
# DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

FIFTH ASSEMBLY

# WEEKLY HANSARD

25 MAY

2004

**Tuesday, 25 May 2004**

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## The Assembly met at 10.30 am.

**MR SPEAKER** (Mr Berry) took the chair at 10.30 am, made a formal recognition that the Assembly was meeting on the lands of the traditional owners, and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

# Petitions

*The following petitions were lodged for presentation:*

## Gungahlin Drive extension

*By **Ms Tucker**, from 114 residents:*

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

The petition of certain residents of Gungahlin in the Australian Capital Territory draws to the attention of the Assembly: The undesirable impacts of the proposed extension to Gungahlin Drive, and the likely failure of this new road to address the transport needs of Gungahlin residents.

Your petitioners therefore urgently request the Assembly to: call on the ACT government to:

1. Defer building the Gungahlin Drive Extension through Black Mountain Reserve, Bruce Ridge and O'Connor Ridge Nature Parks, and the Kaleen Grasslands until—
   (a) a full environmental impact statement has been prepared;
   (b) a comprehensive traffic analysis is prepared, taking into account up to date traffic flow data; the changes to the design of the city, and new population projections for Gungahlin as reflected in the Spatial Plan; and
   (c) alternative road solutions which upgrade existing roads are fully investigated.
2. Ensure that Canberra's sustainable transport plan include a commitment to an urban light rail backbone supported by feeder buses.

## Gungahlin Drive extension

*By **Ms Tucker**, from 1,450 residents:*

Speaker and Members of the Legislative Assembly for the Australian Capital Territory

**the undersigned urgently request:**

That plans for building the Gungahlin Drive Extension through Black Mountain

> Reserve, Bruce Ridge and O'Connor Ridge Nature Parks, and the Kaleen Grasslands be withdrawn;
>
> That these areas be given full legislative protection against any further encroachment by urban or road development;
>
> That public transport needs are given urgent priority before any new ACT roads are built. Specifically, we urgently request that Canberra's sustainable transport plan should include a commitment to an urban light rail backbone supported by feeder buses.

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

## Legal Affairs—Standing Committee
### Scrutiny report 49

**MR STEFANIAK** (10.33): Mr Speaker, I present the following report:

> Legal Affairs—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 49, dated 25 May 2004, together with the relevant minutes of proceedings.

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

Leave granted.

**MR STEFANIAK**: I move:

> That the report be authorised for publication.

Question resolved in the affirmative.

**MR STEFANIAK**: I seek leave to make a brief statement.

Leave granted.

**MR STEFANIAK**: Scrutiny report 49 contains the committee's comments on two bills, six pieces of subordinate legislation and three government responses. I commend it to the Assembly.

## Papers

**Mr Speaker** presented the following papers:

> Letter to the Speaker from an absolute majority of Members, dated 19 May 2004, pursuant to the resolution of the Assembly of 11 December 2003, requesting that the Assembly fix Tuesday, 25 May 2004 at 10.30 a.m. as a day of sitting for the Assembly.
> Notice convening special meeting of the Fifth Legislative Assembly on Tuesday, 25 May 2004, dated 20 May 2004.

## Suspension of standing and temporary orders

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

> That so much of the standing and temporary orders be suspended as would prevent Order of the day No 1, Executive business relating to the Gungahlin Drive Extension Authorisation Bill 2004 having precedence over all other business.

## Gungahlin Drive Extension Authorisation Bill 2004

Debate resumed from 13 May 2004, on motion by **Mr Wood**:

> That this bill be agreed to in principle.

**MR CORBELL** (Minister for Health and Minister for Planning) (10.35): The Gungahlin Drive extension legislation is an important piece of legislation designed to facilitate the development of an important piece of public infrastructure for Canberra. Members would be aware that the legislation and the issues of the Gungahlin Drive extension have now been debated in this place for a very significant period of time—certainly for as long as I have been in the Assembly, since 1997. Consecutive governments have agreed to the construction of the road and have undertaken comprehensive and detailed examination of all the issues surrounding the provision of the road as well as provision of alternative transport measures.

Since the final decision was taken last year to proceed with development of the road on the eastern alignment—which is not, I stress, the preferred alignment of the ACT government—the government's efforts to construct the GDE have subsequently been frustrated by a series of legal challenges which have to be described only as measures designed to disrupt the project. It is now time for the disruption of the project to stop and for work on the project to be expedited. This will allow the people of Gungahlin to enjoy a similar level of access to that enjoyed by residents of other parts of the city. The project has been debated in the community over many years and has undergone extensive planning and environmental assessment. The design of the road has been modified to minimise its impact on the natural environment and on adjoining residential areas. Few other projects in the territory have undergone a similar level of scrutiny.

The Gungahlin Drive Extension Authorisation Bill will ensure that the project proceeds with the least possible disruption. The government acknowledges that the bill does impact on people's avenues to challenge the project and regrets that it has become necessary to take this step. However, we strongly believe that the importance of this project means that in this instance such moves are justified. This bill provides the greatest possible level of certainty for the people of Gungahlin and for the contractors currently restrained from completing the preliminary works for the project. Most importantly, it provides certainty for the tenderers for the major construction contracts to be called later this year that the construction work will not be unnecessarily disrupted.

While opponents of the Gungahlin Drive extension have consented to the lifting of Justice Crispin's injunction, they have made it clear that they will continue to seek to

identify opportunities to use any possible legal challenge to disrupt the project. The government does not believe that such steps are in the broader public interest. It is important that opportunities for future vexatious and disruptive challenges be minimised and the government's bill achieves this objective to the greatest possible extent.

Any watering down of the bill's provisions will only serve to provide more opportunities for people opposed to the project to further disrupt its work and consequently add to the delay of the project, additional costs to the territory and its taxpayers and, most importantly, additional uncertainty of the provision of this important piece of public infrastructure. Support for the government's bill will ensure the earliest possible completion of the road at the least possible additional cost. Surely this outcome is in the interests of all the community. It is the government's view that that is the case, and we urge members to support the bill.

**MRS DUNNE** (10.39): The opposition has thought carefully about the issues involved in this piece of legislation. It is a matter of some regret that we need to have a special sitting to debate a one-off piece of legislation to fix the problems of the GDE. Generally speaking, case-specific legislation is an admission of legislative and administrative failure, needing the legal equivalent of a rubber band and gaffer tape to provide a solution. This bill may not be in the same class as bills of attainder—which were popular under Henry VIII, when an act of parliament could be made putting a man to death or otherwise punishing him without trial or usual form—or even the recent bills passed in New South Wales and Victoria designed to keep particular people in prison. The objections to these cases are obvious and stem largely from the fact that they involve taking away the most basic individual human rights. Yet this bill shares some of the same character.

Appeal rights are suppressed in a very direct and, some would say, cynical manner. My office, doubtless like the offices of all members here, has received a number of submissions expressing concern about such a precedent, though it is fair to say that the majority appear to be more concerned about the road than the precedent. In this bill we have the concept of absolute ministerial discretion, which is very much a legal last resort. Why are we supporting such a flawed approach? Because an admission of legislative or administrative failure is singularly appropriate in this situation. The government has made a series of undertakings regarding the Gungahlin Drive extension and failed to deliver on any of them. We are here today because of the failures of the government.

The opposition has put forward a general model for dealing with cases of this nature whereby, subject to the will of the Assembly, particular projects of territorial significance in the provision of infrastructure, employment or economic benefit could be protected from appeals on questions of substance, though they would remain open to appeals on failure of process. This would have been an appropriate model to resolve the problems of the GDE had it been employed earlier this year. I believe it would have been appropriate had the legislation been passed in the previous session, which is why I moved to suspend standing orders to bring it on as a matter of urgency—something I did not do lightly. However, the government shut down that session rather than debate our bill. The longer a decision is delayed, the more pressure there is on us, including a perfectly reasonable pressure from the people of Gungahlin to introduce emergency measures to avoid further delays.

This is what we are here today to do, to make emergency measures to avoid further delays. In addition, the government has insisted on debating its bill as a condition of agreeing to sit today. If we vote down its bill and attempt to bring on ours, there is a very real possibility that the government will either vote ours down in a tit-for-tat exercise or again adjourn the debate. Either way will leave the people of Gungahlin high and dry again. As I have said, if something is not done now, it is likely to drag on until after the election with no real progress, handing the problem on to another Assembly of unknown composition and introducing a whole range of new unknowns into the process. The delays on Gungahlin Drive have to stop and they have to stop now. The people of Gungahlin have been mucked around over this for years and today the Liberal opposition is saying enough is enough.

Let me say candidly that we are not, as some callers have claimed, getting the government out of the trouble that it got itself into through a series of failures of process, delay and characteristic indecision. We are not here to get the government out of trouble. It will be clear to you, Mr Speaker, and those opposite, that we are never in the business of getting the government out of trouble. However, we are in the business of getting the people of Gungahlin out of trouble, and that is what we are here to do today.

So we have decided that, although this legislation has its flaws, we will support it. On balance, we consider the harm to the people of Gungahlin by not acting would be greater than the harm to the democratic process by acting. In the term of this Assembly we have seen the results of avoiding hard decisions and they demonstrate amply that the refuge offered by a fog of indecision is illusory. But we can only make these calculations and come to the conclusion that the damage to the political process and body politic is acceptable if we declare here and now that this will not be a precedent; that this is a one-time agreement to resolve a situation that has dragged on for years. This is the beginning and the end of it.

We will expect this government and any future government of any political complexion to see this sort of thing coming and deal with the objections and the challenges through the normal processes. The normal processes have had to be abandoned because this government has just got it so wrong. The normal processes have had to be abandoned because this government has not been able to keep any of its commitments. We are in this situation because the government has obfuscated for three or four years now, making commitments to the people of Canberra it knew it could not keep, and then having to duck and weave and blame other people for the delays.

The delays have to stop. The government has to sit up and take its medicine. The government has to admit that what it is doing here today is not the best possible way, and the government has to admit that we are here today solving a mess of the government's making, so that the people of Gungahlin can get their road. There are many delays and there are many disappointments for the people of Gungahlin. The first of those disappointments is that the road is not being built. The second is that if it is ever built by this government—and this is what we are here today to ensure—they will get half a road. They were promised a four-lane road.

As my colleagues have said on a number of occasions, we have the great term of Orwellian literature: "four lanes bad, two lanes good". What we see here with this

government is another denial of the rights and the expectations of the people of Gungahlin. The government went to the last election promising these people a four-lane road, but what we are agreeing to today is two-lane road. That is a complete denial and a complete betrayal of the people of Gungahlin.

In conclusion, I note that the opposition will proceed on another date with its Projects of Territory Significance Bill. We will do that on the assumption that the Gungahlin Drive Extension Authorisation Bill passes today, and we do not need to rush it through as another emergency measure. We recognise that such measures, which are intended to have an effect into the future, need careful consideration. I think the Assembly needs the time to do that. So we will not be muddying the waters. Today we will be delivering for the people of Gungahlin.

**MRS CROSS** (10.47): All that has to be said has already been said. I have been on the record since entering this Assembly as being in support of the Gungahlin Drive extension. The residents of Gungahlin deserve the same easy access to the rest of Canberra as those residents from Belconnen, Tuggeranong, Woden and the rest of Canberra have. Gungahlin residents need that road. They deserve that road. Why should they be treated as second-class citizens? It is disappointing that we need this special sitting. It is disappointing this could not have been sorted out and finalised during the last sitting week. If it was not for a petty argument over which party got its legislation through with its name on the bill we would not be here and the building of the road would have already commenced. Keep in mind that this delay is costing taxpayers almost $30,000 a week.

As I have said, I am supportive of the Gungahlin Drive extension and will therefore be supporting the government's bill today with my amendment. Whilst I am aware that there is a considerable and well-organised opposition to this position, I must do what I believe is best for the wider community, and I believe the building of this road is best for the wider community. I understand the reasons for the opposition. I understand that it should not be a regular habit for the elected government and other representatives of this place to take away the rights of appeal for its citizens.

However, there comes a time in governance to make a decision. That time is now for the Gungahlin Drive extension. The government is elected to make these decisions and should be able to make them. Whilst it is regrettable that the appeal rights have been taken away in this instance, it is necessary for the sake of the public interest, and there is no doubt in my mind that the building of the Gungahlin Drive extension is in the public interest of Canberra and its citizens.

As I said, I will be supporting this bill with my amendment to clause 9 (9) to allow for a disallowable instrument, which will make the minister accountable to the members of the Assembly—those who have been elected to represent the people of the ACT. I will be supporting these actions for this road to be built. I hope this will not be viewed by this or future governments as a precedent for the future curtailment of rights. I am supporting this bill for the simple reason that I want to see the road built for the people who need it.

**MS DUNDAS** (10.50): The ACT Democrats will not be supporting this bill. It seems clear to us that the object of this bill is to deny access to justice, to allow governments to ignore the law, to increase the power of the executive and to reduce the transparency,

oversight and legal compliance of the ACT government. These are all changes that offend the core values of the Democrats. For more than a quarter of a century my party has been committed to ensuring that governments are accountable for their actions and preserving the separation of powers between the executive and the judiciary. This bill is the exact opposite of that. It is shameless political opportunism at its most brazen and demonstrates that this is a government that is only willing to obey the law when it suits it; when it does not suit it, it will just change it.

