to consider what the committee has put forward. I think the committee has had some very interesting discussions on the Financial Management Act. I will be considering both Ms MacDonald's dissenting report and the advice from the Government Solicitor with great interest. In relation to appendix B on page 25, I assure the Assembly that I was a witness who appeared before the committee. Some of the evidence given is quoted in the report. I would have like to have seen more of the evidence quoted in the report. I will consider the report with interest and look forward to further debate on the issue of accountability through the Financial Management Act and Treasurer's Advance.

**MS TUCKER** (6.05): Mr Smyth has summarised the report of the Standing Committee on Public Accounts. The evidence given to the committee is pretty clear, especially that of the Auditor-General, on how we can bring greater accountability and reasonableness into the use of the Treasurer's Advance. Ms Dundas's suggestions on their own are not workable. However, if the government complied with our recommendations in terms of further elaborating on the criteria that can be used to justify TA to the Commonwealth definition of "expenditure", so that you do not have the question of what is and is not foreseeable, which is problematic for the reasons that Mr Quinlan and others explained—there are other criteria such as error in omission—it would make that more workable.

We also recommended that, when it comes to a proper examination and appropriation through an estimates process for a supplementary appropriation, the government should

not override a decision of the Assembly by using the Treasurer's Advance. That recommendation is in response to the fact that Mr Quinlan said that he wanted to do that in this instance. If the Assembly were of the view that an estimates committee was not appropriate for one aspect of this supplementary appropriation, then that would have been decided by the Assembly.

The Treasurer expressed concerns about the delay in reporting at the time. It was the responsibility of the Assembly to divide that supplementary appropriation and have what was perceived to be appropriate go through the estimates process. If the funding for the Department of Education, Youth and Family Services was not included, it should have been. Perhaps it could have been reported on earlier, if that had been an issue. But the point is that the Assembly did not make that decision. For the Treasurer to then say, "The majority of the Assembly decided that they wanted an estimates process, but I am going to override it if I can, if it is legally possible, by using TA" is not acceptable.

**MR QUINLAN** (Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming) (6.08): First of all, I thank the Standing Committee on Public Accounts for the report. There was a reasonably tight timeframe involved in this particular examination. I also thank the committee for its recommendations. It recognised that what has been put forward was impracticable. It sounded good but had some impracticability about it. Within the context of this particular Assembly, that has been quite refreshing.

Recommendation 4 raises some difficulty. It is not "We want to do whatever we like and ignore the Assembly or the primacy of the Assembly"; it is just not practicable. Members would have seen the last Appropriation Bill, which, by other requirements of accountability within this place, must be associated with supplementary, explanatory budget papers et cetera. It is a very reasonable process. What we are talking about here is a relatively elongated process. From gestation to the possible passing of an appropriation bill, we are looking at probably more than three months. The passing of the Appropriation Bill that was brought into this place in early March did not happen instantaneously; it required discussions at cabinet level and work to be done in the Treasury and then it was presented to the Assembly. The Assembly, in its wisdom, decided that there needed to be a "reasonable period of time" for an estimates committee to review that Appropriation Bill. I am not here to debate that point as it would be reflecting on a previous decision. However, this Appropriation Bill, if passed, will not be passed until early May. It started its journey in February and will not be passed until May—a quarter of a year.

The whole rationale behind the Treasurer's Advance is to allow some expeditious decisions to be taken and for there to be a margin of ex post accountability. I pointed out in previous discussions in relation to the Appropriation Bill that a certain amount of delusion is involved in all this. The level of accountability in the major Appropriation Bill, regardless of the fact that we debated it for almost 24 hours and after an estimates committee process, goes nowhere near the detail of 98 per cent of government expenditure. The position within the original Appropriation Bill is such that the government and the administration have tremendous scope to move and tremendous discretion for which they are accountable at the end of the day—again in an ex post fashion—either through the annual reports process or through delivery of service.

We have here a case in point. A question has arisen in relation to child protection. I do not think anybody in this place would think that we ought not to apply resources to the question that has arisen. The committee is virtually saying in this report that, because you put it in an Appropriation Bill, you cannot do anything about it until May. But if I had "foreseen the need for expenditure" the day after the Appropriation Bill was tabled in this house and the money was not included in the Appropriation Bill, I could be spending it. I have informed the House of its inclusion in the Appropriation Bill—so there is more information before the Assembly—yet the process of addressing something that does not need to be addressed is totally hamstrung: all of a sudden, if it is in an Appropriation Bill and is before an estimates committee, the government ought not be able to do anything about it. That seems to me to be an irrational position that has devolved. We can make all the noises about respect for the Estimates Committee—we have to; that is part of the process—but we also have to respect the practicalities of the Treasurer's Advance.

You have seen by virtue of this report that an examination took place. We have, even now, the most stringent of requirements compared to other jurisdictions across Australia. Why have we got that? We have got that largely because we have minority government and because, as I have said in this place before, this sort of area becomes the soft target—without really considering what it involves, not just for government, not for me, the Treasurer, but for administration and for practical good government.

I am not sure that I picked up on exactly what Mr Smyth said as I was interrupted at the time. But I think there was something of a threat in there. Even though you have a legal opinion that you can spend money on child protection if that need is perceived before the date when the Appropriation Bill may or may not be passed, there will be some question of contempt of the process. I ask members—I ask Mr Smyth particularly as he I think was making that sort of connection—to think again about the practicalities. I do not want to just hang on the matter of child protection because it is an emotive issue and milk an emotive issue. A whole raft of expenditures might take place under the Treasurer's Advance, and I counsel members to look at the Treasurer's Advance report of the last four or five years. We have seen all sorts of various expenditures. Before it became a topical issue, before it fell into the soft target zone, it was pretty much the Treasurer's chequebook. I know that Ms Carnell used it for this, that or the other thing. I recall that the opposition of the time did not make too much of a fuss about it. We understand that you do need some sort of flexibility. Even the smallest of businesses generally has a petty cash tin in order to continue to operate and not have the whole wall lost for the want of a nail.

I counsel members to consider this. In relation to child protection we have reached the stage where the minister is "cash managing". The date is nearing when I will have to find some other way to fund expenditures that are appropriately being made. Whether or not the Appropriation Bill is passed, we have a perceived need. I have a legal opinion and I do not appreciate the threat that it could be some form of contempt, when the process is going to take three months. That just makes a mockery of the process and of the fact that the government has come in here and included that expenditure in an appropriation bill as a matter of ex ante accountability to the House.

**MR SMYTH** (Leader of the Opposition) (6.18), in reply: I thank members for their contributions to the debate on the report of the Standing Committee on Public Accounts. Ms Dundas has pointed out to me that on page 25, which is the list of witnesses who appeared, she does not appear on the list. I apologise to Ms Dundas. It is an oversight on my part. She will be the subject of my first erratum when it is issued. Members should be aware that Ms Dundas did appear before and give evidence to the committee. I will have that corrected.

The Treasurer has spoken about the potential of a threat. It is not a threat. The whole process of the review of expenditure is something that should be above board. When the Treasurer brought the Appropriation Bill to the Assembly, he had an assumption, an estimation, a hope, that it would be passed by an estimates committee within three weeks. That is not practical because of certain processes—establishing a committee, getting appointments, seeking advice and getting the bill passed.

**Mr Quinlan**: I have accepted that, haven't I?

**MR SMYTH**: The Treasurer says that he accepts that. If he accepts that, then if the Treasurer's Appropriation Bill falls victim of the sitting pattern of the Assembly—there is a five-week gap—that is not the fault of the Estimates Committee. The Estimates Committee is here to look at what has been put before it in the Appropriation Bill.

**Mr Quinlan**: I have put forward a no fault plea.

**MR SMYTH**: I understand that. It is not the fault of the Public Accounts Committee that something is brought to their attention that concerns them. A motion of the Assembly to review the Appropriation Bill has been sent to the committee and the committee will do that. The dilemma for the government is that it wants to spend the money now but it does not have it. The Assembly has said, "Send the bill to the committee for review" and the Treasurer is saying, "I might find a way that will get me around it." Is it legal? Yes, I have seen the legal advice. The GSO says that it believes it is legal to expend money using the Treasurer's Advance—that is the use of the FMA. The dilemma for the committee is: is it some sort of insult—I do not want to overwork the point—or contempt of what the Assembly decided to then find a way to circumvent that decision? That is the point we make. We ask the government not to circumvent the process by using the TA.

**Mr Quinlan**: The decision was to go and it has gone—fine.

**MR SMYTH**: It renders the work of the Estimates Committee useless. We come back to the Assembly with a recommendation only to find that the government has spent the money anyway. You are circumventing the process and rendering the process for that part of the appropriation bill useless. That is the point that we make.

**Mr Quinlan**: Unfortunately you will have to look at it after the event, mate.

**MR SMYTH**: Go ahead. Do what you need to do. But the recommendation of the committee stands: the estimates process should not be circumvented. The estimates process has been established by the Assembly. If you want to override the decision of the Assembly, go for it. It is not issued as a threat. It was not meant to be a threat and I hope

you do not take it as a threat. If a proper process has been established by this Assembly and the government does not agree with it, that is unfortunate for the government, but the process will run. I thank members for their support and look forward to the government's reply to the committee's recommendation.

Question resolved in the affirmative.

## Suspension of standing and temporary orders

**MRS DUNNE** (6.22) I move:

> That so much of the standing and temporary orders be suspended as would allow Notice No 2, Assembly business, relating to the establishment of the Select Committee on Estimates 2004-2005 being called on forthwith.

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

## Estimates 2004-2005—Select Committee
### Appointment

**MR SMYTH** (Leader of the Opposition) (6.22), by leave: I move:

> That:
>
> (1) a Select Committee on Estimates 2004-2005 be appointed to examine the expenditure proposals contained in the Appropriation Bill 2004-2005 and any revenue estimates proposed by the Government in the 2004-2005 Budget;
>
> (2) the Committee be composed of:
>
> (a) two Members to be nominated by the Government;
> (b) two Members to be nominated by the Opposition;
> (c) one Member to be nominated by the Crossbench;
>
> to be notified in writing to the Speaker by 9 pm today;
>
> (3) the Committee report by 22 June 2004;
>
> (4) if the Assembly is not sitting when the Committee has completed its inquiry the Committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker who is authorized to give directions for its printing, publishing and circulation; and
>
> (5) the foregoing provisions of this resolution so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

Mr Speaker, this is a procedural motion that will establish the Estimates Committee to review the government's coming budget. We established it a little earlier than we used to some years ago simply to allow the then appointed chair to take over the procedure or the running of the committee to establish the agenda of the committee, the schedule of

meetings and to negotiate with ministers about their appearance before the committee. The table of hearings has already been established and it is nice to see it noted in the sitting pattern for the Assembly for this year. The hearings start in the weeks beginning 17 and 24 May. I had thought that we might have got to this somewhat earlier in the day. I have simply omitted "4 pm" and substituted "9 pm" to give members adequate time to put in their bids as it is almost 6.30 pm.

Motion agreed to.

**Sitting suspended from 6.25 to 8 pm.**

## Human Cloning (Prohibition) Bill 2004

Debate resumed from 30 March 2004, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

**MR SMYTH** (Leader of the opposition) (8.00): The Human Cloning (Prohibition) Bill 2004 is a very important bill. I start by thanking the minister for withdrawing the previous bill and splitting it into the Human Cloning (Prohibition) Bill and the Human Embryo (Research) Bill. I know that, as a combined bill, parts of it would have been objected to by some members and parts of it would have been objected to by all members. This follows what occurred in the federal parliament recently. Their bill was split to allow the discussion of what are two different, although related, subjects.

According to the minister's presentation speech the Human Cloning (Prohibition) Bill forms the ACT component of the nationally consistent scheme to prevent human cloning and regulate research involving excess human embryos agreed to at the Council of Australian Governments meeting on 5 April 2002. I would like to make it clear to the House that all members of the Liberal Party have a conscience vote on this issue. I personally think that the notion of human cloning is absolutely abhorrent. It is something we need to be very vigilant about, given that countries like Korea have recently claimed to have achieved human cloning and that some firms around the world also claim to have achieved the result of causing a human being to be cloned.

The dilemma is: where does this technology stop and what does it do? What respect does it have for the resulting child? What respect does it have for the woman who carries such a child? All the ethical questions—where is life, where does it start, and who controls it—are brought into focus by this legislation. The Human Cloning (Prohibition) Bill sets out the conditions that would be prohibited. If you look at divisions 2.1 and 2.2, you see that the bill lists a number of offences—creating a human embryo clone, placing a human embryo clone in the body of a human or an animal and importing or exporting human embryo clones and the transfer of genetic material that also goes with the transference of animal material.

The dilemma for me is simply the question of the sanctity of life and, "Where does life begin?" I believe that life should be created for the purpose of the achievement of the potential of that life. I do not believe it should be created for any other purpose. I certainly do not believe that life should be created for experimentation or research. For me the coming together of those two cells—the sperm and the egg—to create the new

embryo really does create a new life. I think that at the basis of all good law is a respect for life. I think the danger for us as a society is that, when you degrade that respect for human life, you actually degrade the society in which you live. I personally will be supporting the Human Cloning (Prohibition) Bill 2004 as it regulates and prohibits the creation of human embryos as clones in the ACT.

**MS TUCKER** (8.04): Together with the Human Embryo (Research) Bill, the Human Cloning (Prohibition) Bill 2004 implements in the ACT the same prohibitions and allowances for human cloning and research on human embryos related research activities as were passed in the federal parliament two years ago. The rationale for these bills was negotiated at the Council of Australian Governments. The ACT is of course in an interesting position when the relevant minister agrees to something at COAG, as it cannot be guaranteed that the Assembly as a whole will take the same view.

There is also the problem that these bills are presented to us as "just what the feds have", as though there was no discussion there either. In fact there were several changes made to the federal bill in debate. It is not democratic to suggest that this parliament has any less right to consider and change the scheme. I will be supporting this bill; however, I will make some comments on its content.

Clause 19 requires some comment. The title of this clause is "Offence—collecting viable human embryo from woman's body". It creates an offence if a person removes a human embryo from the body of a woman, intending to collect a viable human embryo. The maximum penalty is imprisonment for 10 years. I interpret the word "collect" as meaning gathering for another use. This should not and cannot be confused with an abortion. It would be very unusual to have a termination of pregnancy at that stage and it would also be very unusual for the embryo to be viable. The embryo is very small at that stage. That is one of the reasons for which terminations are carried out later. It is so small that it can be missed. So I am stating for the record that it is clear to me, in supporting this bill, that this clause does not refer to anything done in order to terminate a pregnancy. The purpose of this clause, as I understand it, is to prohibit harvesting of embryos for other purposes.

Another curious clause is the definition of "woman"—"a female human". It is a curious definition because it does not specify that a woman is an adult, or at least a reproductively adult female human. I regret I have not pursued that question with the minister but perhaps he can explain, or perhaps the definition should be adjusted. We would not want to allow the placing of human embryos in the reproductive tracts of children. There is no definition of "man"—presumably "a male human". This is presumably because it is an offence to implant an embryo anywhere other than in a woman's reproductive tract.

The bill also restricts IVF processes to those which mirror fertilisation by one man and one woman. It is technically possible to create an embryo from two women or to mix the components of two women's eggs before fertilisation with sperm. It prohibits mixing animal and human genetic components; importing, exporting or implanting prohibited embryos; creation of a human embryo outside the body for any purpose other than to achieve pregnancy in a particular woman; creating a human embryo from precursor cells taken from an embryo or foetus—cloning; intentionally developing a human embryo outside the body of a woman for longer than 14 days, which is the time for implantation;

and altering the genome of an embryo in any way that the alteration would be heritable by descendants. This latter prohibition means, as I understand it, that no changes to the gametes are to be made, although I note that our understanding of "inheritance of characteristics" is not perfect. It is also illegal to commercially trade in human embryos, eggs or sperm, although reasonable reimbursement of expenses is permitted.

The bill also includes a review clause. This is exactly the same as the federal review clause which, unfortunately, did not include the excellent amendments proposed by the Greens, which would have seen a comprehensive look at the national stem cell bank as arranged in the UK. I do not think there is much point attempting to insert a similar requirement in the ACT review clause. The point is to have a national bank and this must be done nationally.

**MS DUNDAS** (8.08): I will be supporting the Human Cloning (Prohibition) Bill today, as are all other members of the Assembly, I understand. The Democrats have a longstanding interest in biotechnology issues and a specific interest in the issue of human reproductive cloning. We have called for comprehensive bans on human reproductive cloning since the announcement of the creation of Dolly, the sheep. We believe that human reproductive cloning is unethical and unacceptable. It is a view that is virtually unanimously accepted throughout the community.

This legislation attracted a great deal of debate in the federal parliament two years ago—particularly the federal Research Involving Human Embryos Bill—and that is something we will debating later this evening. I want to make a few comments about the legislative framework in which this bill sits. This legislation is designed to fit into a national scheme for the prohibition of human cloning. Versions of this legislation have been, or will be, introduced into all state and territory parliaments.

The Commonwealth legislation has broad application across Australia, particularly in relation to corporations, commerce and trade. There may not be Commonwealth coverage of individuals in the states, as the Commonwealth may not have jurisdiction under the constitution. However, we are a territory so the Commonwealth has clear power to legislate for the ACT. Therefore the federal laws clearly have full effect in this jurisdiction. So while we are introducing and debating this bill for completeness and, more importantly, so that the territory can enforce the laws within our own jurisdiction passing this bill will not, in effect, prevent anything that is not already prevented by Commonwealth law. I think this has implications for the next debate we will have.

I would like to thank Senator Natasha Stott Despoja for her assistance on this bill and commend the large amount of work she has done on this issue in her time as a senator for the Australian Democrats. The Human Cloning (Prohibition) Bill 2004 makes it an offence under ACT law to do a number of things, including to create a human embryo clone, to place a human embryo clone in the body of a human or the body of an animal, to import or export a human embryo clone or to create or develop a human embryo other than by fertilisation.

The bill bans somatic cell nuclear transfer, embryo splitting, parthenogenesis or any other technology that does not involve the fertilisation of ova by human sperm. The bill also prohibits creating a human embryo for a purpose other than achieving pregnancy—it specifically bans creating embryos just for research. It bans creating or developing a

human embryo containing genetic material provided by more than two persons. So it bans cytoplasmic transfer, which is a new artificial reproductive technology technique that may assist some older women to achieve pregnancy. The bill also bans other practices, including mixing human and animal cellular material in an embryo, and the commercial trade of human eggs, sperm or embryos.

It needs to be understood that this legislation is relatively conservative by international standards. For example, this bill bans somatic cell nuclear transfer, which is currently permissible in the United Kingdom, Israel and non-national institutes of health funded research in the United States. It bans cytoplasmic transfer, which is permissible in Italy, the USA, Israel and Taiwan. It also bans germ line gene therapy, which may have considerable benefits in terms of overcoming heritable diseases such as spina bifida.

Section 13 of the bill makes it an offence to create an embryo other than by fertilisation of human egg by human sperm. Currently there are two technologies that can achieve this: embryo splitting, which also occurs naturally in the case of identical twins, and somatic cell nuclear transfer, in which a somatic cell from a child or adult is placed in an enucleated egg. Somatic cell nuclear transfer is the technology that produced Dolly and other animal clones.

Somatic cell nuclear transfer can also be used to develop an embryo that is subsequently used to derive stem cells, with the theoretical advantage that these stem cells will be immunologically identical to the donor of the somatic cell. Their use is sometimes referred to as therapeutic cloning. This term is in common usage around the world to distinguish such approaches from reproductive cloning, in which an embryo created by this technology is implanted in the mother to produce live offspring. However, as Dr Breen from the Australian Health Ethics Committee has stated, the term "therapeutic cloning" collapses both therapeutic and non-therapeutic research on embryos and also the distinction between destructive and non-destructive research on embryos.

I think that the argument against therapeutic cloning as a term is actually quite well made and that there is a very good case for us to be quite distinct and very clear about the distinctions between therapeutic and non-therapeutic and destructive and non-destructive. Certainly more accurate nomenclature would be of considerable benefit in the public debate on these issues. However, in one sense, it is not an issue as both reproductive and so-called therapeutic cloning are banned by this legislation but I think it is important that we do discuss the terms that are being used in the broader community for this debate.

Section 16 of this bill prohibits developing a human embryo outside the body of a woman for more than 14 days. This means that human embryos created by ART must be implemented, stored or allowed to succumb if they are unsuitable or excess before the 14th day of their development. I understand that this is the usual clinical practice for ART embryos to be implanted when they have reached between three and seven days of development.

The National Health and Medical Research Council advised the Senate inquiry into these issues that the prohibition on maintaining an embryo in vitro for longer than 14 days is based on scientific evidence which indicates that, beyond 14 days development in vitro, an embryo is unlikely to have the capacity to implant in a woman's uterus. Implantation

is necessary to ensure the viability of the embryo and has normally been completed by the end of the second week. That is why, for instance, ART guidelines require that embryos must be implanted, stored or allowed to succumb before the 14th day of development. Quite independently of the question of the ethical status of the embryo, there are good grounds for the provisions that ban developing an embryo outside a woman's body for more than 14 days.

In conclusion, I would like to reiterate the Democrats' longstanding interest in these crucial questions and the work that has been done already on these issues. Whether it is the patenting of genes and gene sequences, the issue of genetic privacy or ensuring that we cannot be discriminated against on the basis of our genetic makeup, these are all issues that have been debated in many other parliaments around the world. It is important that we put our views on these matters on the record. The ACT Democrats will be wholeheartedly supporting the legislation before us.

**MR STEFANIAK** (8.15): My colleague Mr Smyth asked me to mention one point. I am very supportive of this bill as well. When thinking about it the other day I recalled a dreadful film I saw entitled *The Boys From Brazil*. That was all about human cloning, trying to get another Adolf Hitler. The hero of the film just managed to survive, in the end, and it did not work. That sort of thing shows just how scary the whole idea of human cloning can be and I am very much against it.

The point Mr Smyth has a concern with, which I am looking at here, is that the minister has to review the operation of this act as soon as practical after the second anniversary. In other words, the act will only be here for two years and other things can happen after that. I share his concern that that may not be long enough because it leaves open the prospect of human cloning not all that far down the track. I think that for a number of the reasons other speakers have mentioned tonight, including my colleague Mr Smyth, that could be quite a worrying thought. I think that this bill, which has been passed largely throughout the rest of Australia and, I am pleased to see, many other countries in the world is very sensible. I think most people are very scared—and rightly so—in relation to issues around human cloning.

**MR CORBELL** (Minister for Health and Minister for Planning) (8.17), in reply: I thank members for their support of this important piece of legislation. It is a piece of legislation which has come about as a result of the Council of Australian Governments meeting on 5 April 2002, which agreed that all states and territories would legislate to ban human cloning and unacceptable practices associated with reproductive technology and to regulate the use of human embryos for research under strict criteria to be administered by the National Health and Medical Research Council. As members have noted, in a number of jurisdictions now—certainly in the Commonwealth—a single bill was introduced for debate and subsequently split and passed as two separate acts. The ACT government has recognised that these are complex issues that involve strong philosophical and moral, as much as scientific, assessment. For that reason we have been very happy to split these bills so they can be debated separately.

The Human Cloning (Prohibition) Bill 2004 aims to ban human cloning and other unacceptable practices associated with reproductive technology. The bill seeks to maintain fidelity to the principles agreed to at the COAG meeting. The ACT

government, along with all states and territories, was involved in the extensive consultation process undertaken in the development of the Commonwealth legislation.

The Commonwealth legislation has limited coverage, due to constitutional issues. Commonwealth acts do not cover state agencies, individuals or universities. The nationally consistent scheme will address these gaps, provide uniform regulation and avoid uncertainty about the application of the regulatory scheme. The Victorian, Queensland, South Australian, New South Wales and Tasmanian parliaments have passed nationally consistent legislation. Relevant legislation has been introduced into the Western Australian parliament and is expected to be introduced into the Northern Territory parliament shortly. There is widespread international agreement on the prohibition of cloning human beings. The international position expressed in Article 11 of the UNESCO Universal Declaration on the Human Genome and Human Rights, 1997 states:

> Practices which are contrary to human dignity, such as reproductive cloning of human beings, shall not be permitted.

The Human Cloning (Prohibition) Bill 2004 bans human cloning. The bill makes it an offence, with a maximum prison term of 15 years, for a person to create a human embryo clone. It also prohibits a range of other unacceptable practices, including the development of an embryo outside the body for more than 14 days and the mixing of human and animal gametes to produce hybrid embryos. Developing embryos for purposes other than for their use in an assisted reproductive technology treatment program and commercial trading in human reproductive material is also considered to be both unsafe and unethical.

I think this Assembly, along with the vast majority of the Australian community, is opposed to human cloning. For this reason the Human Cloning (Prohibition) Bill 2004, in conjunction with the Commonwealth acts, meets the objective of providing a nationally consistent approach to prohibiting human cloning and other unacceptable practices. Mr Smyth and Mr Stefaniak, in their contribution to the debate, have raised some concern about the operation of clause 24 of the act which deals with review of the operation of the act. I advise members and seek to reassure them that the purpose of this clause is to allow review on the scope of the act, taking into account developments in technology.

Fundamentally that is what that clause is about. It recognises that technology is evolving rapidly in this area and that, whilst the fundamental premise that underlies this act is unlikely to change, it may be the case that the act will need to be updated to take account of the developments in the technology in relation to artificial reproductive technology, developments in medical and scientific research and the potential application of that research, community standards, obviously, and also the notion of the acceptability of establishing a national stem cell bank, which is also under debate in Australia at the moment. It is certainly not a clause designed to allow for reversal of the fundamental position that human cloning is somehow to become acceptable into the future. The clause is simply a mechanism to recognise that the bill may need to be reviewed to take account of changes in technological and scientific practice. I thank members for their support. I thank them for their recognition of the importance of passing this legislation to give effect to a nationally consistent scheme and I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## Human Embryo (Research) Bill 2004

Debate resumed from 30 March 2004, on motion by **Mr Corbell**:

That this bill be agreed to in principle.

**MR SMYTH** (Leader of the opposition) (8.23): Again I inform members of the Assembly that the Liberal Party considers this to be a conscience issue and that members will be exercising their right to vote as they wish. For my part, I will be voting against this bill. The Human Embryo (Research) Bill 2004 is an interesting bill because it holds up the illusion that we might create cures. But to do so we gloss over ethical concerns of human life. The concept of sacrificing one human life in the hope that we might find a cure to affect another human life is something we need to have a serious discussion about before we go ahead with this bill. That discussion has been going on in this country for some time now and there have been a huge number of claims of what being allowed to use embryo cells, as well as stem cells and embryos themselves, for research might achieve. And the word is always "might".

Before we get to the argument about what they might do, I think we need to have the argument, which again in always glossed over and lost, as to what it is that we are tampering with or using. The definition of "embryo" states that it is a human embryo up to the age of eight weeks. I find quite interesting this arbitrary number of eight weeks. Why not six weeks? Why not 10 weeks? If it is 10 weeks, why not 12 weeks? It always seems that, if you can do something in the first trimester, it is more acceptable.

My dilemma is that, as we go through these ethical arguments, no-one who is advocating the use of embryos or embryo stem cells—the destruction of embryos to garner cells—tells us what it is that we are destroying. As I said in the debate on the previous bill, I believe that life begins at conception. I cannot come to any other conclusion as to where else in that 41-week cycle one could reasonably say that the life has begun. It is a debate that we are going to continually come back to; it is a debate on which we may never reach an answer.

Certain developments take place such as the meeting of the sperm and the egg at six days. Fourteen days is an interesting point because that point is the last opportunity for the cells to divide in such a way as to clone naturally and create twins. As the father of twins, day 14 was pretty important to me and pretty important to my kids. After about day 14 nothing occurs that will change the already established pattern. The cells will not split again into triplets or quads. The characteristics are there and the environmental influences of course will be important, but after about day 14 nothing changes.

The Warnock report in the UK saw day 14 as the day that this sort of activity should stop, because after day 14 the identity, personality and characteristics of the individual are confirmed. I could understand it if somebody wanted to make an attempt and say, "Let's do this up to day 14—two weeks." But I cannot, for the life of me, come up with a logical reason as to why we would use eight weeks or less than eight weeks. Perhaps the minister can answer that. If you can accept eight weeks, you can move it back to two weeks or one week or you can move it forward to 10 or 20 weeks. What is it about eight weeks? Again, we have missed the fundamental question: when did the life begin? Perhaps someone can alert me as to how we determine where life begins. It is a question I ask often in these debates, but it is a question I never get an answer to.

If there is no answer to the question, then the precautionary principle alone would say, "Do not go there." I think the whole question of ethics and ethical issues would say, "Do not go there." I recall driving into the Assembly one day when the Australian centre for ethics was having a discussion about what is proposed. The proponent was saying, "Well, before you get to what might happen and the "possible, probable or perhaps" potential of the research, let's discuss the ethical question: what are we destroying. Is it this loose conglomeration of cells, as some would contend, or is it something beyond that? If you cannot answer that question, then we should not be beginning to go down this path."

I think there is some appeal in this sort of research. We have all seen the *60 Minutes* programs. We have seen the Christopher Reeves who are begging for this sort of research to occur so that they might regain what they once had. But we have to balance the question: is the destruction of a human life worth that cure? I do not think we have had that argument. Some of the experts are saying, "Hang on! Maybe adult stem cells will provide us with the answers." Adult stem cells have provided us with a number of answers. "They may be all we need to do this research."

Members would recall that I moved a motion in the Assembly for the establishment of an umbilical cord blood bank, but that was defeated. There are some very special and unique cells in umbilical cord blood that may be used for this research, but we will not make an effort to store that sort of material here in the ACT. I think that is a shame. Opinion is split between a number of experts. No-one can definitively say, "If you give me this, I will find a cure for Parkinson's disease" or, "If we do this, I will have a cure for Alzheimer's" or, "If you do this, I can cure cancer." There are a number of people who are cautioning us and saying, "Don't be fooled." I will refer to what an expert in Alzheimer's disease—Professor Colin Masters from the University of Melbourne—said in his submission to a Senate inquiry. He said:

> I have been concerned that advocates of embryonic stem cells as a therapy have created false expectations in the mind of the general community.

That concern was supported by the Director of the Children's Medical Research Institute, Professor Peter Rowe. In talking of this case about Alzheimer's disease he said that to say that you will cure Alzheimer's, diabetes, and Parkinson's disease by putting in a few cells is a joke. Professor Peter Silburn, representing Parkinson's Australia, gave the warning that there is no evidence that embryonic stem cells will help the motor

symptoms of Parkinson's disease. In fact one in five turn into carcinoma, a form of cancer.

The promise of a cure is always attractive. None of us wants to see somebody in agony or see a loved one die. My mother died of cancer. I would love to see a cure for cancer. I certainly would not like to think that other lives were being sacrificed to find a cure for me. That is a hard call. I think we all need to look at ourselves, enter into our own hearts and have that discussion with ourselves before we have the discussion as a society.

Those examples were taken from an article written by the President of the ACT Right to Life Association, Mary Joseph. As just those three examples clearly show, the jury is out. There is no evidence to suggest that there will be a cure and perhaps there is no evidence to suggest that there will not be a cure. Again, if you want to apply the precautionary principle—we often talk about the precautionary principle in this place but we are selective in its use—the precautionary principle itself would say that, given that we do not know, first, whether or not we consider that the embryo is a life, and, second, we do not know where this research will take us or what it will achieve, then we need to be a little more cautious before we launch into what we do.

I said in the last debate—and I have said it many times—that I am of the opinion that life begins at conception. If somebody can disavow me of that I would be delighted because it would make many of these decisions so much easier. It would make it so much clearer for all of us and it would make some of these debates so much easier. But, until somebody does so, my respect for the human embryo will say that I could not possibly vote for a bill like this, much less vote for a bill that would say that, for the first eight weeks, we consider these cells, or these excess embryos, fair game for harvesting of any kind. I do not believe that is appropriate, and I do not believe it adds to us as a society that we devalue life at that early stage.

This bill has attracted a number of amendments. I have some temptation to support the amendments of Ms Tucker. They seek to limit what is being proposed by the bill, as I understand it, to allow assisted reproduction technology to continue, but nothing more than that. That will be allowed to continue to be carried on in the ACT even if this bill goes down.

With that in mind I would say that I will not be supporting any of the amendments at this stage. I think we need to send a clear signal that, first and foremost, as lawmakers the overriding right to life is the object of what we do. Going back to the bill of rights, it says that everyone has a right to life after they are born. I recall that there used to be a sign on the side of a big building in Newtown saying that the greatest violation of a woman's rights is to abort her. That was a reference to the huge number of female embryos that are aborted. What this bill will do I think is debase even further our attitude to the embryo. What it does now is turn the embryo simply into an object that can be harvested and used for eight weeks. I think that is a horribly retrograde step.

Perhaps the minister will explain where the eight-week limit comes from; the logic of that would be interesting. As I have said, the Warnock report in the UK said two weeks. How did they achieve that? They found a certain number of characteristics or changes that occurred after two weeks. They thought that up until two weeks was acceptable but not beyond that. If we can have an answer as to why we are going to go four times that

limit, that will be useful for the debate. I suspect there is no answer. I suspect it is just a number that has been plucked out of the air. Hopefully the minister explain why.

The idea of a cure is very tempting but the destruction of a life is a huge price to pay. I think it is a price that debases us as a country and as a jurisdiction. I think it is a price that we will regret in years to come as we make people more and more immune to the value of life, to the sanctity of life and to the glory of life. Every time we make a law that chips away at protecting the most vulnerable—in this case the unborn—we chip away at the very essence of what we are: a fair-minded society that, probably better than anywhere else in the world, has reached an egalitarian place of respect for each other. The Australian attitude of mateship is something we ought to value but I think legislation like this undoes that attitude. The more we become inured to the destruction of life the more we are accepting of that. I feel that the passing of the Human Embryo (Research) Bill 2004 will further add to that slippery slope that moves us towards not respecting life at all. For those reasons I will not be voting for this bill.

Bill agreed to in principle.

## Detail stage

Clauses 1 to 9, by leave, taken together and agreed to.

Clause 10.

**MS TUCKER** (8.38): I move amendment No 1 circulated in my name *[see schedule 4 at page 1615]*.

This amendment goes to the heart of why I have concerns about this piece of legislation, the Human Embryo (Research) Bill 2004. It is a very significant piece of legislation. For me, being asked to vote on whether human embryos can be used for research and commercial exploitation almost has a sense of unreality. It raises so many fundamental questions about the role of research, the corporate sector and the value of life. On the value of life in this place we have had intense debates relating to abortion. In that debate the central issue for me is the relationship between the embryo and the mother, in whose body the embryo is situated, and the right of the mother to control what happens to her body and her life. I have supported this right and believe that the moral foundation supporting this right derives from the relationship between the mother and embryo in utero. I have also supported the right to abortion for the obvious public health benefits of ensuring that safe abortion is available and that women can seek the support they need in contemplating or dealing with an abortion without fear or prosecution. But I have also always expressed concern that there must be as much done as possible to avoid abortions being necessary, including sex education, accessible contraception and proper support for women who wish to have a child. The "waste not, want not" argument, also put by proponents, fails to address the fundamental question.

Society has accepted the existence of spare embryos as a consequence of infertility treatment. I would argue here that the relationship between the mother and the embryo is also an important moral argument and justification for IVF and the consequential production of spare embryos, although I would point out that, once again, we have had technology overtake any real opportunity to have an ethical discussion about this. At the

beginning of the development of technology for IVF there was no possibility of spare embryos—it was so complex; it was so unsuccessful. Basically, as technology has improved we have now ended up with what are called "spare embryos". Then we get a utilitarian argument around "Well, they are spare, so we might as well use them anyway."

Getting back to the initial point, as I said the moral argument for supporting abortion is essentially based on the relationship between the embryo and the woman in whose uterus the embryo is situated. There is a very important difference in value between allowing an embryo that is not needed for assisted reproductive technology to die or using it for research and the argument against abortion. Although at this stage the law does not allow embryos to be created specifically for research that is, undoubtedly, the pressure that will develop. It is a somewhat arbitrary line anyway to not accept the creation of embryos specifically for destructive research but to accept the use of embryos once they have been created. What we are being asked to support today is quite another matter compared to the questions of life when they are about a woman and the embryo or foetus she is carrying. We are looking today at the relationships between embryo and corporation/scientist/researcher/pharmaceutical company.

The question is whether we can confer rights over life of the embryo to these players. My conclusion is that we cannot. Further, it is dangerous for our society and could easily lead to further gradual erosion of long-held understandings about tampering with human life—whether it is cloning or eugenics or something we have not even thought at this time. As well, I want to make it clear that there are real issues about the nature of scientific research and the fact that it has been so underfunded and, as a result, so commercialised. The public interest is certainly not the driving factor and we cannot necessarily rely on institutes/ethics committees to hold the public interest or humanitarian interest uppermost. Commercial pressure is a very powerful force and is a guiding force for most research.

The Greens in the Senate proposed a national stem cell bank along the lines of the UK model in an attempt to ensure that scientific inquiry is done in the public domain and so has a better chance of being for public benefit rather than public benefit skewed by commercial interest. There may, for example, be more money in cosmetics than in lifesaving or significantly life-enhancing treatments, particularly where the conditions are related to lower socioeconomic groups. This is the sad possibility and reality quite often in our market-driven society.

I also have real concerns about freedom of information in this legislation. The importance given to commercial confidentiality is worrying. The definition of commercial confidentiality at section 8 is not tempered by public interest. It means "information that has a commercial or other value that would be, or could reasonably be expected to be, destroyed or diminished if the information were disclosed". The offence of disclosing confidential commercial information has a maximum penalty of two years in prison.

There is one person nominated by the Territory who will be told what is going on in each licensed research endeavour. Other than that there is no reporting requirement. There will be an annual report at the Commonwealth level, which will leave out any commercial in-confidence material, but there is no direct reporting to the territory, to this

parliament. Future members will have to ensure that they note reports tabled in the federal parliament. Although the research on embryos that could be licensed goes beyond stem cell research, stem cell research has been the headline grabber on the question of whether and how to allow research on human embryos. There is also the question of testing cosmetics and developing cosmetics, to name but a couple.

I would like to address the arguments of proponents of embryonic stem cell research. It seems clear that there is a lot of potential for outcomes from research and it is certainly very interesting. Potential uses essentially are about rebuilding tissues, nerves, brain, heart, nerve sheaths et cetera for multiple sclerosis, Parkinson's disease, accidental spinal cord damage, heart tissue damage, brain injury and so on. These possibilities exist in all forms of stem cells. Some proponents of research access to embryos have spent a lot of money trying to whip up enthusiasm; however, we have to ask: what is the price of this potential and are there alternate methods available? It is reasonable and appropriate for parliaments to put some limits in place. Alternative sources of stem cells are found in adult tissues and in umbilical cord blood. Of course adult stem cells and embryonic stem cells are different, but they are still stem cells. There is potential in all forms of stem cell, but at this stage, despite promising trials in animals, it is still a potential and still a long way off, as it is for embryonic stem cell research.

The Senate committee report on the federal version of this bill outlines evidence from scientists with a range of views on what is the question of values. Some evidence was given that, because research is at such an early stage, there is much to be learnt about the very basics of how stem cells behave and what can be done with them and that adult stem cell research is informed by research on embryonic stem cells and vice versa. I do not accept that this means that it is absolutely necessary to pursue embryonic stem cell research. As a local scientist pointed out to me today, we put limits on research in a range of areas because we see that the risks are not worth the potential benefits. There is a lot we do not know about our world and there are likely to be alternative pathways. Even if there were not, I believe that we have to forego the option of embryonic stem cells. It is disingenuous to say that stopping research on embryonic sources of stem cells will stop any potential for using stem cells to deal with a range of degenerative conditions or injuries.

I would like to put on record some recent reports of research in this area. The following reports can be found on the website of the American Coalition for Research Ethics, which was founded by a range of scientists. At the University of Texas MD Anderson Cancer Centre stem cells taken from mouse bone marrow were modified to carry interferon alpha, which can help kill cancer cells. This cured 70 per cent of mice in the study. The stem cells were very specific in their action to the tumour cell.

On 22 March it was reported that, at the University of Florida, adult stem cells derived from rats' bone marrow had been used in diabetic mice to produce insulin which normalised the mice's blood sugar levels. Researcher Bryon Petersen, Assistant Professor of Pathology, Immunology and Laboratory Medicine at the university is quoted in the *University News* as saying:

> This is a preliminary study conducted in animals with diabetes … But I think it's a very profound study, since it shows that adult stem cell plasticity still exists …

He also says:

> There are still a lot of questions that we need to answer in the different facets of stem cell research … Everybody tends to give the pat answer that clinical applications of stem cell technology are at least 10 years down the road. The way the field is moving, it may be 10 years, it may be sooner.

I also understand that the University of Southern California has entered an arrangement to work on stem cells derived from umbilical cord blood in preference to working with embryonic stem cells. *(Extension of time granted) P*rofessor Leslie Weiner of the university's School of Medicine is quoted as saying:

> Umbilical cord blood is a rich source of stem cells that may afford several potentially important advantages over embryonic or fetal stem cells, notably its abundance and genetic diversity ….

The research may lead to "therapies … for numerous people suffering from neurodegenerative diseases". In short, I do not believe it is worth the trade-off of value in human life. This position is strengthened by the fact that there are alternative paths to exploring and understanding the potential of stem cells that do not require the destruction of embryos.

I have just moved the first of my amendments, which is basically to remove from this legislation the section that relates to licensing which will allow research to occur on embryos. I believe that this is the best way of dealing with this particular issue. As I understand it, the rest of this bill will be regulating the storage and treatment of embryos that came as a result of assisted reproductive technology.

I have chosen to amend this bill rather than simply oppose it because I believe that this is the way to ensure that there is a prohibition in place. As I understand it, ACT laws on IVF do not deal with the use of the embryos at present. In addition, part 3 of the bill establishes a system for monitoring the use of assisted reproductive technology embryos and any research governed by the Human Cloning (Prohibition) Bill. It is essential that we have a monitoring inspection system.

Part 3 allows the chairperson of the NHMRC licensing committee to appoint inspectors. Inspectors can "enter any premises and exercise various monitoring powers" in order to find out whether this act or its related human cloning act have been complied with. Inspection is as relevant to researchers or other institutes purporting to be only working on ART as it is to other areas of research. Hopefully people are aware of exactly what this amendment is. Basically this clause allows uses authorised by a licence, which would be granted by the Embryo Research Licensing Committee of the NHMRC. I oppose this because uses listed as exempt uses are the only ones that should be permitted. The exempt use is defined at 10(iii)(a) and (b) as:

> (i) storage of the excess ART embryo; or
> (ii) removal of the excess ART embryo from storage; or
> (iii) transport of the excess ART embryo;
>
> … … …

(v) allowing the excess ART embryo to succumb; or

(b) the use is carried out by an accredited ART centre, and—

… … …

(ii) the use forms part of diagnostic investigations conducted in connection with the assisted reproductive technology treatment of the woman for whom the excess ART embryo was created; or

(c) … is for the purpose of achieving pregnancy in a woman other than the woman for whom the excess ART embryo was created …

Basically these uses are all in connection with assisting reproduction or allowing the embryo to die. If there are other ways necessary to define the use, that can be done through regulations. Regulations are disallowable and so subject to scrutiny. These are the only uses I am supporting today. My other amendments are all consequential and essentially remove references to the licensing system.

**MR CORBELL** (Minister for Health and Minister for Planning) (8.51): I will be speaking to all of Ms Tucker's amendments because, as she has indicated, her initial amendment is followed by a series of consequential amendments. All these amendments appear to be designed to meet one particular goal—that is, to ban all research on excess assisted reproductive technology or ART embryos. Firstly, I will quickly describe what Ms Tucker's amendments would allow to occur in the ACT. If these amendments were passed, then only exempt uses of excess embryos, as outlined in section 10 (iii) (a) to (d) would be allowed. These uses relate to the custodianship of excess ART embryos by ART providers, the conduct of necessary diagnostic investigations and achieving a pregnancy in a woman other than a woman that the embryo was created for. To summarise, it formalises activities which already commonly occur in the ACT. Much more significant is what Ms Tucker's amendments would prevent.

The collective effect of the amendments is to ban research on excess embryos in the ACT and create confusion between Commonwealth and territory law. ACT Health has discussed Ms Tucker's amendments with parliamentary counsel. The advice received confirms that Commonwealth legislation has limited coverage due to constitutional issues. Commonwealth acts do not cover state agencies, individuals or universities, particularly the University of Canberra. We should recognise that the ANU is covered by Commonwealth legislation because it is a Commonwealth institution. This means that, even if Ms Tucker's amendments were to be passed, some agencies, which fall under the scope of the Commonwealth constitutional powers, would still be able to undertake embryo research. So we would have a circumstance where some agencies, some entities, some institutions in Canberra would be able to conduct embryo research but others would not. That is the effect of Ms Tucker's amendments. It flies in the face of trying to achieve a universal nationally consistent regulatory regime.

For example, other institutions such as the Canberra Hospital and private hospitals would be prevented from doing so. The nationally consistent scheme will address these gaps and inconsistencies, provide uniform and consistent regulation and avoid uncertainty about the application of the regulatory scheme. The government legislation, as originally drafted, seeks to regulate certain uses of ART excess embryos. Under Commonwealth law it is already an offence to use an excess ART embryo unless that use is authorised by

a licence issued by the NH&MRC licensing committee or is deemed to be exempt. This has been the case since June 2003. The Commonwealth legislation sets out strict criteria that the NH&MRC must consider before it may issue a licence authorising the use of excess ART embryos. These are set out in section 15 of the bill that we are debating tonight. In other words, the ACT bill presents the same strict criteria as deemed appropriate by the Commonwealth. Most other states in Australia have passed this type of legislation and have always maintained this type of regulatory control.

The question for members tonight is not whether or not this research and use of embryos in these particular circumstances can occur in the ACT, because the Commonwealth legislation already permits it in certain circumstances. The question is: should that be permitted in a uniform and consistent way across the ACT or should we decide that institutions which fall under the coverage of ACT law should have a more restrictive regime in place? For my part, I do not believe that it is anyone's interests to have that sort of inconsistency in our regulatory regime. It simply flies in the face of the need to try and establish nationally consistent approaches on this very difficult issue.

The types of uses of excess ART embryos that must be licensed by the NH&MRC licensing committee may include, but are not necessarily limited to, use for research purposes—for example, to derive stem cells, to improve ART clinical practice or to better understand embryonic development and fertilisation. Ms Tucker's amendment would prevent training people in ART techniques. I do not know whether Ms Tucker understands that that is a consequence of her amendments, but I can assure members that it is. I do not believe that it is appropriate to prohibit people being trained in ART techniques, but that is exactly the consequence of her amendments. Another consequence would be to prevent quality assurance activities such as examining the effectiveness of new culture media within an ART clinic. Ms Tucker's amendments have fundamental impacts on the current process of artificial reproductive technology as it is supplied in the ACT. That is a fundamental question which members in this place need to consider very carefully because it has very significant implications.

The bill that we are debating tonight establishes very strict conditions under which excess ART embryos, with the donor's consent, can be used for specific types of research. This is research that one day may—I accept that it "may"—save or greatly improve the lives of people who suffer from debilitating disease and severe injuries such as diabetes, Alzheimer's disease, Parkinson's disease, cystic fibrosis, spinal cord injuries and juvenile diabetes. The passing of the amendments proposed by Ms Tucker will see these opportunities lost in the ACT and, given that the ACT is a significant area of medical research, could have wider ramifications. The ACT government has put considerable effort into building Canberra as a health and medical research hub. Passing these amendments would directly counter that effort and send a very clear signal to the research community that the ACT is closed to one of the most important fields in medical research available to us today.

I urge members not to accept these amendments but instead to support passage of the bill with the provisions intact.

**MRS DUNNE** (8.59): I will be supporting Ms Tucker's amendment and the amendments which are consequential upon it. I will be supporting these amendments because they go to the heart of the matter. They do not go to the issue of whether we are consistent with

Commonwealth laws or other state laws; they go the heart of the matter. The heart of the matter is that there is a widely held, all-encompassing view that embryonic stem cell research has the potential to benefit society. Much of this view comes from the belief or the hope that we may find a holy grail that will be the solution to a range of diseases such as those the Minister for Health listed—Alzheimer's, Parkinson's, spinal cord injuries, cystic fibrosis, motor neurone disease, and the list goes on.

As I have said in this place before, I am the parent of two children with cystic fibrosis. I have had discussions at length with the adult of those children about what this legislation does. My daughter Olivia and I were sufficiently moved on this issue to make a submission to the Senate inquiry into research involving embryos in 2002 on the basis that this is not the way to go. As I have said here and in other places, I believe that to find a cure for my children for the diabetes that they may acquire or for their non-functioning endocrine system would be a great thing indeed, but not at the cost of somebody else's life.

I recall having a discussion with some of the grandparents of my children about this matter. They said, "How could you possibly oppose this? One day, when you need a cure for something, Olivia and Conor might be able to find a cure." I cannot, in all conscience, support this sort of research on the grounds that one day one of my children might need a cure and it might be found because the means by which this cure would be found is fundamentally immoral.

When we talk about stem cell research we need to be clear that we are talking about cells which are derived from embryos in the very earliest stages of development, which are either purpose produced or the by-product of assisted reproductive technology. What this legislation and the Commonwealth legislation seek to do is say that, for the time being—and only for the very narrow time being—we cannot purpose produce embryos for assisted reproductive technology. We have the unfortunate phrase of "excess embryos". Excess embryos seem to be fair game under this legislation.

I am entirely convinced that there is a possibility of the legitimate use of adult stem cells. There has been much research in this area, which shows promise. Ms Tucker has referred to some research. The list of successful but still nascent early research is very long. I will not bore members with a long account of successes as Ms Tucker has touched on some of those things. The reasons why I think it is licit to continue the research on adult stem cells are many and varied. There is also a licit use for stem cells which are obtained from umbilical cord blood. It is obvious that the applications for adult stem cells are wide. As technology advances, the practical uses for adult stem cells keep expanding. In this whole debate, I have never heard a refutation of the advances and treatments being achieved by those using adult stem cells. In addition—and this is the really important part—the harvesting of adult stem cells is not fatal to the donors. Researchers and clinicians are able to obtain proper consent before they harvest, so there are no moral impediments to their use. Also, as adult stem cells can be harvested from the patient and returned to the same patient, there are not the medical issues associated with cell rejection. None of these things apply in relation to embryonic stem cell research.

I see no legitimate moral use for embryonic stem cells in research here. This view is informed both by a moral argument and a utilitarian argument. Firstly, despite all the attention and discussion of issues and all the hype, it has become increasingly obvious

that the use of embryonic stem cells to produce "cures" has so far been a signal failure. There is a body of evidence that shows that work to develop embryonic stem cells for treatment is fraught with difficulties and even danger. I quote here from a presentation given by Professor David Prentice, Professor of Life Sciences at Indiana State University and Adjunct Professor of Medical and Molecular Genetics for Indiana University School of Medicine in Brisbane in August 2002. Professor Prentice said:

> It is difficult to get that dish of embryonic stem cells to form all the types of neurone we need… Instead it is a mixture. In fact that is what you invariably get. One or two per cent of cells in the dish are the type of cell you want the rest of the cells are a hotch-potch. A mixture of heart, muscle, skin, a few nerves and then some cells which are continuing to grow which leads to another problem – these cells have the potential for tumour formation. When placed into animals in many cases this is what happens. The cells form tumours rather than forming the desired tissue. There is a publication last summer—

which would have been 2001—

> which showed that, genetically, they are unstable. It is hard to direct them. That may be why you can't get pure cultures and you can't get around this tumour formation.

When confronted with not just the failure but the positive dangers in this line of research, I think we should adopt the precautionary principle and not legislate to allow any expansion of the current research. Ms Tucker's amendment does not allow expansion of current research beyond assisted reproductive technology. Further government moneys directed to this line of research should be redirected into more fruitful areas of research.

There are ethical arguments. More important than the argument that the use of embryonic stem cells for treatment of a variety of diseases simply does not work is the argument that it is not morally or ethically permissible to do so. To obtain the stem cells necessary for this research, the researcher must destroy the embryo. Although this embryo is a cluster of only about a dozen cells, it is surely as human as you or I. The only essential difference is the elapsing of time and the fact that we were given the right to go on while many embryos are not.

Many in this debate would say, "We've got 70,000 excess embryos. It would be a waste if we didn't do something with them." I cannot embrace this mindset. The 70,000 embryos in cold storage in laboratories around this country are, as far as I'm concerned, human beings. It is our job as legislators to protect those human beings from experimentation.

We need to draw attention to the fact that we are talking about a whole range of experimentation, not just about miracle cures, which, so far as we can tell, do not happen. In addition to embryonic stem cell research, a range of things can also happen. Embryos can be used for a whole lot of other things, such as to work out whether or not new culture mediums are effective. Embryos can be put in petrie dishes with various culture mediums to see whether they survive, whether they live or die. It is like putting a human being in a room and saying, "We will apply this chemical and see what happens." Embryos can also be used to assist in understanding embryonic development and fertilisation; for the training of clinicians in microsurgical techniques; transport and

observation; micromanipulation, lasering, cutting and dissecting—so we are just cutting them up for the sake of it; studies in genetic makeup, which might be permissible in some context. (*Extension of time granted.*) Excess embryos can also be used for quality assurance to see whether our systems work. The most alarming use in this list is to use embryonic stem cells for drug testing and toxicology studies.

At the moment, although it is considered immoral and in most places illegal to test cosmetics on animals, it would be possible, under this legislation, to test cosmetics and perfumes on human embryos. It gives a whole new meaning to the signs that you see on cosmetics these days "Not tested on animals". I ask members when they see that sign next time to question "If it is not tested on animals, on whom is it tested?" Is it tested on embryos? Under this legislation, and under legislation that currently exists in other states, it would be possible for this to happen.

These are the sorts of things that Ms Tucker's amendment seeks to stop. The Minister for Health says that we cannot possibly do this because then we would be out of step with other jurisdictions and there would be inconsistencies within this jurisdiction as to who could do what to whom. Quite frankly, I am not moved by those arguments. It is quite clear that, as things currently stand, Commonwealth institutions like the ANU, specifically the John Curtin School of Medical Research, the CSIRO and corporations are already governed by the rules passed by the Commonwealth. There is a grey area about what happens to ACT institutions. My understanding is, from what the minister has said and from the briefings that we have received, that if we pass Ms Tucker's amendments we will not be able to conduct embryonic stem cell research at the Canberra Hospital, the University of Canberra and other private research institutions. If we can find some way of limiting this abominable practice, I am prepared to support it. Ms Tucker's amendment puts the brakes on this research, which is absolutely out of kilter with modern humanitarian approaches to medicine.

If we go ahead, people at the Canberra Hospital, the University of Canberra and other institutions will be able to extract cells from nascent human beings without consent and without the usual moral and ethical procedures. As a result, these nascent human beings will die from the extraction of those cells.

I have always supported the right to life from the moment of conception. The reason I opposed Mr Berry's bill last year, supported Mr Pratt's protection of the unborn bill and attempted to move amendments to the Human Rights Bill was to underline our responsibility as legislators to protect people from the outset of their life until it naturally concludes—not to have it concluded by the microsurgical techniques of some researcher. An excess embryo in olden days parlance was an unborn baby, but now it is an excess embryo. I will not be part of any legislation that allows us to test perfumes or cosmetics on excess embryos.

**MRS CROSS** (9.13): I will not be supporting the Greens' amendments. In my view, the utilisation of excess assisted reproductive technology—also known as ART—embryos should not be prohibited. I am on the record as having said that in this place two years ago when I put forward an MPI on stem cell research. While I recognise the need for a regulatory system framework to ensure the ethical use of such embryos, I strongly advocate the provisions of the Human Embryo (Research) Bill licensing the use of excess ART embryos for stem cell research. I am supporting this not because every other

state and territory is doing it but because I have been a strong advocate of stem cell research for many years. When I brought on the MPI in this place on 10 April 2002, which was supported by most members in this place, I did made some comments which I want to repeat. I said:

> Stem cells can be made available from a number of sources, both from adults and in embryonic form. Science is increasingly showing that adult stem cells are less suitable for treating disease and impairment than was first thought. They lack the plasticity of embryonic stem cells—that is, the ability to become any type of tissue.
>
> Embryonic stem cell research is, of course, not without its detractors. Those detractors, in the main, come from two sources—the ignorant and/or the uninformed, and the church. Firstly, for the uniformed, here are some facts: IVF treatment for infertility is now commonplace and non-controversial in Australia. For each IVF pregnancy, a number of embryos must be created. Other than the two or three that are implanted, the rest are surplus to requirements, and are either stored or disposed of. There are currently some 70,000 spare embryos in frozen storage in Australia. If not used for stem cell research, they will eventually be thrown away.

I asked this question two years ago of other people in this place. As a new member I said, "If there are 70,000 unused embryos and you have an issue using those embryos because they are considered a life, how can you dispose of a life if it is so precious to you? You say it is a life and you don't know where life begins, yet you are not prepared to use that supposed life to help cure people?" In my parliamentary career, I am certainly not going to stand in the way of possible cures. It is a choice, which is why some parties allow a conscience vote on this issue. I honestly cannot understand how anyone can make a decision not to use research, while we have millions of people around the world suffering from various diseases which are curable. I am not going to play God on this. The scientists are there to do the job for us. They are our gods in the medical profession. They use these embryos in order to benefit humankind.

Imagine a world where kidney dialysis was no longer needed, diabetes did not exist, the blind could see again and those disabled or otherwise hindered by impairment were restored to health and ability. That world is now close. I appreciate the despair some people have in their everyday lives. This despair could probably be lifted by this new technology. I believe that those who oppose this new research because they are confused about a six-day old cluster of cells in a petrie dish commit a greater moral sin by sentencing those who are in dire need of a cure to lives without hope.

I heard members earlier refer to embryonic stem cells and their importance or lack of importance. Everyone can come up with arguments for and against. I have some information that I sought from the internet which I would like to read. The question was asked: why are embryonic stem cells important? The information I have is as follows:

> Embryonic stem cells are of great interest to medicine and science because of their ability to develop into virtually any other cell made by the human body. In theory, if stem cells can be grown and their development directed in culture, it would be possible to grow cells of medical importance such as bone marrow, neural tissue or muscle.

… … … …

> The first potential applications of human embryonic stem cell technology may be in the area of drug discovery. The ability to grow pure populations of specific cell types offers a proving ground for chemical compounds that may have medical importance. Treating specific cell types with chemicals and measuring their response offers a short-cut to sort out chemicals that can be used to treat the diseases that involve those specific cell types. Ramped up stem cell technology would permit the rapid screening of hundreds of thousands of chemicals that must now be tested through much more time-consuming processes.

The study of human development also benefits from embryonic stem cell research. The information continues:

> The earliest stages of human development have been difficult or impossible to study. Human embryonic stem cells will offer insights into developmental events that cannot be studied directly in humans in utero or fully understood through the use of animal models. Understanding the events that occur at the first stages of development has potential clinical significance for preventing or treating birth defects, infertility and pregnancy loss. A thorough knowledge of normal development could ultimately allow the prevention or treatment of abnormal human development. For instance, screening drugs by testing them on cultured human embryonic stem cells could help reduce the risk of drug-related birth defects.

I have heard the argument that some support embryonic stem cell research and others prefer adult stem cell research. Another question asked was: why not derive stem cells from adults? The information is:

> There are several approaches now in human clinical trials that utilize mature stem cells (such as blood-forming cells, neuron-forming cells and cartilage-forming cells). However, because adult cells are already specialized, their potential to regenerate damaged tissue is very limited: skin cells will only become skin and cartilage cells will only become cartilage. Adults do not have stem cells in many vital organs, so when those tissues are damaged, scar tissue develops. Only embryonic stem cells, which have the capacity to become any kind of human tissue, have the potential to repair vital organs.

Adult stem cells are difficult to grow in the lab and their potential to reproduce diminishes with age. A further question is: what are the benefits of studying embryonic stem cells? The information is:

> Pluripotent stem cells represent hope for millions of Americans. They have the potential to treat or cure a myriad of diseases, including Parkinson's, Alzheimer's, diabetes, heart disease, stroke, spinal cord injuries and burns.

I mentioned in the speech I gave two years ago—that speech was a little emotional for me; it is probably one of the few in this place—that it is easy for others who have not suffered to stand by and make a moral judgment, stand by and watch people who have suffered paralysis, quadriplegia and severe spinal cord injuries and lost quality of life and many years from their lives and say, “I can see that you are suffering and I understand that you are going through a hard time, but, I am sorry, I have a moral dilemma here.” I respect the difference of opinion. At the end of the day, however, without science, without research, we would not be where we are today. Unless we are prepared to allow

scientists to perform the research that we need, we will never progress further than we are today. In 10 years time we, friends, relatives and others will look back on a debate such as this and say, "For Christ's sake, why were there people who tried to prevent something like this going through. Ten or 20 years ago, I lived with the issue but now it is commonplace."

I commend Mr Corbell for bringing this bill forward. I reiterate that I am not supporting embryonic stem cell research because it is being done in every other state or territory, although it does bring us into line. I have been an advocate of embryonic stem cell research for a very long time. I have seen people suffering who could have benefited from something like this had it started earlier. Let us hope that those who have suffered from quadriplegia, paraplegia and other serious diseases will some day achieve some quality of life because of the research and the benefits from embryonic stem cell research.

**MR PRATT** (9.23): I rise to talk to this amendment. Having missed the in-principle stage, I would like the opportunity to take a broad approach.

**MR SPEAKER**: It is not open to you, Mr Pratt. You have got to stick to the amendments.

**MR PRATT**: My focus will definitely be on the amendment. Thank you, Mr Speaker. I am trying to support Ms Tucker's amendment. The reason is that I see some good in it. I have wrestled with this issue for quite some time not only in the moral sense but also in the ethical and the medical sense. Some Christian and Muslim advice supports the use of excess ART embryos for ethical medical research. The wise counsel of my wife in recent days has perhaps tipped me over to taking the decision to support the Human Embryo (Research) Bill. The progressive Muslim view is that "God breathes life into an embryo after about eight weeks." Certainly the Christian view that I have drawn upon to help formulate my position, which is why I cannot support this amendment, is that Jesus said, "Don't get too tangled up with covenants. You'll make the right decision so long as you respect and love your fellow man"—and, of course, in politically correct terms, your fellow woman.

I suppose, in a sense, I have been guided to making that decision. I do support ethical, medical, lifesaving embryo research. I am satisfied that the NH&MRC provisions in this bill will lock into place the ethical guidelines, checks and balances; therefore, I do not want to see the NHMRC provisions of this bill amended at all. I remind members that the Commonwealth model act that this legislation is based on was very well researched and supported by bioethicists of high regard. I am confident in my reading of this act and the Commonwealth model act, that an applicant will have to proceed through at least four checks and balance gates before they can get a licence. The important issue here is that there must be full disclosure on the use of embryos. I am satisfied that this bill will guarantee that.

The NHMRC benchmarks for what the embryo research can be used for are watertight. I do not think that there is a danger that embryos are going to be misused for exploitative commercial reasons. Medical research aimed at saving life is fundamental. I would have to echo what Mrs Cross said a moment ago—that is, science and medicine must progress. Embryo stem research is taking us down that progressive path; therefore, I will

be supporting this bill in its entirety and will not be able to support Ms Tucker's amendment.

**MR STEFANIAK** (9.27): This is a difficult issue. Like Mr Pratt, I have spoken to a number of people about it, including my wife. I will be supporting Ms Tucker's amendment. I am certainly all for scientific research. It is amazing in the last 100 years just how much research has been done in advancing the cause of medicine. It is being done in a wide range of ways, none of which necessarily involves human cells. All sorts of advances have been made. I have certainly talked to my wife about this research and, unlike Mr Pratt's wife, she is somewhat concerned. My wife has a metal valve in her heart and has benefited from scientific research and the advances in medicine. Until someone invented metal valves, pig valves were used which were not nearly as effective. A metal valve lasts for about 30 or 40 years. Whilst, obviously, she still has problems, that particular scientific advance ensured that she is able to enjoy a good quality of life. Had it not been available, she would, most likely, be dead by now.

Scientific research has to be balanced with a number of other things. The jury is very much out even on the value of embryonic cells. There is a lot of growing evidence about the use of adult stem cells. As I indicated, scientific improvements have been made in a wide range of areas. Nothing to do with human beings is being used. I again use the example of the metal valve being used to fix my wife up and help her heart. I am sure a lot of other scientific advances are going to be made over the next 10 years.

The average life expectancy of people in Australia is about 82 years of age for women and 75 or 76 years of age for men. Fifty years ago, it would have been about 60 years of age or so for men and about 65 years of age for women. A lot of countries in the world do not have the benefits of science or this type of research. The average life expectancy of people in these countries is still very low.

I have no doubt that cures might be found for some of the illnesses that Mrs Cross talks about—illnesses that concern us all—in the not too distant future. Polio injections were available about 50 years ago. My godfather suffered from polio and had great difficulty getting around. He had polio as a teenager. Had he been born 20 years later, there was no way in the world that he would have contracted that disease. All of these improvements in modern science were done without stem cell research or anything like that. The very concerning illnesses that Mrs Cross talks about will be solved and improved by other advances in medical science other than embryonic stem cell research. The jury is out on this issue.

We recently had a debate on when life begins. That is a very important issue as well for me. I moved an amendment to section 9 (2) of the Bail Act to take out "life begins at birth". It is a vexed issue as to when life begins, but some of us do believe that it begins at conception. I was thinking about when life on earth started. The earth used to consist of just rocks; it was quite barren. I cannot quite remember my geography or history lessons on this, but life on earth started perhaps billions of years ago with a couple of cells. I am a little vague on that, but certainly the first life on earth started with cells. To my mind, an embryo, which consists of cells, is a life.

I do not think we need to reopen abortion debates or anything like that, but that is an issue in relation to this. I can see that this bill is going to get up and that Ms Tucker's

amendment is probably going to be defeated. I have considerable sympathy for what she is trying to achieve. Accordingly, I will be voting in favour of Ms Tucker's amendment and against the Human Embryo (Research) Bill 2004.

**MRS BURKE** (9.32): I too am happy to support Ms Tucker's amendment to the Human Embryo (Research) Bill 2004. This bill takes us all into new and, to a very large extent, uncharted waters. I do not know of anyone in here who is a competent scientist, other than perhaps our learned friend sitting in the gallery, Dr Dugdale. There have been major scientific advances in biotechnology—advances which have changed the world's attitudes towards how far science can and should go and what is scientifically possible. I have been reading through much of the material on the internet, which is freely available to us all—in particular, a paper written by Sonia Magri from the Faculty of Law of the University of Melbourne. Under the heading "Conclusion" she says, in part:

> Around the world, and at home, research continues. Over the past year we have seen reports in the news of the possibility of turning adult cells back into pluripotent cells – which support one argument that in the future, at least in relation to stem cell research, human embryos will not be needed …

Statements like that concern me greatly. As somebody said earlier, what Ms Tucker is proposing is certainly going to put the brakes on for us in the ACT. The pointy end of the stick, which is why we are here tonight, is about what is going to happen in the ACT. We all know and acknowledge that science and technology continue to advance. Such advances often move faster than perhaps the legal world can keep pace with. This brings another dilemma, which Mr Smyth has alluded to—that is, whatever we set in train today in 2004, we are not necessarily going to be in this place to see the legacy we are leaving for legislators in the future.

This debate reaches to the very heart of where life begins. I cannot move away, like Mr Smyth, from the fact that life begins at conception. The ethics of this matter surely points to keeping away from it for that very reason—that society cannot be 100 per cent sure that life does not begin at conception. When somebody tells me that it does not, then I will move away, like Mr Smyth, but I am totally and utterly convinced that it does. For that reason, I again applaud Ms Tucker for moving her amendment tonight and for the sensitive way she has done it.

As I and others have said, there seems to be more and more evidence that using stem cells from embryos is not as positive as it was once thought. I will refer later to comments made by Dr Amin Abboud. Moreover, more and more evidence suggests—I think Mr Corbell alluded to this—that this area is advancing at a very fast pace. We are wanting to lock something into the legislation, but I do not think many of us are totally sure of what we are locking in. As far as I am concerned, there are currently no medical cures using stem cells from human embryos. There have been great advances—advances which can be used to cure some conditions. There is not enough evidence at this stage to suggest that embryonic stem cells are the way to go, which is why we should particularly be doing further research. On the other hand, adult stem cells are possibly providing cures for many human illnesses. I have no problem with the use of stem cells from adults for medical research, no problem with the use of umbilical stem cells and no problem with the extraction of stem cells from adults for medical research as they do not die afterwards.

Legislators have always put the interests of children before adults. I realise that it is a matter of choice as to where people believe life begins. Given a choice, human embryos would never consent to their own destruction. I find it quite alarming that there is deception abounding that there is no alternative to embryonic stem cell research. It would be very easy for me to just put a stop on this and say, "I am definitely not against research and development in order to find cures." I lost a niece to cystic fibrosis at the age of 17. Advancements in science in Australia lead the way, and that has been tremendous. I do not think we have enough information to hand at the moment to justify that this is the way we should be going.

It is interesting to note the views of Dr Amin Abboud, the Director of the Australian Bioethics Information Centre, to whom I alluded earlier. He outlines quite clearly some of the issues in a paper produced on 25 August 2002. He states:

> Regenerative medicine is an exciting new field of medicine in which different techniques, including stem cells, are used to repair damaged organs and tissues. The ethical issue is where we get the stem cells from. The destruction of embryos for stem cells research is ethically unacceptable.
>
> **What are stem cells?**
>
> Stem cells can change into many types of cells – heart cells, nerve cells, muscle cells, skin etc. Because of this capacity they may prove useful for treatment of some medical conditions.
>
> **Where do stem cells come from?**
>
> Adult stem cells can be taken from living humans (children or adults) without harming them. Embryonic stem cells come from embryos. The embryo is destroyed and its stem cells are extracted.
>
> **What are the benefits of stem cell treatment?**
>
> Stem cell research may benefit many conditions, including Alzheimer's disease, Parkinson's disease, diabetes, spinal cord injuries, heart disease and cancer. The new cells may be able to replace damaged tissue. The only stem cells that have helped patients so far are adult stem cells. Embryonic stem cell research has not helped a single patient.
>
> Which cells should doctors use?
>
> The deception that there is no alternative to embryonic stem cell research is propagated by those with a personal interest in destructive embryonic stem cell research. Successful and ethical adult stem cell research involves no destruction of embryos.
>
> Is this a clash between religion and science?
>
> No. It is about good science versus bad science. Good science is ethical science.
>
> Why are some scientists pushing embryonic stem cell research if the use of adult stem cell is useful and ethical?
>
> The key argument for using stem cells from embryos is they are easier to change into other types of cells. While this has some basis, the technology is improving so rapidly that it is hard to substantiate.

We are back to that argument again—that is, we cannot be 100 per cent sure. He continues:

> The advantage of embryo stem cells may already have been superseded.
> **Why shouldn't we use embryonic stem cells for cures and research?**
> 1. It is unethical.

and that is a matter for decision in this place tonight—

> The process of obtaining them destroys a human embryo.
> 2. Embryonic stem cells can cause cancer.
> Embryonic stem cells are versatile but they can also become malignant. Their potential for causing cancer is a real concern for researchers.
> 3. It is unnecessary.
> Adult stem cells are proving to be a viable alternative.
> 4. The benefits of embryonic stem cells are a long way off.
> Most scientists admit that the potential benefits of embryonic stem cells are still distant. However, many adult stem cell breakthroughs have already taken place.
> 5. The use of adult stem cells seems to overcome the problem of immune rejection, which will be a big problem with embryonic stem cells.
> Our bodies quickly recognise and try to kill off foreign tissues implanted in them. By using cells from oneself, the compatibility problem is avoided.
> 6. Embryonic stem-cell research is not driven by hope for cure, but lust for profit.
> Many of the cell lines are in the hands of private companies. The amount of vested financial interests is staggering.
> **What about 'reproductive cloning'?**

He goes on to say more about cloning, which we have already talked about, so I will not go into that. He continues:

> Does an embryo deserve the same respect as a person?
> The human embryo is a distinct, living human being

again, that is a matter for those in this place to decide—

> and is entitled to the same rights as any other human being. Human life begins at conception (or fertilisation).