This bill blatantly quashes the role of administrative and judicial review in our democratic system. The judiciary cannot be seen as some sort of optional extra in a free society. It is not something that can be removed when inconvenient, sidestepped to save time or squashed when irritating. We need to make it clear that this legislation is not necessary to build a road. The building of the road can progress if it complies with current laws. This law is not in the public interest. This debate is not about whether or not to build a road or where to build it. All that is needed under the current law to build the road is for the government to comply with current laws.

Obviously, if there are questions about the legality of government decisions, it will take some time to have those questions answered. Justice does take time, especially when the courts are presented with difficult questions about the application of laws. Responsible governments usually understand this and allow the courts the time to investigate questions of process and the law brought before them. This is the crux of this issue. The government does not want to see those questions answered. This debate is about whether the judiciary should be allowed to interpret the law, as is its role.

However, it appears that other members of this Assembly have decided that the executive government will interpret the law—not the courts, not the tribunals. Under this bill the government is appointing itself judge and jury at its own trial. The AAT forms an essential part of the structure of governance of the territory. It is a semijudicial body established by legislation to review the actions of government decision-makers and to ensure that decisions are legal and executed reasonably. One of the main aims of the tribunal is to encourage and bring about compliance by administrators with territory law. The government's bill takes away the alternative mechanisms of appeal through the Administrative Decisions (Judicial Review) Act. This act allows people to apply to the Supreme Court. The act states:

> (1) A person who is aggrieved by a decision to which this Act applies … may apply to the Supreme Court for an order of review in respect of the decision on any 1 or more of the following grounds:
>
> (a) that a breach of the rules of natural justice occurred in connection with the making of the decision;
> (b) that the procedures that were required by law to be observed in connection with the making of the decision were not observed;
> (c) that the person who purported to make the decision did not have the jurisdiction to make that decision;
> (d) that the decision was not authorised by the enactment under which it was purported to be made;
> (e) that the making of the decision was an improper exercise of the power conferred by the enactment under which it was purported to be made;

(f) that the decision involved an error of law, whether or not the error appears on the record of the decision;
(g) that the decision was induced or affected by fraud;
(h) that there was no evidence or other material to justify the making of the decision;
(j) that the decision was otherwise contrary to law.

The removal of the government's bill from the purview of the Administrative Decisions (Judicial Review) Act is an extremely serious and concerning matter. The Administrative Decisions (Judicial Review) Act, along with the Administrative Appeals Tribunal Act, ensures that the actions of government are fair and correct. The fact that the decisions are appealable to the AAT or Supreme Court means that the people of Canberra can have confidence that these decisions are made with due reference to the laws of the territory in a fair and reasonable way. These acts allow our citizens to have confidence in actions of their government.

However, the bill before us is designed to take away that confidence. This bill is designed to allow any improper, unreasonable or illegal decisions made in relation to Gungahlin Drive extension to be hidden from the people of the territory and kept away from any investigation. It means that if the government makes a wrong decision the ability to challenge that is made 10 times more complicated, to the point where it is almost impossible. This bill lets the government break existing laws and get away with it. This is a serious action to undermine the legitimacy of law in the ACT, and in particular its application to a major public development.

The ACT government requires a development approval for a whole range of planning changes, from a lease variation to putting up a backyard shed. Development approvals are also required for large projects such as the Gungahlin Drive extension, which has significant impacts on residential amenity and the environment. Which one does the Assembly believe should be open to review? If the Assembly passes this bill today it is saying that if a resident proposes to build a shed in their backyard their neighbour can take the matter through the AAT and Supreme Court but they cannot question a $100 million road that will affect thousands of people and hectares of public land. This is a ridiculous distortion of the law and any sensible person could tell that such a situation is not only ludicrous but also obviously unjust.

It is interesting that the intentions of this bill have been in the exact opposite direction in which the Planning Minister has previously been heading. In the Planning and Land Act passed by this Assembly the minister has divested himself of approval powers and instead moved them to the new ACT Planning and Land Authority. Accompanying the Planning and Land Bill, amendments were made to the AAT act to create a more professional and efficient Planning and Land Tribunal to deal with planning appeals. Amendments were made to at least make the use of call-in power more transparent by ensuring consultation with the Planning and Land Council. In short, there was a move to removing executive powers, including greater involvement and oversight and review mechanisms in planning decisions.

However, it now appears the worthy aims of that legislation are being ditched. It appears that the government is no longer interested in oversight and expertise and instead we should just centralise power within the executive and lock administrative and judicial review out of the system. In addition to eroding the role of judicial review mechanisms,

the government's bill also cuts out the statutory role of expert opinion. Proposed section 9 permits a minister to override the decision of any public servant or statutory office holder. If the Conservator of Flora and Fauna decided it was not appropriate to issue a licence to kill animals, the minister could then simply grant that licence himself. If the Environment Protection Agency refuses to approve an environment protection agreement, the minister could then just do it himself. If ACTPLA refused to grant building approval, the minister could just do it.

This bill removes any need for the government to rely on any opinion except its own political opportunism. While it is probably a lesser sin confronting us today, the fact that we are even debating this bill is an extremely abnormal process. Not only is it exceptionally rare to call a meeting of the Assembly to debate a single piece of legislation but also, more importantly, barely anyone in our community has had the opportunity to read through and comment on the proposed laws before us. It was mere minutes before this debate started that the scrutiny report was presented, and it is quite a lengthy report that raises quite a number of important issues and opinions about this legislation. We have not had time to consider it. The minister has not even had time to respond to it.

This is a bad process and presents an image of a secretive government and an opposition who are colluding to change the laws of the territory without proper scrutiny. This morning the media was calling it "decision-making behind closed doors". This should not be what this Assembly is about. Good governance and good process are being thrown out the window in a race for political gain at any cost.

Finally, I put the question about why we are having this legislation, and whether or not reasonable Canberrans would be asking for it. When will we see this kind of legislation happen again? Which appeal rights will go next? Members have contributed to this debate saying that it is regrettable but in the public interest. I do not believe that is the case.

We already have the mechanisms to build this road. Yes, there are appeal rights but they are appeal rights dear to our democracy and they should not be given away for speed or expediency. Is it only infrastructure projects that will have their appeal rights removed? Is it only this project that will have its appeal rights removed? I am sure members are thinking there are many other appeal rights that they would be happy to do away with. Mr Stefaniak has been quite critical of the rights of criminals. Maybe we will see criminal appeal rights disappear as well. This sets a very dangerous precedent if we are to follow down this path.

I wish I could believe that this is the only time the Assembly will be moved to block the review of government decisions. I fear it is unlikely. Once the Assembly has gone down this path it is only a matter of time before we will see it happen again. The Democrats have always believed in adequate review mechanisms to ensure our legislation is complied with. This bill purely and simply is legislation that legitimises naked political interference in our system of government. It is a disturbing precedent and one that must be opposed.

**MR CORNWELL** (11.01): Mr Speaker, as Mrs Dunne has said, the Liberal opposition will be supporting this legislation. There are over 30,000 people living in Gungahlin at

the moment. That number, I would suggest to members, is probably increasing on a weekly basis. I do not believe that they should be disadvantaged now or in the future. The problem is that, unless we resolve this matter today, that could be a very long future.

The point is that, if this legislation is turned down, we have not achieved any resolution of the problems facing the people living in Gungahlin. Although some suggested alternatives have been put up—light rail, et cetera—those are years away. Given the snail's pace of planning and approval in this city under this government, I would suggest that the people of Gungahlin would be waiting a very long time for any of these alternatives to come up.

There is another problem. If the legislation does not go through, I put to you that some of the alternatives may not even be proceeded with. We would still be stuck with whether this road is going to go ahead or not. That would not have been resolved. Nothing would be resolved if this legislation did not go through today.

I grant you that it has created a great deal of concern. Emotions are running high. I have received representations from about 50 people. I have no doubt that other members of the Assembly have as well. It is, however, unfair to accuse this house of fast-tracking this legislation. It is far from being fast-tracked. This debate has been going on for months; in fact, I think the minister mentioned years.

*An incident having occurred in the gallery—*

**MR SPEAKER**: Order! It is discourteous and disorderly to display signs in the gallery. If you do not put it away, I will order that you leave the chamber. I think you should leave, sir.

**MR CORNWELL**: It obviously causes considerable concern out there; emotions are running high. But it is not fair to talk about this legislation being fast-tracked, as I just said, because the issue has been debated for a long, long time.

**Mr Hargreaves**: Derailed.

**MR CORNWELL**: Thank you, Mr Hargreaves. I put to you further that safeguards are going to be built in, which, I believe, will satisfy the concerns of some people. I do not believe that the actions in this chamber are undemocratic, a charge that has been laid. I also do not believe that the accountability of this chamber is under threat, because the simple fact is, Mr Speaker, that democracy and the accountability of this chamber will be decided by the people of this territory on 16 October this year. That is where the buck finally stops. I believe that people's views will be able to be expressed at that time, whether they support the passage of this legislation or whether they do not.

**MS TUCKER** (11.06): It is extraordinary that this government, with all of its professed commitment to scrutiny and process, is prepared to abandon significant principles associated with that in order to look like it is moving more quickly than the Liberal Party to push Gungahlin Drive through the nature park.

How many times have people in Canberra seen what the Carr government has done in New South Wales, or the Howard government has done, when laws have been

steamrolled through without due process or scrutiny and where the intent and safeguards of other laws have been subverted simply for political expedience? How many times have we thought that at least we have a reasonably accountable and civilised parliament in the ACT and that the ACT Labor Party, at least, is not so completely disrespectful of principles of good governance in its actions?

The Howard government excised parts of Australia from the Australian migration zone in order to remove protections for people who might throw themselves on our mercy; in other words, for political purposes in order to save itself any political embarrassment and in complete contradiction of any notion of integrity or due process, let alone decency. It introduced privative clauses to reduce appeal rights for one class of people, as this government is doing today.

Scrutiny by courts and tribunals at the instigation of hardworking members of the community is a form of criticism. It is sometimes inconvenient. The resistance that comes from a vigilant civil society is inconvenient to government. Everyone, whether in opposition or simply out in the world, appreciates the importance of that form of resistance. That capacity to speak up, question, criticise and oppose the government of the day or, in this case, the majority of members of the Assembly is, indeed, a core part of democracy. There is still an entitlement, one would have thought, to have access to appeal rights. To forget all that due to political exigencies is simply unforgivable.

This bill as it stands attempts to remove all appeal rights other than the common law right of access to the Supreme Court. It is removing all of the standard appropriate judicial review mechanisms for these kinds of decisions. By pursuing this path the ACT government, along with the opposition, whose bill is simply a more blatant and untrammelled example of exactly the same thinking, is simply raising expedience to a high point of achievement and setting a precedent that at any time, in the face of any difficulty of a greater or lesser extent, it is perfectly reasonable for a government to introduce a law which completely subverts the commitment to accountable process and, importantly, to the safeguards we have established for our environment, heritage, health and wellbeing.

This bill basically gives the minister complete power to make any decisions in regard to the Gungahlin Drive extension, with potentially very little scope for objection and with no specific criteria to guide that decision-making. This power, without any defined reference to principles, is meant to replace the Heritage Act, the Environment Protection Act, the Nature Conservation Act, the Land (Planning and Environment) Act or any other law prescribed in the future.

These laws are written, usually, with careful consideration of all the steps necessary to ensure a sound decision is made. For example, the Environment Protection Act, where it concerns activities affecting nature reserves, requires the decisions to be made by the Conservator of Flora and Fauna, possibly informed by an expert group, the Flora and Fauna Committee, with reference to the objectives of the reserve. I will have more to say on this point in the detail stage.

I have to raise major concerns about the capacity of this Assembly seriously to consider the points that have been made by the scrutiny of bills committee and of the government to respond to them in a thoughtful way. While I am on that committee, I am in no way

going to claim that I have had adequate opportunity to seek advice, because I am not able to do that until its report is tabled on these issues, and to get different opinions from community and legal experts on exactly what we are doing in this place.

One of the key issues that keep coming up in looking at interference by executive government with judicial process is the findings in regard to the Kable case. There is a strong argument that passage of this bill would diminish public confidence in the appeal courts, given that they will be perceived to be associated with the change in rules, and the result will be that the law will make it more difficult to maintain public confidence in the administration of justice by the courts.

One of the arguments put in defence of this bill and, indeed, the regulations passed the week before last is that this is essentially a planning issue. The Bachrach case in Queensland is used to justify this position. However, the regulations on 13 May and, more explicitly, this bill are not just about planning. They are in their reach and impact also about nature conservation, heritage, biodiversity and our broader understanding of what the environment means, which I think we have agreed to in this Assembly in terms of all reports that come from the Commissioner for the Environment and definitions within legislation, understanding the environment to include all those things.

This bill was introduced on the 14th and, basically because of outmanoeuvring, was not passed on the same day. Instead, in the midst of the estimates process, we are having this special sitting. This is a rush. As I said, we had the scrutiny of bills committee meeting this morning. I wonder whether anyone here other than members of the committee has had an opportunity to read and digest its report.

The challenges to decisions or lack of decisions in the courts, even for someone who supports the road being built, are a way of checking that the work has been done in the best possible way, that all appropriate factors have been taken into account. Of course, the current challengers themselves do not believe that the road is the best solution for Gungahlin's transports needs, and I agree with them, but my point is that, as we so often say in relation to complaints mechanisms, that scrutiny ultimately helps the activity under question to be improved.

It is worth reminding the Assembly of a few of the things that this government has promised to the public, promises it is having no real trouble in breaking. As Leader of the Opposition, Mr Stanhope spoke at the Labor leaders breakfast on 14 March 2001 about a code of good government, saying:

> Because accountability is a fundamental Labor value, we will restore the Public Accounts Committee and a separate Scrutiny of Bills Committee. These two functions are at the essence of accountable government and they demand the responsibility imposed by independence.
>
> They ensure that the Legislative Assembly is able to provide the appropriate scrutiny of the government of the day.
>
> We will change the timing of debates so that Scrutiny Reports and Ministerial responses are both available before debate begins on particular Bills…

> We know that the community will only regain its confidence in government if governments can demonstrate that they are committed to the same core values as those held by the communities they represent.
>
> ACT Labor knows the core values of the Canberra community.
>
> They are our core values.
>
> They are written in our Code of Good Government.
>
> My pledge is to live and govern by them.

In that context, you would think it extraordinary not only that this government would draft a bill which strips away the rights and protections that are so important to transparent and accountable governance, but also that it was quite content to do so without adequate opportunity for parliamentary scrutiny or any opportunity for other members to consider it in anything approaching a thoughtful way.

The ACT Labor Party's policy on government reads:

> Labor understands that good government does not bully. It leads. Good government accepts criticism. Good government has the courage to allow itself to be closely scrutinised. It conducts its operations in an open, honest and accountable manner, not in secret…Good government protects the values and principles of the community and of our liberal democracy.

These principles now appear to be that, if you run into trouble, you simply change the law, whatever impact there might be on other laws and principles. In fact, this bill removes any requirement under the land act for a further or additional PA of the environmental impact of the GDE, or for any other assessment or inquiry under part 4 of that act, namely, environmental assessments and inquiries, or any other action under the GDE.

It also removes any statutory procedures for future authorisations, licenses, permits or consents, however described, for any works related to the GDE, giving the minister alone absolute power and discretion to make any authorisation in relation to the GDE, with any conditions of the minister's choosing. This includes the procedures, the protections, under the Environment Protection Act 1997, the Heritage Act 2004, the Nature Conservation Act 2004, the Land (Planning and Environment) Act 1991, or a territory law prescribed under the regulations in case they have missed any protections.

The bill also removes any standard appeal rights whatsoever in relation to the minister's personal authorisations, as in clause 9; nor can anyone challenge in any way anything to do with a condition placed on such an authorisation. The appeal that remains is the common law right to go through the Supreme Court, which is expensive and difficult to mount. I suspect that it remains only because a government cannot remove access to that.

The bill, effectively, states in the preamble that the Assembly believes that, because legal challenges to the GDE are not supported by a majority of the Canberra community, they should not be allowed. That is fundamentally in opposition to what the courts are about,

which is reasonable and good decision-making. As Tim Bonyhady put in his article for the *Canberra Times*:

> A century ago Sydney Harbour was not only set to be mined for coal but the company that had the rights to the coal under the harbour wanted to use the foreshore reserve between Mosman and Cremorne for its operations. Had two members of the public not exercised their statutory rights to object to the company's acquisition of the foreshore, the mine at Cremorne might well have proceeded. Their action helped to stop it, safeguarding that part of the harbour.
>
> This case is just one of the earliest in a long line of cases in which members of the public have exercised their right to object, appeal and go to the court to protect Australia's environment. The benefits of their doing so have been enormous. The Great Barrier Reef, Fraser Island and the rainforests of northern New South Wales—all included now on the World Heritage List—are just some of the places protected partly as a result of members of the public exercising their rights in these ways.

The comment in the preamble about popular support for the road misses the point that access to our tribunals and courts should not be dependent on these sorts of assertions.

At many points in this bill, the law is said to apply despite any other law already in force, or to be passed in the future. It is difficult indeed to understand what is intended by the reference to future laws. It should be impossible to restrict what future Assemblies do. It does, I suppose, mean that future laws may need to refer specifically to this clause if the Assembly wishes to move beyond it.

The bill also allows the minister to declare any works to be part of, or related to, the construction of the GDE. If required authorisations for an action have not been applied for or otherwise sought, a person must not bring a court proceeding alleging in substance or in effect that the authorisation has not been given unless the person has given the minister written notice of the allegation at least 14 days before the day the person brings the proceeding. That is from clause 12.

This clause, in particular, seems to me to be at least at risk of upsetting the balance between the judiciary and the executive. If the executive has failed to follow even the laws it has left intact here, surely it must be brought to notice. If an unauthorised activity is taking place, surely even this government would want it to be halted and checked. But no, this government wants 14 days—for what? I am not sure. Perhaps so that the minister can hurry up the work before a court can impose an injunction to check on the legality of the work.

It is extraordinary, as I say. I am not a lawyer, but I wonder whether it is, in fact, allowable to make that sort of law. There is a comment on this issue in the scrutiny of bills committee report. Referring to clause 15, it reads:

> By this clause, the Administrative Decisions (Judicial Review) Act 1998 does not apply to decisions that would be made under the Gungahlin Drive Extension Authorisation Act 2004.

> It should be noted, however, that displacement of the ADJR Act does not affect the jurisdiction of the Supreme Court to issue other forms of relief, whether by way of the prerogative orders, or the equitable remedies of injunction and declaration.
>
> On the other hand, the Committee draws attention to subclause 11 (1) which would stipulate a period of 21 days within which a court proceeding could be instituted to challenge an authorisation by the Minister under clause 9. In addition, by subclause 12 (2) a person could not bring a proceeding unless he or she had notified the Minister of this intention at least 14 days before commencing proceeding. These provisions modify the normal rules for invoking the jurisdiction of the courts.

We would really like to have an opportunity to look at that in more detail, but it is just one of the many important and complex issues that are going to be overridden by this process today. (*Extension of time granted.*) Of course, the government will provide, and has provided, excuses and claims with tears that it would rather not have behaved so badly, but that somehow we have made it do so. That is a feeble and convenient response, but it is not true.

In the first instance, there is the cost-to-the-community argument. In the first case, the government and contractors were warned by Save the Ridge when the contracts went out to tender that there would be community opposition to this road. To settle on a contract that costs us $23,000 a week, even though the contractor is happily engaged in other work, with no regard to potential stoppages is irresponsible at best, but appears more likely to be bloody-mindedness. Clearly, planning for the worst-case scenario is still not a strength of this government.

There is also the argument that this road is needed now. It was not so long ago that Gary Humphries was assuring the community—arguing, in fact—that the Gungahlin Drive extension would not be needed for at least 10 years. While I disagree with the traffic and planning strategy that had the GDE as a key component of the territory's road network, it was never a part of the urgent plans, even so. Certainly, the duplication of Barton Highway was overdue when it was finally completed and William Slim Drive probably could have been widened years ago. More could and should have been done with Northbourne Avenue already.

But this inaction should not be used as an excuse to stop the appeals and objections and not allow the process to take its proper course. The only reason that the road is seen to be urgent, as I have said, is that the Labor Party and the Liberal Party are now competing for the votes of disenfranchised Gungahlin residents that both parties have continually let down over the years through poor urban design and development, year after year.

There is also, of course, the argument that environmental concerns are of no substance or have come too late. In that context, it is salutary to remember that Jon Stanhope, as Leader of the Opposition, was himself quite explicit in his description of the preliminary assessment that was conducted on the Bruce and O'Connor ridges part of the Gungahlin Drive route. On 20 August 2001, at a Save the Ridge meeting, he made the following comment:

> The Labor Party is prepared to commit to a detailed environmental impact assessment of the routes. We acknowledge that the preliminary assessment that was

> done as part of the Maunsell study was of itself criticised by the government of the day … We believe an appropriate impact statement can be prepared and completed in the context of the timetable which we have committed to. We believe in the timeframe we have accepted, and that we will maintain if elected, we can nevertheless undertake a more satisfactory study.

Given that he is now Chief Minister and Minister for Environment and given that he is now countenancing a bill that absolutely and unequivocally removes any possible requirements for further environmental assessment and potentially takes away any possible appeal in regard to such assessments, where is the full EIS that was promised to conservationists before the election? Surely his responsibility as Minister for Environment should require him to be absolutely assured that no environmental impact concerns remain to be addressed.

It is simply not true to say that the issues raised were not raised before. The only new ones, as I understand it, that the Minister for Environment might argue have come too late for him to ensure that they are properly considered have been the ones raised over the past few months by ANU and CSIRO scientists related to new information, such as the discovery of an endangered species on or near the GDE route, the purple pea, *Swainsona recta*, and those, without doubt, are environmental impacts that have not been addressed.

In this context, I would like to refer to comments from Dr Joe Baker, the recent Commissioner for the Environment for the ACT. While still Commissioner for the Environment, Dr Baker took on a final task of looking at recent complaints regarding the environmental assessments of the various bits of the Gungahlin Drive extension. In an email to people who had sent him complaints, he made these points:

> I did say that the work done by Environment ACT was quite extensive, and the term "Preliminary Assessment" was, in my opinion, misleading, because the Environment ACT people, and their consultant or consultants, had done a lot of work.
>
> [In response to the question] "was it as good as an EIS or an EIA?" I said "no, but it is on the way to one."
>
> I have considered each complaint, and each piece of information received. I have met with representatives of Environment ACT. My assessment takes into account the definition of the "Environment" in ACT Legislation—

I have already reminded members of that in this debate—

> My process has included: validity of claims made; the "balance" and "consistency" of material submitted; gaps in information available; evidence of studies already conducted; consideration of the particular areas to be impacted by the GDE.
>
> I retain the belief that great benefit would come from an open meeting, with independent Chairperson, and agreed agenda, to identify what has already been done to understand the impacts of the proposed GDE and what needs to be done, to allow a comprehensive assessment of the environmental impact of any such extension, both now and in the future.

This is an exceptionally reasonable approach. It is as relevant to the environmental protection of this nature park whether the road proceeds or not. It is an important step that ought to be taken before more work proceeds. One would think that a minister responsible for the environment would be committed to ensuring that such a process was followed.

To return to the details of this bill: I would have to begin with criticism of the appalling, offensive and highly political statement that goes under the misnomer of the preamble to the bill. I would not imagine that this government could honestly contend that such a partisan interpretation of the impact and value of this road is at all usual or acceptable in legislation.

A more acceptable preface would be to say that unfortunately, given the political necessities of being seen to deliver this road immediately, whatever the basis that might exist for other alternatives or a more measured approach, the government believes that it is necessary to put aside all legislation, avoid all scrutiny and abandon all principles other than the primary principle of the politics of power, which is that when push comes to shove votes are more important than every other consideration. This debate is no longer about the Gungahlin Drive extension. It is about the probity of this government and the opposition.

**MRS BURKE** (11.28): Much of the legal and technical details have of course been covered over and over again so I do not propose to go down that track. I want to, for the record, stand today to support my constituents of Molonglo and, more importantly, the residents of Gungahlin. I think that, as has been alluded to a couple of times already, the process to get to this point has indeed been shambolic, to say the least. It is disgraceful that we would close down the last sitting and the debate on this matter. I have to say it is an appalling display of disregard for the people of Canberra and for the people of Gungahlin particularly. That decision impacted upon every one of us in this place. I was disappointed that the government did not keep their word. We do not need to go over that; I just wanted to express my disappointment, for the record.

It has been said that the government got themselves into this mess and we, the Liberal opposition, will be supporting the bill to help bail the government out. The Liberals have always been consistent in their commitment to building the GDE and to giving the people of Gungahlin a transport system they have been promised and they deserve. I, like my colleagues, have received many emails. One email—I guess it is the grist of democracy—was interesting. It reads:

> Don't sell out our civil rights in the power play of politics but instead be the responsible and accountable politician who deserves the trust that Canberra's people have set in you!

That is why I stand here today. I believe in people's rights and I also believe that it is our job as legislators in this place, as the minister alluded to, to make legislation in the broad public interest. It is the decision of the majority that this roadway go ahead. I understand, and empathise with to an extent, the many stories that have been put to me about the people who oppose this legislation and the proposed roadway.

You cannot have a bob each way on this issue; I think we have to be honest. Ms Tucker has just alluded to that. A running with the hare and hunting with the hounds approach is all about votes; it is not about the rights of the 30,000 or more residents out in Gungahlin. It is simply not possible to build a road and leave those against it happy with the decision, but that is life. As the minister said, it is about the broad public interest; it is about decisions for the majority. I understand that, in everything we decide in this place, there will always be a minority who will jump up and down and kick and scream. I guess that is what makes democracy so good.

This issue is not, and should not be, about whose legislation gets up; it is about 30,000 people living a daily nightmare of not being afforded proper access and egress to their homes and to their suburb. I do not live in Gungahlin but have made it my business on many occasions to sit in that traffic at peak hour. It is horrendous. A concern I have is about accidents with people who have children in the back of the car and who are doing U-turns to rat-run through Mitchell, over and over. That is appalling. These people deserve better, and they were promised better. We have vacillated and messed about for too long. We just need to get on with the job.