And he goes on. I believe that stem cells may prove to be of great value in treating certain conditions. As I have said, most of us in this place are not scientists and we must be very clear and very sure about what we are passing in the legislation tonight. I believe that Ms Tucker's amendment will provide necessary checks and balances. The amendment puts the brakes on such research. I support Ms Tucker's amendment, as I support the right to life and the rights of the unborn child, including the rights of human embryos not to be used for such as yet unfounded research.

**MS DUNDAS** (9.42): I want to make it clear that the Human Embryo (Research) Bill ensures that the ACT is part of a consistent national framework for the regulation of excess assisted reproductive technology embryos that would otherwise be allowed to succumb. It links the ACT into a national licensing committee of the National Health and Medical Research Council that will assess applications for licences to conduct research, train in ART techniques, maintain quality assurance in ART and examine the

effectiveness of new culture media in ART. It also ensures that we are part of a centralised, publicly available database of information about all licences, the number of research projects involving excess ART embryos, the nature of those projects and the number of excess embryos that have been used. An important feature of this legislation is that it seeks to treat all users of excess ART embryos even-handedly—for example, whether it is for the testing of new culture media or for the derivation of embryonic stem cells.

The legislation is controversial—as evidenced by the Assembly debate—because it covers the issue of the destruction of embryos. I want to make it quite clear that the Australian Democrats recognise and respect the wide range of sincerely held and, in some cases, irreconcilable beliefs. We do not believe that any particular group, be they scientists, politicians, ethicists or church leaders—and the list goes on—has special, privileged access to wisdom in such matters. Thus it is essential that the community engage in informed debate on this issue. Indeed, the Democrats see that as an essential feature of a pluralist democracy.

There are many ethical questions that confront us. The central ethical question posed by this legislation is whether people believe that destructive research on excess ART embryos that have been donated with consent—an important part of this legislation is that they are donated by choice; they are donated with consent—and which would otherwise be allowed to succumb is acceptable or not. That is at the heart of the ethical dilemmas with which we are confronted. We believe that for any one person the answer to that question ultimately relies, obviously, on their own personal commitments. The extent to which people will choose to weigh the various ethical dimensions to this debate is a personal choice. Potential donors of embryos, for instance, face a rather different set of ethical issues than those of non-donors, and these include considerations of autonomy and of choice.

As a community, we do not currently accept an absolutist determination on the moral status of an embryo or hold to the "uniform protection of all human life". This does not mean, though, that the embryo is of no account. I am concerned, therefore, that, in considering the ethical debate, it should not be constructed as a choice between the high moral ground that rejects destructive research on embryos or a morally bankrupt utilitarianism that permits it. It is neither fair nor helpful to caricature the debate in simplistic terms of science versus religion.

I think it is clear that there is no prospect of consensus or the acceptability of an absolute position in a pluralistic society on the key ethical question posed by the legislation before us this evening. The fact that we are debating this issue, I think, is a very healthy aspect of our democracy. For my own part, I do not move away from believing that there are good ethical grounds to encourage research that may alleviate disease; that there is intrinsic value to understanding biological processes such as cell differentiation, independently of whether that yields applications; and that a sound, nationally consistent regulatory framework is necessary to provide publicly accountable oversight of prudent research on genuinely excess ART embryos that have been donated with full and informed consent.

Stem cell science is a fast-moving field with new insights and research results appearing in scientific literature with great rapidity. It is also a scientific field very much in its

infancy. Human embryonic stem cells were first isolated and characterised in 1998 and adult stem cell research followed shortly after. While some results in adult stem cell research and therapies and mouse embryonic stem cell research appear well confirmed, many results, including, for instance, recently published work identifying and culturing a rare adult stem cell, have not yet been confirmed or replicated in other labs—one of the major points of scientific research.

The characteristics of stem cells and basic biological questions concerning the factors that contribute to cell differentiation, specialisation and regeneration are not yet well understood. This constitutes a fundamental and significant ongoing research challenge for stem cell science. Consequently, I believe it is premature and unreasonable to expect definitive answers to many of the questions that arise from stem cell science. We see unpredictability and uncertainty as intrinsic characteristics of science, particularly at the forefront of a new and complex field. Whether scientists will fully or partially address the myriad of challenges and questions in the short-, medium- or long-term is simply not known.

Embryonic stem cells have two very significant properties: firstly, they give rise to all tissue types and, secondly, they can be placed in a culture medium, replicate and remain undifferentiated indefinitely. To date there have been no proven treatments developed from human embryonic stem cell research. Moreover, there are problems to be overcome if embryonic stem cells were to have therapeutic application for tissue transplantation because of possible immunological rejection and insufficient knowledge on how to control differentiation.

These problems are fully acknowledged by all proponents of stem cell research, and I put that recognition on the record tonight. It is not possible to predict whether such work will be successful in overcoming immunological rejection of embryonic stem cells in some or all transplantation therapies. As a consequence, proponents of embryonic stem research advise that transplantation therapies may be five, 10 or 15 years away, if they are possible at all. However, in view of the potential of embryonic stem cell research to cure a wide range of ailments and human sickness, we believe that it would be premature to unnecessarily constrain or indeed prohibit this research. Time needs to be taken to make sure that this work happens.

We are not debating tonight the impact on research into and clinical use of adult stem cells. It is worth acknowledging that adult stem cells have been successfully used to treat a range of diseases, including cancer and damaged heart tissue. As exciting as the progress with adult stem cells undeniably is, it must be noted that they are difficult to isolate and are not easy to grow or remain undifferentiated in culture. In addition, adult stem cells have not demonstrated the capacity to meet all needs to cell therapy. However, what I believe to be absolutely certain is that there are real benefits in allowing adult and embryonic stem cell research to proceed side by side in the same laboratories so that experiments cross-refer and lessons can be learnt by comparing the two systems.

The Democrats conclude that it is a false dichotomy to consider the issue in terms of embryonic stem cells versus adult stem cells. We believe that a very strong case has been made to encourage research into both with a view to understanding the relative merits and disadvantages. Moreover, there is a very good case to be made for encouraging productive cross-fertilisation ideas and methodologies. While not a 100 per cent relevant

to tonight's debate, we note that the synergy between adult and embryonic stem cell research is a central feature of the work done through the national stem cell centre.

It is important to place on the record the number of embryos that are currently available. It is widely stated that there are around 70,000 excess ART embryos. My understanding is that that figure is not correct and that there are, in fact, about 70,000 embryos in storage because the couples for whom they have been created still want them, have not decided if they are no longer required or, if the embryos are excess, have not determined what they want to do with them. It is not known how many of these are excess in any given year or how many would be available for research. Westmead Hospital, for instance, advised that more than 60 per cent of their frozen embryos are used each year in IVF treatment cycles. According to the South Australian Council of Reproductive Technology, in 2001 only 137 embryos were donated for research in that state.

At Westmead Hospital, only three out of the 150 couples who responded to a letter from the hospital seeking advice on their excess embryos chose to donate their excess embryos for research. While the number of excess embryos is not known, it is safe to say that the number available for research is quite small. *(Extension of time granted)*

To repeat the point that I have made: the bill we are debating tonight provides a strict and nationally consistent means of regulating the use of excess embryos. It will align the ACT with the Commonwealth and ensure that we have access to the expertise of national bodies in examining these issues. There are huge possibilities for advances in both knowledge and treatment for a wide range of developmental and degenerative diseases. We need to allow research to continue as it may provide enormous benefits to our society.

It is important to note that Ms Tucker's amendments could mean that the ACT is not seen as part of the national regulatory scheme. We could be the only jurisdiction in Australia left out of that scheme. That would send a very poor message to our research institutions in the ACT about the attitude of the ACT to research, especially when there are rigorous national protocols in place to regulate such research. People working in the ACT are known internationally for their outstanding medical research. I cannot support the amendment moved by Ms Tucker because I do not want to limit research. As I have said, this legislation provides for an extremely strict regulatory scheme for the conduct of human embryo research. The only embryos that may be used are unwanted embryos that have been generated by ART technology—and then only by donation. I stress again that these embryos would be accessed only by choice of the people donating them. The conditions under which they may be used are very strict. The embryos are only able to used when they are 14 days old.

I think I have put my position quite clearly on the record. I am in support of human embryo research. I do not think that these amendments, which try to limit its application in the territory, are helpful. I stress again that these technologies can be used only on embryos that are donated by choice. A very small number are in storage. The benefits are quite fundamental and address a whole array of issues. We should not cut this work off as it is just beginning to move forward.

**MR HARGREAVES** (9.56): I will be very brief. I think the case both for and against embryonic stem cell research in general has been put fairly well by Mrs Dunne,

Ms Dundas and the Minister for Health in his tabling speech. I will not be supporting Ms Tucker's amendment or Mrs Dunne's foreshadowed amendments but I will be supporting Ms Dundas's amendment. For the record, I want to explain why I am supporting the Human Embryo (Research) Bill 2004. I agree with the Leader of the Opposition when he says that life begins at conception. I fully believe that. But I do not think that is the issue here at all. We need to be careful not to confuse this bill, which is all about the giving of life, with the taking of it.

I held the view that embryos should be protected at all costs. I then had discussions with a few people who held views similar to and different from mine. We are talking about the use of embryos—embryos which are going to be destroyed in any event, and there is nothing we can do about that. The use of these embryos could possibly extend a person's life or increase the quality of their life. I thought about this from a theoretical perspective. I still agonise over this piece of legislation and I am very grateful to my colleagues for making this a conscience vote. What absolutely changed my view on this matter was an encounter with a very good friend of mine who was rendered a quadriplegic by a gunshot wound. His quality of life was pretty ordinary before the shooting; it has now been devastated. If research is able not only to free him from being sentenced to a life in a wheelchair, a life of catheterisation every day, a life of being at the mercy of special taxis and motorised wheelchairs but also to extend his life—it is slowly slipping away—then I think that we have a responsibility to do something like that.

There is no question, in my view, that it is preferable for us to be applying our research to adult stem cells. Pathology would suggest that you are going to get a better product that more closely aligns with the actual age and pathology of the person into whom you are going to introduce this material. Adult stem cell research has not got to the stage where it can be used at the moment; in fact, it is slightly behind embryonic stem cell research. At the moment advancements in science are proceeding at such a pace that there is a possibility that assistance might be given to my friend. It is not like cancer research or other research where you live in hope. You get a horrible disease and you hope like heck that somebody will come up with a cure, but they do not.

What we are talking about here is a very real possibility. I do not think that we should be letting our views—misplaced views in my view—on the preservation of life get in the way. We should understand that these embryos will die in any event. I came to grips with the fact that these cells will be destroyed anyway—it is an ugly thing to have to think about and I have tossed and turned over it—either by leaving them on the shelf or whatever. We do not have the right to deny people a better quality of life or an extension of their life. If we do not do something along these lines, we could be condemning these people to a shortened life. We are talking about the taking of life at either end of the scale, perhaps. For those reasons, I will be supporting the legislation and I congratulate the minister for bringing it forward.

**MR CORNWELL** (10.01): I welcome Mr Hargreaves's comments. I thought at one stage that the debate on the government side might have been confined only to the Minister for Health. There has been much informed and erudite comment tonight on this subject. I do not intend to follow that. I am probably following Mr Hargreaves's point of view in trying to think this one through. I would like to begin by quoting a letter from Adam Johnston Davidson from New South Wales in the *Bulletin* of 30 April 2002:

> How can the Catholic Church claim to follow a saviour who told a crippled man to "Pick up thy bed and walk", while opposing the science that might just make this happen? Has scientist Alan Trounson (The Clone ranger, April 23) ever put this question to his religious friends? As a Christian confined to a wheelchair by cerebral palsy, I would be fascinated by the answer.

That set me thinking on this whole question. We spend a fortune on improving the quality of life for the sick and the disabled; by doing good deeds, which might be wonderful for our own consciences; through charity; and by raising money by various means—indeed hardly a week goes by without there being some fundraiser or another—yet we refuse to countenance the most positive of all improvements: the quality of life of the future sick and disabled. I speak, of course, of a cure for illness or disability. Oddly enough, that sent me to a transcript from CNN. Orrin Hatch is a Republican of Utah and is opposed to abortion—and still is, as far as I am aware. He came out in support of embryonic stem cell research, having studied the legal, medical and religious ethical issues. He states:

> The reality today is that each year thousands of embryos are routinely destroyed. Why shouldn't embryos slated for destruction be used for the benefit of mankind?

I think we have got to the point of embarking on research that could improve the standard of living for people who live with pain, disability and shortened life expectancy. I believe that we do not have any right to stop this research from going ahead. We have no right whatsoever to prolong pain if we can find a means to alleviate it. While I respect the rights of others to their beliefs, religious or otherwise, I do not think that those beliefs should override the rights of sick and disabled people to medical practice that could improve their chances of a better standard of living or a longer life. I believe we do have the right to allow this research to go ahead and that sufficient safeguards can be built in to ensure that it will ultimately prove beneficial only to mankind. A big ask? Well, I have enough faith. As a member of this Assembly I gave the following oath:

> I swear that I will faithfully serve the people of the Australian Capital Territory as a member of the Legislative Assembly and discharge my responsibilities according to law …

I believe I have a duty to support legislation that permits improved physical quality of life—not immediately, and probably not within my lifetime, but that should not prevent this opportunity being taken. I think it is the Chinese who say that, if you concentrate on the past and the present, you will be denying the future. I therefore will be supporting the government legislation but will not be supporting Ms Tucker's amendment or any other amendments. The one thing that came out very clearly from Mr Corbell's earlier statement was that this legislation is consistent with national legislation. I believe that, if we are to advance and if we are to try to relieve pain and seek cures for illness and disability, consistency is absolutely essential.

**MS TUCKER** (10.07): I would like to make a few more comments in relation to this amendment, which I am aware will not be successful. In order to speed up the process I will not move my other amendments, as they are consequential on this one. However, I would like to respond to some of the points that were made tonight by other members. Mr Corbell said earlier that we must ensure that this legislation is about consistency and

regulation. Clearly that is not what it is about. It would not be open to us to make a conscience vote if that is what it was about. This legislation is about a fundamental ethical question. Most people have addressed that question in some detail and they have searched their own consciences in an attempt to deal with it.

I want to make some comments about the points that were raised in relation to this issue. In my view this is not a matter of achieving consistent regulation between the states; this is a fundamental question about the use of human embryos for medical experiments and research. It is not a question about whether we have in place a rigorous regulatory framework. I disagree with the statement made earlier by Ms Dundas. We do not have in place a rigorous regulatory framework. I referred earlier in my speech to some of the concerns that I have. The debate that took place in the federal parliament and the issues referred to by my colleagues explains a lot more.

The issue that we are addressing does not involve the use of spare embryos. The comment that I make about that issue is that that demonstrates how technology creates dilemmas for society. As I said earlier, when assisted reproductive technology commenced, we did not anticipate that there would be this problem or the opportunity to use spare embryos. That happened as technology developed. Society made a decision to assist women with fertility problems to undergo this process. For years many women have undergone that difficult and painful process. Technology then got better and better and suddenly we were confronted with the spare embryo issue.

That is not the main issue with which we are dealing. The question that is now being asked is: how come that happened without us having a real debate about how it happened and what we do with it? We have tried, to a degree, to regulate the storage of those embryos. The United Kingdom has gone to a great deal of trouble to deal with that issue. However, as I said earlier, that is not the central point that we are dealing with. The utilitarian argument, which does not address the issue, is that as an embryo is going to be destroyed it might as well be used. The argument of choice is also irrelevant to that fundamental question.

If we use the argument of choice, right now there are many families around the world who are choosing to sell their children to pay off debts. That choice by the parents does not legitimise the act. I do not think that the question of choice is relevant. As I said earlier, the fundamental question is that we have to determine whether or not we use human embryos for research and experiments. If members do not think that is a problem, that is fine. That is what a conscience vote is all about. The fundamental question is: what is the issue with which I have a problem?

We are attempting to move across a dangerous line. This issue is totally different from abortion. I have said in this place that abortion is about a relationship between an embryo and a woman—the embryo being in the woman's body. Abortion is a woman's life choice. It is about the control that a woman has over her body and her life. The moral argument that can be put in relation to assisted reproductive technology and to the use of that technology is that the issue is still about a mother and an embryo. We are talking about an embryo and science, the corporate sector and pharmaceutical companies, which are very different issues. Tonight the decision that I have made is that I do not believe we should cross that line.

Many people have said many things on this issue. I am sure that all members have received many letters on this subject. I received an interesting letter, which I will read out. I am sure other members can read out letters to support either side of this argument. Basically, the letter that I received from this person was of interest to me. He is a scientist who has hairy lupus leukaemia. He stated that, if this legislation was supported and a cure was found for his disease through embryonic stem research, he would not be able to accept that cure because he would not be able to live with that on his conscience.

People might say to him, "That is your decision, which is tough. You did not want to accept that and you do not have to, but all those other people will benefit from that research." The point that he was making as a scientist was if that same cure and research were delivered through adult stem cells he could still take advantage of that cure without having to make a decision between taking advantage of the cure or going against his conscience. As I said earlier, there are many different perspectives to this issue. However, I believe that we are going too far. There is obviously potential for eugenics. I am sure that members are aware that people with disabilities have also expressed concerns about this legislation.

Although I have received many letters on that issue I will not go through them all. I do not believe that reading letters is all that useful in these sorts of debates. I state in conclusion that this is a conscience issue. I respect the right of everyone to hold the views that they hold, but I do not accept a lot of the utilitarian arguments that have been put forward tonight as justification for this legislation. I said earlier that I would not be moving my other amendments. I state again that I will not be supporting this bill.

**MRS DUNNE** (10.13): As Ms Tucker said earlier, members put forward a number of utilitarian arguments to justify the fact that the use of embryos—which would be destroyed in any event—would be a legitimate way of proceeding. If we go down that path this legislation would inevitably lead to the creation of embryos so that we could experiment on them in the hope that some day we might learn something from that process. Members should remember that there is a sunset clause in this bill. After the expiration of that sunset clause there will be no protection and the creation of embryos will become lawful as opposed to legitimate.

**Mr Hargreaves**: Point of order, Mr Speaker. I thought Mrs Dunne had already spoken in debate on this issue.

**MR SPEAKER**: She can speak in debate a couple of times. Mrs Dunne is in order.

**MRS DUNNE**: As Ms Tucker said earlier, there has been much debate about whether it would be legitimate for medical purposes to use the knowledge that is gained through this cruel experimentation. This argument is the same argument that was used in Europe post-World War II. Did scientists gain that knowledge after the cruel experimentation that was conducted on prisoners in concentration camps? If any worthwhile information was gained as a result of those experiments was it legitimate for them to use that information? Clearly, the answer to that question is no. That same argument applies in this case. In *The Age* dated 8 April 2002 Guy Rundle said:

> Nazi doctors who conducted experiments on pregnant Jewish women and other researches on people they considered less than fully human brushed aside the moral arguments that we were getting in the way of science.

I fear that people in Australia and in other countries are brushing aside those arguments in the same way. The main game appears to be the starry-eyed pursuit of science. No consideration is being given to what we are doing in this process. Are we, as a legislature, shoring up corporate Australia and encouraging global corporate trade in embryos? Is it legitimate that we support cosmetic and perfume manufacturers in their use of animals for testing? These are the issues that we must address, which is why all members should support Ms Tucker's amendment.

Question put:

> That **Ms Tucker's** amendment be agreed to.

The Assembly voted—

| Ayes 4 | Noes 12 | |
|---|---|---|
| Mrs Burke | Mr Berry | Mr Hargreaves |
| Mrs Dunne | Mr Corbell | Mr Pratt |
| Mr Stefaniak | Mr Cornwell | Mr Quinlan |
| Ms Tucker | Mrs Cross | Mr Smyth |
| | Ms Dundas | Mr Stanhope |
| | Ms Gallagher | Mr Wood |

Question so resolved in the negative.

**MRS DUNNE** (10.21): Mr Speaker, I move amendment No 1 circulated in my name *[see schedule 5 at page 1616]*.

This amendment, which refers to the hard end of embryo research and to the creation of embryos, is probably at a tangent to the thrust of this bill. The amendment will remove clause 10 (3) (a) (v), which states:

> (v) allowing the excess ART embryo to succumb;

In everyday parlance it means that we would allow the embryo to die. The embryo would be taken out of its frozen state and allowed to thaw, which is a difficult issue. I have moved this amendment as a sort of die-in-the-ditch stand. I do not expect a vast amount of support for it, but it goes to the heart of what has happened in relation to assisted reproductive technology. Ms Tucker said earlier that we have got better at assisted reproductive technology. We are also clever at super-ovulation and at creating a large number of ova, which then become embryos. A large number of them are left over and there are huge ethical questions about what we should do with them.

This bill will enable those that are deemed to be excess—those for which permission has been given for them to be experimented on—to be allowed to succumb, that is, they will be allowed to thaw out and die. This is a fundamental moral issue about the beginning of

life. I do not know—and I do not believe anyone else knows—what is the solution to this problem. What are we to do with 70,000 unused embryos? For the purposes of the act those embryos are not all excess, but it has been estimated that there are 70,000 unused embryos in Australia. What do we do with those potential 70,000 lives?

Somewhere along the line someone will have to make a decision about this issue. At the moment those embryos can be thawed out, allowed to die and then destroyed. As a legislator who is charged with upholding life I cannot support that provision in the bill. It will start the process of destruction of the existing 70,000 embryos and the destruction of any embryos created in the future. We have to draw a line in the sand. We cannot make it licit for excess embryos to be allowed to succumb or die quietly at night. I commend this amendment on humanitarian grounds.

**MR CORBELL** (Minister for Health and Minister for Planning) (10.25): I do not support this amendment and I encourage other members not to support it. We have to question whether this amendment will have any effect, as Commonwealth legislation, which contains a similar clause, will apply in certain circumstances in the ACT. In many respects we are dealing with the same question that we dealt with when we considered Ms Tucker's amendments earlier this evening—that is, whether or not the Assembly wants to create a regime in the ACT within which certain institutions can do certain things and other institutions cannot. Fundamentally, that question must still be addressed and considered by members.

I accept that Mrs Dunne is putting forward a philosophical and moral point of view. However, in that scenario I have to ask: What will happen if the donor of that excess embryo states, "I would like that material destroyed?" Mrs Dunne is stating that that cannot occur. I accept that that is because of her philosophical point of view but, from my perspective, it is questionable. If the donor states, "I do not want any material that came from me to exist any longer", it leaves that embryonic material in some sort of no man's land.

If donors wanted that embryonic material destroyed, as they do not consider it to be life, they would not adopt the view that has been adopted by Mrs Dunne. Why then should that material be left in some sort of limbo? If the donor's intention was clear, that material could not be used without consent. Mrs Dunne is proposing that these embryos be held in some strange form of legal limbo in an attempt to satisfy her philosophical position. I do not accept the amendment. I hope that all members consider this matter carefully before they come to a decision in relation to it.

**MS DUNDAS** (10.29): This evening both Mrs Dunne and Mr Corbell raised some interesting points about this proposed amendment. I do not support the amendment that was moved earlier by Mrs Dunne, but I think she raised some interesting points. To use the term used earlier by Mr Corbell, those embryos would be left in limbo. I am concerned also about other issues that are dealt with by this amendment, which I am sure will be dealt with later.

I do not think anyone wants to see excess ART embryos lying around. That scenario would be even more frightening than the assisted reproductive technology scenario that was put forward by Mrs Dunne. The statistics show that there are more than 700,000 excess embryos and that embryos are still being created. The couples that created them

either still want them or have not made a decision about their future. We must ensure that people who are participating in IVF do not leave those embryos sitting on a shelf or in a freezer somewhere for an indeterminate period.

I do not necessarily agree with the argument that was put forward earlier by Mrs Dunne—that a life has been started and that we cannot let it die. If we agreed with Mrs Dunne's argument, those embryos would be left in limbo and they would not fulfil their potential. Mrs Dunne said that these embryos would not be able to be used for research, and thus they would be space fillers. I might be wrong in my interpretation of Mrs Dunne's arguments, but in my mind I do not see that as a positive step forward. I do not support Mrs Dunne's amendment.

**MRS DUNNE** (10.32): Mr Corbell and Ms Dundas both referred to this issue as a moral dilemma. The whole point of this amendment is to highlight a moral dilemma that we have created. After 25 or more years of assisted reproductive technology we have created something with which we do not know how to deal. Mr Corbell expressed concern about the fact that the amendment would leave these embryos in limbo when that is already occurring. A large number of people are now confronted with the fact that they have embryos in storage and they do not know what to do with them. So those embryos are in storage and they are confronted with a moral dilemma.

Mr Smyth just pointed out to me that I should have amended clause 10 (3) (a) (v) by removing the word "succumb" and by inserting instead the word "destroy". That is what my amendment proposes to do. I said at the outset that I do not have a solution to this problem, but this amendment highlights that profound problem. Somewhere along the line we will experience storage problems. However, we should not state, "Because we have a problem with storage we should be clearing out all these embryos." We should be going back to basics and stating, "We do not know what to do with these embryos because no-one has a use for them. Should we be creating these embryos in the first place?" We seem to have got ourselves into an awful mess.

There is no easy solution to this problem. Should we allow this clause to remain as it is and permit the destruction of these embryos, or should we adopt my amendment? It is an intractable problem, but I would rather have an intractable problem to which a solution might be found one day than an intractable problem that cannot be resolved. If we ever find a solution there will be no going back. We will not be able to do anything about the embryos that we have destroyed. At this stage we do not know how to solve this problem. If we allow these embryos to thaw out and we then destroy them, we will be doing away with the evidence but we will not be addressing the problem.

**MS DUNDAS** (10.35): Mrs Dunne put forward some eloquent arguments. I wish to respond to one point that she made. She referred to a couple of people who have been involved in ART and who will now have to make choices about the future of those embryos—choices with which they are not comfortable. I refer again to her use of the word "choice". It is their decision whether or not to choose to use them, to defer their decision, or to let those embryos succumb. Those who are involved in that process should be making that decision. They should not be forced into keeping those embryos by the removal of this clause; they should have those options. If we support Mrs Dunne's amendment we will limit their options and their choices.

**MR CORBELL** (Minister for Health and Minister for Planning) (10.36): I have reflected on this amendment and I have listened carefully to the arguments put forward by Mrs Dunne. I accept that Mrs Dunne's philosophical premise is based on the fact that these embryos represent human life. I do not see it as a moral dilemma, per se, if anyone chooses to accept the view that they do not represent human life. In my view these embryos do not represent human life and they are not human beings; they are the precursor to human beings.

Mrs Dunne and others are of the view that life begins at conception, but others—and I include myself among them—are of the view that life occurs some time later. We all have to make a judgment about when life begins and when a human being comes into existence. Within the parameters proposed in this legislation, I do not accept that an embryo is in any way a human being. For me and for many other Australians there is no moral dilemma in that regard. It is a complicated issue but no moral dilemma is involved. It is not a case of flushing life down the sink because, in my view, it is not human life.

Question put:

That **Mrs Dunne's** amendment be agreed to.

The Assembly voted -

| Ayes 4 | Noes 12 | |
|---|---|---|
| Mrs Burke | Mr Berry | Mr Hargreaves |
| Mrs Dunne | Mr Corbell | Mr Pratt |
| Mr Smyth | Mr Cornwell | Mr Quinlan |
| Mr Stefaniak | Mrs Cross | Mr Stanhope |
| | Ms Dundas | Ms Tucker |
| | Ms Gallagher | Mr Wood |

Question so resolved in the negative.

## Suspension of standing order 76

Motion (by **Mr Hargreaves**) agreed to, with the concurrence of an absolute majority:

That standing order 76 be suspended for the remainder of the sitting.

**MRS DUNNE** (10.41): I move amendment No 2 circulated in my name *[see schedule 6 at page 1616]*.

This amendment also refers to the definition of "exempt use". One of the exempt uses is the destruction of unsuitable embryos to help in assisted reproductive technology. Members would be aware that I am concerned about the whole concept of assisted reproductive technology. I think this amendment will help to make the process of assisted reproductive technology more licit and less inclined to be dependent on eugenic-type research. We are saying, "This embryo is not good enough to implant, so we will fiddle with it and, in the long run, destroy it." From my point of view that is not a moral way in which to proceed and it is not a moral way in which to legislate.

**MR CORBELL** (Minister for Health and Minister for Planning) (10.43): I stand to be corrected but I believe that Mrs Dunne's proposed amendment will delete all of clause 10 (3) (b). It is not just about deleting the circumstances in which an embryo is found to be unsuitable for biological implantation in a woman's body; it is also about removing other courses of action associated with assisted reproductive technology. Clause 10 (3) (c) states in part, "for the purposes of achieving pregnancy".

**Mrs Dunne**: My amendment will remove clause 10 (b) paragraphs (i) and (ii). It will not remove clause 10 (3) (c). Other members have made a similar mistake.

**MR CORBELL**: I apologise for that. Nevertheless, the amendment would have the effect of denying people an opportunity to develop further assisted reproductive technology to enable a woman to achieve a pregnancy. That is the extreme end of this debate. Tonight Mrs Dunne is arguing that IVF should not be permissible technology. I accept that that is her philosophical position, but I—and I am sure many Canberrans—would find it difficult to accept that it was no longer appropriate to have IVF procedures in the territory. I respect Mrs Dunne's philosophical view, but I most strongly disagree with it. I am sure that many Canberrans share my concern.

Every year assisted reproductive technology benefits thousands of Canberrans by enabling them to achieve a pregnancy and experience the joy of having a child. Mrs Dunne is stating that, because of her philosophical perspective, that should not be allowed to occur. What an extraordinary proposition! She wants to remove access to a facility that many people in society presently have. Medical research gives those people an opportunity to achieve those things. Members should not accept the proposition that IVF technology is evil and that it should be denied to Canberrans and to everyone else in the ACT.

**MS DUNDAS** (10.47): I place on the record my opposition to this amendment. Mrs Dunne said earlier that she is uncomfortable with the use of assisted reproductive technology but it is not an argument that I support. IVF and assisted reproductive technology should be allowed to continue in the ACT—and I support their continuance—because they bring benefits to families in the territory.

Amendment negatived.

Clause 10 agreed to.

Clause 11.

**MRS DUNNE** (10.48): I move amendment No 3 circulated in my name *[see schedule 5 at page 1616]*.

To some extent this amendment is similar to my previous amendment because the subject matter is essentially the same. It has been pointed out on a number of occasions that assisted reproductive technology inevitably results in surplus embryos. That is one of the many reasons why I oppose the use of assisted reproductive technology. The problem is that it allows most of the new life that is created by technology to succumb.

That is the hard end of the debate. Although the minister and I disagree—and we will continue to disagree—in this context I have to put this argument. It is probably selfish for a mother who has been blessed with five children to state that we should not have assisted reproductive technology. The argument that is often used—and it is one to which I am very sympathetic—is that that is the way in which some people achieve what I achieved so easily. I place on the record that the means by which assisted reproductive technology achieves that end is, in my view—and I concede that it is a minority view and a view that is not unique—not moral or licit.

I refer to the types of intervention, to the drugs for super-ovulation and to the appalling exploitation of the people in this process. Research shows that the adverse health outcomes for mothers and children that are born as a result of those procedures are compelling. It is pretty much a case, 25 years later, of closing the stable door after the horse has bolted. I realise that I will not turn back the clock tonight, but I take this opportunity to place on the record the arguments against assisted reproductive technology. It is not all sweetness and light and it is not all wonderful. It is invasive, it is painful and it fails more often than it succeeds.

Let us look at evidence-based medicine and at the failure rate of assisted reproductive technology. Hardly any other failed procedure would continue to receive the funding that assisted reproductive technology receives. It is an expensive process. Many who enrol in the process go away even more disillusioned and heartbroken and without a beautiful baby. We as a community must address all those issues. I do not expect all members to come on board today, but at least they should think about these arguments. They should think about where we are going with this really invasive technology.

In a large number of cases healthy children are born to people who want a child only to complete their family. I cannot appreciate the anguish of those who do not have what I have come by easily. However, we must address the really hard issues. We should not shy away from this difficult issue because it is confronting. I am well aware that I will not receive support for my amendment, but it behoves us all to think about the issues that are raised as a result of this assisted reproductive technology.

**MR CORBELL** (Minister for Health and Minister for Planning) (10.53): Mrs Dunne's amendment would make it an offence for someone to use a human embryo. That would be the effect of her amendment, if it were agreed to. Members can make their own judgement as to whether or not that is appropriate. Clearly, in my view it is not appropriate. It is an extreme position to suggest that any use of a human embryo should become an offence capable of being punished by imprisonment for five years.

Amendment negatived.

Clause 11 agreed to.

Clauses 12 to 34, by leave, taken together and agreed to.

Clause 35.

**MS DUNDAS** (10.54): I move amendment No 1 circulated in my name *[see schedule 6 at page 1616]*.

Mr Speaker, this is a very simple amendment and it is not intended to be controversial. We have spoken a number of times in this Assembly about what we mean by the term "as soon as practicable". We have, in the bill before us, this term requiring that, when the minister receives a report from the NHMRC licence committee, he present that to the Assembly as soon as is practicable. I just want to clear that up and say that we should ensure that the reports of the National Health and Medical Research Council are tabled within the usual six sitting days.

I have no doubt that the minister would have made sure that the report was tabled promptly but I hope that members can support this very simple and practical amendment, in the interests of ensuring precision in our legislation.

**MR CORBELL** (Minister for Health and Minister for Planning) (10.56): Mr Speaker, this is a reasonable amendment which puts in place a more specific timeframe for the tabling of this report. The government is happy to support the amendment.

**MRS DUNNE** (10.56): I will be supporting this amendment because it gives some clarity to the reporting process. If we are to have a bill like this, there should be as much reporting and clarity as possible. What Ms Dundas's amendment does, by requiring tabling within six days, is take a reasonable approach. An issue that arises in this place on a fairly regular basis is that we are enormously inconsistent across legislation in relation to reporting deadlines. Correcting this might be a job for this Assembly—but not at this stage—or perhaps a future Assembly. There might be a reference to the Legal Affairs Committee to come up with a formula so that we can impose some regularity.

We had this experience during the debate on the planning and land bill because, in the course of debate on the original bill, there were about half a dozen different provisions for tabling depending on what sort of instrument was involved. We eventually came up with a solution, suggested by the secretariat, that provided consistency across that piece of legislation and that was a very good move.

However, we still have a lot of inconsistency between pieces of legislation and this bill is an example of it. For instance, in relation to the Commissioner for the Environment report, at one stage there was a provision—before it was amended the last time—that that report be tabled within 15 days of the commissioner's reporting. However, when we amended it during the week, we seem to have taken out that provision so there is no requirement for it to be tabled. I do not know whether that was intended, but it was a strange outcome.

We have a vast array of inconsistent approaches and what Ms Dundas does today is highlight that. I will support her amendment but I want to put on the record that there should be a wider whole-of-government approach to tabling provisions in legislation.

Amendment agreed to.

Clause 35, as amended, agreed to.

Clauses 36 to 39, by leave, taken together and agreed to.

Clause 40.

**MRS DUNNE** (10.59): Mr Speaker, I propose we remove all the provisions in clause 40 for sunset clauses, expiry dates and the ways in which those expiry dates might be changed by the Council of Australian Governments. Clause 40 refers to provisions earlier in the bill.

This legislation refers to embryos that were created before 5 April 2002. What we are saying is that embryos created before 5 April 2002 are basically the excess embryos that are subject to this law. What will happen in a year's time, if we keep this clause, is that all of the things that we are now debating about excess embryos will become redundant. There will be no distinction between excess embryos and other embryos.

We have all debated this matter on the basis that it is about excess embryos, but what is an excess embryo? In this legislation it is an embryo that was created for a particular purpose and was no longer wanted for that purpose by 5 April 2002. It was originally claimed that these embryos had been created for assisted reproductive technological treatment of a woman and that the woman no longer required the embryos. However, with the passing of the expiry provisions in clause 40, after 5 April next year there will be no constraints on the creation of embryos for this purpose.