If a job is worth doing it is worth doing well. It is disappointing to see that the original concept and project design has been reduced somewhat—I would say by 50 per cent. The project is two years too late and two lanes too few. Somebody pointed out to me that there are an estimated 30,000 journeys per day, which totals some 10 million journeys per year. I think we need to take that into account. We need to understand that these people are living a daily nightmare. The current situation will deliver approximately 22 hours of wonderful roadway but there will be two hours within any day when we will still have a bottleneck.

This is yet another disappointing missed opportunity, as I see it, by this government to show leadership and make the tough decisions, make the hard call, instead of trying to appease everybody along the way. We need to consider over and over again the fact that the government have ducked and weaved to do everything they can to avoid having to make the hard decision to consider fully the rights of the residents of Gungahlin and the community and to get on and build the road. This morning the scrutiny of bills report 49 was tabled. On page 1 it says:

> The GDE will greatly improve road access to the high growth area of Gungahlin for its residents and for all Canberrans by providing a road link from Gungahlin of a standard similar to that provided to other residential areas of the territory.

When we talk about civil rights, what about the rights of the people out in Gungahlin? What makes them any different? Why are we discriminating against them as opposed to the people of the Tuggeranong Valley, which I am sure my Brindabella colleagues will talk about. The report goes on to say:

> Implicit in this statement is a claim that the residents of Gungahlin are entitled to equal treatment in terms of road access to other parts of Canberra.

I think that is a very valid point. I also see that for further litigation, as we hear constantly and daily in the media, the average figure is between $23,000 and $30,000 a week. What a waste of money! I know many homeless people who would

thank you for that. The report goes on to say that further litigation about the GDE is expensive and divisive and does not reflect the wishes of the Canberra community as a whole. This is what we are about in this place—making the best legislation we can for the whole, for the majority—not railroading people along the way. I take note of people in the gallery who have made this journey today. There are very hard decisions that have to be made, but we have to consider the majority.

Finally, I take on board Mr Cornwell's comments. Indeed I am not against light rail or other options. Excuse the pun, but it could be light years away before we would see anything like that happening in Canberra, because scrutiny of bills report 49 says:

> Clause 8 confirms that no further or additional inquiries or assessments are required to be undertaken in relation to the environmental impact of the GDE by the Land (Planning and Environment) Act 1991 ('the Land Act').

So we see that the way is clear to proceed. How much more stalling, how many more reports and/or inquiries and reviews would the people of Gungahlin be subjected to while living in the hell of trying to get in and out of their suburb? It is not acceptable. I take on board Mr Cornwell's comments and I say that we should just get this debate over and done with today. Enough talk: let us get on and build that road.

**MR STEFANIAK** (11.35): Mrs Burke is absolutely right: there has been a lot of debate in relation to this issue, and that is crucially important when one considers the government's bill we are debating here today. I was interested to hear from Ms Tucker who, of course, passionately opposes this road. I looked forward to her moving a motion of no confidence in the government, the way she was carrying on.

The fact is that this has been a lengthy debate—not just here today but going back many years—about a road that is an essential part of Canberra's road network that has been on the drawing board for decades. There has been a lot of stuffing around in relation to this particular road. The government could have very easily avoided a lot of this by simply following reality; not trying to have a western route; and basically just backing what was there several years ago.

There is the result of an extensive amount of work—probably the longest committee inquiry in the history of this Assembly. The committee brought down its findings. There has been a lot of community consultation over many years. The rejection by the former Liberal government of the O'Connor Ridge spur, to my mind, took out most of the reasonable objections to this road. I think that would have been very problematic because it would have badly affected the environment. What we now have is a road on the eastern route which I think should have four lanes, as initially proposed. I agree with comments made by earlier speakers that there will still be bottlenecks if there is just one lane each way.

I believe that the preamble of this particular bill is a pretty good summary of it all. It refers to us as being a growing and thriving city, which we are, although we have a number of problems in that regard. At present we have problems in relation to water and water supply. That is something that will not go away and it cannot be put off indefinitely. That is why we have a policy in relation to that. It is essential that the needs

of all Canberrans are weighed in a planning decision. That has been occurring here, and it has been occurring for many years.

Ms Tucker might well have a very valid point. If there had not been a huge amount of debate in relation to this matter—if this had been a concept that had not been around for a long period of time; if this was something the government or the Assembly were foisting onto the people of Canberra—the point she raised would be very valid indeed, but it is not.

This matter has been considered at length by the community and by the community's representatives over a number of Assemblies. It has had its preliminary assessments; environmental issues have been looked at and done to death; and there have been various appeal rights exercised by members of the community over a period of time. We cannot, as legislators in a democracy, neglect the views of a minority—in this case I suspect a fairly small minority. Those views are important and have been given due consideration over a number of years in a number of forums, and indeed in this Assembly as well.

In a democracy the views of the majority also have to be considered; you have to weigh up the pros and cons. The pros in favour of this road far outweigh the cons. We have a growing community in Gungahlin and it is essential that they be provided with appropriate access. For all the talk about sustainable transport systems and the like, we are not going to get away from the fact—probably for a number of decades—that roads are terribly important and we need roads for people to get around. This is a spread-out city.

Everywhere else, no matter where you are, you can get into Civic basically in about 30 minutes, even at peak hour. Like Mrs Burke, I have made a point of sitting in traffic, coming from the Gungahlin town centre, just to see how long it takes. The times I tried it, it took me an hour or thereabouts. I also looked at ways of doing rat-runs and things like that.

I can really sympathise with the people of Gungahlin and the need for this road. It is something the opposition has promised; it is something the government has now accepted on the route it always should have been on, and it is important that we get on and do it. We have given it careful consideration. We have weighed the advantages and disadvantages for the various community groups. Canberrans should be able to enter and leave Gungahlin with ease and the GDE is the best way of doing it, as the preamble to this bill says. Governments are accountable and Assemblies are accountable. If we are making an error here the final arbitrators will be the people of Canberra. People will lose their seats and governments might be lost.

There are some further protections in this particular bill and in this process today. My colleague Mrs Dunne will be moving an amendment which will enable an authorisation to be a disallowable instrument, and Mrs Cross is doing the same thing. As members know, a disallowable instrument is something that can be brought back to this Assembly within six days and if someone wants to disallow it they will do it quickly. As members know, if the Assembly is not sitting it takes nine signatures to recall the Assembly, as we have done today. It is something that can be done quickly. If a majority of the Assembly feels that the instrument should be disallowed, that will occur. But, of course, if it is

a spurious concern and the Assembly does not agree, the work will continue in the interests of the community.

That is fundamentally what we are paid to do here. We have to act in the interests of the greater Canberra community, having regard for the minority. This issue has been done to death; it has been considered at great length in many forums; and it is now time for action. In fact it has been time for action for a number of years. It is time everyone bit the bullet and got on with it.

**MR PRATT** (11.41): I rise to support this legislation. I rise to encourage the government to expedite the Gungahlin Drive project—a community need that has been unequivocally needed for decades. To look quickly at the justification for the building of this project, the 25,000 residents of Gungahlin have a fundamental need to see this road put in place. We have been through the detail numerous times of the two or three hours of daily peak-hour traffic at the moment in the Gungahlin area. We know that Gungahlin residents have suffered for quite a long time during peak hours, and that there is no solution to relieving that suffering other than by the building of this road.

We know that people have to get to work on time; we know that people are spending up to an hour to get into work; and we know that families, as they drive their children to schools around the Gungahlin and Belconnen areas, are entirely choked up in trying to get to those places. There is no question that the Gungahlin Drive extension is fundamentally needed.

In terms of the ACT there is a need as well. The Gungahlin Drive extension will clearly be the beginning of a road system project which will provide another north-south lateral route through the centre of the ACT, and that is a very important strategic asset. It will potentially link with the Tuggeranong Parkway. It has the potential to increase traffic flows through to the Tuggeranong Parkway and expedite significant traffic movements north-south through the ACT, as an alternative to other routes we currently have.

The Gungahlin Drive extension will provide for emergency services traffic to get through the ACT much more efficiently. We now know that police and emergency service vehicles trying to get north from the Belconnen region into Gungahlin cannot do so easily in peak-hour traffic. Even during non-peak-hour traffic periods a road such as the Gungahlin Drive extension will dramatically increase traffic movement and reduce the time taken for emergency service vehicles to move north and south, which is particularly important during the bushfire season.

I am quite concerned that we have seen a political campaign over months where the minority has clearly been holding the majority to ransom. I will go on to talk about what I see to be the failures of government to act in the best interests of the community on this project. This project is two years late and also it is two lanes shy of what is needed. We need a four-lane highway through the Bruce precinct, and the previous government promised that. They planned for a four-lane road. As time has passed the resources have diminished and that has now become not quite so possible.

Picking up on the points made by the Democrats and the Greens: while I too am concerned that we may be dabbling here in a process which may be seen to risk the rights of appeal of citizens, I believe in this instance that the risk is minimal. I believe there is

a greater risk through further prevarication in impeding this project. Good governance, management, sound leadership and decision-making inherently involve some sort of risk. This is a principle that the government has finally got around to exercising, for the first time in the two years that I have seen this government governing. This government has risked the territory through many of its initiatives, but it has never before managed risk properly. At last we see them managing risk. In this case, with the legislation the government is proposing, I believe that they have managed the risk properly.

There is a great risk in not serving the fundamental rights of the greater majority. I would ask the Greens and the Democrats to reflect on this. The Democrats and the Greens have failed yet again to see or support the bigger picture. The is forced to act here today to encourage the government to expedite this project, to expedite this matter in the essential interests of the Gungahlin community and in the best interests of the territory. That is the role the opposition is performing here today—to serve the essential interests of the Gungahlin community and the best interests of the territory. I would implore the Greens and the Democrats to take note of that principle and to support the government's legislation, as we will, to expedite this matter on behalf of Gungahlin residents.

**MR SMYTH** (Leader of the Opposition) (11.47): We are here today because of pride. We are here today because of Mr Corbell's pride. Mr Corbell made a promise in the lead-up to the last election that he would build the Gungahlin Drive extension on time and on budget on the western route, knowing that it could never happen. At that time the previous government had removed the western option and the federal government was also working to remove the federal option.

We are here because of that promise. Because of that promise we are at least two years late; we are at least two lanes short; and, on the figures presented before us, it will take at least $17 million more to build this road. It is not actually $17 million. The government's budget this year says that the Gungahlin Drive extension, including Caswell Drive and the Glenloch Interchange upgrade, will cost $70 million. The Liberals' budget for 2000-01 costed that work at $53 million, but of course it was going to build a four-lane road. So the people of Canberra, and in particular the people of Gungahlin, have been short-changed two lanes because of Mr Corbell's pride.

It has been said this morning that we are rushing this legislation through. The first firm announcement that Gungahlin Drive should go ahead was made in December 1997. That was that the eastern route was the appropriate route after an appropriate process, and work could commence at that time. That was 6½ years ago. This is not a rush. Today we legislate for commonsense. You must reach a point where, the decisions having been made and supported by the majority of members of this place who are elected by the public of Canberra, the will must be exerted to make something occur.

I think we all respect those who are against the road. They put many cases; they changed their case; and they hold dear to their case. That is their right, but it is also the obligation of members in this place to ensure that the will of the majority is carried out and that promises made are kept. What we do today is legislate to let something occur, something that I think the majority of Canberrans would simply say is commonsense. The history of this is that a Liberal government took to the 1998 election the eastern route and was elected and, having done the work and having agreed to the route, they continued to take that position to the 2001 election.

The Labor Party took a slightly different position. It was: "We will build the road but we will build it on our route." They were elected to build a road. I think that, given the numbers that both the government and the opposition on each of those occasions had in this place, you could get a clear indication—a clear read—that the majority will of the people of Canberra is to build the road, and not just for Gungahlin.

Many members have concentrated on Gungahlin. Mr Pratt mentioned Tuggeranong. I will mention Tuggeranong, Woden and Weston as well, because this road services their needs. It completes the network. You have got the central corridor; there will be an eastern corridor when the Majura Parkway is built. This completes the western corridor that allows rapid transit through the city and connections north and south. Mr Pratt has alluded to emergency services needs. I will simply say that the average commuter from Tuggeranong, if they work in Gungahlin, will see this road as a godsend. If you want to go to Yass or Melbourne and you live in Tuggeranong, it will be the quickest route out of the city. It is a practical road, and an important one.

I believe it is important that we pass this legislation today. To delay any longer is to add to the cost, inconvenience and indecision. As members have said, those who come out of Gungahlin every morning live with this as a nightmare and have lived with it certainly for the last two or three years. Because of the government's delay and the glacial pace at which capital works occur under this government, I suspect they will be affected for at least another two if not three years.

We on this side are in favour of the road and indeed a four-lane road. It would be interesting for the minister to tell us, and put on the record in this place, when the government intends to build the other two lanes. From my understanding of what was said at estimates last week, when the other two lanes are built it will add another $50 million to the cost—if they are built immediately. If they are delayed it will add another $10 million on top of that.