At the moment, there are constraints: you can use embryos that were created for assisted reproductive technology and are no longer needed for that purpose. After 5 April next year, you will be able to create embryos for any purpose, which can be used for experimentation and the whole range of things that we have talked about tonight. Stem cells could be extracted from them that may or may not create cures; they could be used for testing on animals or testing mediums or they could be used by people who wish to practise dissecting—or all of these things. What we are doing is creating an entire underclass of embryos that can be used for any means that we would like.

What this will mean is that, in practice, as it stands at the moment, after 5 April 2005—or the ministers in COAG may choose to make it an earlier date—scientists will be able to create as many embryos as they like for research, cosmetic testing and anything else that they like, as long as the NHMRC approves of it. I think that we have gone far enough. We should not just leave this matter up to the passing of time or the whim of COAG. We are a sovereign parliament after all, and we should be making those decisions for ourselves, in our territory. It should not be the mere elapse of time or the whim of the New South Wales Premier, a few other premiers and the Prime Minister that determines what we do here.

This change is not unprecedented: the South Australian parliament removed these provisions so that, if it wants to remove the April 2002 date, it has to go back to the parliament and do it. Similarly, such a provision was removed by the New South Wales upper house and reinserted when it was returned to the lower house. There are precedents for our taking control of this legislation.

The parliament here, tonight, has won the debate as to whether we should have this legislation. Now that we have decided to have this legislation, we should take control of it so that, if we want to go down the path of creating embryos for any purpose we like, we actually have to make that decision and it does not happen by default. This is why we should take out these provisions so that, if we want to change the dates or change the notion of excess embryos, we have to do it and we have to mean it.

**MR CORBELL** (Minister for Health and Minister for Planning) (11.05): Mr Speaker, there are two points to make in relation to this particular clause. The first is that Mrs Dunne suggests that, if this sunset clause is allowed to take effect, then embryos may be created for the purposes of research. The reality is that this is not the case. The cloning bill that we have just dealt with addresses that issue. The cloning bill does not permit an embryo to be artificially created except for the purposes of assisting a woman to achieve pregnancy. We are not in any way opening up a scenario in which embryos can be created for any sort of research in any circumstances. It is simply not the case.

The second point that should be made is that these sunset provisions have been deliberately put in place recognising that they are, in effect, a stopgap prior to the establishment of a national scheme that will regulate the use of excess embryos for research after this date. Again, it is not the case that we are going to enter into a scenario in which there is no regulatory environment. The Commonwealth and all state and territory governments have agreed that there will be a national scheme to regulate the use of excess embryos for the purposes of research. The reason that the territory legislature is including these provisions—and all state and territory legislatures are being asked to pass legislation including such provisions—is to address the issue in the interim, prior to the establishment of that national scheme.

I am afraid that Mrs Dunne's premise is wrong. It is not a case of opening up a whole new scenario where unregulated activity can occur and embryos can be created simply for the purposes of research. It is simply not the case.

**MRS DUNNE** (11.08): I do need to speak again because the minister is partly right and I was partly wrong, and I apologise to members. What the provisions currently mean when you read them in relation to clause 15 is that, as things stand, we can only use embryos that were created before 5 April 2002. If the sunset clause comes into effect, we can then use embryos that were created for assisted reproductive technology after that date and on into the future.

The problem is that the situation that would arise then is that we would not be able to tell the reason for which an embryo was created. The researcher could say, "I created it for this purpose, but then the woman did not want it so it is surplus," or "It was not created for a particular woman." The whole problem is that, prospectively, there will be increasing pressure on people to create embryos and then to use them for non-ART purposes. If we want to do this, we should do it willingly and we should go into it with our eyes open.

It is not sufficient to say we have to do it like this because we have signed up to a national agreement and everything has to be the same. Without reflecting on the debate in the Architects Bill, I point out that we signed up to a national agreement in relation to

that, but we have not done everything in the same way in that bill. The minister put forward reasons why we should not do it that way.

The same thing applies here. The South Australian parliament has not adopted these sunset clauses, so there is already a precedent. What I am saying here tonight is, do not adopt a sunset clause that causes us to do something without really meaning to do it. This is a life and death issue. If you want to do it, really mean it. Come back in here and pass a piece of legislation so that we can have the discussion, so that we know what we are doing. That is all this is about.

**MS DUNDAS** (11.10): I want to draw members' attention to clause 9 of the Human Embryo (Research) Bill before us, which actually defines what an excess ART embryo is. It is:

> a human embryo that—
>
> (a) was created, by assisted reproductive technology, for use in the assisted reproductive technology treatment of a woman; and
>
> (b) is excess to the needs of—
>
> (i) the woman for whom it was created; and
>
> (ii) her domestic partner (if any) when the embryo was created.

It is taken to be excess if "each of the people has given written authority for use of the embryo for a purpose other than a purpose relating to the assisted reproductive technology treatment". That is basically it.

They have to give their consent in writing that that embryo is deemed excess so, by putting in these sunset clauses, we allow the national scheme to be set up, the ACT scheme to fit into that national scheme and embryos to be used in the future, as they are being used now, with the clear, written consent of the people who originally called for those embryos to be created. This is not about embryos being created randomly for scientific purposes and always being created only for scientific purposes and research. They will still have to made specifically for the purpose of helping people with ART, and it is with the consent of the people involved, and only with their consent, that they are used for other purposes.

Clause 40 agreed to.

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

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

> That clause 40 be reconsidered.

Clause 40—reconsideration.

**MRS DUNNE** (11.13): I move amendment No 1 circulated in my name *[see schedule 7 at page 1617]*.

I want to resubmit clause 40 with a view to deleting subclause 40 (3) which takes away from the Assembly, and in some ways the ACT parliament, the power to fix the expiry date in subclause 2, which is 5 April next year. If COAG so decides, it can bring forward that expiry date. We have just passed this legislation with a view that there will be a sunset clause in a year's time. However, the next time COAG meets, if this matter is on the agenda, COAG can decide to bring forward that date without reference to this Assembly again.

Our is a sovereign parliament. We should be taking this role. If we want to bring forward the date, and if COAG wants us to bring forward the date, I believe—and I think that most responsible legislators should believe—this is something that should come back to us. You do not say, "Bob Carr and Steve Bracks have twisted my arm and I have had to agree to it." I do not think that this is the way we serve the people of the ACT. We are a sovereign parliament and we should make these decisions for ourselves.

With the best will in the world, COAG should not run the ACT. It sounds like a states' or territories' rights argument, and I suppose it is. We choose to join together to form COAG. We cooperate with COAG but we should still maintain sovereignty and make the laws in the ACT. I commend to members the deletion of subclause 40 (3), so that any decision to bring forward the expiry date will be a decision of this parliament.

**MR CORBELL** (Minister for Health and Minister for Planning) (11.15): Mr Speaker, Mrs Dunne should remember that any form of intergovernmental agreement is subject, of course, to the intergovernmental agreements act in this place, which requires the relevant minister to advise all members of his or her intention to enter into an agreement on behalf of the territory with other states and territories and/or the Commonwealth. So there is a level of scrutiny of, and an opportunity for members to comment on the appropriateness or otherwise of entering into, such an agreement. Mrs Dunne's argument is somewhat weakened by those circumstances.

Mr Hargreaves has kindly pointed out to me that this relates to the Administration (Interstate Agreements) Act. Nevertheless, I think members will understand what I am saying.

The other issue that members should keep in mind, of course, is that the purpose of this clause is to allow for the achievement of a nationally consistent approach prior to the other sunset clauses that are outlined in this bill. It allows for uniform succession to a new national arrangement governing the use of excess embryos and that is entirely appropriate. You would not want a situation where a loophole existed in the ACT that did not exist in all other states and territories in Australia.

Mrs Dunne's argument is not a strong one. There are sufficient checks and there is enough scrutiny of the executive's role in entering into agreements on the part of the territory. There is also a very strong argument against her suggestion—it may create a loophole in the ACT that may not exist in other states and territories.

**MRS DUNNE** (11.18): I want to inform members that the South Australian legislation specifically took out the reference that is in subclause 40 (3), the reference to COAG, so

that, if we are creating a loophole, South Australians have already created the same loophole with their eyes open.

Amendment negatived.

Question put:

> That the bill, as amended, be agreed to.

The Assembly voted—

| Ayes 11 | | Noes 5 |
|---|---|---|
| Mr Berry | Mr Hargreaves | Mrs Burke |
| Mr Corbell | Mr Pratt | Mrs Dunne |
| Mr Cornwell | Mr Quinlan | Mr Smyth |
| Mrs Cross | Mr Stanhope | Mr Stefaniak |
| Ms Dundas | Mr Wood | Ms Tucker |
| Ms Gallagher | | |

Question so resolved in the affirmative.

Bill, as amended, agreed to.

## Estimates 2004-2005—Select Committee
### Membership

**MR SPEAKER**: I have been notified in writing of the following nominations for the membership of the Select Committee on Estimates 2004-2005: Mrs Dunne, Mr Hargreaves, Ms MacDonald, Mr Stefaniak and Ms Dundas.

**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) (11.23): I move:

> That the Members so nominated be appointed as members of the Select Committee on Estimates 2004-2005.

Question resolved in the affirmative.

## Adjournment

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

> That the Assembly do now adjourn.

### Matter of privilege

**MR CORNWELL** (11.23): Mr Speaker, I will not hold up the Assembly. I know it is late, but I wanted to correct something that was said earlier today in debate on the

Privileges Committee report. I will limit my remarks to some comments that Mrs Cross made in relation to my statements in the privileges debate on 18 November.

The earlier privileges report of 18 November against Minister Corbell was clear cut. It referred to a refusal by the minister to provide answers to an Assembly committee. However, the difference between that report and the one that we debated this morning was that the Liberal representative dissented from the recommendations relating to Mr Corbell. Crucially, the dissent related to the words "that no further action be taken". It is interesting that this led to Mrs Cross's moving an amendment to that motion of contempt, to change the criticism to the words "grave concern".

That was the amendment that was also suggested today for the motion against Mrs Dunne, but that was opposed by Mrs Cross. So, when we talk about inconsistencies, we should understand that they lie with somebody else rather than my good self.

Question resolved in the affirmative.

**The Assembly adjourned at 11.25 pm until Tuesday, 4 May 2004, at 10.30 am.**

# Incorporated documents

## Attachment 1
## Document incorporated by the Minister for Environment

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

Statute law amendment bills deal with four kinds of matters.

Schedule 1 provides for minor, non-controversial amendments proposed by government agencies.

Schedule 2 contains amendments of the *Legislation Act 2001* proposed by the parliamentary counsel to ensure the overall structure of the statute book is cohesive and consistent and is developed to reflect best practice.

Schedule 3 contains technical amendments proposed by the parliamentary counsel to correct minor typographical or clerical errors, improve grammar or syntax, omit redundant provisions, include explanatory notes or otherwise update or improve the form of the legislation.

Schedule 4 repeals redundant legislation. However, this bill does not propose the repeal of any legislation.

Mr Speaker, the bill contains a large number of minor amendments with detailed explanatory notes, so it is not useful for me to go through them now. However, I would like to briefly mention two matters.

First, the *Poisons Act 1933* is amended in schedule 1 to allow pharmacists to supply a small quantity of certain prescription medicines to a person without a doctor's or dentist's prescription if an emergency makes it impractical for the person to present or obtain a prescription for the medicine. The need for a provision of this kind was highlighted by the January 2003 bushfires. The amendment does not authorise the supply of drugs of dependence which are regulated under the *Drugs of Dependence Act 1989*.

Second, the Legislation Act is amended to provide that if the parliamentary counsel adds a name to, or amends the name of, a registrable instrument, the parliamentary counsel may also make consequential changes to the instrument's explanatory statement or regulatory impact statement. As noted by the Scrutiny of Bills and Subordinate Legislation Committee, discrepancies between instruments and their explanatory documentation may cause confusion to people when tracking legislation on the register. The consistent naming of instruments and their explanatory documentation assists access to the law.

In addition to the explanatory notes in the bill, the parliamentary counsel is also available to provide any further explanation or information that members would like about any of the amendments made by the bill.

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

Mr Speaker, I commend the bill to the Assembly.

## Attachment 2
## Document incorporated by the Minister for Environment

It gives me great pleasure today to present the *Environment Legislation Amendment Bill 2004*.

This is a Bill that addresses the complex issues raised during the Investigation into the illegal land clearing by NSW power entity TransGrid, in Namadgi National Park in 2002. As members will recall, this incident involved the company clearing a strip of land 60 metres wide and some kilometres long. It is fair to say that this kind of clearing and consequent damage was of a type that was never envisaged when the Nature Conservation Act was drafted back in 1980. These amendments introduce appropriate offences and stronger penalties to cover any future illegal clearing of native vegetation or damage to land in nature reserves.

There are two groups of new offences. The first is clearing native vegetation on public land classified as a wilderness area, a national park or nature reserve. Clearing will be allowed, under licence from the Conservator of Flora and Fauna if it is legitimately required and steps are taken to reduce the impact of the clearing. There will also be some general exemptions from the prohibition on clearing. These exemptions include:
action specifically authorised by a development approval under the *Land Planning and Environment Act 1991, or*
action taken in accordance with a plan of management for that area made under the *Land Planning and Environment Act, or*
action taken in accordance with a Bushfire Fuel Management Plan under the *Bushfire Act 1936* and
action taken if it is necessary and appropriate to avoid an imminent risk of serious harm to the health or safety of people or serious damage to the property or serious or material harm to the reserved area.

The second new offence is damaging land in a "reserved" area. Damage will mean the destruction or removal of any rock stone gravel sand or soil from the land. Again the Conservator of Flora and Fauna can licence the activity for legitimate purposes. It is aimed at covering deliberate or reckless removal or destruction of rock or soil within reserves, but not incidental damage caused by recreational use of reserved areas such as bush walkers, mountain bikers or rock climbers.

The penalties for these new offences are serious. Penalties of up to a $1,000,000 fine for corporations and $200,000 fine for individuals can be imposed. In the most serious cases, the Court may impose a term of up to five years imprisonment. The penalties for the new offences are tiered, with fines based upon the seriousness of harm caused and whether the offender was reckless or negligent in causing the damage. These penalties are in line with those in the *Environment Protection Act 1997* for causing environmental harm.

The Bill proposes some new provisions in the *Nature Conservation Act 1980* dealing with the criminal liability of executive officers of corporations and third party enforcement. An executive officer of a corporation will be personally guilty of an offence independently of the corporation if the officer could have taken steps to prevent the offence. The Bill also introduces provisions to allow private citizens to make application to the Court to seek injunctive orders against a person who

breaches the Act. This is based on similar provisions in the *Environment Protection Act 1997*. A person would only be able to put a case for such an order if they can persuade the Court that the Conservator is not taking adequate action and that it is appropriate that they put the matter before the Court. This means that only legitimate cases will be brought before the Court.

The Bill will amend the *Environment Protection Act 1997* to add a requirement for all agencies and entities to report, in their annual reports, on their compliance with environmental laws and standards.

In addition to the initiatives in this Bill, my Government is also acting to deal with concerns about government compliance with environmental laws raised by the TransGrid incident. As members will recall, one of the barriers to effective prosecution of TransGrid was the fact that they are part of the NSW Government and beyond reach of prosecution by the Territory. My Government proposes to develop a Memorandum of Understanding (MOU) with NSW designed to prevent future incidents like the TransGrid matter and to deal with one should one arise in future. A similar approach will be taken within the ACT Government to ensure there is an adequate response to breaches of environmental laws by ACT Government entities.

The people of the ACT should be proud of the extent and quality of its nature conservation estate. The Bill reflects the Government's commitment to protect that estate from threats such as clearing of vegetation.

I commend this Bill to the Assembly.

## Attachment 3
## Document incorporated by the Minister for Urban Services

The purpose of this Bill is to amend the current *Charitable Collections Act 2003* by clarifying the bank account requirements for funds collected.

This Bill is consistent with the objectives of the *Charitable Collections Act 2003.*

In this Bill section 45 of the *Charitable Collections Act 2003* is amended.

Section 45(2) of the Act states that a licensed collector must pay the money received from collections into a trust bank account that is used exclusively for money received for the purpose of the collection or collections.

Banks sometimes require a trust deed to be signed to establish a trust bank account. However, it is the Government's view that licensed collecting entities should not need to sign a trust deed, and need only to comply with the three criteria specified in section 45(6) of the Act. These criteria are: proceeds of collections need to be deposited with an authorised deposit-taking institution, that is a bank; have a name that indicates the account contains the proceeds of a collection; and the account needs to be operated by the signatures of at least 2 people. This change is consistent with requirements in the *Charitable Fundraising Act 1991* of New South Wales and the *Fundraising Appeals Act 1998* of Victoria, because these two Acts refer to an 'account', and not to a 'trust account'.

The Government believes that money collected from the public for charitable purposes should be regarded as money 'held in trust' until it is spent for the purpose specified.

The Act, following amendment, will still achieve this objective, but a trust deed for the account receiving the money will not be required.

Confusion as to the Act's requirements in relation to trust bank accounts came to my Department's attention during consultation on the regulations made under the Act. During this period the requirements of a trust bank account continued to generate questions from the public.

In summary, this Bill will amend the *Charitable Collections Act 2003* by replacing the term 'trust bank account' with the term 'bank account' in section 45.

## Schedules of amendments

## Schedule 1

## Architects Bill 2003

Amendments moved by Mrs Dunne

**1**
**Clause 7 (1), definition of *architectural service***
**Page 4, line 18—**

*omit the definition, substitute*

***architectural service*** means a service provided in connection with the design, planning or construction of buildings that is ordinarily provided by architects.

**2**
**Clause 41**
**Page 23, line 3—**

*omit clause 41, substitute*

**41 Definitions for pt 5**

In this part:

***architect***, in relation to an act or omission, means a registered person or a person who was registered at the time of the act or omission.

***professional misconduct***, by an architect, means—

(a) unsatisfactory professional conduct of a sufficiently serious nature to justify the suspension or cancellation of the architect's registration; or

(b) any other conduct by the architect prescribed under the regulations.

***unsatisfactory professional conduct***, by an architect, means any of the following:

(a) a contravention by the architect of the conditions of the architect's registration;

(b) a failure by the architect to comply with a requirement of any code of professional conduct adopted under this Act;

(c) a failure without reasonable excuse by the architect to comply with a direction, order or requirement of the architects board, a tribunal or court;

(d) if the architect is a nominee—a failure without reasonable excuse by the architect to properly supervise the provision of architectural services for which the architect is responsible;

(e) a contravention of this Act by the architect;

(f) conduct of the architect that demonstrates incompetence, or a lack of adequate knowledge, skill, judgment or care in the practice of architecture;

(g) improper or unethical conduct by the architect in the course of the practice of architecture;

(h) the architect has been convicted, or found guilty, in the ACT or elsewhere, of an offence involving fraud or dishonesty that is punishable by imprisonment for 1 year or more;

(i) the architect has been convicted, or found guilty, of an offence against a corresponding law of a local jurisdiction;

*Note* ***Corresponding law***—see dict.

(j) conduct by the architect prescribed under the regulations.

**3**
**Clause 42 (1)**
**Page 23, line 9—**

*omit clause 42 (1), substitute*

(1) If an architect has committed professional misconduct, then the unsatisfactory professional conduct on which it is based is a ***disciplinary ground*** in relation to the architect.

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## Schedule 2

## Architects Bill 2003

Amendments moved by the Minister for Planning

**1**
**Clause 30 (1)**
**Page 16, line 3—**

*omit clause 30 (1), substitute*

(1) A nominee of a firm has the function of ensuring that the architectural services for which the nominee is responsible (the ***relevant architectural services***) comply with this Act.

**2**
**Clause 30 (2) (b)**
**Page 16, line 11—**

*omit clause 30 (2) (b), substitute*

(b) the nominee fails to ensure that the relevant architectural services comply with this Act.

**3**
**Clause 30 (4) and (5)**
**Page 17, line 1—**

*omit clause 30 (4) and (5), substitute*

(4) A firm that is a corporation commits an offence if a nominee of the firm fails to ensure that the relevant architectural services comply with this Act.

Maximum penalty: 50 penalty units.

(5) A partner in a firm that is a partnership commits an offence if a nominee of the firm fails to ensure that the relevant architectural services comply with this Act.

Maximum penalty: 50 penalty units.

---

## Schedule 3

## Architects Bill 2003

Amendments moved by Ms Tucker

**1**
**Proposed new clause 66A**
**Page 38, line 19—**

*insert*

**66A Annual report by board**

(1) The architects board is a public authority for the *Annual Reports (Government Agencies) Act 2004*.

(2) A report prepared by the architects board under the *Annual Report (Government Agencies) Act 2004* for a financial year must include the details prescribed under the regulations.

*Note* ***Financial year*** has an extended meaning in the *Annual Reports (Government Agencies) Act 2004.*

**2**
**Clause 72 (4)**
**Page 42, line 12—**

*omit clause 72 (4), substitute*

(4) The board chairperson must, within 7 days after the end of each financial year, give the Minister a statement that sets out the details of all disclosures under this section made during the financial year.

(5) The Minister must give to the relevant committee of the Legislative Assembly a copy of a statement received under subsection (4) within 14 days after the day the Minister receives the statement.

(6) In this section:

***relevant committee*** means—

(a) a standing committee of the Legislative Assembly nominated by the Speaker for this section; or

(b) if no nomination under paragraph (a) is in effect—the standing committee of the Legislative Assembly responsible for the scrutiny of public accounts.

***relevant interest***, in an issue, means a direct or indirect financial or other interest in the issue.

**3**
**Schedule 1, proposed new regulations**
**Proposed new part 3**
**Page 63, line 11—**

*insert*

**Part 3 Miscellaneous**

**11 Definitions for pt 3**

In this part:

***architect***—

(a) means a person registered under the Act; and

(b) includes—

(i) for a complaint—a person who was registered when the thing complained of happened; and

(ii) for a disciplinary action—a person who was registered when the contravention happened.

***contravention***, for disciplinary action against an architect, means what the architect did that caused disciplinary action to be taken.

**12 Information in annual report—Act, s 66A**

(1) The architects board's annual report for a financial year must include the following information about complaints:

(a) the total number of complaints made in the year;

(b) the number of complaints made about architects;

(c) the number of complaints made about architects who are not registered;

(d) a description of the kinds of complaints made about architects.

(2) The architects board's annual report for a financial year must include the following information about disciplinary action:

(a) the name of each architect against whom disciplinary action was taken during the financial year;

(b) for each person mentioned in paragraph (a)—

(i) the contravention; and

(ii) the disciplinary action taken; and

(iii) the result of any review of the decision to take disciplinary action.

(3) The architects board annual report for a financial year must report about other activities undertaken by the architects board.

**Example of board activity**

general advice given to consumers by the architects board

*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).

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## Schedule 4

## Human Embryo (Research) Bill 2004

Amendment moved by Ms Tucker

**1**
**Clause 10 (1) (a)**
**Page 6, line 24**

*omit*

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## Schedule 5

## Human Embryo (Research) Bill 2004

Amendments moved by Mrs Dunne

**1**
**Clause 10 (3), definition of *exempt use*, paragraph (a) (v)**
**Page 7, line 18—**

*omit*

**2**
**Clause 10 (3), definition of *exempt use*, paragraph (b)**
**Page 7, line 19—**

*omit*

**3**
**Clause 11 (b)**
**Page 8, line 12—**

*omit*

---

## Schedule 6

## Human Embryo (Research) Bill 2004

Amendment moved by Ms Dundas

**1**
**Clause 35**
**Page 24, line 3—**

*after*

As soon as practicable

*insert*

(but within 6 sitting days)

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## Schedule 7

## Human Embryo (Research) Bill 2004

Amendment moved by Mrs Dunne

**1**
**Clause 40 (3)**
**Page 25, line 22—**

*[oppose the sub clause]*

# Answers to questions

## Bushfires—fuel reduction (Question No 1267)

**Mr Pratt** asked the Minister for Urban Services, upon notice:

(1) Since 1 November 2003 what are the locations to date of the bushfire fuel reduction exercises on public land in Canberra that have been undertaken by the Department of Urban Services or any companies contracted by the Department;

(2) How many of the locations have been followed up since the original fuel reduction had been undertaken to ensure that regrowth was not a hazard;

(3) Have local residents of these locations been alerted to any fuel reduction exercises;

(4) If so, how have they been alerted;

(5) If not, why have they not been alerted;

(6) What is the standard process for the Department of Urban Services when a request has come from a resident for the Department to clear public land as it may be a bushfire hazard;

(7) How many requests have been received by the Minister and the Department from residents requesting that public land be cleared as it may be a bushfire hazard;

(8) How many of these requests have been followed up and the land cleared.

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

(1) Locations where fuel reduction activities have been undertaken since 1 November 2003 include:

| Location | Nature of work | Status |
|---|---|---|
| Ainslie - ACTEW transfer station | Physical removal of fuel hazards, particularly on south-west side | Complete |
| Ainslie Summit | Physical removal of fuel hazards around Mount Ainslie summit adjacent to the lookout and facilities | Complete |
| Ainslie Village | Physical removal of fuel hazards in the spine adjacent to Ainslie Village | Complete |
| Ainslie Village to Hackett Horse Paddocks | Physical removal of fuel hazards | Complete |
| Aranda | Physical removal of fuel hazards adjacent to residences on north side of the Aranda Bushland Nature Reserve; the open space areas adjacent to Noala Street, Wangara Street and Araba Street and access trail repairs | Complete |

| | | |
|---|---|---|
| Black Mountain | Physical removal of fuel hazards along boundaries of the Australian National Botanical Gardens and CSIRO; near Belconnen Way/Frith Road; re-opening and upgrading of fire access trail; and Rani Road and Caswell Drive. | Complete |
| Bruce Nature Reserve | Physical removal of fuel hazards along the nature reserve boundary adjacent to Calvary Hospital | Complete |
| Calvary Hospital | Physical removal of fuel hazards on north boundary of hospital adjacent to Haydon Drive | Complete |
| Campbell | Physical removal of fuel hazards in the Campbell spine and around Remembrance Nature Park | Complete |
| Chisholm | Additional mowing at the rear of houses on Simpson's Hill, mowing complete, monitoring for further mowing requirements until the end of the fire season. | Complete |
| Cooleman Ridge | Physical removal of fuel hazards and thinning of Bluegum plantations; and creation of fire suppression trails and walking tracks. | Complete |
| Curtin | Removal of selected pines and casuarinas | Complete |
| Dunlop Grasslands | Mowing on the edge of the grasslands and extended grazing if required, mowing complete, monitoring for further mowing requirements until the end of the fire season. | Complete |
| Duntroon Dairy | Physical removal of fuel hazards and thinning of Bluegum plantations | Complete |
| Fadden Pines | Physical removal of fuel hazards and improvements to access | Complete |
| Fadden | Removal of selected pines and casuarinas and additional mowing along Isabella Drive | Complete |
| Farrer | Physical removal of fuel hazardsAdditional mowing along Yamba Drive, mowing complete | Complete |
| Florey | Additional mowing at rear of houses adjoining Ginninderra Drive, mowing complete, monitoring for further mowing requirements until the end of the fire season. | Complete |
| Garran | Additional mowing in open space areas, mowing complete, monitoring for further mowing requirements until the end of the fire season. | Complete |
| Giralang | Fire trail maintenance in Giralang Pines and removal of selected pines and casuarinas | Complete |
| Googong Foreshores | Fire trail maintenance | Complete |
| Gowrie | Physical removal of fuel hazards in Hannah Park and removal of selected pines and casuarinas | Complete |
| Hall | Physical removal of fuel hazards surrounding Hall village (including Reynolds block) and additional mowing along Barton Highway and Victoria Street. Mowing complete, monitoring for further mowing requirements until the end of the fire season. | Complete |
| Hawker | Additional mowing along Coulter Drive, mowing complete, monitoring for further mowing requirements until the end of the fire season. | Complete |

| | | |
|---|---|---|
| Hughes | Additional mowing in open space areas, mowing complete, monitoring for further mowing requirements until the end of the fire season. | Complete |
| Hume | Additional mowing along Monaro Highway, mowing complete, monitoring for further mowing requirements until the end of the fire season. | Complete |
| Isaacs | Physical removal of fuel hazards within suburb and on Isaacs Ridge | Complete |
| Isabella Plains | Additional mowing along Isabella Drive, mowing complete, monitoring for further mowing requirements until the end of the fire season. | Complete |
| Kowen Escarpment | Upgrade of fire trails for plantation protection | Complete |
| Latham | Additional mowing at rear of houses along Ginninderra Drive and physical removal of fuel hazards obstructing power lines or access at Umbagong Park near Florey Drive and Ginninderra Creek. Mowing complete, monitoring for further mowing requirements until the end of the fire season. | Complete |
| Macgregor (Mount Goodwin and suburb surrounds) | Physical removal of fuel hazards; improvements to access; additional mowing. Mowing complete, monitoring for further mowing requirements until the end of the fire season. | Complete |
| Mawson | Additional mowing along Yamba Drive. Mowing complete, monitoring for further mowing requirements until the end of the fire season. | Complete |
| Monash | Physical removal of fuel hazards and improvements to access. Plantation will also be thinned, lower branches removed. Work on trails will also take place. | Complete |
| Mount Ainslie | Physical removal of fuel hazards surrounding the ActewAGL substation | Complete |
| Mount Painter | Additional mowing and grazing of grasslands to the south of the reserve adjacent to William Hovell Drive. Mowing complete, monitoring for further mowing requirements until the end of the fire season. | Complete |
| Mount Rogers – Fraser | Additional mowing where possible within the reserve and creation of additional fire breaks. Mowing complete, monitoring for further mowing requirements until the end of the fire season. | Complete |
| Mount Stranger - Bonython | Creation of further access trails to facilitate additional mowing. | Complete |
| Mount Pleasant (North) | Physical removal of fuel hazards and removal of exotic trees (primarily Radiata and other conifers) | Complete |
| Ngunnawal Hill | Additional mowing where possible within the reserve. Mowing complete, monitoring for further mowing requirements until the end of the fire season. | Complete |
| Oakey Hill | Physical removal of fuel hazards and thinning of Bluegum plantations; and creation of fire suppression trails and walking tracks on Oakey East | Complete |
| O'Connor | Physical removal of fuel hazards in the area between Barry Drive and Dryandra Street | Complete |
| Oxley Hill | Physical removal of fuel hazards and improvements to access trails | Complete |

| | | |
|---|---|---|
| Percival Hill | Physical removal of fuel hazards | Complete |
| Pierces Creek | Removal of fire debris in pine plantations | On Going |
| Red Hill | Physical removal of fuel hazards, thinning of Bluegum plantations and Acacia regrowth and additional mowing at rear of houses adjacent to Hindmarsh Drive. Mowing complete, monitoring for further mowing requirements until the end of the fire season. | Complete |
| Red Hill Nature Reserve (Kent St) | Physical removal of fuel hazards | Complete |
| Stromlo | Completion of fire debris removal | On Going |
| Urambi Hills | Removal of burnt pines and creation of fire suppression trails and walking tracks | Complete |
| Uriarra | Removal of fire debris | On Going |
| Watson | Additional mowing at rear of houses from Aspen to Antill Street. Mowing complete, monitoring for further mowing requirements until the end of the fire season. | Complete |
| Yarralumla | Removal of selected pines and casuarinas | Complete |

(2) The key areas requiring "follow-up" are those areas where slashing/mowing and/or grazing is the preferred fuel control method. In respect of these areas I can advise that:

- Slashing/Mowing

  Slashing has been carried out on a regular basis by the Land Management agencies, including urban areas, behind houses in nature reserves and along rural roads. In addition to the areas identified in the Bushfire Fuel Management Plan and the Increased Fuel Reduction Program, Urban Services has broadened its mowing program to take into account the unseasonal grass growth, and has identified further mowing in areas including Hall/Gold Creek, Percival Hill, Mount Painter/Pinnacles, Stromlo/Weston Creek, Woolshed Creek (between Mt Ainslie and Majura rd), Red Hill Reserve boundary, Oaks Estate, Symonston, Coolamon/Urambi/ Arawang, Gordon/Bonython and numerous rural roads.

- Grazing

  Most areas that were able to be grazed and were identified in the "Bushfire Fuel Management Plan 2002 - 2004" and the "Increased Works Program 2003 –2004 (Addendum)" have been grazed however, DUS will be carrying out ongoing monitoring to ensure that it is reducing fuel loads.

  In addition I can advise that there has been extensive "Brushing up" and upgrading of fire trails around the ACT, which has occurred since the January 2003 fires. Periodically the trails have been revisited and minor areas of erosion repaired.

(3) The Department advises that it believes that residents in all locations have been advised.

(4) The land management agencies carrying out fuel reduction works have done letterbox drops to householders immediately affected by works. These letterbox drops were carried out two weeks prior to the work commencing and in some cases this resulted in an on site meeting with the residents. Signs were erected at the main entrances to reserves in which significant works were undertaken.

During September/October the increased fuel reduction program was advertised in the Canberra Times and the Community Update newsletter with the link onto the Urban Services web site showing the program. In addition I met with the media in October to show them the works program and some areas where the works were being carried out.

(5) N/A, notification has occurred.

(6) The standard process is for an officer of the land management agency to make a field assessment of the area in question and then notify that person of their findings and proposed action.

(7) Public requesting more information after receiving the letterbox notification has numbered above 200 people through the various Land Management Agencies.

Up to 30 requests came through as a result of the advertising in the Canberra Times and Community Update. This included requests for assessment or areas for fire hazard or enquiries about when the program will reach their urban interface.

Other enquiries about matters described as fire hazards have related to maintenance issues such as long grass, trees (dead and alive) or shrubs. These issues have been addressed under normal maintenance practices.

(8) We believe that all people who have made inquiries have been contacted and where appropriate, action was undertaken.

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## National Zoo and Aquarium (Question No 1275)

**Mr Smyth** asked the Minister for Planning, upon notice:

In relation to the National Zoo and Aquarium:

(1) Did you state almost 12 months ago in your response to Question on notice No 396 that an application is being considered by Government and a decision will be made shortly; if so, why has there still been no decision on whether the National Zoo and Aquarium can utilise more land to expand its operation;

(2) When will a decision be made on whether the National Zoo and Aquarium can utilize more land to expand its operations

(3) Did the National Capital Authority (NCA) request information and documentation from the A.C.T. Government before it would proceed in preparing and releasing a Draft Amendment to the National Capital Plan to allow the zoo to lease the required land; if so, has the information listed in response to Question on notice No 396 been given to the NCA;

If so to (3), when was it given to the NCA; if not, why not and when will it be provided.

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

(1) Yes. The Government is examining the proposal from the National Zoo and Aquarium for expansion, and it has been waiting for the conclusion from the Planning Investigation report on the site undertaken jointly by the National Capital Authority (NCA) and the ACT Government. This site is in a very significant and critical locality. There are many environmental management issues to consider, not the least being the threat of fire and the proper protection of the river corridor. Unfortunately, the site was in the path of both the 2002 and 2003 bushfires and Government considered it necessary that the planning investigation for this site took into account the recommendations of all the relevant studies after the January 2003 bushfire. These included the Draft Canberra Spatial Plan released in November 2003, the Bushfire Recovery Taskforce report "Shaping Our Territory" completed in late October 2003, and the future business of ACT Forests. ACT Forests currently occupy this parcel of land.

(2) The ACT Government's decision on whether the National Zoo and Aquarium can utilise more land to expand its operations will be made when all the relevant factors have been considered. After receiving the ACT Government's advice on a direct grant of land, the Commonwealth Government will then consider if it will proceed to vary the National Capital Plan.

(3) Yes the NCA requested information as detailed in my response to Question on notice No 396. The planning information has substantially been addressed in the joint Planning Investigation of the site. The Government is yet to advise the NCA on its position in relation to a direct grant of land. As a joint sponsor of the planning study, the NCA obtained the information at the same time as the ACT Planning Authority in February this year. The advice on a direct grant of land will be provided when the Government has considered the matters relevant to that decision.

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## Graffiti
## (Question No 1289)

**Mr Cornwell** asked the Minister for Urban Services, upon notice:

In relation to graffiti:

(1) Did he issue a media release US11/04 of 11 February 2004, which stated that the Government will continue to remove graffiti from public property within three working days;

(2) Why is the City Scape depot adjacent to Belconnen Way east of Coulter Drive still with graffiti applied before Christmas 2003;

(3) What control is exercised to ensure contractors fulfill their obligations of three working days for removal of graffiti.

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

(1) Yes

(2) Graffiti on the external brick wall of the CityScape Depot was removed and the wall re-painted by 3rd March 2004.

Regrettably the graffiti on the subject walls was not sighted for some time, thereby resulting in a delay in the clean-up process. The staff of CityScape have been requested to regularly inspect their buildings in future.

(3) Canberra Urban Parks and Places monitors the performance of the Contractor in various ways to ensure graffiti is removed within specified timeframes. This includes:

*Response to Work Requests*

A monthly report is generated each month which identifies the number of Work Requests that have been completed and returned within the due timeframe.

*Monthly Asset Inspections*

Each month Canberra Urban Parks and Places generates a list of a random sample of assets to be inspected. If graffiti is found it is photographed. A Routine Work request is raised to remove the graffiti that has been identified and the Contractor's response to those requests is monitored. This is followed up with random inspection of identified sites.

*Graffiti Log*

The Contractors are also required to maintain a log of all graffiti removed, which details the time and date of receipt of the report, either through the weekly inspection process or the Graffiti Hotline. This report is provided to the Contract Manager on a monthly basis.

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## Seniors—library services (Question No 1302)

**Mr Cornwell** asked the Minister for Urban Services, upon notice:

In relation to:

(1) Further to the Government's longer term strategy for the older person's use of Canberra's library services and facilities, who decided to use the picture of an elderly couple on the front page of the *Are you over 50* brochure regarding older people's use of library services and facilities;

(2) Has the Government received any complaints regarding the use of this photo given that the brochure is for those over 50, not those over 70;

(3) How many of the ten actions listed in this brochure have been acted on and how;

(4) When will any remaining actions be acted on.

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

(1) The ACT Library and Information Service selected the front page images of the strategy document.

(2) No. As the Courage Partners Report indicated, while the strategy is aimed at all people over 50, there is a particular emphasis on those who cannot easily access library services

available to the wider community. The significance of the photo is therefore to emphasise these people, who predominantly fall into the over 75's age group.

(3) All action items in the strategy have been progressed. For example, planning for upgrading of large print and books on tape collections has started; access to materials and services at Woden is currently underway; community partnerships with retirement villages and nursing homes particularly focussed on multicultural citizens has commenced; access to electronic sources has been improved with free Internet training sessions for the elderly; and extension services to the housebound elderly are being redesigned.

(4) The two mobile libraries and an improved Home Library Service are expected to be available by September 2004. Additional software for people with disabilities will be loaded onto the main library system by December 2004. Other action items with regard to the long term Strategy are ongoing. For example, Internet and virtual library training for the elderly is ongoing. Services to elderly people from diverse cultural and linguistic backgrounds will continue, as will improvements to physical and virtual access to library resources and information.

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## Tree removals
## (Question No 1303)

**Mr Cornwell** asked the Minister for Planning, upon notice:

Why are trees being removed at Blocks 19 and 20 of Section 19 Fyshwick.

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

Following the January 2003 bushfires a number of new sites were added to the ACT Bushfire Fuel Management Plan 2002-2004 in an addendum. Both of these sites were identified in this addendum. The following information details the issues that are specific to both sites.

**Section 26**

The pine trees were removed in the interest of public safety, weed control and because they posed a fire hazard to neighbouring businesses. A number of the trees were also removed as they posed a threat to parked vehicles and to traffic along Gladstone Street.

**Section 19**

The trees were removed because they posed a threat to buildings on adjacent blocks.

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## Revitalisation incentives
## (Question No 1304)

**Mr Cornwell**: asked the Minister for Planning, upon notice:

(1) Further to your reply to Question on notice No 990, has the revitalisation incentives policy been determined;

(2) If so, could details be made available; if not, when will it be determined.

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

(1) No.

(2) The revitalisation incentives to apply in City West will be considered by government shortly in the context of the City West Master Plan.

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## Housing—tenure
## (Question No 1307)

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice:

(1) What progress has been made to date on the Government's promise to review its policy of guaranteeing security of tenure for public housing tenants paying full market rent;

(2) What methods is the Government adopting to undertake this review.

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

(1) I have previously announced that a review will take place to provide me with advice on the nature and impact of market renters in ACT public housing.

I have requested that this review be conducted by the Department of Disability, Housing and Community Services (DHCS).

(2) The review will be conducted by a Steering Committee of DHCS, Department of Treasury and Chief Minister's Department officers in consultation with my Housing Advisory Committee.

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## Disabled persons—employment
## (Question No 1308)

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice:

What is the Government doing to assist people into employment who are long-term unemployed with a mild disability and who require rehabilitation and have a mental disadvantage in some way, for example schizophrenia.

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

- A Whole-of-Government Disability Employment Framework for the ACTPS is in the process of being developed and will be linked to the Access to ACT Government Strategy. This is a joint CMD-DHCS project. Thies Framework seeks to improve employment opportunities for people with disabilities within the ACT Public Service, including people with mild disabilities and mental illness.

- The status of the Draft Framework is as follows:

    - The development of the Framework has the support of the Commissioner for Public Administration and the Chief Executives of the ACTPS.
    - A final draft of the Disability Employment Framework will be presented by the consultant, to the Government at the end of May for consideration.
    - The framework was further developed on 5 March 2004 in the form of a half-day cross-agency Human Resources Forum.

- As the member would be aware, employment programs for people with a disability are funded by the Commonwealth. As part of the Draft Framework's initial consultation officers from CMD and DHCS met with the members of the Network of Employment and Training Association (NETA) including the Work Ways agency which is an open employment agency providing services to clients who have been diagnosed with a mental illness.

- The NETA affiliated employment agencies have identified existing barriers to placing their clients in the ACTPS and have made suggestions to assist in the recruitment of people with disabilities into the ACT Public Service. These are being considered in the development of the Framework.

- Consultations within the ACT Government in developing the Framework have already resulted in identification of opportunities for an enhanced capacity within the ACT to promote and access funds from the Commonwealth's New Apprenticeship program for people with a disability.

- In addition to these initiatives, Mental Health ACT (ACT Health) fund the Schizophrenia Fellowship which provides supported employment, short-term training and rehabilitation for people with mental dysfunction and mental illnesses. The Schizophrenia Fellowship currently assists 100 clients annually.

- The Rainbow, auspiced by the ACT Mental Health Foundation, provides psychosocial rehabilitation, which incorporates occasional vocational skills programs.

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## Public service—cultural backgrounds (Question No 1310)

**Mrs Burke** asked the Chief Minister, upon notice, on 2 March 2004:

(1) Do people from culturally diverse backgrounds currently experience any difficulty in attaining managerial or policy positions within the ACT Public Service; if so, why;

(2) What is the ratio of people from culturally diverse backgrounds that currently hold such positions within the ACT Public Service compared to other groups;

(3) Are there any current problems within the ACT Public Service in relation to racial or group discrimination;

(4) Are there any inequities within our Public Service system that would cause people from culturally diverse backgrounds undue distress in relation to possible job promotion;

(5) Are the current Equal Employment Opportunities strategies working as effectively as they can; if so, what evidence is there to support this?

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

(1) I am not aware of any particular difficulties experienced by people from culturally diverse backgrounds in attaining managerial or policy positions within the ACT Public Service.

(2) Disclosure of personal information about cultural background and ethnicity is optional. Therefore, the available information reflects details of those people who chose to disclose this information. Current figures show that 10.95% of people in managerial positions within the ACT Public Service identify as being of a culturally diverse background. As disclosure is optional the actual percentage is likely to be higher. [Managerial positions are classified as those at a Senior Officer Grade C level (or equivalent) and above.]

(3) I am not aware of any problems within the ACT Public Service in relation to racial or group discrimination. The 2002-03 Annual Report of the Discrimination Commissioner reported that 26 complaints of related to ACT Government agencies. The nature of these complaints was not specified, and it is not known whether any of the complainants were ACT Government employees. 35% of complaints received by the ACT Human Rights Office during 2002-03 were in the area of employment but the report did not identify how many of these related ACT Government agencies.

(4) I am not aware of any inequities within our public service system that would cause people from culturally diverse backgrounds undue distress in relation to possible job promotion. My department supports a Multicultural Staff Network for ACT Public Service employees from different cultural backgrounds to discuss and consider these issues. I am not aware of any specific issues identified by the network.

(5) My department, through its central agency role, supports a service wide Equity and Diversity Network. Agencies are also required to develop their own agency-specific Equity and Diversity Plans which are supported by the ACT service wide Equity and Diversity Framework. Agencies report on outcomes of their Equity and Diversity Plans as part of annual reporting requirements. The service wide Equity and Diversity Framework has recently been reviewed by a cross-agency working party to improve effectiveness as part of the ACT Public Service commitment to continuous improvement.

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## Business grants
## (Question No 1314)

**Mr Smyth** asked the Minister for Economic Development, Business and Tourism, upon notice, on 3 March 2004:

(1) To date this financial year, (a) what business grants have been awarded and (b) which organisations have received business grants;

(2) How much funding was each group allocated and for what purpose.

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

(1) details on (a) what business grants have been awarded and (b) which organisations have received business grants, to date this financial year; and

(2) how much funding each group was allocated and for what purpose; are at Attachment A.

Attachment A

**Details of Business Grants to date this Financial Year (2003-04)**

| No. | Name of Business Organisation | Grant Allocation | Purpose of Grant |
|---|---|---|---|
| **Business Acceleration** | | | |
| 1. | Amanda Uhlmann T/as Uhlmann Communications | $1,500 | Business Coaching/ Consulting/Mentoring |
| 2. | Carapincha | $1,500 | Planning Support |
| 3. | Southside Physiotherapy Pty Ltd | $10,000 | Strategic Market Planning |
| 4. | Schools Out Holiday & Sports | $1,500 | Business Diagnostic |
| 5. | Earthsite.com Pty Ltd | $7,000 | Website Development |
| 6. | Halletts Financial Services Group | $7,000 | Strategic Business Plan |
| 7. | Infinite Consulting Pty Ltd | $7,000 | Strategic Market Plan |
| 8. | Mounaver Thomas T/as Canberra Chat | $1,500 | Business Coaching |
| 9. | Tree Specialist Australia Pty Ltd | $1,500 | Business Diagnostic |
| 10. | Brindabella Airlines Pty Ltd | $7,000 | Business Diagnostic |
| 11. | Capital Interiors Pty Ltd | $1,000 | Quality Assurance Certification |
| 12. | DC Madew & DM Madew & RJ Madew T/As Madew Wines | $5,000 | Strategic Business/Marketing Plan |
| 13. | Firesearch Pty Ltd | $7,000 | Strategic Business Plan |
| 14. | Freebott Pty Ltd | $4,000 | Quality Assurance Certification/RTO application fee |
| 15. | Samarkos Earthmoving Pty Ltd | $4,000 | Quality Assurance Certification |
| 16. | The Trustee for BEACHLEA Trust T/As Telopea Inn on the Park | $2,000 | Strategic Business/Marketing Plan |
| 17. | ACIS Pty Ltd T/as Australian Corporate Information Solutions | $5,000 | Strategic Business Plan |
| 18. | Catalyst Interactive Pty Ltd | $5,000 | Strategic Business Plan |
| 19. | Dr MJ Archinal & Dr MT Ethell & Lidodale Pty Limited T/as Canberra Veterinary Hospital | $5,000 | Strategic Business Plan |
| 20. | Green Trade Pty Ltd T/a Pine Unlimited | $5,000 | Business Diagnostic |

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|---|---|---|---|
| 21. | Rodella Pty Ltd T/as Valley Retravision | $3,000 | Change Management Plan |
| 22. | TPARC Employment Pty Ltd T/as The Public Affairs Recruitment Company Pty Ltd | $1,500 | Business Coaching/Mentoring |
| 23. | Freebody and Associates Pty Ltd | $2,000 | Quality Assurance Certification |
| 24. | Irrational Games Australia Pty Ltd | $7,000 | Strategic Business Plan |
| 25. | Link Corporate Services Pty Ltd | $5,000 | E-Commerce Strategic Plan |
| 26. | The Plug Lock Company Pty Ltd | $1,500 | Business Coaching/Mentoring |
| 27. | WR Electrical Pty Ltd T/as Affinity Electricty | $10,000 | Leadership/Management Training |
| 28. | Aris Building Services Pty Ltd | $7,000 | Strategic Business Plan |
| 29. | CIC Secure Pty Ltd | $7,000 | Strategic Business Plan |
| 30. | Urban Ventures Pty Ltd T/as Urban Design and Drafting | $1,500 | Business Diagnostic |
| 31. | Noetic Solutions | $4,000 | Quality Assurance Certification |
| 32. | Newtech Coffee Equipment & Oneill Investments Trust T/as Ozzie Rock Ovens | $7,000 | Strategic Business/Marketing Plan |
| 33. | Deborah Oswald | $5,000 | Strategic Market Planning |
| 34. | QCO International Pty Ltd | $5,000 | Strategic Market Planning |
| 35. | Synergy Innovations Pty Ltd | $7,000 | Strategic Market Planning |
| 36. | W. & G. Promotions Pty Ltd T/as Corin Forest | $10,000 | Strategic Business Plan |
| 37. | E.S Hummer & A Kelly & S.L Kouparitsas T/as Ascent Audit | $7,000 | Strategic Business Plan |
| **Trade Development** | | | |
| 38. | SONO-ED Pty Ltd (Canberra School of Sonography) | $10,000 | Market Entry Facilitation |
| 39. | Australian Axel Company | $7,000 | Market Entry Facilitation |
| 40. | Sports Plaques Plus T/a SPP Motorsport | $5,000 | Market Entry Facilitation |
| 41. | WetPC Pty Ltd | $8,000 | Market Entry Facilitation |
| 42. | East Coast Auto Wholesale Pty Ltd | $10,000 | Market Entry Facilitation |
| 43. | Wet PC | $6,000 | Product/Business Redesign |
| 44. | NCH Swift Sound | $15,000 | Market Development Manager |
| 45. | Maintenance Software Solutions Pty Ltd T/a Traxsoftware | $8,000 | Market Entry Facilitation |

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|---|---|---|---|
| 46. | LEM Education Pty Ltd | $1,225 | Conference fees and program redesign |
| 47. | Random Computing Services | $8,000 | Market Entry Facilitation |
| 48. | Hatrix Pty Ltd | $10,000 | Market Entry Facilitation |
| 49. | Goodberry's Australia Limited | $10,000 | Market Entry Facilitation |
| 50. | A & MT Projects Pty Limited T/as AlacrityTechnologies | $8,000 | Market Entry Facilitation |
| 51. | TASKey Pty Ltd | $8,000 | Market Entry Facilitation |
| 52. | Seeing Machines Pty Ltd | $8,000 | Market Entry Facilitation |
| 53. | Logistic Solutions Australasia Pty Ltd | $11,000 | Market Development Manager/ Product Redesign |
| 54. | Deakin KM Pty Ltd | $4,500 | Market Entry Facilitation |
| 55. | Micro Forte Pty Ltd | $8,000 | Market Entry Facilitation |
| 56. | Australian Trade Commission | $42,000 | Market entry facilitationp for six (6) company's |
| 57. | Capacity Reporting Services Pty Ltd | $5,000 | Market Entry Facilitation |
| 58. | Canberra Arts Marketing Inc | $3,500 | Market Entry Facilitation |
| 59. | The Trustee for BOTTLES OF AUSTRALIA UNIT TRUST | $13,520 | Market Development Manager |
| **Strengthening the Management of High Technology Start-ups** | | | |
| 60. | Recruitment Systems Pty Limited | $10,000 | Leadership Mgt Training |
| 61. | Kinetic Performance Technology | $7,500 | Strategic Business plan & Consulting |
| 62. | Capacity Report Services | $7,500 | Strategic Business/market plan |
| 63. | Andreas Martin Luzzi T/As GiraSOLAR | $7,500 | IP management |
| 64. | Surosa Pty Ltd (Perpetual Water Pty Ltd - to be registered) | $7,000 | Business Planning/Market Planning |
| 65. | Biotron Limited | $1,500 | Commercialisation Training |
| 66. | Qirx Pty Ltd | $3,500 | Strategic Business Planning |
| 67. | CH Productions Pty Ltd T/A The HUB | $5,000 | Business Planning/Market Planning |
| 68. | Australian E-sales | $7,000 | Strategic Business Planning |
| 69. | Mounaver Thomas T/as Canberra Chat | $7,000 | Technology Audit |
| 70. | Epicorp | $40,500 | Deliver Concept to Commercialisation Course |
| 71. | Karley Technologies | $7,000 | Market Planning |
| **Knowledge Fund** | | | |
| 72. | ACT Film and Television Council | $40,000 | Industry Development Grant |

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|---|---|---|---|
| 73. | ANU - Brushless Electric Motor | $30,000 | Proof of Concept Grant |
| 74. | ANU - Dielectric Ceramic | $30,000 | Proof of Concept Grant |
| 75. | ANU - Nanotubes | $30,000 | Proof of Concept Grant |
| 76. | ANU - Solar Trough Concentrator | $50,000 | Proof of Concept Grant |
| 77. | ANU - Super Fractals | $25,000 | Proof of Concept Grant |
| 78. | ANU Centre for Sustainable Energy Systems | $50,000 | Industry Development Grant |
| 79. | Bottles of Australia Pty Ltd | $35,000 | Proof of Concept Grant |
| 80. | Dca Expro Pty Limited (previously Devlin Consulting Pty Ltd) | $25,000 | Commercialisation Grant |
| 81. | Eaton Partners | $47,500 | Commercialisation Grant |
| 82. | Emax Engineering | $100,000 | Commercialisation Grant |
| 83. | Enable Software Pty Ltd | $75,000 | Commercialisation Grant |
| 84. | Helen Fraser T/as e-Phrases | $30,000 | Proof of Concept Grant |
| 85. | Karley Technologies Pty Ltd | $50,000 | Proof of Concept Grant |
| 86. | Mi-Trek Pty Ltd | $50,000 | Commercialisation Grant |
| 87. | Perpetual Water Pty Ltd | $120,000 | Commercialisation Grant |
| 88. | Protech Australasia | $80,000 | Commercialisation Grant |
| 89. | Smart Internet Technology CRC Pty Ltd | $120,000 | Industry Development Grant |
| 90. | Softlaw Pty Ltd | $50,000 | Commercialisation Grant |
| 91. | Soltek Pty Ltd | $44,000 | Proof of Concept Grant |
| 92. | Stepsoft Pty Ltd | $70,000 | Commercialisation Grant |
| 93. | Water Recycle Group | $47,000 | Proof of Concept Grant |

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## Knowledge fund grants (Question No 1315)

**Mr Smyth** asked the Minister for Economic Development, Business and Tourism, upon notice, on 3 March 2004:

(1) How many grants have been approved using funds out of the Government's Knowledge Fund;

(2) What organisations have received funding;

(3) What amount did those organisations receive and for what purpose;

(4) How much money remains in the Knowledge Fund;

(5) Are there currently any requests before the Government for funding from the Knowledge Fund; if so, how many.

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

(1) One hundred and nineteen (119);

(2) details on which organisations have received funding are at Attachment A;

(3) details on the amounts those organisations received and for what purpose are at Attachment A.

(4) $1,660,500 remains in the Knowledge Fund;

(5) No.

Attachment A

**Details of Knowledge Fund Grants**

| No | Name of Business Organisation | Grant Allocation | Purpose of Grant |
|---|---|---|---|
| **Round 1 - 2002/03** | | | |
| 1. | ASF Ltd | $50,000 | Industry Development Grant |
| 2. | Australian National University BushLAN Wireless Technology | $25,000 | Proof of Concept Grant |
| 3. | Australian National University Centre for Advanced Photonics | $75,000 | Industry Development Grant |
| 4. | Australian National University Humane Bird Trap | $70,000 | Commercialisation Grant |
| 5. | Australian National University Thermal Imaging | $40,000 | Proof of Concept Grant |
| 6. | Beyond Business Connections Pty Ltd | $100,000 | Commercialisation Grant |
| 7. | Custom Timber Industries | $50,000 | Proof of Concept Grant |
| 8. | e-timesheetz | $50,000 | Commercialisation Grant |
| 9. | GPSports Systems | $50,000 | Commercialisation Grant |
| 10. | Hatrix Pty Ltd | $80,000 | Commercialisation Grant |
| 11. | ICT Systems Pty Ltd | $100,000 | Commercialisation Grant |
| 12. | Intology Ltd | $85,000 | Commercialisation Grant |
| 13. | Leigh Wilmott | $40,000 | Proof of Concept Grant |
| 14. | My Virtual Accountant | $25,000 | Commercialisation Grant |
| 15. | NATSEM Pty Ltd | $40,000 | Proof of Concept Grant |
| 16. | Protocom Development Systems | $50,000 | Proof of Concept Grant |
| 17. | Sentinel P/L | $98,000 | Commercialisation Grant |
| 18. | SmartOne Card System | $50,000 | Commercialisation Grant |

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|---|---|---|---|
| 19. | Vish Corporation Ltd | $40,000 | Commercialisation Grant |
| 20. | Avgas Auto Pty Ltd | $85,000 | Commercialisation Grant |
| 21. | WetPC Pty Ltd | $85,000 | Commercialisation Grant |
| **Round 2 - 2002/03** | | | |
| 22. | ABE Services Pty Ltd | $52,000 | Commercialisation Grant |
| 23. | APIR Systems Ltd | $90,000 | Proof of Concept Grant |
| 24. | Argus Solutions Pty Ltd | $80,000 | Commercialisation Grant |
| 25. | Australian National University Emerging Drug Discovery | $50,000 | Proof of Concept Grant |
| 26. | Australian National University Panotree Instrument | $48,500 | Proof of Concept Grant |
| 27. | Australian National University Pharmaceuticals | $50,000 | Proof of Concept Grant |
| 28. | Dreamcatcher Tourism & Leisure Pty Ltd | $50,000 | Proof of Concept Grant |
| 29. | Emax Engineering Pty Ltd | $49,000 | Proof of Concept Grant |
| 30. | Furnishings Industry Software | $30,000 | Proof of Concept Grant |
| 31. | High Traffic Imagery Billboards | $50,000 | Commercialisation Grant |
| 32. | Kinetic Performance Technology | $50,000 | Proof of Concept Grant |
| 33. | Newton Pty Ltd | $50,000 | Proof of Concept Grant |
| 34. | Nexus Software Solutions | $100,000 | Commercialisation Grant |
| 35. | Prometheus Information Pty Ltd | $52,000 | Proof of Concept Grant |
| 36. | Purchase Plus Pty Ltd | $85,000 | Commercialisation Grant |
| 37. | Recruitment Systems Pty Ltd | $50,000 | Commercialisation Grant |
| 38. | Ringwood Superabrasives Pty Ltd | $100,000 | Commercialisation Grant |
| 39. | RPO Pty Ltd | $100,000 | Commercialisation Grant |
| 40. | Softlaw Corporation Ltd | $100,000 | Commercialisation Grant |
| 41. | Software Improvements Pty Ltd | $20,000 | Proof of Concept Grant |
| 42. | The Distillery | $80,000 | Proof of Concept Grant |
| **Round 3 - 2002/03** | | | |
| 43. | Academy of Interactive Entertainment | $100,000 | Industry Development Grant |
| 44. | Australian Scientific Instruments Pty Ltd | $70,000 | Commercialisation Grant |
| 45. | Bentleys MRI Canberra Pty Ltd | $50,000 | Commercialisation Grant |
| 46. | DPM Consulting | $50,000 | Commercialisation Grant |
| 47. | EZIFILE Pty Ltd | $50,000 | Commercialisation Grant |
| 48. | Flixco P/L | $80,000 | Commercialisation Grant |

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|---|---|---|---|
| 49. | Fum-Aer Pty Ltd | $30,000 | Proof of Concept Grant |
| 50. | GiraSOLAR | $50,000 | Proof of Concept Grant |
| 51. | Lipotek Pty Ltd | $100,000 | Commercialisation Grant |
| 52. | Medical Infrared Digital Imaging Pty Ltd | $60,000 | Commercialisation Grant |
| 53. | Mi-Trek Pty Ltd | $50,000 | Commercialisation Grant |
| 54. | SIMmersion Pty Ltd | $50,000 | Proof of Concept Grant |
| 55. | SmartStart (Australia) Pty Ltd | $60,000 | Commercialisation Grant |
| 56. | Stepsoft Pty Ltd | $30,000 | Proof of Concept Grant |
| 57. | THIRI Pty Ltd | $50,000 | Commercialisation Grant |
| 58. | Aus Bio Tech | $50,000 | Industry Development Grant |
| **Round 4 - 2002/03** | | | |
| 59. | CommsNet Group Pty Ltd | $55,000 | Commercialisation Grant |
| 60. | Eathinsite.com Pty Ltd | $20,000 | Commercialisation Grant |
| 61. | eVALUA Pty Ltd | $47,500 | Commercialisation Grant |
| 62. | Irational Games Australia | $100,000 | Commercialisation Grant |
| 63. | Micro and Home Business Association | $35,000 | Industry Development Grant |
| 64. | NR Pty Ltd | $75,000 | Commercialisation Grant |
| 65. | Panther Games Pty Ltd | $100,000 | Commercialisation Grant |
| 66. | Phenomix Australia Pty Ltd | $50,000 | Proof of Concept Grant |
| 67. | Protocom Development Systems | $55,000 | Commercialisation Grant |
| 68. | Bel-amand Bre Enterprises Pty Ltd | $30,000 | Proof of Concept Grant |
| 69. | Sharrowlane Pty Ltd | $50,000 | Proof of Concept Grant |
| 70. | Silicon Spies Pty Ltd | $30,000 | Proof of Concept Grant |
| 71. | Simile Systems Pty Ltd | $46,000 | Proof of Concept Grant |
| 72. | TeleMicro Pty Ltd | $46,000 | Proof of Concept Grant |
| 73. | Video Alert | $50,000 | Proof of Concept Grant |
| 74. | White Noise Games Pty Ltd | $27,500 | Proof of Concept Grant |
| **Round 1 - 2003/04** | | | |
| 75. | ACT Film and Television Council | $40,000 | Industry Development Grant |
| 76. | Australian National University - Brushless Electric Motor | $30,000 | Proof of Concept Grant |
| 77. | Australian National University - Dielectric Ceramic | $30,000 | Proof of Concept Grant |
| 78. | Australian National University - Nanotubes | $30,000 | Proof of Concept Grant |

| | | | |
|---|---|---|---|
| 79. | Australian National University - Solar Trough Concentrator | $50,000 | Proof of Concept Grant |
| 80. | Australian National University - Super Fractals | $25,000 | Proof of Concept Grant |
| 81. | Australian National University Centre for Sustainable Energy Systems | $50,000 | Industry Development Grant |
| 82. | Bottles of Australia Pty Ltd | $35,000 | Proof of Concept Grant |
| 83. | Dca Expro Pty Limited (previously Devlin Consulting Pty Ltd) | $25,000 | Commercialisation Grant |
| 84. | Eaton Partners | $47,500 | Commercialisation Grant |
| 85. | Emax Engineering | $100,000 | Commercialisation Grant |
| 86. | Enable Software Pty Ltd | $75,000 | Commercialisation Grant |
| 87. | Helen Fraser T/as e-Phrases | $30,000 | Proof of Concept Grant |
| 88. | Karley Technologies Pty Ltd | $50,000 | Proof of Concept Grant |
| 89. | Mi-Trek Pty Ltd | $50,000 | Commercialisation Grant |
| 90. | Perpetual Water Pty Ltd | $120,000 | Commercialisation Grant |
| 91. | Protech Australasia | $80,000 | Commercialisation Grant |
| 92. | Smart Internet Technology CRC Pty Ltd | $120,000 | Industry Development Grant |
| 93. | Softlaw Pty Ltd | $50,000 | Commercialisation Grant |
| 94. | Soltek Pty Ltd | $44,000 | Proof of Concept Grant |
| 95. | Stepsoft Pty Ltd | $70,000 | Commercialisation Grant |
| 96. | Water Recycle Group | $47,000 | Proof of Concept Grant |
| **Strengthening the Management of High Technology Start-ups – 2002/03** | | | |
| 97. | Academy of Interactive Entertainment | $1,125 | Commercialisation Training |
| 98. | CSIRO Wind Energy Research Unit | $1,125 | Commercialisation Training |
| 99. | Dream Catcher Tourism & Leisure Pty Ltd | $1,125 | Commercialisation Training |
| 100. | Epicorp | $15,225 | Commercialisation Training |
| 101. | Ezifile Pty Ltd | $1,125 | Commercialisation Training |
| 102. | Sand Consulting Pty Ltd | $1,125 | Commercialisation Training |
| 103. | Webtrax Web Services | $1,125 | Commercialisation Training |
| 104. | Professional Way | $10,000 | Consultant Fees |
| 105. | Precision Metals | $10,000 | Strategic Project Plan |
| 106. | Wet PC | $10,000 | Strategic Project Plan |
| 107. | Epicorp | $37,500 | Delivery of Commercialisation Training Course |

| **Strengthening the Management of High Technology Start-ups – 2003/04** | | | |
|---|---|---|---|
| 108. | Recruitment Systems Pty Limited | $10,000 | Leadership Mgt Training |
| 109. | Kinetic Performance Technology | $7,500 | Strategic Business plan & Consulting |
| 110. | Capacity Report Services | $7,500 | Strategic Business/market plan |
| 111. | Andreas Martin Luzzi T/As GiraSOLAR | $7,500 | IP management |
| 112. | Surosa Pty Ltd (Perpetual Water Pty Ltd - to be registered) | $7,000 | Business Planning/Market Planning |
| 113. | Biotron Limited | $1,500 | Commercialisation Training |
| 114. | Qirx Pty Ltd | $3,500 | Strategic Business Planning |
| 115. | CH Productions Pty Ltd T/A The HUB | $5,000 | Business Planning/Market Planning |
| 116. | Australian E-sales | $7,000 | Strategic Business Planning |
| 117. | Mounaver Thomas T/as Canberra Chat | $7,000 | Technology Audit |
| 118. | Epicorp | $40,500 | Delivery of Commercialisation Training Course |
| 119. | Karley Technologies | $7,000 | Market Planning |

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## Tourism—marketing campaign (Question No 1316)

**Mr Smyth** asked the Minister for Economic Development, Business and Tourism, upon notice, on 3 March 2004:

In relation to Australian Capital Tourism's summer marketing campaign, *A Capital Summer*.

1. How many people have phoned the 1300 number to enter a competition to win the prize associated with the *A Capital Summer* postcard campaign;

2. How many people have booked holiday packages to visit Canberra as a result of the Adelaide campaign;

3. When will the (a) Adelaide campaign conclude and (b) telephone survey measuring awareness of the campaign be undertaken;

4. What has been the success rate of the *Summer by the Lake* campaign;

5. How many entrants have been recorded on the database for the competition run as part of the *Summer by the Lake* campaign;

6. When will the *A Capital Summer* tourism campaign conclude?

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

1. As the Leader of the Opposition is aware there are several components to a marketing strategy. The first component is to build and raise awareness of a product, which in this case is of Canberra as a tourism destination. Awareness, once created leads to the second component which influences a potential customer's preference and intention to use the product. The final component of a marketing strategy is the conversion of that intention into action. The time lapse between building awareness and conversion could well be some 12 months to two years away. Therefore, it is premature to expect positive results from a campaign before stages one and two are concluded.

   The marketing campaign, *A Capital Summer* focused on targeting the Visiting Friends and Relatives (VFR) market to create awareness of Canberra as a tourist destination. The campaign consisted of four elements, the other three being:
   - the launch and distribution of 26,000 copies of *A Capital Summer* brochure
   - a continuation of the campaign into the Adelaide market to increase awareness that commenced there during the spring campaign, and
   - providing support for the *Summer by the Lake* campaign developed jointly by key national attractions.

   Australian Capital Tourism (ACTC) commissioned Market Attitude Research Services (MARS) to conduct a survey in Canberra to determine awareness of the postcard campaign, which is the first component of the strategy. The results indicated that one in six of Canberra households recalled receiving the postcards with the majority of recipients expressing positive comments about the postcard concept. Around one in twenty households used the postcards to invite interstate friends and relatives to visit Canberra. MARS has concluded that the 'household reach' achieved by the postcard campaign during the busy Christmas period should be considered to be a relative success.

   The number of telephone calls received from people to enter the competition associated with the postcard campaign amounted to 53. As explained above, this number considered in isolation is not indicative of the overall success of the postcard campaign as the main purpose of the campaign focused on raising awareness.

2. The Adelaide summer advertisements appeared in the *Adelaide Advertiser* on 5 December 2003. The advertisement promoted a shortbreak package to Canberra. The airfare component was not included in the package. Therefore, it is not possible to accurately monitor the number who booked packages as a result of the Adelaide campaign as people book their travel through their local travel agents direct to accommodation houses or through the internet. A total of 71 telephone calls were received as a result of the advertisement.

3. (a) The Adelaide campaign included the placement of advertisements in the *Adelaide Advertiser* on 5 December 2003 and the competition for a shortbreak trip which closed on 19 December 2003. The last element of the campaign was the drawing/selection of a winner, which was held on 29 December 2003. As stated before, the intention of the Adelaide campaign primarily was to capture awareness of Canberra in the Adelaide market. I would like to stress that although the Adelaide campaign has concluded our commitment to the Adelaide market remains with future promotions planned to gauge intentions and preferences.

   (b) An awareness telephone survey was conducted in the Adelaide market in early summer to assess the effectiveness of the first Adelaide visitation campaign held as part of the Spring Marketing Campaign. Some 41% could recall advertising and promotional

campaigns conducted in Adelaide promoting Canberra as a place to visit and 50% of those surveyed expressed interest in visiting Canberra. As this awareness survey was conducted in early summer ACTC concluded that conducting the same survey after such a short period of time may confuse respondents and produce incorrect data.

ACTC is currently awaiting detail on load factor results from Virgin Blue Airlines for flights between Adelaide and Canberra during the summer period. However, conversations with Virgin Blue indicate that they are pleased with the load factor results to Canberra, the majority of which included leisure based travelers. The formal analysis to be provided by Virgin Blue will indicate the success rate of the campaign. When this information has been reported to us, we will present the findings in the next ACTC Quarterly Report.

4. The *Summer by the Lake* campaign was developed by a group of national attractions comprising the National Library of Australia, the National Gallery of Australia, the National Portrait Gallery and the National Capital Authority. ACTC supported the campaign through the development of a web competition. The campaign is deemed to be a success, given the positive feedback and satisfaction of each of the facilitating parties.

5. Some 244 entries have been received. The database comprising details of entrants has been provided to organisations participating in this exercise.

6. *A Capital Summer* (See answer to question 1 regarding the different elements of the campaign) concluded as follows:

- Postcard campaign concluded on 19 December 2003 with the winner reported in the media on 29 December 2003.
- Adelaide Campaign (See answer to question 3 a)
- Advertisements for *Summer by the Lake* were placed in the Sydney Morning Herald (SMH) during November, December and January. The competition concluded on 24 January 2004 with the winner reported in the SMH on 31 January 2004.
- The summer campaign ran throughout the 2003-2004 summer period and officially concluded on 29 February 2004 with the end of summer.

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## Education—male teachers (Question No 1320)

**Mr Pratt** asked the Minister for Education, Youth and Family Services, upon notice, on 3 March 2004:

(1) How many male teachers have been registered with the ACT Department of Education, Youth and Family Services on a full-time basis in (a) 1999-2000, (b) 2000-2001, (c) 2001-2002, (d) 2002-2003 and (e) 2003 to date;

(2) How many male teachers have been registered with the ACT Department of Education, Youth and Family Services on a part-time and casual basis in (a) 1999-2000, (b) 2000-2001, (c) 2001-2002, (d) 2002-2003 and (e) 2003 to date.

(3) How many male teachers currently registered on a full-time basis with the ACT Department of Education, Youth and Family Services hold positions of (a) principal and (b) deputy principal.