For every year of delay you have to add CPI. If you make it $3 million, that is $3 million a year. So a road project that was to cost $53 million in 2000-01 will cost this territory probably $130 million, if not more, because of Mr Corbell's foolish pride and the promise Mr Corbell made that he knew he could not keep. I think the minister needs to come clean and tell us when the government fully intends to try to keep that promise because it is quite unclear at this stage.

What we do today is legislate for commonsense. We would urge the government—I would urge the minister—to proceed rapidly. It is quite clear that 15 of the 17 members today will back the building of this road, and the government should do it quickly. I think we should end the fuss and try to complete the infrastructure networks that the people of Canberra not only deserve but that the majority of the people of Canberra want and want now.

**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) (11.53), in reply: The Gungahlin Drive extension has the broad support of ACT residents. It is appropriate then that this legislation to get the road moving has the

broad support of this Assembly. Not surprisingly, the opposition has sought to suggest that the current difficulties are due to failures of government. That is not the case.

We pursued our public commitment to the western alignment. When that was absolutely vetoed by powers beyond our control, we vigorously and efficiently planned for the route now under debate. I would make just one comment—I am not going to get into a full rebuttal of all the comments that have been made—about a four-lane road. It was the Liberals' commitment to build a four-lane road and they costed that. On that basis, in opposition, the Labor Party said, "Okay; that is the cost of the four lanes—we will go with it." As it turned out, that cost was not able to produce a four-lane road.

The difficulties holding up construction of this road are due, shall I say, to the generosity of our legislation, allowing very extensive rights of appeal in different ways and in different places. Our legislation is being abused. This is not common legislation. It has, however, been used on a number of occasions in other jurisdictions. Without it the government would face consistent, repeated appeals to an extent that I could not indicate when construction might start and proceed without impediment. The legal actions are designed to stop the road but the decision about a road and then this road, as Mr Smyth says, were made long ago. At this stage these decisions should not be frustrated because the decisions were made democratically.

I heard some words about denial of democracy, but I will support other speakers in this place who have said that everything that has been done has been done within democracy and done democratically. What is happening now is simply acting to frustrate those democratically reached decisions. Mr Smyth sought from me some assurance that we would not undertake nefarious activity, or something, as an outcome of this bill. I certainly give Mr Smyth that assurance. This bill is only about the construction of the GDE and necessary works; for example, work sites that are essential to allow the physical construction of the road. It is not the government's intention—and clearly this bill does not do so—to provide for extraneous activity.

The concept of this road dates back to the 1960s, and the planning, consultation and all the studies date back to 1990 or thereabouts. The road is an inevitable outcome of the planning and design of our expanded and dispersed city established in the 1960s and 1970s. Now that the population of Gungahlin is growing to substantial numbers, the road must be built.

The government will support the amendment that is forthcoming from one source or another. It is not our preferred position but we do so with the general acceptance that the work can commence rapidly. That is the whole idea of this special sitting—to get things moving.

I repeat that a strong democratic process preceded the decisions to build the road. Democratic decisions should not be frustrated by deliberate exploitation of our laws. It will be clear from the vote today that the road will proceed. It may be further frustrated but I now ask that those opposed to the road acknowledge this democratically reached determination, accept this fact and cease the unnecessary expensive action.

Question put:

That this bill be agreed to in principle.

The Assembly voted—

| Ayes 13 | | Noes 2 |
|---|---|---|
| Mr Berry | Ms MacDonald | Ms Dundas |
| Mrs Burke | Mr Pratt | Ms Tucker |
| Mr Corbell | Mr Smyth | |
| Mrs Cross | Mr Stanhope | |
| Mrs Dunne | Mr Stefaniak | |
| Ms Gallagher | Mr Wood | |
| Mr Hargreaves | | |

Question so resolved in the affirmative.

Bill agreed to in principle.

## Detail stage

Clauses 1 to 4, by leave, taken together and agreed to.

Clause 5.

**MS TUCKER** (12.03): I move amendment No 1 circulated in my name *[see schedule 1 at page 2176]*.

This amendment deals with the sweeping powers given to the minister under this act and it requires these sweeping powers to be not only disallowable but also provides that they do not come into force unless the disallowance period has expired or a disallowance motion has been defeated in the Assembly. It picks up on one of the propositions raised in the scrutiny report in relation to this clause that the Assembly's affirmation should be sought for a minister's decision to prescribe new activities or areas as part of the Gungahlin Drive extension in relation to this clause and to proposed new clause 6 (2).

Clause 5 defines the Gungahlin Drive extension with reference to relevant plans and planning reports. Clause 5 (2) empowers the minister with the discretion to unilaterally amend the plans with a notifiable instrument. My amendment in this case changes the notifiable instrument to a disallowable instrument, and in particular a disallowable instrument that does not come into force until and unless the disallowance period passes or a majority of the Assembly votes against a motion to disallow the change. It would instate some capacity for scrutiny in a way that avoids making irreversible mistakes.

In all these cases my amendment would mean some delay, but it is a defined delay and in the interests of getting it right. I think even people who support the road must see that this is an important safeguard. The normal disallowable instrument obviously can create a situation where there can be weeks pass before there is an opportunity for a debate in the Assembly and, obviously, with this kind of project a lot of destruction could occur over that period of time.

I commend the amendment to the Assembly.

**MR WOOD** (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for Police and Emergency Services, and Minister for Arts and Heritage) (12.05): Mr Speaker, the government will not be supporting this amendment. It's not in keeping with the thrust of this bill which is designed to get the obstacles removed and the road under way. It's designed to delay further, to come back to this Assembly, and, in the circumstances we face today with this legislation, it's not appropriate.

**MRS DUNNE** (12.05): The Liberal opposition will not be supporting this amendment, basically for the same reasons outlined by the minister. This goes against the spirit of the bill. This bill is about building the road, and what Ms Tucker proposes to do is hold up the building of the road. As I've said before, the opposition has concerns about the nature of the approvals in this legislation, and I will address those in the debate on clause 9 in a little while. As my colleagues have said, at any time that a minister makes a false step on this process, the Assembly has the capacity to recall and deal with the issue.

We need to be very clear that the approvals given here need to be about the road. We've had an undertaking from this minister that there will be no nefarious approvals. There are concerns in the community that we may actually use Gungahlin Drive as an excuse for getting other things approved. The opposition and, I hope, the crossbenchers will be vigilant to ensure that this minister and his successors—because, no matter what happens, come October there will be a new Minister for Urban Services responsible for building the road—stick to the spirit of the commitments made today by this minister that the approvals given will be absolutely and totally associated with the building of this road and nothing more.

**MS DUNDAS** (12.08): There are some major concerns with "notifiable" and "disallowable" within the bill before us, and a number of members have circulated amendments to deal with these issues. Even with these amendments being supported by this Assembly—any of the amendments—it doesn't actually go to making this bill a better piece of law and we wouldn't be able to support the legislation even if it is amended.

I think there are some problems with what these amendments before us do actually do. I think it is a good intention to make the decisions disallowable, but they do not actually address the removal of the power of the courts. This bill displaces the responsibility, to a certain extent, onto the Assembly and it doesn't disguise the fact that the proper judges of agility of the law in the ACT should be the courts, not the government and not the Assembly in a sense.

The Assembly does not have expertise or the information that would be presented to a court to determine whether due processes occur or to correct legal interpretation of the statutes. I will present an example. When we are confronted with an instrument under this act, we will have to then make a judgment about whether that decision was proper. We could be in a situation where the Assembly is asked to approve a particular alteration to the plans for the Gungahlin Drive. We will not necessarily have any extensive information on the alternation.

Clause 5 of this bill does not require a development application to accompany the change; so we would not necessarily have any of those basic disclosures. We will not necessarily be able to acquire documents relating to the approval that a court could easily subpoena, and yet we will have to make a decision about the appropriateness of the action. This should not be our role, and the decision we will make will inevitably be one that will be seen as political and not a question of the law.

This particular amendment from Ms Tucker goes one step further than some of the other amendments in relation to disallowable and notifiable instruments because it ensures that no action done under this legislation may take effect until the Assembly has confirmed it. This overcomes one problem with disallowable instruments, in that most of them have taken effect before the Assembly has the opportunity to disallow them.

The point of this amendment is that it will force members of this Assembly to assume some responsibility for overriding the proper role of the courts with the potential to reply to the majority of needs to personally approve each and every instance of this bill being used. Whilst I understand what Ms Tucker is getting at—and I will be able to support this amendment in that it does make sure that this Assembly sees what is going on before it happens—I do reiterate the position that the Democrats cannot support the bill as a whole regardless of which amendments pass or fail because it does not maintain those basic fundamentals of the courts.

Question put:

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

The Assembly voted—

| Ayes 2 | Noes 13 | |
|---|---|---|
| Ms Dundas | Mr Berry | Ms MacDonald |
| Ms Tucker | Mrs Burke | Mr Pratt |
| | Mr Corbell | Mr Smyth |
| | Mrs Cross | Mr Stanhope |
| | Mrs Dunne | Mr Stefaniak |
| | Ms Gallagher | Mr Wood |
| | Mr Hargreaves | |

Question so resolved in the negative.

Amendment negatived.

Clause 5 agreed to.

Clause 6.

**MS TUCKER** (12.14): I move amendment No 2 circulated in my name *[see schedule 1 at page 2176]*.

This is basically the same as my first one, and I will not speak at length to it except to say that, taken to an extreme, the power given by clause 6 (2) in the bill could potentially be used to define any works as GDE related. There is no restriction. My amendment to this clause would at the very least ensure that a majority of members of the Assembly agree that the proposed works are related to the GDE before that work commences. I also just make the comment—to respond to Ms Dundas's comments—that I want to make it quite clear that in no way am I going to be supporting this bill.

**Ms Dundas**: I'm not supporting the bill.

**MS TUCKER**: I know you are not. But I just want to make it very clear this is about damage control, absolutely; trying to bring some kind of transparency into the process—and I endorse what Ms Dundas has said—but we are trying to deal in haste with what I think is a totally disgusting piece of legislation.

**MS DUNDAS** (12.15): This amendment is to ensure that a declaration that works are part of the GDE does not take effect until the Assembly has a chance to review them. Considering the broad scope of this particular clause of the bill, I think it is a very worthy amendment. It doesn't address the central problems of this bill, but it does provide some additional scope for oversight; so the Democrats will support this amendment.

Amendment negatived.

Clause 6 agreed to.

Clauses 7 and 8, by leave, taken together and agreed to.

Clause 9.

**MR SPEAKER**: I take it from what I heard a few moments ago, Mrs Cross, that you are not going to proceed with Nos 1 and 2.

**MRS CROSS**: Ms Tucker is going to move the amendments I was originally going to move, Nos 1 and 2. I am moving No 3, though.

**MS TUCKER** (12.16): I am now moving No 1 on the white page which is about the minister's absolute discretion. I move amendment No 1 circulated on the white paper in my name *[see schedule 2 at page 2176]*.

This amendment and the related second amendment remove the term "in the Minister's absolute discretion". I think we can clearly see here the limits to which this government is prepared to go to ensure it appears to be acting decisively and the precedent it has set to ensure subsequent ACT governments can simply give ministers absolute discretion to ride roughshod over any protections that might be established in any legislation that may exist now or that will come into force in the future. I do not believe that these amendments rectify the problems of the bill, but clearly any limits or implied limits to this approach are to be welcomed.

I have also been advised that this may not be read by the courts in the way that the minister intends. There are comments in the scrutiny committee report on this, on page 7:

> The Committee notes that both subclauses 9(2) and (3) speak of the Minister being vested with an "absolute discretion". It is unlikely that this wording does much to restrict judicial review of an exercise of the relevant power. A court would still fix limits to the scope of the discretion by reference to the objects of the statute. Given the high 'policy' content of the discretion, those limits may be very broad.
>
> The Committee raises the issue of whether it is ever desirable to provide for an "absolute discretion". Such a provision does raise the question of whether there has been an insufficient definition of administrative power.
>
> The width of the discretions, and the point of the question just asked, is underlined by subclause 9(4) which has the effect of amending other laws which concern powers that are, by clause 9, exercisable by the Minister.

That is an interesting opinion in terms of the real force of using language like "absolute discretion". But basically my amendments are still to remove "absolute discretion" because it seems to me to be fundamentally wrong. Together with the removal of standard appeal paths to check decision-making, it is the beginning of steps towards a dictatorial system of government. We know governments not by what they say but by what they do.

**MRS CROSS** (12.19): Mr Speaker, as members know, I had originally intended to move these amendments, which I circulated yesterday. In fact, the three amendments that I circulated I have been working on for some time. The reason I chose not to move amendments 1 and 2 was that I sought further legal advice this morning and the advice that I received suggests that both these amendments will create only further delays in the building of the road, an outcome that I do not think is beneficial to most Canberrans. That is why I chose not to move these amendments.

**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) (12.19): The absolute discretion provisions are strong provisions. There is no doubt about that. But to remove them would create great difficulties. It would only serve to reopen the doors to a legal challenge, and that's what this bill is seeking to contain. The absolute discretion provisions are intended to protect the minister's decisions, to the greatest possible extent, from challenges in the Supreme Court using the prerogative writs.

Such an amendment would remove this protection and potentially leave open each decision of the minister to grant an authorisation or to impose or not impose conditions on an authorisation. They would all be open to challenge, and every challenge could take some considerable time through the court process to resolve. That simply means further delay, and that is what this whole bill is about—trying to prevent further delays. We do not support that amendment.