(4) How many male teachers are currently teaching in the ACT in (a) preschools, (b) primary schools, (c) high schools and (d) colleges.

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

(1) The ACT Department of Education, Youth and Family Services does not register teachers. The average number of male teachers employed by the department on a full-time basis in:

(a) 2000 was 742
(b) 2001 was 740
(c) 2002 was 742
(d) 2003 was 757 and
(e) to the end February 2004 was 743.

(2) The average number1 of male teachers employed by the ACT Department of Education, Youth and Family Services on a part-time and casual basis in:

(a) 2000 was 36 part-time and 107 casual
(b) 2001 was 34 part-time and 75 casual
(c) 2002 was 36 part-time and 75 casual
(d) 2003 was 38 part-time and 78 casual and
(e) to end February 2004 was 27 part-time and 17 casual.

(3)

(a) 39
(b) 22

(4) The number of male teachers currently teaching in the respective sectors is:

(a) 1
(b) 213
(c) 355
(d) 230

In addition, 17 male teachers employed by the ACT Department of Education, Youth and Family Services are teaching across school sectors.

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## Graffiti
## (Question No 1321)

**Mr Pratt** asked the Minister for Education, Youth and Family Services, upon notice, on 3 March 2004:

(1) Is graffiti art currently taught in art classes in ACT (a) primary schools and (b) high schools;

(2) If so, which (a) primary and (b) high schools are teaching it as part of their art classes.

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

(1) The Arts curriculum in ACT schools is guided by the *Arts Curriculum Framework 1993* and supported by The arts – *a curriculum profile for Australian schools 1994*. Neither document refers to graffiti art specifically. Some ACT schools produce a mural which could be considered a legal form of graffiti art. In working towards the production of a mural, students would study and demonstrate an awareness of the ethical issues as well as an understanding of community needs in relation to art in public spaces. Mural production in schools also allows students to demonstrate their ability to use visual arts learning and work in teams in a collaborative exercise. A recent email survey of public schools across the ACT revealed that no schools implemented specific programs about graffiti as part of art classes, although the issue of graffiti art could be canvassed in other subject areas.

(2) Several ACT schools both primary and secondary have been fortunate in securing the services of highly respected Indigenous artists to assist students in designing and constructing murals which feature themes of cultural diversity and inclusivity. The study of the issues related to graffiti, and design of community spaces may be included in visual arts and other curriculum areas where it is relevant to the issues being considered. In legal studies, for example, graffiti art could be studied in relation to ethics and responsibility. In English, where the issue is raised in a literary text, research questions related to legal forms of graffiti art (not defacing property) could be issued to students.

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## Canberra Institute of Technology—student accommodation (Question No 1322)

**Mrs Burke** asked the Minister for Education, Youth and Family Services, upon notice, on 3 March 2004:

(1) Did the December CIT newsletter contain an article on the student housing crisis stating that new accommodation at CIT will be available and ready to use by April, 2004; if so, are works on track for this accommodation to be available at this time;

(2) Will the promised total of 48 places be available in the new complex.

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

(1) I confirm that CIT's news magazine *Contacts* (Number 33, dated December 2003) contained an article titled 'Canberra Institute of Technology relieves Student Housing Crisis', stating 'The accommodation is expected to be available and ready for use in April 2004'.

The new student accommodation, currently under construction on CIT's Bruce Campus is proceeding according to schedule. The accommodation consists of two buildings (each of 24 rooms) with the first building scheduled for occupancy during the Easter break in April with the second building to be completed in early May.

(2) Yes. The two buildings will accommodate a total of 48 students in single rooms.

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## Youth Legal Referral Service
## (Question No 1323)

**Mr Stefaniak** asked the Attorney-General, upon notice, on Wednesday, 3 March 2004:

(1) How many requests for assistance has the Youth Legal Referral Service received in its first year of operation;

(2) Will this pilot project continue to run for a second year;

(3) What has been the cost of running this service for a year;

(4) Does the Government deem it a necessary service based on the history of the last year.

**Ms Gallagher**: The answer to the member's question is as follows:

(1) From December 2002 to 30 November 2003 there were 323 requests for assistance from the First Stop Legal and Referral Service for Young People (First Stop).

(2) As of 1 January 2004 the Vice Chancellor of the ANU has given a special allocation of funds to enable a new clinical law program to be established using First Stop. First Stop will continue to be a partnership between the ANU Law Faculty, Legal Aid Office (ACT), Clayton Utz and ACT Youth Coalition. The services to be provided will be the same as previously. Clayton Utz will continue to provide solicitors on a pro bono basis and Legal Aid will supply a solicitor for five half days per week. The program enables students to develop legal practice skills in a supervised environment while the centre still supplies services to the youth community.

(3) The cost for the year of operation to Legal Aid was approximately $55,000. As of 1 January 2004, the ANU took over the administrative proportion of these costs. There will continue to be some cost to Legal Aid in providing a solicitor for five half days per week. This will be approximately $25,000 per annum.

(4) While the Government is supportive of the service, First Stop remains a partnership between ANU Law Faculty, Legal Aid Office (ACT) , Clayton Utz and the ACT Youth Coalition. Whether the service is necessary is a matter for the project partners to decide.

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## Education—teacher salaries
## (Question No 1326)

**Mr Pratt** asked the Minister for Education, Youth and Family Services, upon notice, on 4 March 2004:

(1) What is the average gross salary of female teachers registered with the ACT Department of Education, Youth and Family Services employed on a (a) full-time and (b) part-time or casual basis;

(2) What is the average gross salary of male teachers registered with the ACT Department of Education, Youth and Family Services employed on a (a) full-time and (b) part-time or casual basis.

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

(1) The average gross salary of female teachers employed by the ACT Department of Education, Youth and Family Services on a
    (a) full-time basis is $51,353 and
    (b) part-time basis is $31,870.

    Casual teachers are employed and paid on a daily, not an annual, basis.

(2) The average gross salary of male teachers employed by the ACT Department of Education, Youth and Family Services on a
    (a) full-time basis is $53,178 and
    (b) part-time basis is $31,531.

    Casual teachers are employed and paid on a daily, not an annual, basis.

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## Education—restraining orders (Question No 1327)

**Mr Pratt** asked the Minister for Education, Youth and Family Services, upon notice, on 4 March 2004:

(1) Have there been any cases of action, in relation to restraining orders or police intervention required, by students or their parents against teachers registered with the ACT Department of Education, Youth and Family Services in (a) 2000-2001, (b) 2001-2002, (c) 2002-2003 and (d) 2003 to date;

(2) If so, what kind of action was taken against these teachers and are these teachers still teaching in the ACT;

(3) If not, are teachers registered with the ACT Department of Education, Youth and Family Services required to report to the schools they are teaching at, or to the Department, any cases of action taken against them if the school or Department would not already be aware of it.

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

(1) In relation to restraining orders taken by students or their parents against any teachers registered with the ACT Department of Education, Youth and Family Services, financial year records held in the central office are as follows:

| | | |
|---|---|---|
| (a) | 2000-2001 | Yes |
| (b) | 2001-2002 | No |
| (c) | 2002-2003 | No |
| (d) | 2003 to date | No |

    In relation to police intervention required arising from action taken by students or their parents against any teachers registered with the ACT Department of Education, Youth and Family Services, financial year records are as follows:

| | | |
|---|---|---|
| (a) | 2000-2001 | Yes |
| (b) | 2001-2002 | Yes |
| (c) | 2002-2003 | No |
| (d) | 2003 to date | No |

There may have been other incidents involving police intervention, however it is only possible to report on incidents which have been notified to central office.

(2) In relation to restraining order applications, the Court denied one application and the other was withdrawn. These teachers are still current employees.

In relation to police intervention, one teacher was the subject of a departmental investigation and is no longer employed by the department. The other teacher was the subject of criminal proceedings and was suspended from duty without pay pending misconduct action under the *Public Sector Management Act 1994*.

(3) No, however it is proposed that the new teachers' certified agreement, currently being negotiated, will contain a provision requiring teachers to advise the department if any relevant criminal charges are laid against the teacher after pre-employment checks have been completed.

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## Gas bottle safety (Question No 1328)

**Mr Pratt** asked the Minister for Police and Emergency Services, upon notice, on 4 March 2004:

1. Have there been any safety regulations put in place that state that it is mandatory for all gas bottles attached to residential dwellings and other buildings to have their safety valves pointing away from the dwelling or building and in the safest possible direction;

2. If so, when were they put in place and how are they enforced;

3. If not, why not.

**Ms Gallagher**: The answer to the member's question (which has been referred to me as it falls within my portfolio responsibilities) is as follows:

1. Regulation 281(2) of the Dangerous Goods Regulations 1978 provides: "A person shall not keep or convey a cylinder or tank containing liquefied petroleum gas, or fill a cylinder or tank with liquefied petroleum gas, except in accordance with AS (Australian Standard) 1596, entitled 'SAA L.P. Gas Code'. I am advised that the relevant Australian Standard requires that cylinders be "installed so the discharge from the relief valve will not impinge on cylinders nor on adjacent combustible buildings or structures".

2. Regulation 281 was made as part of the Dangerous Goods Regulations 1978 (NSW). The *Dangerous Goods Act 1975* (NSW) and the NSW regulations were applied as ACT laws in 1984 (by the now repealed *Dangerous Goods Act 1984*).

The provisions of the Dangerous Goods Regulations are enforced by inspectors appointed under the Dangerous Goods Act and police officers.

3. Not applicable.

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## Neighbourhood Watch
## (Question No 1329)

**Mr Pratt** asked the Minister for Police and Emergency Services, upon notice, on Thursday 4 March 2004:

(1) How many police officers were allocated to attend Neighbourhood Watch programs in the ACT in (a) 1999-2000, (b) 2000-2001, (c) 2001-2002, (d) 2002-2003 and (e) 2003 to date;

(2) How many Neighbourhood Watch meetings in the ACT were attended by police officers in (a) 1999-2000, (b) 2000-2001, (c) 2001-2002 (d) 2002-2003 and (e) 2003 to date.

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

(1) ACT Policing does not record the number of officers allocated to attend Neighbourhood Watch programs. As there were two Crime Prevention officers operating out of each of the four police stations in the ACT during 1999-2001, ACT Policing can verify that there were at least eight officers involved in these programs during that period. It is not possible to identify the number of individual officers who have had an involvement in the Neighbourhood Watch programs since 2001. Under the current model, Crime Prevention officers undertake a range of duties of which Neighbourhood Watch activities are only one part.

(2) ACT Policing does not hold archived records of the number of Neighbourhood Watch meetings that police have attended. The Crime Prevention portfolio accepts bookings for police to attend Neighbourhood Watch meetings, and seeks six weeks notice from the groups to ensure that officers can be rostered appropriately. Officers attend the meetings as requested, rather than on a regular basis. This may entail Crime Prevention members attending several meetings in one month during some periods, whereas at other times there may not be any requests for a number of months. In addition, it is possible that officers from outside the Crime Prevention portfolio attend meetings on the basis of ad-hoc requests from particular groups.

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## Police force—resignations
## (Question No 1338)

**Mr Smyth** asked the Minister for Police and Emergency Services, upon notice, on Thursday, 4 March 2004:

(1) Was the position of Chief Police Officer (CPO) advertised when the Government was given notice that Mr John Murray was resigning;

(2) If so, where was the position advertised and on what dates; if not, why not;

(3) What recruitment process was undertaken in hiring Mr John Davey as the new CPO;

(4) Who was on the selection panel for the appointment of Mr Davey;

(5) How many other people applied for the position of CPO;

(6) Were others in the police force alerted to the opening of the position enabling them to apply for the job of CPO;

(7) When was the Minister first made aware that Mr Murray was resigning;

(8) On what dates did Cabinet discuss the resignation of Mr Murray and or the appointment of a new CPO;

(9) When did the Minister sign off on the appointment of Mr Davey to the position of CPO;

(10) What is the length of the new contract signed by Mr Davey;

(11) What is the salary of the new CPO and does this salary differ to the former CPO's salary; if so, by how much.

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

Mr John Murray, the outgoing Chief Police Officer, notified the Australian Federal Police Commissioner and myself of his intention to depart. The Australian Federal Police nominated Mr John Davies as an immediate replacement, noting that he was at the same level of seniority as Mr Murray, and had extensive distinguished experience in policing, including in community policing in the ACT. I approved of Mr Davies' appointment.

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## Housing—rents
## (Question No 1344)

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice:

What action, if any, is being taken or is being considered in relation to the rent payable by:

(a) aged pensioners
(b) war widows
(c) people living below the poverty line of $20 000 per annum, to address the issue that they are currently being severely financially disadvantaged by having to pay up to 25% of their income.

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

The 25% rate was established by the Liberal Government as the standard rate for new tenants in July 1998 and was considered by that Government and all jurisdictions across Australia as a generally affordable and equitable rate for public tenants to contribute towards the rent for the government dwellings they occupy. Since January 2000 this rate has been applied to the standard assessable income of public tenants generally in the ACT (both new and established tenants) and it is not currently proposed to depart from this policy for particular classes of tenants.

It needs to be recognised however that there is a range of income types that are not assessed for rent rebate purposes or are assessed concessionally. This policy has the effect of reducing significantly below 25% the rate at which many tenants contribute to the rent for their dwellings. Examples of non-assessable income types include Disability Pensions, payments and allowances paid under the Veterans' Entitlements Act, and Family Tax Benefit Part B. Family Tax Benefit Part A is assessed at the concessional rate of 10%.

Consistent with its obligations under the 2003-08 Commonwealth State Housing Agreement, the Government will be reviewing public housing rent policies to ensure that they provide ongoing affordability and equity and that they promote the long term financial viability of public housing in the ACT and do not discourage tenants from participating in the workforce.

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## ParentLink
## (Question No 1348)

**Mrs Burke** asked the Minister for Education, Youth and Family Services, upon notice, on 4 March 2004:

(1) How much money is currently being spent on (a) supporting and (b) promoting, *ParentLink* to the Canberra community;

(2) How many calls has *ParentLink* received and dealt with in (a) 2001-02, (b) 2002-03 and (c) 2003-04;

(3) What was the nature of the calls received by the service;

(4) What current strategies are in operation to advertise and promote the *ParentLink*;

(5) In what ways was the service able to assist the people who called and what services were callers most referred to;

(6) Where do parents go to receive help on public holidays when the service is not in operation.

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

(1) (a) The Department of Education, Youth and Family Services currently funds Parent Support Service $109,303.16 (GST exclusive) to run the telephone support component of the *ParentLink* program.

(b) $100,000 of recurrent funding is spent on promoting the entire program, including the telephone support service, and operating the remaining components of the *ParentLink* program. These include: website, radio and television advertisements, production and distribution of parent tip sheets, outreach events, patron appearances and outreach events and activities.

(2) (a) Total calls 2118 – (*Parent Support Service 25th Annual Report 2001-2002*, p.16)

(b) Total calls 2986 – (*Parent Support Service 26th Annual Report 2003*, p.18)

(c) Total calls 1771 – from 1 July to 31 December 2003

(3) In the last financial year the largest category of calls were made by people seeking emotional support. Other significant areas which callers sought support for were in dealing with behaviour, early childhood and relationship issues. Health related issues also featured as a reason for callers seeking support.

(4) See (1) (b)

(5) The *ParentLink* telephone service is outsourced to Parent Support Service, a non-government organisation, using the name Parentline. The telephone service was able to assist callers by providing support, information and referral for callers across a range of issues. In the last financial year the largest category of assistance sought was for emotional support. Other significant areas which callers sought support for were dealing with behaviour, relationships, and early childhood issues. Health related issues also featured as a reason for which callers sought support.

Referrals were made to a variety of services. Fourteen percent of callers were referred to services related to maternal care and child development, 13 percent of callers were referred to counselling, and a further 15 percent to family support services. A significant number of referrals were also made to health services, youth services and regional community services.

(*Parent Support Service 26th Annual Report 2003*, pp.18-22 provides statistical charts)

(6) The recorded message given on the ParentLink telephone support and information service directs callers to Lifeline. The Parent Helpline (Tresillian) and Health First also operate 24 hour telephone numbers. The *ParentLink* website can also be accessed when the telephone service is not in operation.

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## Child care centres (Question No 1349)

**Mrs Burke** asked the Minister for Education, Youth and Family Services, upon notice, on 4 March 2004:

(1) What is the average fee structure for placing a child in a childcare centre, (a) per week and (b) per day;

(2) How many children are enrolled or are on the books to utilise the new childcare centre at Gungahlin;

(3) What is the capacity of the Gungahlin Childcare Centre.

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

(1) Fees and charges for children attending child care centres are determined by the centre proprietor or, if the centre is a community organisation, fees are set by the Board of Management.

(2) Information on enrolments is maintained by individual services.

(3) Gungahlin Children's Centre is licensed for 89 places.

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## Long service leave
## (Question No 1350)

**Mrs Burke** asked the Minister for Industrial Relations, upon notice, on 4 March 2004:

1. In relation to the Long Service Leave Fund for the Cleaning Industry, how much money has the fund collected from employers to date;

2. How many (a) employers are currently involved in the scheme and (b) employees are currently registered with the scheme;

3. How much money has been paid out to members of the scheme since its commencement;

4. How many employees, who have had contributions paid into the scheme via their employer, have left the industry without accessing their long service leave entitlements due to forwarding details not being provided;

5. What happens to the unclaimed funds;

6. What is the balance of unclaimed funds to date.

**Ms Gallagher**: The answer to the member's question is as follows:

1. $2,452,455

2. (a) 116 registered employers, 84 active employers. Active employers are employers that are currently providing returns to the Cleaning Industry Long Service Leave Board. (b) 2573 employees

3. $32,085

4. Nil employees. It should be noted that the scheme is still relatively new and few employees are entitled to a benefit under the scheme. Employees are entitled to a benefit on permanently leaving the industry after a minimum 55 days employment if due to injury or illness, or after reaching 5 years' service.

5. N/A (see 4)

6. Nil (see 4)

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## Development—Weston
## (Question No 1351)

**Mr Cornwell** asked the Minister for Planning, upon notice:

(1) Has any decision been made about the disposition of Block 5 Section 94 Weston;

(2) Are there competing developments; if so, what are the individual proposals;

(3) When will a decision be made about the land.

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

(1) No decision has been made about the disposition of Block 5 Section 94 Weston.

(2) An application for the direct sale of part Block 5 land has been received from the New Creation Ministries Church. The New Creation Ministries Church is seeking to develop a place of worship and other related activities, such as an educational facility.

There has also been interest expressed in the site being used for older persons' accommodation and for the land to be retained for open space purposes.

(3) A consultant has been engaged to undertake a planning study for the site and to prepare an appropriate sub-division.

The consultant is finalizing the report which will be presented to the Weston Creek Community Council and released for public comment. The report will also be considered by relevant ACT Government agencies.

A decision about the land will be taken once community comments and advice received from ACT Government agencies has been considered.

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## Quamby Youth Detention Centre—complaints (Question No 1352)

**Mr Stefaniak** asked the Minister for Education, Youth and Family Services, upon notice, on 4 March 2004:

(1) How many complaints were made by young persons detained in the Quamby Youth Detention Centre against staff between 1 July 2003 and 31 December 2003;

(2) How many of those complaints were substantiated.

**Ms Gallagher**: The answer to Mr Stefaniak's question is:

(1) There were three internal complaints made by residents during this period. All three complaints related to the consequences issued by staff for a resident's inappropriate behaviour. There was also one complaint recorded by the Office of the Community Advocate relating to a staff member's use of force.

(2) None of the complaints were substantiated. Management investigated all of the complaints and the actions of staff were supported on all occasions.

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## Quamby Youth Detention Centre—staff (Question No 1353)

**Mr Stefaniak** asked the Minister for Education, Youth and Family Services, upon notice, on 4 March 2004:

(1) How many team leaders at Quamby Youth Detention Centre are permanent;

(2) How many staff at Quamby Youth Detention Centre are (a) permanent and (b) on temporary contracts.

**Ms Gallagher** : The answer to Mr Stefaniak's question is:

(1) Two of the seven-team leader positions are currently vacant and a recruitment process has commenced to permanently fill these positions. Permanent staff on temporary transfer at higher duties fill four of the team leader positions. The nominal occupant fills the remaining position.

(2) (a) There are currently 13 positions permanently filled by the nominal occupant.

(b) There are currently 11 positions filled by permanent Quamby officers on temporary higher duties. In addition, there are 12 positions filled by temporary contracts. As Quamby operates 24 hours per day, seven days per week, a three-shift roster over a 24-hour period is used to appropriately service the centre. There are currently four unfilled vacant positions and a recruitment drive has commenced to secure placement where possible.

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## Quamby Youth Detention Centre—assault (Question No 1354)

**Mr Stefaniak** asked the Minister for Education, Youth and Family Services, upon notice, on 4 March 2004:

(1) Is it correct that recently a young person assaulted another inmate with a caste iron brevell and both offender and victim were placed in the special needs unit; if so, why was this allowed to happen.

(2) Is it correct that a young person who is placed in that unit for disciplinary reasons can only be kept in there for a maximum of two weeks?

(3) If so, why and what Act, regulation, by-laws or rules are relied on to ensure a young person in this situation is only allowed to stay for two weeks in this particular unit.

**Ms Gallagher**: The answer to Mr Stefaniak's question is:

(1) Yes. After the incident both young people were housed in the Brindabella Unit, the unit used to house young people requiring extra security. The young people were subject to increased supervision and were not allowed contact with each other.

(2) Quamby Standing Orders state that any young person who without reasonable excuse, consistently refuses to conform to the standards of behaviour required for the maintenance of good order, discipline, safety and security of staff and other young persons within the Quamby Youth Detention Centre, commits a breach of these Standing Orders and can be placed on special supervision.

Standing Order 6.11.6 states that on occasions where a young person's behaviour is such that an extension of special supervision beyond seven (7) days is necessary, the endorsement of the Director, Youth Services must be sought. The Manager shall review the action taken, at intervals not exceeding seven (7) days or when a change in

circumstances or behaviour occurs. The Behaviour Management System is put in place and behaviour is monitored until the young person can be relocated into the main unit.

(3) The requirements outlined in part (2) are contained within Quamby Youth Detention Centre Standing Orders and the Behaviour Management System.

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## Quamby Youth Detention Centre—upgrade (Question No 1355)

**Mr Stefaniak** asked the Minister for Education, Youth and Family Services, upon notice, on 4 March 2004:

(1) In relation to the proposed upgrade of the Quamby Youth Detention Centre, what plans are there to expand the centre beyond the current footprint it occupies;

(2) If the upgrade includes acquiring additional land, can you give details of exactly what additional land is to be required and what area is to be taken up with the expansion of Quamby Youth Detention Centre.

**Ms Gallagher**: The answer to Mr Stefaniak's question is:

(1) The preliminary sketch plans indicate that Quamby has procured extra land on the outside of the existing perimeter as follows:

- In the southeast corner, the perimeter fence line will be pushed out five metres to the south resulting in the official boundary in this direction being an additional 25 metres south;
- In the southwest corner, the perimeter fence will be pushed out by an additional six metres to the south and an additional 25 metres to the west resulting in the official boundary being a further 20 metres south and 55 metres to the west;
- In the northwest corner the perimeter fence will be pushed out by 25 metres to the west and five metres to the north resulting in an expansion of the official boundary by a further 60 metres to the west and 12 metres to the north;
- In the northeast corner, the perimeter fence will be pushed out by an additional eight metres to the north resulting in an expansion of the official boundary by a further five metres to the north; and
- The land we relinquished is a parcel of land on the outer northern boundary 100 metres by 75 metres approximately.

(2) Please refer to the information provided in response to part (1). During the upgrade of the centre, a gravel road will be placed on the outside of the current perimeter fence to allow trucks to access the western side of the centre and to minimise disruption to the operation of the centre as much as possible during redevelopment.

*(The attached preliminary sketch is available at the Chamber Support Office.)*

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## Quamby Youth Detention Centre—complaints (Question No 1356)

**Mr Stefaniak** asked the Minister for Education, Youth and Family Services, upon

notice, on 4 March 2004:

(1) In relation to complaints by detainees at the Quamby Youth Detention Centre against staff, has a staff member lost access to higher duties whilst the complaint is being investigated; if so, why;

(2) Are staff left with the idea that their positions are in jeopardy as a result of a complaint against them by a young detainee; if so, why.

**Ms Gallagher**: The answer to Mr Stefaniak's question is:

(1) No staff members lost access to higher duties while a complaint against them was being investigated.

(2) Any staff member under investigation will receive the full support of management during the process. In addition, where appropriate, staff will be encouraged to utilise the professional counselling services available to all departmental employees.

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## Quamby Youth Detention Centre—living arrangements (Question No 1357)

**Mr Stefaniak** asked the Minister for Education, Youth and Family Services, upon notice, on 4 March 2004:

(1) What is the break-up in relation to the living arrangements of detainees at Quamby Youth Detention Centre, for example, how many units and how many detainees are in each unit;

(2) What are the guidelines for placing detainees in each of the units.

**Ms Gallagher**: The answer to Mr Stefaniak's question is:

(1) Quamby is a 26 bed facility that accommodates both male and females aged 10 to 18 years, who have been ordered by the courts to be held in custody in relation to their criminal matters for a specified period of time.

The centre currently has 3 accommodation units. These are:

- Brindabella Unit: This unit is also referred to as the special needs unit and accommodates all new admissions, young people who have identified special needs and young people requiring extra security. The Brindabella Unit can house only six young people at any one time.
- Murrumbidgee Unit: This unit is an eight bed unit that is used to accommodate the younger male clients aged between 10 and 16 years and female clients aged 10-18 years.
- Ngunnawal Unit: This unit is a 12 bed unit accommodating only older male clients aged 16-18 years.

(2) Where possible, young people are placed within existing units based on criteria outlined in part (1), taking into account the need to appropriately separate male and female detainees, victims from perpetrators, special needs residents, high risk young people and those requiring specific behavioural management.

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## Quamby Youth Detention Centre—perimeter security (Question No 1358)

**Mr Stefaniak** asked the Minister for Education, Youth and Family Services, upon notice, on 4 March 2004:

(1) Did a couple of young persons recently escape over the electric fences of the Quamby Youth Detention Centre; if so, how did this occur;

(2) What steps have been taken to ensure that the perimeter of Quamby, and in particular the Quamby fence is secure;

(3) Was there any fault detected with the electric fence; if so, has the fault been repaired; if not, why not;

(4) What steps are being taken to increase perimeter security at Quamby in relation to further improvements to the electric fence.

**Ms Gallagher**: The answer to Mr Stefaniak's question is:

(1) There have been two escapes in the last five years. The first occurred on 28 October 2003 and the second occurred on 4 January 2004. One of the escapees was involved in both incidents. On both occasions the residents scaled the electric fence.

(2) Additional staff have been engaged for each shift tasked with the specific responsibility of overseeing centre security. This increase to staffing will be reviewed regularly with the potential to further increase staffing during periods of high resident numbers or when the mix of young people in detention present additional management challenges. The designated duties for the additional staff include: patrolling the external perimeter; assisting with escorts from the centre; reporting on security issues at the end of each shift; identifying security limitations; removing any loose objects from the centre that may be used to prop up against the fence, including items from outside metal or woodworking areas; and, continuing to conduct random searches of resident rooms.

(3) There was no fault detected with the electric fence. However, all aspects of security at the centre including the physical structure, the technological limitations and operational procedures currently in place are being reviewed as part of the Quamby redevelopment. The current electric fence at Quamby has been in operation for approximately six years and an examination of the potential for upgrade has been undertaken as part of a security review. The present fence is functional, however, advancements in technology for electric fencing are available and recommendations made by the security consultants are in favour of replacing the current fencing.

(4) The security review and the increased staffing detailed in parts (1) and (2) will increase security at Quamby.

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## Quamby Youth Detention Centre—escapes (Question No 1359)

**Mr Stefaniak** asked the Minister for Education, Youth and Family Services, upon notice, on 4 March 2004:

(1) In relation to crimes committed in Quamby Youth Detention Centre, or as a result of escapes from Quamby Youth Detention Centre between 1 January 2003 and 3 March 2004 how many young persons were convicted by the Children's Court of offences committed whilst at the Quamby Youth Detention Centre;

(2) In relation to those young persons convicted of offences committed whilst at Quamby Youth Detention Centre, for the above period, please list those offences together with details of any penalties imposed;

(3) How many young people escaped from Quamby Youth Detention Centre, between 1 January 2003 and 3 March 2004;

(4) In relation to the young persons who escaped from Quamby Youth Detention Centre between 1 January 2003 and 3 March 2004, how many, if any, offences were committed by those young persons whilst at large;

(5) If there were offences committed in relation to young persons who escaped from Quamby Youth Detention Centre during the above period, can you list those offences together with details of any penalties imposed.

**Ms Gallagher**: The answer to Mr Stefaniak's question is:

(1) Between 1 January 2003 and 3 March 2004, seven young people within Quamby Youth Detention Centre received a conviction for an offence committed either whilst in the centre or after an escape.

(2) In relation to those young persons convicted of offences committed whilst at Quamby Youth Detention Centre, for the above period, the offences and penalties imposed included:

- for the two incidents involving assault occasioning actual bodily harm, one young person received a 9 months committal sentence through the ACT Children's Court while the other young person received 24 months Recognizance with ACT Corrective Services and a three month suspended sentence through the ACT Children's Court
- the damage to ACT Government property charge has yet to be heard. As this resident was over 18 years at the time of the offence, the matter will not be dealt with in the ACT Children's Court
- other penalties are outlined in part (5).

(3) There were two escapes from Quamby Youth Detention Centre between 1 January 2003 and 3 March 2004, two residents escaped on each occasion. One resident was involved in both escapes.

(4) In relation to the young people who escaped from Quamby Youth Detention Centre between 1 January 2003 and 3 March 2004, records kept by the Department of Education, Youth and Family Services detail only those offences that have resulted in a charge. The offences and penalties are listed in part (5).

(5) The offences and penalties are as follows:

Young person 1:

- Escaped custody

Young person 2:

- Escaped custody (two occasions)
- On second escape - drive while licence suspended, use unregistered suspended vehicle, no third party insurance, two charges of aid abet counsel and procure; three charges of ride in vehicle without authority.

Young person 3:

- Escaped custody, take vehicle without authority, learner driver unaccompanied, furious/reckless/dangerous driving, not stop vehicle if requested/signal.

One of the escapees received a four month committal through the ACT Children's Court to run concurrently with their existing sentence. Another escapee received a 12 month committal through the ACT Children's Court. This sentence was appealed but the matter was heard after an additional offence and the appeal was dismissed. Another escapee received a four year sentence in the Supreme Court for the escape and other serious offences which were committed whilst at large. The matter was adjourned and the sentence may yet be amended.

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## No Waste by 2010
## (Question No 1360)

**Mrs Dunne** asked the Minister for Urban Services, upon notice:

(1) In relation to No Waste by 2010, why did the Government commission a consultancy to review the ACT's No Waste Strategy;

(2) What advice did the Minister receive in the consultancy undertaken by the Centre for Environmental Solutions Pty Ltd reviewing the A.C.T. No Waste Strategy;

(3) Did this review give any advice on how to better dispose of putrescible waste; if so, what was that advice; if not, why not;

(4) Are there any plans to extend the achievement of the strategy time frame beyond 2010; if so, why will the Government not be able to achieve the target by 2010.

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

(1) The Department of Urban Services has been conducting an extensive review of the No Waste Strategy. To obtain expert advice the consulting firm URS Australia was engaged to undertake an economic assessment of No Waste Strategy. Other consultants including Kenny Lyn and Associates, Wright Corporate Strategies and Access Economics were also contracted to conduct limited specific studies on aspect associated with determining the actual costs of waste disposal.

(2) The Centre for Environmental Solutions Pty Ltd (C4ES) was not engaged to conduct any studies relating to the review of the No Waste Strategy. C4ES was engaged to conduct an ACT specific study to identify local issues associated with possible introduction of container deposit legislation. Their report was distributed to all MLAs for information in September 2002.

(3) No - The review of the No Waste strategy was conducted to report on progress with implementation of the *No Waste by 2010 Strategy* and the performance in relation to the

programs and targets set out in the *Next Step in the No Waste Strategy*. Treatment options for specific waste streams were not considered.

(4) The Department of Urban Services is currently finalising a submission on the outcome of the review and developing the "Turning Waste into Resources" - No Waste Strategy Action Plan, which I will take to Cabinet shortly to obtain approval for programs and funding for continuing implementation of the No Waste Policy. I look forward to making further announcements regarding future programs.

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## ACTION—driver roster system (Question No 1361)

**Mrs Dunne** asked the Minister for Planning, upon notice:

In relation to ACTION's roster system:

(1) Have any bus drivers recently taken action in court against ACTION buses regarding flexibility of work rosters

(2) If so, what are the implications of the court case on the way ACTION buses now structures its roster system

(3) If not, have there been any changes to the roster system at ACTION

(4) What is meant by the term "seniority" within ACTION and in relation to the roster system

(5) Is there any concern currently among ACTION bus drivers regarding changes to the rostering system

(6) Are you aware of any possibility of industrial action on the part of ACTION bus drivers relating to (a) the rostering system and (b) any other matters.

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

(1) Yes. An ACTION driver has undertaken action in the Australian Industrial Relations Commission (AIRC) to have the arrangements for the allocation of shifts changed. Central to the complaint is the use of driver seniority in terms of shift allocation. It is alleged that the seniority system operates without reference to family friendly considerations, thus potentially discriminating on the grounds of age and status as a parent or primary carer.

(2) At an AIRC conference with the Authority and the TWU, Commissioner Deegan stated that allocating shifts based only on seniority was deemed to be discriminatory either directly or indirectly under the anti discrimination legislation. ACTION Authority and TWU representatives are presently working together to develop a new set of Shift Allocation Principles that can be included in the new EBA. The current system of allocating shifts based on seniority will need to be modified to ensure that it is not directly or indirectly discriminatory.

(3) N/A

(4) The definition of 'seniority' within ACTION is the order in which drivers are able to pick a shift based on their years of service. 'Seniority' is not used as a means of promotion.

(5) Yes there is concern by senior drivers that a system that has been in place for many years is now considered to be inappropriate. However, ACTION Authority and the TWU representative are working together to ensure the shift allocation principles are legal under the anti-discrimination legislation and meet as far as possible the concerns of drivers and the AIRC. Once a position has been agreed the Authority will seek confirmation from the AIRC that the new principles are acceptable.

(6) (a) Yes.

(b) No.

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## Career education support service (Question No 1363)

**Mr Pratt** asked the Minister for Education, Youth and Family Services, upon notice, on 9 March 2004:

(1) Is the career education support services operational; if so, when did it become operational; if not, why not and when will it be operational;

(2) Of the $384 000 allocated in the 2003-04 Budget for this program, what amount of funding has been expended;

(3) What is the breakdown of any expenditure and what has been delivered for that expenditure;

(4) How many people are employed to work as part of the career education support service and at what level are they employed;

(5) How will the service operate;

(6) What is the job description of the career education support service.

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

(1) The Career Transition section, which constitutes the "career education support service", became operational in January 2004 to develop the programs necessary to achieve the budget initiative.

(2) As at February 2004, $89 896.32 has been spent.

(3) That expenditure comprises:

- salaries to date: $53 390.12
- insurance premiums for work placements: $35 200
- office requirements: $ 1 306.20

Funds are committed for:

- accredited postgraduate training in careers counselling for school careers advisors
- an ACT career education conference
- research into student transition planning
- career teacher professional development
- publication of the Work Related Outcomes resource for students
- career education programs and resources for schools
- promotion of career education.

It is anticipated that the full allocation will be expended/committed by the end of June 2004.

(4) A four person team has been established within the Training and Adult Education Branch. The positions are: SOGB, SOGC, ASO6, ASO4.

(5) The Career Transition section will work closely with government and non-government schools, the Canberra Institute of Technology, the Commonwealth Department of Education, Science and Training, other sections of the Department of Education Youth and Family Services and external agencies to plan and provide career education programs. Career Transition is particularly focused on providing professional development for careers advisers, raising the profile of career education and assisting schools to implement career education programs.

(6) The job description of the career transition initiative is to provide all young people in the ACT with access to timely, expert career guidance and help them develop the competencies to effectively manage their transitions and careers.

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## Drug education programs (Question No 1364)

**Mr Pratt** asked the Minister for Education, Youth and Family Services, upon notice, on 9 March 2004:

(1) Further to your reply to Question on notice No1041 in which you stated that an evaluation of drug education programs in ACT government schools and colleges will be conducted in 2004, when will that evaluation (a) begin and (b) be completed;

(2) Who will undertake the evaluation;

(3) What will the evaluation look at;

(4) How will the evaluation be funded.

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

(1) The department will shortly be conducting a literature search and research on evidence-based drug education programs across Australia, including peer education, which will be completed by the end of this year.

(2) - (3) The initial evaluation to be undertaken by the department this year will include an analysis of successful programs and resources used in other states and territories along

with a review of the literature. In particular the evidence based research and practice in peer mentoring education programs in this area will be considered. After this process has been undertaken consideration will be given to the necessity of a more formal independent review and the scope of such a review, which may involve further evaluations of specific services and programs.

(4) Initially the evaluation will be funded within existing budget.

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## Sportsgrounds
## (Question No 1366)

**Mr Stefaniak** asked the Minister for Urban Service, upon notice:

In relation to ACT Government sportsgrounds:

(1) Are there any ovals in the ACT being considered for redevelopment; if so, which ovals;

(2) Would the Government ever consider using any ovals in the ACT for redevelopment purposes;

(3) What is the Government's policy on ovals in regard to maintaining them for public open space;

(4) Have any low maintenance ovals been brought back to full maintenance since Labor took office in 2001; if so, which ovals; if not why not.

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

(1) No ovals are being considered for redevelopment.

(2) No such redevelopments are envisaged.

(3) Canberra's sportsgrounds are an integral part of the city's open space system and highly valued by the community. Their status as Urban Open Space under the Territory Plan is strongly supported by the government.

(4) No low maintenance ovals have been returned to full maintenance during this period. The decision as to which ovals are low or full maintenance is based on the type and level of demand the grounds satisfy, and there is now general acceptance in the community of the level of provision of irrigated full-maintenance sportsgrounds.

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## Chisholm oval
## (Question No 1367)

**Mr Stefaniak** asked the Minister for Urban Services, upon notice:

In relation to:

(1) Further to your response to Question on notice No 1195 in which you stated that revised

completion and handover date for upgrades to Chisholm Oval had been programmed for 1 March 2004, has this deadline been met and the new works completed;

(2) If so, when were the works completed; if not when will works be completed;

(3) Has the handover taken place; if so when did it take place; if not when will it take place and why did this not occur as programmed on 1 March;

(4) What was the final cost of this project and was that cost met from within budget; if not where did any additional funds come from to finalise the project.

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

(1) The new works are now substantially complete except for some minor defects currently being rectified by contractors. The new turf wicket has a consolidation period and will not be used until next summer season. The fields are now being used for training by the Tuggeranong Valley Cricket Club and will be used for hockey in the coming winter season.

(2) See above.

(3) A formal handover of the project has now been carried out, with contractors to continue work on rectifying some minor defects, as mentioned above. The 1 March target was not quite attained due mainly to some unforeseen delays relating to a contractor's construction of the new turf wicket.

(4) The project cost a total of approximately $665,000, including fees. Some additional funds were needed and these were obtained from savings in other projects.

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## City Walk sculpture program (Question No 1368)

**Mr Stefaniak** asked the Minister for Arts and Heritage, upon notice:

In relation to *LaserWrap*, Art and Soul City Walk Sculpture:

(1) Further to your response to Question on notice No 1194 in which you stated that there was an anticipated March 2004 launch of the Art and Soul, City Walk Sculpture after delays in the approval process, will there be a March launch of this artwork;

(2) If so, when will the artwork be officially launched; if not, why will it not be launched in March and what is the anticipated launch date now;

(3) What will be the total cost of this project and will that cost be met within the original budget forecast.

**Mr Wood**: The answers to the member's questions are as follows:

(1) *LaserWrap*, a new artwork in the Art and Soul City Walk Sculpture Program, will not be launched in March as anticipated.

(2) The artwork is a prototype, with specialist components required. These have now been

obtained and the artwork is being fabricated. It is intended to be launched on Friday 7 May 2004 to co-incide with *Metis – A Festival of Science and Art*.

(3) The total cost of the project will be $77,000 + $7,700 GST = $84,700, as forecast in the original project budget.

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## Housing—building contracts (Question No 1369)

**Mr Stefaniak** asked the Attorney-General, upon notice, on Tuesday, 9 March 2004:

(1) In relation to improved rights for home building consumers, is the Attorney-General aware of a new scheme in NSW where consumers who sign new contracts for building work of more than $12 000 are protected by a five day cooling off period;

(2) Is there a similar scheme operational in the A.C.T;

(3) If so, what are the details of the A.C.T scheme and how does it protect consumers; if not, would the Government consider introducing such a scheme in the A.C.T.

**Ms Gallagher**: The answer to the member's question is as follows:

(1) I am aware of the provisions of the New South Wales *Home Building Act 1989* and the recent amendments made to that Act, which commenced on 16 February 2004, to provide for, amongst other things, a five day cooling off period for home building contracts valued at more than $12,000;

(2) There is no similar scheme currently in operation in the ACT;

(3) Building disputes and the rights of consumers are an issue of concern to this Government. The ACT Office of Fair Trading has received a number of inquiries and complaints from consumers concerning disputes about building contracts. Officers from the Department of Justice and Community Safety, in consultation with officers from the ACT Planning and Land Authority, have been involved in a national project, under the auspices of the Ministerial Council on Consumer Affairs, examining a number of issues relating to home building that have arisen in recent years. The Department has also been closely monitoring the recent legislative developments in NSW and other jurisdictions around Australia and is currently considering these developments to determine whether to introduce protections for consumers entering into home building contracts in the ACT.

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## Molonglo River (Question No 1370)

**Mrs Dunne** asked the Minister for Environment, upon notice:

(1) Why was the Molonglo River opened and then closed within the space of only a few days recently;

(2) What evidence was (a) presented to allow for the reopening of the river and (b) then presented forcing another closure;

(3) Should the river have just remained closed altogether;

(4) What measures, if any, are being taken by Environment ACT to ensure the river can be reopened as soon as possible; if no work has been undertaken, why not;

(5) How many water skiing events have been cancelled due to the closure of the river;

(6) How many of those water skiing events would have included competitors from interstate;

(7) How many boat bookings have been cancelled during the time of the river's closure.

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

(1) The waterski area was closed when analysis of samples showed high levels of blue green algae.

(2) (a) Inspection and sampling on the 23 February confirmed blue green algae levels at the low alert level. This, combined with a trend of decreasing algae levels through February permitted the area to be reopened.

(b) The Molonglo Reach area was closed on the 2 March 2004, following a visual inspection and subsequent sample analysis that confirmed high levels of blue green algae were present and there was significant scumming on the surface of the water.

(3) The Molonglo Reach area is in high demand at this time of the year and is used extensively by the general public and water-skiing organisations. Every effort is made to keep the area accessible. As noted previously, within the constraints of the algae action plan, blue green algae levels had improved over time and test results confirmed there was no reason to continue with a total closure of the area.

(4) Very regular monitoring of the river is undertaken, generally on a daily basis, with water samples taken when there is a noticeable improvement or decline in appearance of the blue green algae.

The threat of algae blooms to the Molonglo River and Lake Burley Griffin has long been recognised and several large programs have been implemented to reduce the risk of blue green algae. The most significant of these has been a multi-year project to rehabilitate erosional hot spots in the Molonglo catchment. The Queanbeyan Sewage Treatment Plant, licensed under the Environment Protection Act has also been upgraded to reduce its discharge of nutrients.

(5) The Molonglo Reach area was closed on the 22 January 2004. During the period of closure, the ACT Waterski Association had 4 events cancelled.

(6) One event on the 20 to 22 February would have included interstate competitors. This event was the ACT/NSW State Titles.

(7) 514 boat bookings have been cancelled, not including the ACT Waterskiing Association events

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## Water—conditions (Question No 1371)

**Mrs Dunne** asked the Treasurer, upon notice:

(1) In relation to a recent article in the *Canberra Chronicle* reporting that Canberra residents have noticed a stronger smell or taste of chlorine in their drinking water in recent weeks, what is the reason for an increase in taste and smell of chlorine in the water supply?

(2) How many complaints has the Government received regarding a problem with smell or taste of water?

(3) What water testing does the Government conduct to monitor the safety and potability of the water supply?

(4) What are the main constituents looked for in water testing?

(5) How often is testing carried out?

(6) What have been the average readings for the constituents tested in our water supply each month for the last 18 months?

(7) Are there any concerns regarding an increase in turbidity of the water supply? If so, please provide details;

(8) Have there been any persons in the A.C.T. with any sort of health condition due to problems with water? if so, how many were detected and what caused the illness?

(9) For each of the constituents above, at what levels does the Government inform the public of problems with water supply?

(10) At what level of turbidity does the Government inform the public of problems with water supply?

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

(1) ACTEW advises me that with the warmer weather and lower water flows during January 2004 there was a slight rise in the number of non-specific bacteria within the distribution system. In response to this, ACTEW increased the chlorine concentration at the Mt Stromlo water treatment plant, from 2.00 mg/L to a slightly higher level of 2.20 mg/L. This chlorine level is well within the 5mg/L limit outlined in the Australian Drinking Water Guidelines.

(2) I am advised that ACTEW has received the following complaints regarding the taste or odour of water:

| **Complaint type** | **August 2002 to December 2003** | **January 2004 to March 2004** |
|---|---|---|
| Chlorine | 16 | 0 |
| Odour | 6 | 3 |
| Other | 21 | 3 |
| **Total** | **43** | **6** |

(3) I am advised that the supply of drinking water in the ACT is defined as a "Licensable Public Health Risk Activity" under the *Public Health Act 1997*, and as such, is licensed under that Act. Under the terms of the licence, ACTEW must comply with the ACT Department of Health and Community Care (DHACC) Drinking Water Quality Code of Practice 2000. This code covers such areas as testing frequencies, water quality testing and the publication of results.

I am informed that the technical requirements for water quality testing are referenced from the most recent Australian Drinking Water Guidelines (ADWG) as published by the National Health and Medical Research Council (NHMRC) and the Agriculture and Resource Management Council of Australia and New Zealand (ARMCANZ). ACTEW advises me that it designed the drinking water monitoring program to meet the requirements of the NHMRC Guidelines, plus any additional requirements contained in the Code of Practice. This approach is consistent with other water utilities throughout the country.

I am advised by ACTEW that, as the licensee, it carries out a comprehensive monitoring program that fully complies with the Code of Practice. The analysis data is reviewed by DHACC on a regular basis.

(4) ACTEW advises that water is tested for a range of chemical, biological and microbiological characteristics, as specified in the above guidelines. There are many types of tests, however, the most common are the bacteriological tests for total coliforms, faecal coliforms and total plate count. Chemical and physical tests such as colour, turbidity, pH levels, temperature, residual chlorine, and metals (copper, iron, manganese and lead) are also performed routinely on all samples.

I am further advised that an extended range of other tests are also carried out at varying intervals to ensure that the NHMRC guidelines are met, and that the ensuing results will be chemically and statistically reliable and meaningful. Some of these additional test types include fluoride, alkalinity, hardness, calcium, magnesium, boron, aluminium, mercury and trihalomethanes, plus around 12 other heavy metals, anions and cyanide.

Key water quality parameters are reported and published annually in Annual Drinking Water Quality Report.

(5) I am advised by ACTEW that microbiological quality is the most frequent and immediate measure of drinking water quality, and the NHMRC guidelines specify certain minimum frequencies for microbiological monitoring, based on population. The current program exceeds these requirements by allowing for approximately 960 samples per year, spread over 4 separate reporting zones, and scattered randomly throughout each zone.

ACTEW informs me that, on average, 80 samples per month are analysed for all the microbiological tests as well as colour, turbidity, pH level, temperature, residual chlorine, copper, iron, manganese and lead. The tests for fluoride, alkalinity, hardness, calcium, magnesium, boron, aluminium, mercury, trihalomethanes, and heavy metals are carried out on average 20 times per month, and the remaining tests around 5 times per month.

(6) Key water quality parameters are reported and published annually in Annual Drinking Water Quality Report. Below are the results of the water quality tests conducted over the past 18 months.

| Water quality test results for the previous 18 months | | | | | |
|---|---|---|---|---|---|
| **Parameter** | **Target/Units** | **All data based on customers taps** | | | |
| | | **No. of Samples** | **No. of samples meeting target** | **Percentage of samples meeting target** | **Average** |
| **pH** | 6.5 - 8.5 pH units | 1405 | 1339 | 95.30% | 7.95pH |
| **Turbidity** | <5 NTU | 1405 | 1403 | 99.90% | 0.62NTU |
| **Copper** | <2 mg/L | 1405 | 1405 | 100.00% | 0.03mg/L |
| **Lead** | <0.01 mg/L | 1405 | 1405 | 100.00% | 0.00mg/L |
| **Iron** | <0.3 mg/L | 1405 | 1400 | 99.60% | 0.04mg/L |
| **Manganese** | <0.1 mg/L | 1405 | 1405 | 100.00% | 0.01mg/L |
| **Free Chlorine** | <5 mg/L | 1405 | 1405 | 100.00% | 0.42mg/L |
| **True Colour** | <15 Pt-Co | 1404 | 1404 | 100.00% | 3.59mg/L |
| **Total Coliforms** | 0 CFU/100mL in 95% of samples | 1405 | 1390 | 98.90% | 0.00*CFU/ 100ml |
| **Faecal Coliforms** | 0 CFU/100mL in 98% of samples | 1405 | 1405 | 100.00% | 0.00*CFU/ 100ml |

*Median

(7) ACTEW informs me that turbidity increases in the raw water supply from Bendora reservoir are of concern. I am advised that since the bushfire in the Cotter catchment in January 2003, there have been several occasions when storm events have increased the turbidity of the supply from this reservoir. On these occasions ACTEW supplied water from the Googong reservoir, which is fully treated. ACTEW advises that the supply from Googong reservoir will always have a low turbidity level as the supply is filtered.

(8) I am advised that this is a matter for ACT Health as ACTEW does not keep such records.

(9) ACTEW advises me that it informs ACT Health of any incidents under the Drinking Water Quality Code of Practice. Public notification is a matter for ACT Health.

(10) I am advised by ACTEW that it informs ACT Health of any significant variations in turbidity levels beyond those outlined in the Drinking Water Quality Code of Practice. Public notification is a matter for ACT Health.

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## Water—quality
## (Question No 1372)

**Mrs Dunne** asked the Minister for Health, upon notice:

(1) In relation to a recent article in the Canberra Chronicle reporting that Canberra residents have noticed a stronger smell or taste of chlorine in their drinking water in recent weeks, what is the reason for an increase in taste and smell of chlorine in the water supply;

(2) How many complaints has the Government received regarding a problem with smell or taste of water;

(3) What water testing does the Government conduct to monitor the safety and potability of the water supply;

(4) What are the main constituents looked for in water testing;

(5) How often is testing carried out;

(6) What have been the average readings for the constituents tested in our water supply each month for the last 18 months;

(7) Are there any concerns regarding an increase in turbidity of the water supply; if so, please provide details;

(8) Have there been any persons in the A.C.T. with any sort of health condition due to problems with water; if so, how many were detected and what caused the illness;

(9) For each of the constituents above, at what levels does the Government inform the public of problems with water supply;

(10) At what level of turbidity does the Government inform the public of problems with water supply.

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

(1) Due to the warmer weather ACTEW has increased the chlorine concentration at Mt Stromlo WTP. This is well within the Australian Drinking Water Guidelines limit of 5mg/L

(2) The following table details the number of complaints for taste and odour problems since August 2002 and since January 2004:

| Taste and Odour Complaints | From August 2002 to December 2003 | Since January 2004 to March 2004 |
|---|---|---|
| **Chlorine** | 16 | 0 |
| **Odour** | 6 | 3 |
| **Other** | 21 | 3 |

(3) The supply of drinking water in the ACT is defined as a 'Licensable Public Health Risk Activity" under the Public Health Act 1997, and as such is licensed under that Act. Under the terms of the licence ACTEW must comply with the Drinking Water Quality Code of Practice 2000. This Code of Practice covers such things as testing frequencies, water quality testing, publication of results etc.

The technical requirements for water quality testing are referenced from the most recent Australian Drinking Water Guidelines (ADWG) as published by the National Health and Medical Research Council (NHMRC) and the Agriculture and Resource Management Council of Australia and New Zealand (ARMCANZ)

The drinking water monitoring program has therefore been designed to meet the requirements of these NHMRC Guidelines, plus whatever additional requirements are required by the Code of Practice. This is consistent with the approach adopted by most other water utilities throughout the country.

ACTEW as the licensee carries out a comprehensive monitoring program that fully complies with the Code of Practice. Under the code any variation in certain parameters

must be reported to ACT Health. The monitoring data is reviewed by ACT Health on a regular basis.

(4) The water is tested for a range of chemical, biological and microbiological characteristics as specified in the above guidelines. The types of tests performed are wide and varied, but the most common ones, carried out on all samples, are the bacteriological tests for total coliforms, faecal coliforms and total plate count. Chemical and physical tests such as colour, turbidity, pH, temperature and residual chlorine, and the metals: copper, iron, manganese and lead are also determined routinely on all samples.

An extended range of other tests are also undertaken at several different frequencies to ensure both the NHMRC guidelines are met, and that the ensuing results will be reliable and meaningful, both chemically and statistically.

Some of the additional test types include fluoride, alkalinity, hardness, calcium, magnesium, boron, aluminium, mercury and trihalomethanes, plus around 12 other heavy metals, anions and cyanide.

Key water quality parameters are reported and published annually in ACTEW's Annual Drinking Water Quality Report (http://www.actewagl.com.au/default.aspx?loc=/Publications/default.htm)

(5) Microbiological quality is the most frequent and immediate measure of drinking water quality, and the NHMRC guidelines specify certain minimum frequencies for microbiological monitoring based on population. ACTEW's current program includes approximately 960 samples per year, spread over 4 separate reporting zones, and scattered randomly throughout each zone.

On average 80 samples per month are taken on a daily basis and are analysed for all the microbiological tests as well as colour, turbidity, pH, temperature, residual chlorine, copper, iron, manganese and lead.

The tests fluoride, alkalinity, hardness, calcium, magnesium, boron, aluminium, mercury, trihalomethanes, and heavy metals are carried out on average 20 times per month, and the remaining tests around 5 times per month.

(6) Key water quality parameters are reported and published annually in ACTEW's Annual Drinking Water Quality Report (http://www.actewagl.com.au/default.aspx?loc=/Publications/default.htm)

| **Parameter** | **Target/Units** | **All data based on customers taps** | | | | | |
|---|---|---|---|---|---|---|---|
| | | **No. of Samples** | **No. meeting target** | **% meeting target** | **Mean** | **Min** | **Max** |
| **PH** | **6.5 - 8.5 pH units** | 1405 | 1339 | 95.3% | 7.95 | 6.6 | 10.3 |
| **Turbidity** | **<5 NTU** | 1405 | 1403 | 99.9% | 0.62 | 0.10 | 8.80 |
| **Copper** | **<2 mg/L** | 1405 | 1405 | 100.0% | 0.032 | 0.0005 | 1.30 |
| **Lead** | **<0.01 mg/L** | 1405 | 1405 | 100.0% | 0.000 | 0.0001 | 0.05 |
| **Iron** | **<0.3 mg/L** | 1405 | 1400 | 99.6% | 0.038 | 0.010 | 0.36 |
| **Manganese** | **<0.1 mg/L** | 1405 | 1405 | 100.0% | 0.009 | 0.0003 | 0.073 |
| **Free Chlorine** | **<5 mg/L** | 1405 | 1405 | 100.0% | 0.42 | 0.010 | 3.62 |
| **True Colour** | **<15 Pt-Co** | 1404 | 1404 | 100.0% | 3.59 | 0.10 | 12.0 |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| **Total Coliforms** | **0 CFU/100mL in 95% of samples** | 1405 | 1390 | 98.9% | 0* | 0 | 36 |
| **Faecal Coliforms** | **0 CFU/100mL in 98% of samples** | 1405 | 1405 | 100.0% | 0* | 0 | 0 |

*Median

(7) An increase in turbidity the raw water supply from Bendora can lead to complaints from the public. Due to the bushfire in January 2003 in the Cotter catchment, there have been several occasions when there have been increases in turbidity in the supply from Bendora due to storm events. On these occasions ACTEW has supplied water from Googong, which is fully treated. The supply from Googong will always have a low turbidity level as the supply is filtered.

(8) There has not been any confirmed illness associated with Canberra's drinking water.

(9) ACTEW notifies ACT Health of any incidents that may adversely affect the quality (from a public health perspective) of ACT's drinking water. This is a legislative requirement under the ACT Drinking Water Code of Practice.

If the notification is such that there is an increased risk to the public then ACT Health would provide appropriate advice to the community.

(10) ACTEW notifies ACT Health of any turbidity excursions under the Drinking Water Quality Code of Practice. ACT Health and ACTEW liaise on a regular basis, formally based on the code of practice, as well as informally on issues that are not regarded as incidents.

The Australian Drinking Water Guidelines do not have a specific health guideline for turbidity, however it is recognised that turbidity can impact on a number of other parameters such that an increase public health risk can result.

ACT Health would consider the impact on all parameters to assess the risks. If this assessment identified an increased risk to the public then ACT Health would provide appropriate advice to the community.

Routine monitoring results for turbidity are published on the ACTEWAGL website.

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## Kurrajong Hotel (Question No 1373)

**Mr Smyth** asked the Minister for Urban Services, upon notice:

In relation to Conservation Management Plan for the Kurrajong Hotel:

(1) Why was a consultant hired to do a review of the Hotel Kurrajong's Conservation Management Plan and Condition Audit;

(2) What information or advice does the Government hope to receive through this review;

(3) Has the review been completed;

(4) If so, where can copies be obtained; if not, why not, and when will it be completed.

**Mr Wood**: The answers to the member's questions are as follows:

(1) Under the terms of the Crown Lease, the Territory is required to develop a conservation management plan that is to be reviewed every ten years. The conservation plan was due for review and had to be undertaken by an experienced heritage conservation practitioner acceptable to the Australian Heritage Commission.

(2) A condition audit report of the building structure, building fabric and building services, plant and equipment.

A building audit report that identifies necessary repair/upgrade work including costing.

A review of the Conservation Plan (1993) to ensure the continued conservation of the land and buildings as a place on the Register of the National Estate.

(3) The review has been completed.

(4) Copies of The Hotel Kurrajong: Conservation Management Plan February 2004, prepared by Eric Martin and Associates, can be obtained from the Department of Urban Services, ACT Heritage Library. The contact number of the Heritage Library is 6207 5163.

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## Canberra Hospital—insurance claims (Question No 1375)

**Mr Smyth** asked the Minister for Health, upon notice:

(1) In relation to the A.C.T. Government settlement payments for insurance claims against The Canberra Hospital (TCH), how many people currently have insurance claims lodged against TCH;

(2) How many claims were lodged against TCH in (a) 1999, (b) 2000, (c) 2001, (d) 2002 (e) 2003 and (f) 2004 to date;

(3) How many of the claims in part (2) are (a) settled and (b) ongoing;

(4) How much has the A.C.T. Government paid out in the settlement of the claims in the years listed in part (2).

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

(1) The ACT Insurance Authority has advised that there are currently 106 medical negligence and 6 public liability active matters against The Canberra Hospital dated back to 1999;

(2) Medical Negligence – Number of Claims

| | |
|---|---|
| 1999/00 | 35 |
| 2000/01 | 50 |
| 2001/02 | 41 |
| 2002/03 | 22 |
| 2003/04 | 12 |

Public Liability – Number of Claims

| | |
|---|---|
| 1999/00 | 1 |
| 2000/01 | 6 |
| 2001/02 | 2 |
| 2002/03 | 2 |
| 2003/04 | 1 |

(3) (a) Medical Negligence – Finalised Claims (settled)

| | |
|---|---|
| 1999/00 | 28 |
| 2000/01 | 16 |
| 2001/02 | 9 |
| 2002/03 | 1 |
| 2003/04 | 0 |

(a) Public Liability – Finalised Claims (settled)

| | |
|---|---|
| 1999/00 | 0 |
| 2000/01 | 3 |
| 2001/02 | 1 |
| 2002/03 | 1 |
| 2003/04 | 1 |

(b) Medical Negligence – Open Claims (ongoing)

| | |
|---|---|
| 1999/00 | 7 |
| 2000/01 | 34 |
| 2001/02 | 32 |
| 2002/03 | 21 |
| 2003/04 | 12 |

(b) Public Liability – Open Claims (ongoing)

| | |
|---|---|
| 1999/00 | 1 |
| 2000/01 | 3 |
| 2001/02 | 1 |
| 2002/03 | 1 |
| 2003/04 | 0 |

(4) Due to the complexities in the management of claims and a need for a cross agency reconciliation of costs incurred by both the ACT Insurance Authority and ACT Health the preparation of cost data will not be available until 15 April 2004.

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## Ministerial functions (Question No 1377)

**Mr Smyth** asked the Chief Minister, upon notice, on 10 March 2004:

In relation to Ministerial functions for all Ministers:

(1) How many functions have been held by each Minister, by portfolio, in the period September 2003 to the end of February 2004 that have been paid for through the Executive Budget, including private functions for occasions like the farewell of staff;

(2) For each function what was the (a) purpose, (b) date, (c) cost, (d) number of guests attending, (e) venue used and (f) entertainment hired.

**Mr Stanhope**: The answer to the member's question is outlined in the attached spreadsheet.

| **Name** | **Date** | **Cost** | **No of Guests** | **Venue** | **Entertainment Hired** |
|---|---|---|---|---|---|
| ***Chief Minister*** | | | | | |
| Reception for Bushfire Recovery Taskforce | 25 Sept 03 | $595.00 | 45 | Exhibition Gallery | Nil |
| Dinner in Honour of Duncan Patrick | 14 Oct 03 | $870.10 | 11 | Aubergine Restaurant | Nil |
| Host Box – Rugby World Cup | 15 Oct 03 | $1363.64 | 14 | Bruce Stadium | Nil |
| Refugee Week Citizenship Ceremony | 20 Oct 03 | $265.00 | 30 | Exhibition Gallery | Nil |
| Host Box – Rugby World Cup | 25 Oct 03 | $1181.81 | 12 | Bruce Stadium | Nil |
| Reception for JP's 30 Year Award Ceremony | 6 Nov 03 | $295.00 | 30 | Exhibition Gallery | Nil |
| Reception for ACOSS Delegates | 12 Nov 03 | $2251.50 | 120 | Reception Room | Nil |
| Reception for 460 Squadron | 3 Dec 03 | $5007.93 | 200 | Canberra Theatre | Nil |
| Signing Ceremony – Emergency Services MOU | 16 Dec 03 | $406.25 | 25 | Exhibition Gallery | Nil |
| Citizenship Ceremony for Australia Day | 26 Jan 04 | $5002.60 | 100 | Regatta Point | Canberra City BandSing Australia Choir |
| Reception for Bravery Awards Association | 13 Feb 04 | $1318.50 | 60 | Reception Room | Nil |
| Community Cabinet | 15 Feb 04 | $500.00 | 50 | Belconnen Community Centre | Nil |
| ***Deputy Chief Minister*** | | | | | |
| Economic White Paper | 4 Dec 03 | $435.00 | 20 | Hospitality Room | Nil |
| ***Minister Wood*** | | | | | |
| Reception for National Library Conference Delegates | 27 Oct 03 | $4039.00 | 180 | Canberra Theatre | Nil |

| | | | | | |
|---|---|---|---|---|---|
| Farewell for John Murray, Chief Police Officer | 26 Feb 04 | $344.55 | 8 | Hospitality Room | Nil |
| ***Minister Corbell*** | | | | | |
| Welcome for new CEO, Health | Sept 03 | $81.45 | 15 | Minister's Office | Nil |
| Welcome/Farewell for CEO, ACTPLA | 17 Sept 03 | $30.41 | 15 | Minister's Office | Nil |
| Christmas function for Health/ACTPLA Executives | 19 Dec 03 | $64.37 | 20 | Minister's Office | Nil |
| Note: One off purchase of alcohol used for the above three functions. | | $122.66 | | | |
| ***Minister Gallagher*** | | | | | |
| Function for interstate guests following the passing of the Industrial Manslaughter Legislation | 27 Nov 03 | $49.17 | | Legislative Assembly foyer | Nil |

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## WorkCover—staff (Question No 1378)

**Mr Smyth** asked the Minister for Industrial Relations, upon notice, on 10 March 2004:

1. How many people are currently employed in the WorkCover Information and Education Unit;

2. Are there any plans to close or reduce the operations of this unit;

3. How many (a) workplace visits have taken place and (b) education sessions been held, each month, for the last six months.

**Ms Gallagher**: The answer to the member's question is as follows:

1. No staff are employed in the Information and Education Unit, as this unit ceased to exist in early January 2004. The former unit's functions were reallocated to other WorkCover sections. WorkCover has adopted a new communications and education strategy aimed at significantly expanding the number of staff involved in education activities. The strategy uses networks of stakeholders and other Government agencies to enhance communications with the business community. Education activities are now undertaken by inspectors and other staff in WorkCover's core functional areas of occupational health and safety, workers compensation and dangerous goods, depending on the subject matter

of the education initiative. This has eliminated compartmentalisation of the education function created by the former structure, and broadens the skills and roles of inspectors to include education and information aspects of compliance. The communication activities of the former unit, including newsletters, web site education and organising events, seminars and presentations, has been moved to the Regulatory Leadership section of WorkCover. Regulatory Leadership staff and the OHS Commissioner are also involved in educational activities and presentations.

2. See answer to (1) above.

3. WorkCover collects statistics on "workplace inspections" rather than "workplace visits". Statistics on inspections and education activities are collated on a quarterly basis, rather than on a monthly basis. The provision of monthly statistics would require each inspector to review their logbooks for the preceding six months to extract data. I am not prepared to authorise the use of the considerable resources that would be necessary to prepare the detailed information required to answer the Member's question in this respect. I have instead provided information on a quarterly basis.

(a) Workplace inspections:

| | |
|---|---|
| September 2003 quarter | 972 inspections |
| December 2003 quarter | 1354 inspections |
| March 2004 quarter (1 Jan – 18 March) | 1003 inspections |

(b) Education activities:

| | | |
|---|---|---|
| September 2003 quarter | 26 education sessions | 458 attendees |
| December 2003 quarter | 5 education sessions | 265 attendees |
| March 2004 quarter (1 Jan – 18 March) | 24 education sessions | 718 attendees |

WorkCover also delivers education activities on line through its web site (www.workcover.act.gov.au/actsafe/education.cfm).
The following numbers of people completed the ActSafe education program during the relevant period:

| | |
|---|---|
| September 2003 quarter | 379 |
| December 2003 quarter | 530 |
| March 2004 quarter (1 Jan – 18 March) | 1681 |

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## Crime prevention (Question No 1380)

**Mr Pratt** asked the Minister for Police and Emergency Services, upon notice, on Wednesday, 10 March 2004:

(1) How much of the $1.076m allocated in the Department of Justice and Community Safety crime prevention budget for 2003-04 has been expended to date;

(2) What has been delivered for the expenditure;

(3) Further to your response to Question on notice No 904, regarding juvenile crime, in which you stated that government agencies had been asked to develop a range of significant new strategic program approaches which either directly or indirectly address youth crime, what new strategic and program approaches have been developed;

(4) Have any of the new strategic and program approaches developed in part (3) been implemented; if so, (a) which approaches, (b) how long will they run for and (c) how have they been funded.

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

(1) As at 19 March 2004, the Department of Justice and Community Safety (DJACS) has paid out on invoices for program funding amounting to $500,602. ACT Policing advises that a further $106,700 has been expended on ACT Policing managed crime prevention programs that have not yet been invoiced to DJACS. This brings expenditure to $607,302 as at 19 March 2004.

(2) The following 2003-04 programs are all in place and continue to be funded under this budget: ACT Policing managed programs on personal and neighbourhood responses to crime and preventing crime; police road shows; Constable Kenny Koala; Police Citizens Youth Club (PCYC) programs for at risk young persons; ACT Policing Aboriginal Liaison program; research into burglary; research on sexual assault; Community Liaison and Advisory Safety Program (CLASP); bushfire arson prevention program; *Right Turn* - motor vehicle theft program for offenders; and an advisory and evaluation consultancy for the *Turnaround* program – the integrated intensive support program for young people with complex needs being coordinated by the Department of Education, Youth and Family Services.

(3) and (4) All of the programs listed under part (5) Question on notice No 904, namely, the Children's Plan; Turnaround; restorative justice; and the blueprint for reducing the involvement of young people in crime, are in the advanced stages of development but are still the subject of on-going Executive deliberation. More detailed advice will be available closer to the time of implementing each of the programs.

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## Drink spiking
## (Question No 1381)

**Mr Pratt** asked the Minister for Police and Emergency Services, upon notice, on 10 March 2004:

(1) How many cases of drink spiking were reported to police in each month from August 2003 to February 2004;

(2) Were there any arrests for drink spiking during these periods; if so, what charges were laid;

(3) What initiatives are currently underway or have been implemented by police since July 2003 to combat drink spiking.

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

(1) There were a total of eight drink spiking incidents recorded on the police database from August 2003 to 29 February 2004. Two incidents were recorded in August 2003 and in September 2003, one incident was recorded in November and three in December 2003.

(2) No.

(3) Following the launch of *Operation Skeet* in 2002, ACT Policing has continued to undertake a number of initiatives such as the public awareness campaigns "Watch Yourself, Watch Your Friends' and 'Party Smart'. Officers have also been involved in policy initiatives such as the National Drink Spiking Project coordinated by the Commonwealth Attorney-General's Department, as well as operational activities including more recently *Operation Muse*, focusing on drug use in night club scenes, and *Operation Safe City*, focusing on the city centre and night club related crimes and disturbances.

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## Education—boys
## (Question No 1382)

**Mr Pratt** asked the Minister for Education, Youth and Family Services, upon notice, on 10 March 2004:

(1) Further to your response to part (4) of Question on notice No 1162 in which you stated that local research was commissioned to inform about the High School Development Program (HSDP) and the education of boys, why was this research commissioned and did the Government receive two reports, one for HSDP and one for boys education;

(2) If the Government did receive reports on both areas, what information was provided to the Government regarding (a) the HSDP and (b) boys education;

(3) What other work, if any, has been undertaken by the current Government regarding boys education; and have any measures to improve boys education been implemented; if so, what measures have been implemented and when.

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

(1) Dr Andrew Martin was engaged in June 2002 to undertake a summary and analysis of the achievements of the *New Generation High School Program* (previously known in 2000 as the *High Schools of the New Millennium Project*) over the preceding three years. This is now known as the *High School Development Program*. The two most important aspects of the program at the time of Dr Martin's study were the system wide Exhibitions Project and school specific projects.

Earlier in 2002 Dr Martin was also engaged to undertake a review of strategies and approaches in the education of boys. The study encompassed a review of previous research, quantitative analysis of student motivational data, student interviews and consultations with teachers, key academics and commentators with a view to identifying ways to further enhance educational outcomes for boys.

Dr Martin provided two reports to the Government in December 2002. These were titled *Summary and Analysis of High Schools for the New Millennium Project* and *Improving the Educational Outcomes of Boys*.

(2) The key findings provided in the reports can be accessed online at:
(a) *Summary and Analysis of High Schools for the New Millennium Project:*
http://www.decs.act.gov.au/publicat/pdf/HSdevProgFinLReprt.pdf

(b) *Improving the Educational Outcomes of Boys:*
http://www.decs.act.gov.au/publicat/pdf/Ed_Outcomes_Boys.pdf

(3) Other work undertaken by the current Government regarding boys' education includes:

- Dr Martin presented the findings of his report to principals and office based staff in March 2003. Following this, additional copies of the report were distributed to schools. The report is available from the department website along with links to other Australian government research reports on improving the educational outcomes of boys.