**MRS DUNNE** (12.21): The issue of the minister's absolute discretion is the one that has occupied the thinking of most members of this place the most. When one reads things

like this, one is often reminded of the famous dictum of Lord Acton that "power corrupts and absolute power corrupts absolutely". But when thinking about how this government operates, I think they tend to follow not so much Lord Acton but the Oscar Wilde version which says "Power is marvellous and absolute power is absolutely marvellous", and this is why the opposition is proposing to move an amendment to put some constraints on this minister's absolutely marvellous absolute power. There are amendments further in the process that will address this issue, and we do intend to address this issue and put some constraints on the minister.

But the intent of this legislation is in fact to ensure that we do not end up in the courts; the preamble says, in effect, that this argument has been done to death and we are not going to end up in the courts. What we are actually doing by following the path proposed by Ms Tucker is increasing the probability that we will end up in the courts. We have a choice between attempting to reinstate judicial accountability and going for political accountability. In this situation, the opposition has opted for political accountability by proposing to make the authorisations for the GDE and works related disallowable rather than simply notifiable.

It would provide accountability while avoiding further risks of delay through the exercise of rights under the Administrative Decisions (Judicial Review) Act and the seeking of prerogative writs through the Supreme Court. It is essentially an either or situation. A judicial constraint on the actions of an executive is one thing—and it is something that we should be looking at—but, by the Assembly taking on itself the decision by making this a disallowable instrument, there is a different level of constraint and I think that the actions of the legislature in this case should be paramount.

**MS DUNDAS** (12.23): This amendment removes the phrase "the Minister's absolute discretion". The wording has been included in the government's bill in order to try to avoid any case being brought to the Supreme Court, and the minister made a decision without considering whether that decision was fair, whether that decision was reasonable or whether it failed to take into account proper process. This part of the bill basically says the minister may do whatever he wishes in relation to the Gungahlin Drive extension free from any questioning about how that decision was arrived at. I think that is one of the fundamental problems with the legislation before us today.

Members of this place have talked about the Gungahlin Drive extension and how it has been around for debate since 1990; the decision was made in 1997; we have had this debate; let's just get on with building a road. But when in this debate over the last 10 years did we discuss the need to remove citizens' rights for political expediency in terms of building this road? We have had the debate about east or west; we have had the debate about four lanes or two; we have had the debate about how it moves into the Black Mountain Nature Reserve; we have had the debate about how far into Gungahlin it goes. We have had all those debates, but it is only today that we have had the debate about the need to strip away citizens' rights to access the court, citizens' rights to question what ministers are doing and citizens' rights to participate in this democracy fully. It is only today that we have had this debate, and it is shameful that we are having this debate at all. That is why I think this amendment does a little to address the core problems with this bill, but this bill is fundamentally bad law.

Question put:

That **Ms Tucker's** amendment No 1 be agreed to.

The Assembly voted—

| Ayes 2 | Noes 13 | |
|---|---|---|
| Ms Dundas | Mr Berry | Ms MacDonald |
| Ms Tucker | Mrs Burke | Mr Pratt |
| | Mr Corbell | Mr Smyth |
| | Mrs Cross | Mr Stanhope |
| | Mrs Dunne | Mr Stefaniak |
| | Ms Gallagher | Mr Wood |
| | Mr Hargreaves | |

Question so resolved in the negative.

Amendment negatived.

**MR SPEAKER**: Ms Tucker, you don't want to proceed with your second amendment?

**Ms Tucker**: No.

**MRS CROSS** (12.27): I move amendment No 3 circulated in my name *[see schedule 3 at page 2177]*.

This amendment will make this bill a disallowable instrument. Whilst I have supported in this instance the government's removal of appeal rights for the citizens of Canberra, I do not seek to allow the government to build the GDE unchecked. The Assembly must have some role in holding the government accountable over the building of the Gungahlin Drive extension, and this amendment allows that.

I am disappointed with Mrs Dunne regarding her duplicate amendment. I advised her office yesterday, Mr Speaker, that I would be moving this; and it is disappointing that she could not let my office know that she was just going to copy what I was doing. It is very disappointing when she accuses a minister of being someone full of pride. She should look at herself in the mirror on this issue.

This has been a debate, an argument and an issue which we have had to actually think about and work on for some time. The reason this has been a difficult one for me is that I am a very strong supporter of everyone's right to appeal. I was, however, enlightened yesterday when I discovered that there has been a precedent set in the Senate on the denial of appeal rights in various pieces of legislation by parties other than the major parties. I do respect Ms Tucker's position on supporting and maintaining the rights of people to appeal, but Ms Tucker probably knows—I am not sure whether she does—that the Greens in fact in the Senate did, on a number of pieces of legislation which passed through the Senate, support the removal of appeal rights, which surprised me. But there has been a precedent set in the federal parliament.

I suppose, on this issue, what I will say is: how many categories of a democratic right to appeal are there? We stand up in this place and say we should not deny people's rights to

appeal, which I basically agree with, but there are exceptions to that principle. The GDE argument is one of those exceptions. It has not been an easy decision for me, which is one of the reasons why I had to look into this very carefully. But I must consider the interests of the Gungahlin community as a whole.

In a democracy, we must look at the interests of the majority. That is what a democracy is about. While I do not wish the Assembly to consider this as a precedent—and future governments and this government should not consider this action we are taking today as an excuse to do it again in the future—it is very important that we do call the government to account. Given that we are the elected representatives of the people of the ACT, I felt this amendment for a disallowable instrument would at least give the community an opportunity to lobby their members who could bring concerns into this place and debate issues of concern rather than delay the GDE outside this place. In fact, it is a pity because the GDE has been on the territory plan for 30 years.

Both the major parties went to the last election promising to build a road. And it is a pity that the government did not just go ahead with the eastern alignment, because that was indeed the better option. The public interest is important to me. That is why I worked on this bill and the possible amendments, only one of which I decided to move this morning.

I wish to say to those that were opposed to this bill, "I know you're disappointed, but at the end of the day we had to make a decision which was good for the Gungahlin community and in the broader interest of the Canberra community." It is very important that, as a democracy we, the elected members of the ACT residents, have an opportunity to represent their sentiments. That is what I feel that I have done today, and that is what I feel that the majority of the members of this place have done today. So I commend the amendment to the Assembly and hope that it has the Assembly's support.

**MRS DUNNE** (12.32): The opposition will be supporting this amendment because it brings powers for decisions and discretion as to whether decision should continue into the hands of the legislature. As Mrs Cross and others have said, we have wrestled with the notion of taking away appeal rights. As the bill was drafted by the government, it was draconian, even fascist, in its application. And by making these authorisations disallowable instruments, it brings to the legislature the power of scrutiny.

This is appropriate because what we are doing today is sending a very strong message to the entire community and, in a sense, to the judiciary that it is the will of this Assembly, and through it the will of the people, that this road be built and we should not be brooking any more interference. This is a very strong message that we are sending. By making this a disallowable instrument, it actually reinforces in the minds of the community, and I hope in the minds of the judiciary, that, if something comes before them, not only has the minister exercised his discretion but that exercise of discretion has been reinforced by the Assembly.

This should be an end to it because the most important thing that we do today is facilitate the building of the road which has been delayed unconscionably by a small group of people who have had their day, have exercised their rights; but it is now time to put it to bed, put it down to experience, and let the people of Canberra get the road that they need, not just the people of Gungahlin.

I would just like to share with members an anecdote. The second last time we debated or discussed things in relation to Gungahlin Drive we had a pitch invasion here by people opposed to the building of the road. A journalist told me a story the next day that he was speaking to people associated with the anti-Gungahlin Drive organisations—and there are probably more than one. It was reported in the paper about the pitch invasion that 40 people were here. And it was quite interesting that one of the movers and shakers in the anti-Gungahlin Drive debate said, "But we don't have 40 people on our list."

Let us be frank here. There are a small number of people in a few organisations, possibly 100 or 200 tops—

**Mrs Burke**: All from Canberra?

**MRS DUNNE**: Who may not all be from Canberra, who are standing in the way of the rights of the people of Gungahlin, the 25,000 people—the number is growing rapidly all the time—and the rights of other people to have high-quality transport, high-quality roads. And the impact that that will have on the whole economy of Canberra is significant, and it is time it stopped. This is why we are saying today that the legislature take responsibility for this road.

**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) (12.35): The government will support this amendment. It is an amendment. It was not the first preference that the government set out, but we will support it. There is a background of understanding with this, too, that the road can proceed while it is legal to do that work. I see the nods and that is the understanding on which we are quite comfortable with this amendment.

**MS TUCKER** (12.36): Yes, the Greens will support this amendment because it is at least addressing, to a small degree, the lack of transparency that exists in the current bill, although, as I have already pointed out, disallowable instruments are quite flawed in so far as having the capacity to stop an actual activity occurring. As members are well aware, that regulation is in force as soon as it is notified by the government.

Mrs Dunne, on one hand, uses very strong language—"draconian", "fascist" in its application. It is her choice to use that kind of language, but, on the other hand, apparently she is prepared to leave the draconian and fascist forces in charge of a process which is not going to allow scrutiny potentially for six or 12 weeks, depending on when the sitting days are. Obviously much can happen.

Mrs Dunne also wanted to demonise the people who have been exercising their democratic rights in getting access to tribunals and the courts, who have actually had their cases supported and have been given the opportunity for further exploration of their cases, as some kind of evil minority, which I have to say, again—and I have already said it—I think is extremely dangerous and alarming language from any legislator.

I guess that when we have all addressed those hundreds of people at meetings they must have just been walking by at the time and popped in to see what the meeting was about. Maybe they were going to the Lyneham shops to get the milk and thought, "What's

going on in that hall? It's overcrowded." It had nothing to do with the support for the groups who are concerned about the environmental implications of this road—environmental, by the way, in the sense that, as I have already said today, it is in legislation in the ACT which takes into account, of course, the social as well as the ecological aspects.

This particular amendment from Mrs Cross, as I said, goes some way to make this a little bit more transparent and the Greens will support it.

**MRS DUNNE** (12.39): I rise to speak again to this amendment to make the point that in no way did I demonise anybody. I rose and said that there were not very many people involved. There is quite a difference. Ms Tucker has actually been a bit devious there.

**MRS CROSS** (12.39): Can I just say that it is irrelevant how many people were against it. Everyone has a right to oppose something if they are not happy with it. There do not need to be 10 or 20, 100 or 1,000. In a proper democracy everyone has a right to voice their opposition and concern. I have concerns with Mrs Dunne's comments as well. In a democracy we all have a voice. At the end of the day we come into this place as legislators, and we express that voice and we vote accordingly. But as far as the groups in the community are concerned, they should not be minimised in their importance just because there are 10 or 20, 100 or 1,000 of them.

**MS DUNDAS** (12.40): I think Mrs Cross has just made a very good point. Everyone does have the right to express their concern about a development, about planning in the territory, except until now. Under this legislation they won't have that right to express their concern about the Gungahlin Drive extension.

I am glad to see that the government is supporting this amendment, in terms of seeing the flaws in their own bill, but it does not go far enough. We do not address the issue that the proper place for consideration of these problems in relation to whether a licence or other instrument has been issued legally is a court, not the Assembly; nor do these amendments address the limited information the Assembly will have access to in order to make a judgment about the proper decision-making processes of the government.

These amendments do give a small additional role for the Assembly in oversight of government decisions. That is why we will support these amendments, but they do not fix this bill. They deny rights to every member of the ACT community, no matter where they live; everybody is having their rights curtailed today.

Amendment agreed to.

Clause 9, as amended, agreed to.

Clause 10 and 11, by leave, taken together and agreed to.

Clause 12.

**MS TUCKER** (12.41): I will be opposing this clause. I am opposing this clause, as I said earlier. It seems extraordinary to me that no action can be taken in court unless the person first gives the minister 14 days notice. While it could be argued that compulsory

mediation and case conferences are issued in civil proceedings, the context and purpose of such requirements are entirely different. It is drawing a long bow to suggest that concerns relating to authorisations that have not been given to environmentally damaging activities, for example, are the same as a civil dispute on a broken contract. It is also drawing a long bow to suggest that simply notifying the minister, who is the party responsible for the alleged breach, is somehow the same as the mediation or case conference.

It appears to be a profound erosion of the rights of citizens to ensure that proper authority has been granted for an environmentally damaging activity that is being carried out. The right of citizens here relates to the right to a healthy and clean environment.

Question put:

> That clause 12 be agreed to.

The Assembly voted—

| Ayes 11 | | Noes 2 |
|---|---|---|
| Mr Berry | Mr Hargreaves | Ms Dundas |
| Mrs Burke | Mr Smyth | Ms Tucker |
| Mr Corbell | Mr Stanhope | |
| Mrs Cross | Mr Stefaniak | |
| Mrs Dunne | Mr Wood | |
| Ms Gallagher | | |

Question so resolved in the affirmative.

Clause 12 agreed to.

Clauses 13 and 14, by leave, taken together and agreed to.

Clause 15.