- A professional development seminar was conducted on Friday 14 March 2003 on *Addressing The Needs of Boys And Girls In Schools* by Dr Maria Pallotta-Chiarolli and Dr Wayne Martino that also utilised the findings from the ACT research.

Measures implemented to improve boys' education by the department and schools include:

- Findings from Dr Martin's research have been incorporated into additional professional development for teachers by the department and schools. This includes:

    - In 2002 Canberra High School developed a book of teacher resources titled, *Boys Opportunities Yielding Success (B.O.Y.S.);*

    - In June 2003 Dr Martin addressed staff from the Hawker schools cluster (Hawker College, Belconnen HS, Weetangera PS, Aranda PS and Hawker PS) on the topic *How to Motivate Boys*;

    - In June 2003 separate workshops for staff and parents/carers on *Educating Boys* were held at Village Creek PS;

    - In July 2003 Canberra College held a workshop for staff on *Boy Friendly Classrooms*;

    - In January 2004 the Melba schools cluster (Melba HS, Evatt PS, Miles Franklin PS, Flynn PS, Mt Rogers PS, Charnwood PS and Fraser PS) held a professional learning seminar for all staff on boys' education, with Dr Martin as keynote speaker;

    - The professional learning strategy currently being implemented for ACT Government high schools (2004-05) as part of the High School Development Program is addressing the areas cited by Dr Martin as requiring strategic intervention in classrooms.

In addition, the findings of the Dr Martin report have contributed to:

- The department's professional development theme for 2002 and 2003 of *Inclusivity*.

- The discussion paper for schools, *The Inclusivity Challenge (2002).*

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## Registered training organisations (Question No 1385)

**Mrs Burke** asked the Minister for Education, Youth and Family Services, upon notice, on 10 March 2004:

(1) Are all private ACT Registered Training Organisations (RTOs) complying with the Australian Quality Training Framework;

(2) What action does the ACT Accreditation and Registration Council (ARC) take against any RTOs that are not compliant;

(3) How many RTOs who are operating in Canberra are national companies and who are they;

(4) Are there currently any RTOs, or their sub-contractors, advertising in the (a) print media, (b) television (c) radio, (d) Yellow Pages or (e) in any other way who are contravening (i) Standard 11, Use of National and State or Territory logos and (ii) Standard 12, Ethical Marketing and Advertising;

(5) To what level is the ARC currently funded and resourced;

(6) Does this level of funding adequately ensure that full and complying audits are conducted;

(7) Does the ARC conduct spot check audits on RTOs; if so, what is the frequency; if not, why not;

(8) How many internal audits have been carried out by ARC during (a) 2002, (b) 2003 and (c) 2004.

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

(1) All ACT registered training organisations (RTOs), private and public, must comply with the Australian Quality Training Framework (AQTF) to remain registered. RTOs provide an annual self-assessment and declaration of their continued compliance with the AQTF, which the Accreditation and Registration Council (ARC) subsequently validates at audit.

(2) Non-compliant ACT RTOs are audited and directed to correct any areas of non-compliances within 28 days. Failure by an RTO to act can result in the commencement of de-registration proceedings.

(3) RTOs with more than one state of operation are registered on the National Training Information Service website.

(4) The ARC responds to all inappropriate advertising by RTOs. RTOs are directed to withdraw non-compliant advertising. Yellow Pages advertisements have a year-long lifespan that negates immediate eradication.

(5) The ARC is a statutory body, with only the Chair receiving any remuneration. The Training and Adult Education Branch budget allocation supports its activities with $0.45m in direct salary contribution and additional funding for administrative support, and for development and marketing activities for RTOs to assist them with compliance issues. Other funding is sourced from ANTA national projects for strategic national audits, audit moderation and cooperative quality assurance initiatives.

(6) Yes. DEYFS provides six staff as secretariat support to ARC, including compliance audits. The number of positions in the secretariat was increased with the advent of the AQTF.

(7) Yes, the ARC does audit at least three times in the standard five-year registration period, and does audit more frequently in cases of non-compliance or formal complaint. Seven days advance notice of any site visit must be given under s. 99 of the Tertiary Accreditation and Registration Act 2003.

(8) The audits of registered training organisations conducted by the ARC are termed 'external audits'. The number of these audits are: (a) 29 in 2002, (b) 59 in 2003 and (c) 9 in 2004 (as of 8 March 2004). However every organisation submits their own internal audit to the ARC secretariat annually. Those audits are evaluated for AQTF compliance and responses provided to the organisation.

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## Children—case workers (Question No 1386)

**Mrs Burke** asked the Minister for Education, Youth and Family Services, upon notice, on 10 March 2004.

(1) As a result of recent child abuse claims, what will the Minister be doing to address a declining corporate culture within the Department of Education, Youth and Family Services;

(2) With regard to children in foster care, how many frontline case workers does the Department employ;

(3) What employment qualifications are necessary to become a front line case worker within the Department;

(4) In relation to children in foster care, how many front line case workers have (a) resigned from the Department within the last 6 months and (b) been employed by the Department since 30 November 2003;

(5) Were concerns raised by the Office of the Community Advocate, Heather McGregor on 11 February 2004, that the lack of a state of the art computerised file management system contributed to cases of child abuse not being reported; if so, why has the Department not fully implemented the Looking After Children Electronic System, the electronic management tool for the Looking After Children model.

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

(1) The Government's Four Point Plan clearly articulates our commitment to improving the current provision of child protection services in the Territory and increasing support for child protection staff. The department expects the current Review by the Commissioner for Public Administration will provide a number of recommendations for the child protection system.

(2) As at the beginning of April 2004, the department employed 57 front line child protection staff (classified as Family Services Workers Class 1 and Professional Officers Class 2).

(3) Front line case workers within the Department are required to have degree or diploma level qualifications in social work, psychology or social welfare or other relevant disciplines.

(4) (a) From October 2003 to March 2004 there were seven (7) resignations of front line case workers.
(b) 19 frontline case workers have been employed since 30 November 2003.

(5) The Community Advocate refers to the "lack of a state of the art computerised file management system" on 10 February 2004 in the context of her 'Response to Abuse in Care Reports'. She does not suggest a causal link between the computer system and the non-reporting of child abuse cases. Nor does she suggest a causal link between the system and the non-recording of child abuse cases.

This question confuses two completely different systems of information recording within the Department. The computerised file management system for recording cases of suspected child abuse and neglect is in fact called the Children and Young Person's System (CHYPS). The Looking After Children Electronic System (LACES) pertains specifically to the Looking After Children case management system for children and young people in out-of-home care. This system does not cater for recording incidents of abuse, nor is it designed to.

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## Community Consultation Online website (Question No 1387)

**Mr Smyth** asked the Chief Minister, upon notice, on 11 March 2004:

(1) Is the community consultation register still available via the website?

(2) If so, is the community consultation register currently being maintained online?

(3) Is all the most up-to-date information provided on this web page?

(4) Are there any plans to downgrade the community consultation register in any way?

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

(1) No. The Community Consultation Online website (www.consultation.act.gov.au) replaced the community consultation register in December 2001.

(2) N/A

(3) Yes. ACT Government agencies are strongly encouraged to post details of their proposed policies and programs on the site.

(4) No. The *Building a Stronger Community* flagship in the Canberra Social Plan includes initiatives to further enhance e-democracy including upgrading the website as part of the ACT Government's Community Engagement Code of Practice, which will be finalised in July/August 2004.

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## Prisoners—statistics (Question No 1388)

**Mr Smyth** asked the Attorney-General, upon notice, on 11 March 2004:

(1) In relation to prisoner remandee numbers, how many A.C.T. (a) prisoners and (b) remandees, have been sent interstate, each month, in the last six months;

(2) What was the total cost of transfers for each category during this period;

(3) How many remandees have been housed at the Temporary Remand Centre (TRC) at Symonston, each month, for the last 12 months;

(4) On a monthly average, what has been the operational cost of the TRC at Symonston;

(5) Have the (a) Belconnen Remand Centre and (b) the Court House cells been at capacity at any time in the last 12 months; if so, when and what was the number of remandees held;

(6) How many Canberrans are currently serving home detention.

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

(1) (a) The number of ACT prisoners sent interstate, each month, in the six months from August 2003 to January 2004, are:

| | | |
|---|---|---|
| August 2003 | – | 10 |
| September 2003 | – | 12 |
| October 2003 | – | 10 |
| November 2003 | – | 7 |
| December 2003 | – | 10 |
| January 2004 | – | 4 |

(b) The number of ACT remandees sent interstate in the last six months was one, for a period of 52 days from 23 December 2003.

(2) (a) The total cost of transfers per day for ACT prisoners for the period August 2003 to January 2004 are as follows:

| | | | | |
|---|---|---|---|---|
| August 2003 | – | for 10 prisoners | – | $ 1,850.62 per day |
| September 2003 | – | for 12 prisoners | – | $ 2,163.98 per day |
| October 2003 | – | for 10 prisoners | – | $ 1,910.90 per day |
| November 2003 | – | for 7 prisoners | – | $ 1,310.77 per day |

| | | | | |
|---|---|---|---|---|
| December 2003 | – | for 10 prisoners | – | $ 1,799.50 per day |
| January 2004 | – | for 4 prisoners | – | $ 719.80 per day |
| Total cost per day | – | for 53 prisoners | – | $ 9,755.57 per day |

The total cost per day indicated for the 53 prisoners includes maximum, medium and minimum classifications. The cost breakdown by prisoner classification are as follows: four maximum-security prisoners at $ 231.07 per day; six medium-security prisoners at $ 182.24 per day; and 43 minimum-security prisoners at $ 179.95 per day.

The costs per day over the last six months varied due to the number of sentenced prisoners per month and the different prisoner classifications. Prisoner re-classification is also a factor to be considered in the total cost of transfers.

Total accrued prisoner cost from the period August 2003 to January 2004 was $4.08 million.

(b) The total cost of transfer for the one ACT remandee from the period 23 December 2003 to 12 February 2004, which is 52 days in remand at $ 231.07 per day, is $12,015.64.

(3) The average number of remandees housed at the Temporary Remand Centre (TRC) at Symonston, each month, for the last 12 months are:

| | | |
|---|---|---|
| March to June 2003 | – | Not applicable* |
| July 2003 | – | 7.32 |
| August 2003 | – | 9.00 |
| September 2003 | – | 8.20 |
| October 2003 | – | 8.94 |
| November 2003 | – | 13.23 |
| December 2003 | – | 13.13 |
| January 2004 | – | 13.42 |
| February 2004 | – | 12.03 |

*ACT Corrective Services counted total remandee numbers only for both the Belconnen Remand Centre and the TRC at Symonston prior to financial year 2003-2004. TRC at Symonston remandee numbers were counted separately starting this financial year 2003-04.

(4) The monthly average for the operational cost of the TRC at Symonston from the period July 2003 to end of February 2004 is $ 184,740 per month.

(5) (a) The Belconnen Remand Centre has NOT been at capacity at any time in the last 12 months.

(b) The Court House cells have NOT been at capacity at any time in the last 12 months.

(6) There are currently three Canberrans serving home detention as of 23 March 2003, two detainees are in remand and one detainee is serving a sentence, all under home detention orders.

## Act of grace payments (Question No 1389)

**Mr Smyth** asked the Treasurer, upon notice:

(1) How many Act of Grace payments has the Government signed off on under part 9, section 64 of the *Financial Management Act 1996,* since coming to Government;

(2) Of those Act of Grace payments what was the amount of the payment, over what length of time and for what purpose

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

(1) This Government has approved a total of 571 Act of Grace payments since coming to office in 2001.

(2) The detail of the payments are listed in the following table:

| Amount | Time line | No. | Reason |
|---|---|---|---|
| **General** | | | |
| $30,000.00 | Mar 2003 | 1 | Legislative consequences for adoption of at risk foster child by pensioner foster parents |
| $283,582.00 | June 2003 | 1 | Relates to the refund of interest accrued by the Territory on an overpayment of duty |
| $940.50 | Aug 2003 | 1 | Payment received for Development and Preliminary assessment charges where waiver would have been approved. Act of Grace utilised to redress situation and return payments |
| $30,000.00 | Sep 2003 | 1 | Victim of Criminal injury. Case not actioned by department before cut-off of 23 June 99 |
| $2,000.00 | Oct 2003 | 1 | Loss and suffering from wrongful arrest arising from administrative error |
| $5,693.00 | Nov 2003 | 1 | Unintentional abolition of risk bonus payment of employment contract caused by legislative change |
| $1,500.00 | Mar 2004 @ $250 / month | 1 | Requirement for oxygen supply not available under current health schemes |

| **Debits Tax** | | | |
|---|---|---|---|
| $96.00 | Dec 2001to Nov 2003 | 1 | Payment to an entity contracted by the government for provision of personnel services in respect of Debits Tax levied on certain payroll fund accounts for Aug, Sept, Oct 2001 |
| $4,656.76 | Mar 2002 | 1 | Payment to an entity contracted by the government for provision of personnel services in respect of Debits Tax levied on certain payroll fund accounts for May, June, July 2001 |
| $124.00 | Mar 2002 | 1 | Payment to an entity contracted by the government for provision of personnel services in respect of Debits Tax levied on certain payroll fund accounts for Nov, Dec 2001 and Jan. Feb 2002 |
| $1,074.00 | May 2002 | 1 | On objection, it was decided the entity was a charitable organisation. Payment covers the duty and tax paid up to 30 June 2000 |
| $1,194.00 | Jul 2002 to Nov 2003 | 37 | 9 Sept 1998, the Chief Minister agreed to give eligible credit union members access to the debits tax rebate scheme. As the Act does not facilitate payment of a rebate to this category of applicant at this stage, it was necessary to make AoG payments pursuant to section 64 of the Financial Management Act 1996 |

| | | | |
|---|---|---|---|
| $116.00 | Aug 2002 | 1 | Payment to an entity contracted by the government for provision of personnel services in respect of Debits Tax levied on certain payroll fund accounts for March, April, May, June 02 |
| $132.00 | Nov 2002 | 1 | Payment to an entity contracted by the government for provision of personnel services in respect of Debits Tax levied on certain payroll fund accounts for Jul, Aug, Sept, Oct 2002 |
| $100.00 | Feb 2003 | 1 | Payment to an entity contracted by the government for provision of personnel services in respect of Debits Tax levied on certain payroll fund accounts for Nov, Dec 2002 and Jan 2003 |
| $84.00 | May 2003 | 1 | Payment to an entity contracted by the government for provision of personnel services in respect of Debits Tax levied on certain payroll fund accounts for Feb, Mar, April 2003 |
| $88.00 | Aug 2003 | 1 | Payment to an entity contracted by the government for provision of personnel services in respect of Debits Tax levied on certain payroll fund accounts for May, June, July 2003 |
| $87,960.60 | Oct 2003 | 1 | Amount covers debits tax incurred by a Credit Union for the period13 Nov 2002 - 31 July 2003 |
| $104.00 | Nov 2003 | 1 | Payment to an entity contracted by the government for provision of personnel services in respect of Debits Tax levied on certain payroll fund accounts for Aug, Sept, Oct 2003 |
| $29,549.50 | Dec 2003 | 1 | Amount covers debits tax incurred by a Credit Union for the period Aug, Sept and Oct 2003 |
| $9,535.40 | Jan 2004 | 1 | Amount covers debits tax incurred by a Credit Union for Dec 2003 |

| **Rates** | | | |
|---|---|---|---|
| $154,841.48 | Feb 2003 To Feb 2004 | 440 | Due to January 2003 Bushfire |

| **Land Tax** | | | |
|---|---|---|---|
| $1,175.20 | Mar 2003 To Feb 2004 | 3 | Due to January 2003 Bushfire |

| **Home Owners Duty Concession** | | | |
|---|---|---|---|
| $2,450.00 | Jul 2002 | 1 | Payment due to misleading information given by the Revenue Office to the Tax Payer in regards to their potential eligibility for the Home Buyer Duty Concession. Refund for Duty paid |

| **Stamp Duty on Motor Vehicle Registration** | | | |
|---|---|---|---|
| $600.00 | Jan-2002 | 1 | US military members transferred under the Status of Forces Agreement (SOFA) imported and registered their vehicle while on posting in Australia. |
| $27,075.00 | Feb 2003 To Mar 2004 | 46 | Payments for stamp duty on Motor Vehicle destroyed by Bushfire |

| **Conveyance** | | | |
|---|---|---|---|
| $63,000.00 | Feb 2003 To Aug 2003 | 9 | Duty paid on the purchase of a land/house to replace a home that was destroyed by the 2003 Bushfires |
| $28,843.75 | Apr 2003 | 1 | Relates to the transfer of residential property from company to individual |
| $1,033.00 | Apr 2003 | 1 | Relates to the transfer of residential property from a company to individual shareholder |

| **Stamp Duty on Insurance** | | | |
|---|---|---|---|
| $13,601.70 | Jun 2002 To May 2003 | 12 | Payment to eligible organisations for public liability, professional indemnity group personal accident or other similar types of insurance pending the passing of Legislation to provide an exemption from stamp duty. |

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## Rally of Canberra (Question No 1390)

**Mr Smyth** asked the Minister for Economic Development, Business and Tourism, upon notice, on 11 March 2004:

In relation to the Subaru Rally of Canberra:

1. Further to your response to Question on Notice No 1150 in which you stated that Australian Capital Tourism was awaiting formal ratification of the contract for Subaru to again sponsor the Rally of Canberra, has this contract been finalised.

2. If so, when was it finalised and is the contract any different to past years; if not, when will the contract be finalised and do you expect any change to the terms in the contract from previous years.

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

1. Yes.

2. The contract for the naming rights sponsorship was executed on 19 March 2003. The terms of the contract are similar to that of previous years with a three year duration period (2004 – 2006) and the sponsorship commitment incrementing over the three years.

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## Rally of Canberra (Question No 1391)

**Mr Smyth** asked the Minister for Economic Development, Business and Tourism, upon notice, on 11 March 2004:

In relation to the Subaru Rally of Canberra.

1. How many nominations have been received for this year's Rally of Canberra;

2. When do the entry nominations close;

3. From what countries and Australian States have nominations been received;

4. What is the total field of competitors expected for this year's event;

5. What was the total field of competitors for the last three years' events;

6. When will tickets go on sale to the public;

7. Will tickets be cheaper, more expensive or the same as last year;

8. Where will this year's super special stage be held.

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

1. 16 entries have been received as at 31 March 2004. The Supplementary Regulations for the 2004 event were posted on the Rally website on 15 March. The Regulations provide competitors comprehensive event information including, entry procedures, insurance costs, advertising restrictions and other administrative requirements of the event. Usually, entry nominations are received after competitors have ample time to digest the information which appears in the Regulations.

2. The nominations close on 16 April 2004.

3. Of the entry nominations received, 15 are from Australia and one entry is from New Zealand. The breakdown of states in Australia from which entries are received are as follows;
   Western Australia – 1
   Queensland – 2
   New South Wales – 6
   South Australia – 2
   ACT – 1
   Victoria – 3

4. We are expecting s filed of approximately 60 competitors. The number of competitors expected in 2004 is considerably higher as this year's event incorporates the Subaru Rall Challenge in addition to the FIA Asia Pacific Rally Championships. Entry nominations have not yet been received by national or international competitors.

5. The field of competitors for the past three years were:
   2001 – 47
   2002 – 47
   2003 – 33

6. The tickets went on sale to the public on 15 March 2004.

7. The ticket prices are cheaper for the 2004 event. For example, the 2003 season pass for three days was priced at $93.50 and the 2004 two day pass costs $35. As in 2003, the season pass for 2004 includes forest access as well as entry to the Super Special Stage.

   ACTC decided to reduce the price of tickets for the 2004 event for two reasons. One reason is due to the shorter duration of the event from three days to two days and the other reason is to attract a larger number of visitors to the event.

8. The Super Special Stage this year will be held in Fairbairn Motorsport Park as it was in 2003.

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## Belconnen—pay parking (Question No 1394)

**Mr Smyth** asked the Minister for Urban Services, upon notice:

In relation to pay parking in Belconnen:

What advice did the Government receive in the $78,000 study it commissioned, undertaken by Hughes Trueman, regarding services in relation to the introduction of pay parking in Belconnen.

**Mr Wood**: The answers to Mr Smyth's questions are as follows:

The consultants have:

- Identified ACT Government carparks and the options for the introduction of off-street and on-street pay parking;
- Recommended the parking fee structure and the hours of operation of pay parking;
- Consulted with stakeholders (including the Commonwealth and operators on non-government carparks) and prepared a detailed consultation report;
- Identified the location of all pay parking devices, and parking and traffic management signage. This included an extensive survey of existing parking and traffic signage and advice on replacement needs. It also involved preparing Traffic Control Device Drawings detailing the location of all pay parking devices and signs associated with pay parking;
- Examined overspill parking implications and recommended a strategy to protect adjacent areas from overspill parking; and
- Prepared a draft asset replacement strategy for all existing pay parking devices.

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## Roads—red light cameras (Question No 1395)

**Mr Smyth** asked the Minister for Urban Services, upon notice:

In relation to the evaluation of red light camera operations:

(1) What advice did the Government receive in advice prepared by Maunsell Australia titled Evaluation of red light camera operations.

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

(1) The results of the report by Maunsell McIntyre 'Evaluation of Fixed Digital and Red Light Speed Cameras' (March 2003) were largely inconclusive due to a number of factors:

However, the study concluded that there was a 36% reduction in right angle crashes, a significant drop in infringements and strong community support for the cameras. The study also found there was a slight increase in rear end crashes (which tend to be less

severe than right angle) and other crashes, and a significant decline in red light and speeding offences at the trial sites.

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## Workplace agreements (Question No 1397)

**Mr Smyth** asked the Minister for Industrial Relations, upon notice, on 11 March 2004:

1. In relation to Industrial Relations reform, has the Government offered any Australian Workplace Agreements since being elected to Government;

2. How many enterprise bargaining agreements are currently in operation;

3. Is this an increase or decrease in the number operating in the last year of the former Liberal Government; if so, please provide figures;

4. Has the Government pursued any non-union enterprise bargaining agreements since being elected to Government;

5. Has the Government maintained the public sector superannuation scheme;

6. Has the Government increased or decreased the number of consultants and contractors used in the Public Sector since being elected to Government; if so, please provide figures.

**Ms Gallagher**: The answer to the member's question is as follows:

1. Yes;

2. There are currently 29 enterprise bargaining agreements in operation;

3. This is a decrease from the number operating in the last year of the former Liberal Government. In the last year of the former Liberal Government there were 56 enterprise bargaining agreements in operation;

4. One of the 29 enterprise bargaining agreements is a non-union agreement;

5. Yes;

6. The information on consultants and contractors is available in individual Agency annual reports.

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## Canberra Institute of Technology—traineeships (Question No 1398)

**Mrs Burke** asked the Minister for Education, Youth and Family Services, upon notice, on 11 March 2004:

(1) In relation to the Canberra Institute of Technology (CIT), what is the Government currently doing to promote traineeships and apprenticeships in traditional trade areas and emerging industries;

(2) What level of funding has the Government specifically allocated to CIT for the provision of traditional trade areas and emerging industries;

(3) How is the funding allocated across these areas;

(4) Has the fitting and machinery workshop been closed down at the CIT due to occupation, health and safety concerns;

(5) Did a first year engineering mechanical apprentice turn up to CIT in |January 2004, was given a pile of books and told to come back on 20 July 2004 for tests;

(6) If so, what explanations were given to the students as to why this action was taken.

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

(1) The Training and Adult Education (TAE) Branch of the Department of Education, Youth and Family Services (DEYFS) advises that DEYFS has actively promoted New Apprenticeships in the ACT in 2003 through a coordinated television, radio, newsprint and cinema advertising campaign. The cinema advertisements are still running and will continue until the end of June 2004. This campaign was complementary to a major national advertising campaign by the Commonwealth Department of Education, Science and Training.

The Department of Education, Youth and Family Services intends to repeat successful elements of the campaign in April-June 2004, to coincide with another Commonwealth campaign starting in May.

In addition, during 2004 the Department of Education, Youth and Family Services is producing a range of brochures to promote the uptake of New Apprenticeships in targeted industry areas.

(2) CIT receives funding in the Funding Agreement (Purchase Agreement) from the ACT Government for NSW-based trainees and apprentices in trade areas. The Nominal Hours Supervised (NHS) hours for NSW trainees and apprentices in 2003 totalled 138,250 at an average funding rate of $12.97 per NHS. This equates to funding of $1,793,102 in 2003. CIT is expecting a similar amount in 2004 for NSW-based trainees and apprentices in trade areas.

(3) The ACT Government does not allocate any funds directly to CIT for ACT-based trainees and apprentices in traditional trade areas. Funding for ACT-based trainees and apprentices in trade areas is held by the Training and Adult Education Branch (TAE) and allocated to Registered Training Organisations (RTOs) under User Choice arrangements. Funding to particular RTOs is dependent on TAE receiving appropriate claims for specific students.

For emerging industries, CIT receives funding in the Funding Agreement from the ACT Government for a number of courses. These courses are mainly in the areas of electronic design and digital imaging, spatial information services, 3-D animation, photonics, and eastern massage therapy. The NHS hours for courses in these emerging industries in 2003 totalled 151,353 at an average funding rate of $12.97 per NHS. This equates to funding of $1,963,048 in 2003. CIT is expecting a similar amount in 2004 for courses in emerging industries.

(4) The Dean of the Faculty of Science and Technology has advised that the CIT fitting and machinery workshop is currently unavailable for training as it is undergoing a refurbishment to upgrade and further develop the facility to meet the technological requirements of local industry. This upgrade is being undertaken as a result of routine assessment of CIT facilities against current industry standards and safety requirements.

(5) When students arrived at the enrolment session at the beginning of Semester 1, they were advised that due to the refurbishment of the fitting and machining workshops, there would be no off-job training at CIT during Semester 1. Students were provided with a range of material including relevant module workbooks and the contact number of a CIT staff member. Following this, contacts were made with employers and industry representatives to review the training programs and discuss the training requirements of students with their respective employers.

(6) Students were advised of the revised start date and the reason for this at the enrolment session. Following the meetings with employers and industry and the refurbishment work in the CIT workshops, a decision has been made that off-job training at CIT will recommence in Term 2 following the Easter break. The program delivery arrangements and refurbished workshops will reflect the enhanced level of technology required by local industry.

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## Education—Year 12 trends (Question No 1399)

**Mr Pratt** asked the Minister for Education, Youth and Family Services, upon notice, on 11 March 2004:

In relation to year 12 trends and further to your response to Question on notice No 1038 in which you stated that the figures from 2003 would be available in February 2004, what were the overall participation rates for Year 12 in the ACT in 2003.

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

(1) Percentage of Year 12 students participating in the four major subject areas:

| **Subject Area** | **2003** | **2002** | **2001** | **2000** |
|---|---|---|---|---|
| English | 97.9 | 100 | 99.8 | 100 |
| Mathematics | 93.1 | 92.7 | 93.8 | 93.8 |
| Science | 45.6 | 48.4 | 47.8 | 49.2 |
| Behavioural Sc./Religion* | 48.4 | 47.3 | 43.7 | 41.4 |

* These areas are as defined in the Year 12 Study Table 10.4.
(Religion is a compulsory subject in the Catholic sector.)

(2) Number of students who received a vocational qualification:

| **Year** | **Number of students with vocational qualification** |
|---|---|
| 2003 | 2242 |
| 2002 | 2102 |

| | |
|---|---|
| 2001 | 1962 |
| 2000 | 1815 |

(3) Participation rates are based on age group rather than a school year.

The overall participation rates for the ACT, as published by the Australian Bureau of Statistics in *Schools Australia 2003,* are:

| | |
|---|---|
| 15 year olds | 106.7% |
| 16 year olds | 102.4% |
| 17 year olds | 91.8% |
| 18 year olds | 23.3% |
| 19 year olds | 2.9% |

The participation rates for 15 and 16-year-olds are greater than 100 per cent because of NSW students enrolling in ACT schools.

Approximately two thirds of Year 12 students are aged 17 in July.

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## Education—information technology testing (Question No 1400)

**Mr Pratt** asked the Minister for Education, Youth and Family Services, upon notice, on 11 March 2004:

(1) What is the current percentage goal that the Government aims for when information communication technology (ICT) competency testing takes place in ACT Government schools;

(2) In relation to a standard set in 2001, the first year of ICT testing, by the former Liberal government which indicated that the ICT testing supports a key Government result area, which states that 95% of Year 10 students in A.C.T. Government schools will receive certification for their ICT competencies by 2001, has the current Government increased the percentage goal of students to achieve ICT competency certification; if not, why not;

(3) Has the Government considered broadening the testing since the former Liberal Government introduced ICT competencies; if so, what other areas could be tested; if not, why not;

(4) Has the Government considered introducing ICT competency testing for Year 6 students.

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

(1) The current percentage goal is 95%.

(2) The current Government has not increased the percentage goal of 95% of Year 10 students receiving ICT certification. The goal is set at 95% to allow for students who are unable to complete the ICT competencies assessment process. This includes students who are unable to be assessed for a variety of reasons, including disability and, late enrolment (Term 4) at a school, and those who do not complete all the competencies due

to prolonged illness, very limited levels of English and other factors. As approximately 4% of students are in these categories each year, the goal has not been increased.

(3) Yes, the current Government has considered broadening the testing and has already broadened it to include Year 9 students in the ICT program for the first time in 2004. The process has already commenced to extend ICTs to Year 6 students. Preliminary work has also been done on the expansion of the ICT program into Years 11 and 12 with pilot programs occurring in some colleges.

(4) Yes, the process for extending ICT competency testing to Year 6 students has already commenced. Extension to Year 6 is being informed by the specifications for the national Information and Communication Technology Assessment Project (ICTAP) which will involve sample testing in Years 6 and 10 across Australia, commencing in 2005.

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## Amaroo school security (Question No 1402)

**Mr Pratt** asked the Minister for Education, Youth and Family Services, upon notice, on 11 March 2004:

(1) On how many occasions has the security system or alarm been activated at the new Amaroo school since it was installed;

(2) Have any thefts occurred at the school (a) before and (b) since its official opening;

(3) If so, what goods were stolen and to what value;

(4) Are there any plans to upgrade fencing around the school along Burdekin Avenue footpath.

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

(1) Installation of the alarm for Amaroo School commenced around 7 January 2004. Between that time and 6 February 2004, a security guard attended the preschool and school site on 13 occasions to attend to various false alarms and to reset the alarm (turning off the audible siren). The difficulties with the alarm have now been resolved.

(2) There have been no reported thefts at the school either (a) before or (b) since the school commenced operating 3 February 2004. The school has not been officially opened.

(3) No items have been stolen at the school.

(4) There are no plans to upgrade the fencing along the Burdekin Avenue footpath. The fence at the front of the school is a temporary fence, which is commonly used at new sites to enclose the site and establish new plantings. The fence will be removed towards the completion of the construction phase.

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## Amaroo school enrolments (Question No 1403)

**Mr Pratt** asked the Minister for Education, Youth and Family Services, upon notice, on 11 March 2004:

(1) How many students, in each grade, are enrolled at the new Amaroo Primary School;

(2) What is the average class size for (a) Kindergarten (b) Year 1 (c) Year 2 and (d) Year 3;

(3) When will enrolments begin to be taken for the High School;

(4) What is the programmed opening date for the High School and are plans running according to schedule for that timeline to be met.

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

(1) The Amaroo School as at the February 2004 census had:

(a) 43 students in Kindergarten
(b) 19 students in Year 1
(c) 32 students in Year 2
(d) 18 students in Year 3
(e) 22 students in Year 4
(f) 19 students in Year 5

(2) The actual average class size at the February 2004 census for:

(a) Kindergarten was 14.3
(b) Year 1 was 17
(c) Year 2 was 17
(d) Year 3 was 20

(3) Enrolments for the high school are being taken now.

(4) The programmed opening date for the high school is the start of the 2005 school year. Plans are running according to schedule for this timeline to be met.

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## Education—male teachers (Question No 1404)

**Mr Pratt** asked the Minister for Education, Youth and Family Services, upon notice, on 11 March 2004:

(1) Are there any Government (a) primary schools, (b) high schools or (c) colleges in the ACT that do not employ a male teacher;

(2) If so, which school/s do not currently have any males employed at their schools; if not, has there ever been a time in the past 10 years where a school has not had a male teacher teaching at that school.

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

(1) (a) Yes
(b) No
(c) No

(2) The following schools do not currently have a male teacher employed on staff:

Ainslie Primary School
Duffy Primary School
Macquarie Primary School

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## Tuggeranong—pay parking (Question No 1405)

**Mr Pratt** asked the Minister for Urban Services, upon notice:

(1) In relation to pay parking in Tuggeranong and complaints received by the Opposition can he confirm the decision to turn a current dirt car park near the Department of Education, Youth and Family Services, which allows around 100 cars access to park, into grassland area;

(2) If so, where does the Government propose the 100 to 150 vehicle owners who currently park there to park now, given that pay parking has been introduced in the area and does the loss of this area to grassland mean there are less car park spaces in the area;

(3) Have there been any issues in Tuggeranong, similar to those in Belconnen, where not all of the machines had arrived for the introduction of pay parking;

(4) Has the Government received any complaints about pay parking in Tuggeranong since its introduction on 1 March; if so, how many complaints have been received and what aspect of pay parking was the complaint about.

**Mr Wood**: The answers to Mr Pratt's questions are as follows:

(1) The grassed area near the Department of Education, Youth and Family Services has had "No Parking" signs erected. The location was never intended as a formal car parking area.

(2) There is capacity to absorb these additional vehicles in Territory car spaces within the Town Centre. In addition, car parking spaces are available in car parks not managed by the Territory.

(3) No, all the pay parking car parks in the Tuggeranong Town Centre were operational on 1 March 2004.

(4) There have been some complaints about the introduction of pay parking in the Tuggeranong Town Centre. These have mainly been related to the fact that people now have to pay for parking. As at 22 March 2004, Road Transport had received 4 emails and 1 Ministerial about pay parking in Tuggeranong since its introduction on 1 March 2004.

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## Aboriginal sites
## (Question No 1408)

**Ms Tucker** asked the Minister for Arts and Heritage, upon notice:

In relation to Aboriginal sites:

(1) How many Aboriginal heritage places and objects were discovered as a result of the 2003 fires;

(2) What were the dates when they were discovered;

(3) Where is the registration process up to for these places and objects;

(4) What is the timeframe for bringing that registration up-to-date;

(5) How many places and objects are at risk of damage or destruction given their registration has not been processed.

**Mr Wood**: The answers to the member's questions are as follows:

(1) To date, 344 Aboriginal places have been discovered as a result of the 2003 fires.

(2) Places were discovered throughout the year as follows.

| Month Discovered | Number |
|---|---|
| March 2003 | 129 |
| April 2003 | 20 |
| May 2003 | 37 |
| June 2003 | 12 |
| July 2003 | 8 |
| August 2003 | 73 |
| September 2003 | 51 |
| October 2003 | 3 |
| November 2003 | 7 |
| December 2003 | 2 |
| January 2004 | 2 |

(3) To date 153 Aboriginal sites have been interim registered and a further 191 are included in draft citations.

(4) Three registrations (including 153 of the places) have been notified. The remainder of places are included in four draft registrations due to be completed as soon as possible.

(5) No sites are at risk of damage or destruction as sections 67 and 70 of the *Land (Environment and Planning) ACT, 1991* provide protection for unregistered Aboriginal places. The as yet unregistered places are within ACT Forestry lands and Namadgi National Park. Land managers are well aware of the existence of these places.

## Public service—chief executive officers (Question No 1409)

**Mr Cornwell** asked the Attorney-General, upon notice, on Thursday, 11 March 2004:

> Further to a Question on notice of 8 December 2003 from the Community Services and Social Equity Committee which asked could the Attorney-General please comment on the Government's approach to Chief Executive Officers that are reported to have failed to comply with their statutory obligations, was it his office or his Department who advised the Minister for Education, Youth and Family Services Department about the above Question on notice.

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

> The question was directed to the Attorney General and consequently it was the Department of Justice and Community Safety that drafted the response to the Standing Committee for the Attorney General's approval.

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