**MS TUCKER** (12.45): I will be opposing this clause also. I do not support the removal of access to the AD(JR). The AD(JR) reviews the lawfulness of decisions. I do not believe that this really basic scrutiny of the legality of government actions ought to be sacrificed to convenience. At first, on the face of it, it appeared that it would be difficult to mount a case, difficult to find a lawful requirement on the minister in this bill which could be challenged, either under AD(JR) or in the Supreme Court. The absolute discretions phrase, together with the absence of any criteria for decision-making, seemed to leave almost no purchase for appeal. This made it, I think I said in comment on the bill's appeals rights, somewhat decorative.

However, I have since been advised that the courts will in fact look at the intent of the statute. In this case, this would mean the underlying statutes—the Environment Protection Act, the Heritage Act, et cetera—apply so that, where the minister is put in the position of decision-maker by the GDE Authorisation Act, the minister cannot ignore the intent of those statutes. So it is really important to try to keep this here.

**MS DUNDAS** (12.46): I will also be opposing this clause. As I said in the in-principle debate, it is an extremely serious matter that the government is trying to remove the purview of the AD(JR) Act as it does have a very fundamental role in ensuring that the actions of government are fair and correct. That these decisions are appealable to the Supreme Court means that Canberrans can have confidence that these decisions are made with due reference to territory law and, if not, then they can then take them to the Supreme Court and have that examined. Taking this away, I think, does allow citizens to have less confidence in the government that what was actually going on is above board.

Question put:

> That clause 15 be agreed to.

The Assembly voted—

| Ayes 11 | | Noes 2 |
|---|---|---|
| Mr Berry | Mr Hargreaves | Ms Dundas |
| Mrs Burke | Mr Smyth | Ms Tucker |
| Mr Corbell | Mr Stanhope | |
| Mrs Cross | Mr Stefaniak | |
| Mrs Dunne | Mr Wood | |
| Ms Gallagher | | |

Question so resolved in the affirmative.

Clause 15 agreed to.

Clauses 16 and 17, by leave, taken together and agreed to.

*An incident having occurred in the gallery—*

**MR SPEAKER**: Order! Remove that man from the chamber, please. I have to draw your attention to the need to have order in the gallery. If you cannot remain orderly you should leave, otherwise I will order you be removed. Order! Sir, if you cannot remain silent you should leave, otherwise I will order you be removed. Thank you.

Dictionary agreed to.

Preamble.

**MS TUCKER** (12.50): The Greens will be opposing the preamble. It is unusual in our legislation to have a preamble. This preamble contains several quite objectionable statements. To start with, the reference to this as solely a planning decision ignores the environmental and social effects of, firstly, continuing with a commitment to a car-based transport system when the choice could be made to shift; and, secondly, of putting a road through a nature reserve.

More specifically, point three claims that the GDE, including alternatives to it, has been considered at length. At no time has there been a public, co-ordinated and systematic process to pull together the alternatives, the costs and benefits in all areas and make a decision on that basis.

I read out earlier comments from Dr Joe Baker. I hope that Mr Corbell was listening to those and I hope that we do at least see the government support the open meeting that he is supporting so that we can at least look at how, if this road is to go ahead, we can actually minimise the harm and give some consideration to how we can improve the process. I do not see why that is such a big ask. I really am just hoping that the government—Mr Stanhope, in particular—will look at that question.

I can give you quote after quote of the complaints and criticisms of various so-called PAs and assessment processes. I could give you Mr Humphries's, when he was here, evaluation of the Maunsell PA. He made comments, on the fragmentation of the forests in the O'Connor and Bruce ridges, which were not dealt with. Detailed information on the impact of the road through the Bruce and O'Connor Ridge area is missing. The PA did not quantify the extent it is used for bush walking, recreation and the educational purposes of open spaces to be affected by the impact in terms of severance.

Another comment from Mr Humphries, and the evaluation of the government of the day, was that the assessment of visual impacts of various corridor options in the PA was handled poorly. The evaluation report was critical of how adequately six out of the 10 aspects were actually dealt with. I can go on and on, but I won't because we are running out of time. But I just cannot support a preamble that suggests that everything has been done that should have been done.

An environmental impact statement would have required consideration of the alternatives. That has never happened. Despite the election commitments, this government has not proceeded to a full EIS. Preliminary assessments have covered environmental issues, it is true, but I do not believe it is true to claim that the assessment has covered all the environmental issues they should have.

The Greens do not agree with point 4, that this is appropriate nor that the GDE is a crucial link. I do not agree with point 5 that the GDE is the best way to facilitate Canberrans leaving and entering Gungahlin with ease.

Finally, one of my more specific objections to this preamble is expressed in a letter by James Madison and Thomas Jefferson in 1788 which was cited in the Australian Centre for Environment Law's submission to the Bill of Rights Committee from which I would like to quote:

> Rights … the idea of individual liberty and human rights have been the grand innovation of the state under the rule of law, at first as moral imperatives and later through establishment by law. As experience has made plain, however, "without a political guarantee of legal recourse, there are no individual rights but only pious profession of the value of human beings". Accordingly it is only by recognising rights as elements of law—through protection, for example, by a Bill of Rights—that those rights serve as an effective limit on power under the rule of law. By establishing a Bill of Rights a society protects its members against in at least two

> ways. First, it protects against despotism—government acting against the will of its constituents. Second, and much more importantly, it protects against "acts in which the government is the mere instrument of the major number of the constituents"—

an argument that has been put up by a number of members today as justification for this legislation, and it would seem to be a major issue—

> This protection against the tyranny of the majority is the very thing that detractors of rights use most frequently to claim that rights are undemocratic and also undermine notions of parliamentary sovereignty. Such a claim is, if not demonstrably false as a general proposition, particularly specious under the present circumstances of this Inquiry—an Inquiry in which the people can help choose its own destiny and decide on what rights, if any, should be given legal status to serve as a protective agent in the community.

As I pointed out in the in-principle debate, a sub-point in point 5 of the preamble contradicts this fundamental right of a minority to question a majority. That is a right that we protect for the good of all, even if at the time it is inconvenient or annoying.

Preamble agreed to.

Title agreed to.

Question put:

> That this bill, as amended, be agreed to.

The Assembly voted—

| Ayes 11 | | Noes 2 |
|---|---|---|
| Mr Berry | Mr Hargreaves | Ms Dundas |
| Mrs Burke | Mr Smyth | Ms Tucker |
| Mr Corbell | Mr Stanhope | |
| Mrs Cross | Mr Stefaniak | |
| Mrs Dunne | Mr Wood | |
| Ms Gallagher | | |

Question so resolved in the affirmative.

Bill, as amended, agreed to.

## Adjournment

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

> That the Assembly do now adjourn.

## Aged-care facilities

**MRS DUNNE** (12.56): We have been here today to fix up the failings of this government in relation to the people of Gungahlin, and I draw to the Assembly's attention yet another failing of this government and the Planning Minister in relation to the people of—

*An incident having occurred in the gallery—*

**MR SPEAKER**: Order! Resume your seat, please, Mrs Dunne. We extend a warm welcome to everybody who comes to watch this Assembly operate, but we cannot tolerate the Assembly being disrupted by interjections. If you cannot remain quiet, leave the chamber.

**MRS DUNNE**: I am rising again to highlight another failing of this government, this time in relation to the people of Belconnen, the aged community and the Little Company of Mary and Calvary Hospital. Members would have seen in Saturday's paper a public notification of draft variation to the Territory Plan 241 and presumably they would have received it in their offices yesterday or today.

This is a draft variation that changes the road alignment so that the Little Company of Mary can take up their offer of a lease over the old Bruce Hostel site and get on with building an aged-care facility, which is desperately overdue. The Little Company of Mary and Calvary Health Care sought to build an aged-care facility with up to 100 nursing home and hostel beds and up to 80 self-care units.

The agreement in principle was made before the last election. When the Minister for Planning became the Minister for Health as well as the Minister for Planning, he made some commitments in an estimates committee, saying, "Well, now, that I'm both of these things I can really facilitate this process." The Little Company of Mary and the people of Belconnen are crying out for this piece of infrastructure.

What do we see today, more than 2 ½ years down the track? We are just getting to the making of a variation to the territory plan. We will not see this facility approved in the life of this government, and this is a monumental failure of this government and the Minister for Planning and Minister for Health. They stand condemned for their lack of action.

Question resolved in the affirmative.

**The Assembly adjourned at 12.58 pm until Tuesday, 22 June 2004, at 10.30 am.**

# Schedules of amendments

## Schedule 1

## Gungahlin Drive Extension Authorisation Bill 2004

Amendments moved by Ms Tucker

**1**

**Clause 5 (3)**
**Page 4, line 13—**

*omit clause 5 (3), substitute*

(3) An approval is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

(4) Subject to any disallowance or amendment under the Legislation Act, chapter 7, the approval commences—

(a) if a motion to disallow the approval is moved in the Legislative Assembly and the motion is negatived—the day after the day the motion is negatived; or

(b) the day after the 6th sitting day after the day it is presented to the Legislative Assembly under that chapter; or

(c) if the approval provides for a later date or time of commencement—on that date or at that time.

**2**
**Proposed new clause 6 (2A)**
**Page 4, line 21—**

*insert*

(2A) Subject to any disallowance or amendment under the Legislation Act, chapter 7, the declaration commences—

(a) if a motion to disallow the declaration is moved in the Legislative Assembly and the motion is negatived—the day after the day the motion is negatived; or

(b) the day after the 6th sitting day after the day the declaration is presented to the Legislative Assembly under that chapter; or

(c) if the declaration provides for a later date or time of commencement—on that date or at that time.

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## Schedule 2

## Gungahlin Drive Extension Authorisation Bill 2004

Amendments moved by Ms Tucker

**1**
**Clause 9 (2)**
**Page 6, line 22-**

*omit*

in the Minister's absolute discretion and

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## Schedule 3

## Gungahlin Drive Extension Authorisation Bill 2004

Amendments moved by Mrs Cross

**3**
**Clause 9 (9)**
**Page 8, line 13—**

*omit clause 9 (9), substitute*

(9) An authorisation under subsection (2) is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

# Answers to questions

## Aged care accommodation (Question No 1291)

**Mr Cornwell** asked the Minister for Planning, upon notice, on 2 March 2004:

(1) Are any A.C.T. Government approvals required to add the extra 69 residential aged care places allocated to the A.C.T. by the Commonwealth on 10 February 2004 to existing facilities;

(2) If so, how long is it expected to take for such approvals to be given.

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

(1) Yes, some of the additional places to existing facilities will require development approval.

(2) The Commonwealth allocated four service providers a total of 50 additional places on 9 February 2004 and 19 aged care packages. 16 places were allocated to Mirinjani in Weston, 3 places to Villagio Sant Antonio in Page, 21 places to Anglican RCS Ginninderra / Brindabella Gardens and 10 places to Johnston Village Upper Jindalee.

Villagio Sant Antonio in Page has obtained development approval for the additional beds.

Mirinjani has held discussions with the ACT Planning and Land Authority about the proposed form of development but has yet to submit a Development Application. The Government has agreed to the direct sale of land which will enable Mirinjani to develop the facility.

The Anglican RCS Ginninderra / Brindabella Gardens and Johnston Village Upper Jindalee providers are still to finalise their proposals for the places allocated to them.

The ACT Planning and Land Authority will assess the Development Applications within the statutory framework allowed for assessment, ie. 30 business days or 45 business days if any objections are received, subject to adequate information being submitted and any issues arising with the proposals being able to be resolved quickly.

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## Aged care accommodation (Question No 1293)

**Mr Cornwell** asked the Minister for Planning, upon notice, on 2 March 2004:

(1) In relation to the Targeted Land Release for Aged Care commitments as outlined in the *Building for our Ageing* Community brochure, what is the exact location of the four sites presently included in the ACT Government's land release program for the purposes of aged care accommodation;

(2) Have each of these sites been allocated to specific service providers or developers; if so, to whom;

(3) When is it expected that development on each of these sites will be (a) commenced and (b) concluded;

(4) How many aged care beds will be provided by each of these developments, and will they be (a) high care, (b) low care or (c) independent living units;

(5) In relation to two further sites set for release in 2004-05, namely Block 9 Section 78 Nicholls and Block 9 Section 410 Gordon, can he provide similar information to that in parts (2), (3), and (4) above;

(6) In relation to planning investigations that have also commenced for the development of aged care accommodation on sites 14 and 19 Greenway, can he provide similar information to that in parts (2), (3), and (4) above.

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

(1) The sites referred to in the brochure are Blocks 1 and 4 Section 4 Bruce, Block 53 Section 8 Garran, Block 6 Section 87 Belconnen and Block 2 Section 59 Weston. The Government's Land Release Program issued in the 2003/04 budget does not refer to Block 2 Section 59 Weston as an application was made for that land after the budget was announced.

(2) The Bruce site has been offered to the Little Company of Mary Calvary Health Care Holdings and the Government has agreed to the site in Garran being sold to Southern Cross Homes (NSW) Inc. A decision will be made shortly on an application by the Uniting Church in Australia (ACT) Property Trust for the grant of a lease by direct sale of Block 2 Section 59 Weston. The site in Belconnen has been identified for release through a competitive process.

(3) The timeframe for commencement and completion of development on these sites is dependent on a series of applications, approvals and contracts and at this stage is unknown. The leases issued will require development to be completed within two years.

(4) With respect to the site in Bruce I understand that there will be 75 high care and 25 low care beds and 80 independent living units, the Weston site will enable Mirrinjani Nursing Home to be extended by a further 32 beds (23 high and 9 low care) and for Garran, there will be 36 low care beds and 18 independent living units. No allocation has been made for the Belconnen site.

(5) With respect to the planning studies for the Gordon and Nicholls sites:

(a) none of the sites have been allocated to a specific service provider;
(b) this is not known
(c) the planning study for each site is considering the possibility of a 100 bed residential care facility and 150 independent units being developed in each site. No distinction has been made between high-care and low-care beds for the residential care facility. The planning study, which also looks at the viability of each site being developed, may result in a change to the size of the residential care facility and the number of independent living units being provided.

(6) With respect to the planning study for the Greenway site:

(a) the site has not been allocated to a specific service provider;
(b) not known;
(c) the planning study for the site is considering the possibility of a 100 bed residential care facility and 150 independent units being developed. No distinction has been made between high-care and low-care beds for the residential care facility. The planning study, which also looks at the viability of the site being developed, may result in a change to the size of the residential care facility and the number of independent living units being provided.

The study is also looking at the possibility of the site being sub-divided into two areas, with a residential care facility and independent living units being built on one block with the other block being developed only for supportive housing.

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## Motor vehicles—number plates (Question No 1301)

**Mr Cornwell** asked the Minister for Urban Services, upon notice, on 2 March 2004:

In relation to:

(1) How many instances of deliberately obscuring motor vehicle number plates to avoid speed or red light camera detection have been recorded in the A.C.T. in (a) 2001-02, (b) 2002-03 and (c) 2003-04 to date;

(2) What are the penalties for such activity.

**Mr Wood**: The answer to the member's questions are as follows:

(1) In some instances it is impossible to accurately differentiate between deliberate and accidental obscuring of motor vehicle number plates. We are unable to determine the split between accidental and deliberate obscuring of plates but anecdotal observations indicate:

- the majority of obscured plates were due to a physical obstruction (eg towbar/ball, bike rack or bulbar) which has a high likelihood of being an accidental act; and
- there were a few obscured plates due to an altered plate (eg bent plate, changed letter or number, dirty plate but clean vehicle) which has a higher likelihood of being a deliberate act.

The total instances of avoiding speed or red light camera detection from obscured motor vehicle number plates recorded in the ACT are:

| | | |
|---|---|---|
| a) | 2001 - 02 : | 878 |
| b) | 2002 - 03 : | 607 |
| c) | July 2003 - 29 February 2004 : | 417 |

(2) The penalty for such activity, whether deliberate or accidental, is $74.00.

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## Drugs—heroin overdoses (Question No 1318)

**Mr Smyth** asked the Minister for Health, upon notice, on 3 March 2004:

(1) How many heroin overdoses have been reported each month for the last 12 months;

(2) Of these reports, how many overdoses resulted in death;

(3) What is the cost, per patient, of treating a patient who has overdosed on heroin;

(4) What attention is given to the patient when recovering from a heroin overdose;

(5) Is counselling offered to the patient;

(6) Is the progress of the patient monitored.

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

(1) From March 2003 to February 2004 the Ambulance Service has attended the following possible narcotics overdoses:

| Mar 03 | Apr 03 | May 03 | Jun 03 | July 03 | Aug 03 | Sept 03 | Oct 03 | Nov 03 | Dec 03 | Jan 04 | Feb 04 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| **10** | **19** | **14** | **16** | **29** | **22** | **27** | **20** | **22** | **21** | **14** | **13** |

Statistics can only be provided on the number of possible narcotic overdoses as opposed to the number of heroin overdoses reported in the previous 12 months.

(2) There were possibly 9 fatal drug related overdoses in the ACT for the period 1 March 2003 to 29 February 2004 according to the National Centre for Coronial Information (NCIS) at Monash University. It is not possible at this time to provide data regarding the number of heroin related deaths in the ACT for that period.

(3) The average cost of an ambulance call out is $ 214 for the first 16 kms and an additional $7 per additional km thereafter. People who have experienced a narcotic overdose where heroin is believed to be a contributing factor are administered Naloxone. The Ambulance Service administers this, and a number of other drugs, via pre-packaged syringes. The cost of a single pre-packaged dose of Naloxone is $12. Generally, people require 3 doses of this at a total cost of $36.

People who have experienced narcotic related overdoses are generally treated at the scene by paramedics and are rarely admitted to hospital. Those that are admitted to hospital generally only need to be treated for the toxic effects of the drug overdose at an average cost $1,400.

(4-6) Where the person who has overdosed is treated at the scene, paramedics provide medical advice to the person. Further monitoring of the patient would only occur in the event of the patient being transported to hospital. Where people present at the hospital and the overdose is considered to relate to an incident of self-harm the person may be referred to the Mental Health Crisis and Assessment Team (CAT).

## National Zoo and Aquarium
## (Question No 1319)

**Mr Smyth** asked the Minister for Planning, upon notice, on 3 March 2004:

In relation to the National Zoo and Aquarium:

(1) In relation to additional land for the National Zoo and Aquarium and your comments on WIN news on 16 February 2004, when did the National Capital Authority request a planning study regarding land around the National Zoo and Aquarium;

(2) When did the ACT Government decide it also wanted a planning study undertaken;

(3) Who was commissioned to undertake the study;

(4) Are copies of the report available; if so, where may copies be obtained; if not, why not;

(5) What are the major findings and recommendations of this report;

(6) When was the report received by the ACT Government;

(7) What was the total cost of this report and who bears the cost;

(8) When will a final decision be made on providing the National Zoo and Aquarium with more land.

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

(1) The NCA advised the Department of Urban Services in October 2002 of their "in principle" support to the preparation of a Draft Amendment to the National Capital Plan if the proposal was supported by the ACT Government and subject to the demonstration of the project's feasibility. The National Zoo and Aquarium Planning Investigation informs, and is part of the land covered by a wider strategic level planning study that is currently underway by the National Capital Authority (NCA) called the Central National Area – Western Foreshores and Environs Planning Framework. This strategic planning study is looking at the western third of Lake Burley Griffin and surrounds and is due for completion by June 2004 with preliminary findings anticipated by April 2004. The Zoo expansion site is Designated Land and the NCA has responsibility for planning decisions.

(2) Following Government consideration in March 2003 of the proposal by Mr Tindale, the ACT Government raised the matter with the NCA. ACT Government agencies have worked together with the NCA to achieve the Planning Investigation as part of the NCA's wider study mentioned above. The consultants commenced work in September 2003.

(3) The National Zoo and Aquarium Planning Investigation was undertaken by consultants with a multi-disciplinary team led by EDAW Gillespies.

(4) Copies are not available at his time as the Planning Investigation is only a part of the wider strategic planning study and the consequences have not yet been fully considered by Government.

(5) As advised under question number (4) the results of the study are being considered and not publicly available.

(6) The report was received in February 2004.

(7) The ACT Government contributed approximately $22,000 (GST included) to the cost of the Planning Investigation.

(8) The Government is fully considering the findings of the report and other issues including environmental management and financial implications and will provide advice after that consideration.

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## Williamsdale Quarry (Question No 1330)

**Mr Smyth** asked the Treasurer, upon notice, on 4 March 2004:

(1) Further to the reply to a Question without notice of 10 February 2004 in relation to the sale of the Williamsdale Quarry joint venture, are there any contingent liabilities still to be resolved following the sale of the business;

(2) What impact will the resolution of any of these contingent liabilities have on the A.C.T. Government;

(3) Were any contingent liabilities or other similar issues identified during the wind up of the joint venture that were not evident prior to the sale of the business being concluded; if so, what is the extent of these liabilities and what impact will the resolution of any of these contingent liabilities have on the A.C.T. Government.

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

I refer to your recent requests for information concerning the sale of the Williamsdale Quarry. In particular:

- the motion you introduced to the Legislative Assembly on 3 March 2003, of which the debate has been adjourned; and
- **Questions on Notice numbers 1330 to 1336** from Notice Paper No. 91 of 4 March 2004.

I am advised by the Chief Executive Officer of Totalcare Industries Limited that he has investigated the issues, as best understood within Totalcare, and advises the following:

- there are currently no employees within Totalcare who had dealings with the Quarry to any extent so as to confirm the accuracy of any formal response to the questions asked;
- the liquidator of Williamsdale Operations Pty Ltd owns all of the company records and access is limited;
- notwithstanding that the records are now in good order I am advised that, to answer the questions in a proper manner, it may take lawyers anything from 4-6 weeks to respond and cost anything between $20,000 to $40,000; and

- the responses to the questions at that time will be based only on the records and as such any information not in the records will not be available to Totalcare.

The requests place a significant impost on Totalcare's available resources including access to records, time and cost of answering the thirty-one Questions on Notice (sub-questions included). As you would also know, the Board and management of Totalcare are working extremely hard to return the various business units to the ACT Public Service.

In light of these concerns, I am not prepared to respond to the Questions on Notice while the current Legislative Assembly motion about the Quarry remains unresolved. This recognises the primacy of the Assembly in terms of the requests you have made and that the information contained in the motion broadly encompasses all the different requests that you have made.

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## Williamsdale Quarry
## (Question No 1331)

**Mr Smyth** asked the Treasurer, upon notice, on 4 March 2004:

(1) Further to the reply to a Question without notice of 10 February 2004 and in relation to the operations of the Williamsdale Quarry joint venture, why were the costs of operations of the joint venture so much higher during 2001□02, at $3.8 million (for only part of a year), than for the previous year when the costs of operations were $2.0 million;

(2) In relation to the financial performance of the joint venture during 2001-02, (a) how much income was received by the joint venture as a result of an insurance claim for a damaged overland conveyor and (b) how much compensation was paid by a blasting contractor for damage that had been caused.

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

See the answer to Question No 1330 above.

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## Williamsdale Quarry
## (Question No 1332)

**Mr Smyth** asked the Treasurer, upon notice, on 4 March 2004:

(1) Further to the reply to a Question without notice of 10 February 2004 and in relation to the sale of Williamsdale Quarry joint venture, was he involved in any way in the sale process prior to the briefing he received on 19 March 2002;

(2) If so, what was the extent of his involvement;

(3) What was the extent of his involvement in the sale process after the briefing given to the him on 19 March 2002;

(4) What departments and agencies represented the A.C.T. Government during the negotiations leading to the sale of the business.

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

See the answer to Question No 1330 above.

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## Williamsdale Quarry
## (Question No 1333)

**Mr Smyth** asked the Treasurer, upon notice, on 4 March 2004:

(1) Further to the reply to a Question without notice of 10 February 2004 and in relation to the sale of the business and assets of the Williamsdale Quarry joint venture, why were the proceeds of the sale of the business applied exclusively to the finance lease debts of the joint venture and Pavement Salvage Holdings;

(2) What is the explanation for the joint venture recording a loss on the disposal of property, plant and equipment of $1.966 million;

(3) Why was the loss on the disposal of property, plant and equipment of $1.966 million a cost to Totalcare;

(4) Why was the write-off of a debt of $1.25 million due to Pavement Salvage Holdings a cost to Totalcare;

(5) Why was Totalcare responsible for funding the negative net assets of the joint venture of $0.3 million;

(6) Why was Totalcare responsible for funding what have been described as any other costs associated with the wind up of the joint venture;

(7) Given that Pioneer Construction Materials Pty Ltd took over and has continued the operations of the Williamsdale Quarry, was any goodwill received for the sale of the business; if so, what was the value of goodwill included in the transaction.

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

See the answer to Question No 1330 above.

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## Williamsdale Quarry
## (Question No 1334)

**Mr Smyth** asked the Treasurer, upon notice, on 4 March 2004:

(1) Further to the reply to a Question without notice of 10 February 2004 and in relation to the decisions leading to the sale of the Williamsdale Quarry joint venture, did Totalcare make a decision, independently from other parties to the joint venture, to sell its share of the joint venture;

(2) Why was Totalcare's initial decision of an intention to sell its share of the joint venture changed to a decision to sell the entire business and assets of the joint venture;

(3) Did the change from selling a joint venture partner's share to selling the entire joint venture business have any impact on the outcome of the sale process, including the allocation of commitments, including expenses, between the partners;

(4) During the period between 21 February 2002 and 30 June 2002, did the operations of the quarry continue as usual;

(5) What arrangements were used to pay for costs incurred during the period mentioned in paragraph (4) and were these costs shared appropriately between the partners in the joint venture.

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

See the answer to Question No 1330 above.

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## Williamsdale Quarry (Question No 1335)

**Mr Smyth** asked the Treasurer, upon notice, on 4 March 2004:

(1) Further to the reply to a Question without notice of 10 February 2004 and in relation to the process followed in selling the Williamsdale Quarry joint venture, what process was undertaken to establish the extent of any interest in purchasing either the interest of Totalcare in the joint venture or in purchasing the entire quarry business and assets;

(2) If a process involving a public tender to establish interest in buying either Totalcare's share of the joint venture or the entire business was not undertaken, what was the reason for not calling for public expressions of interest or for offers;

(3) Of the four offers that were received to buy Totalcare's share in the joint venture, how many of these parties were interested in buying the entire operations of the joint venture;

(4) Was a separate process initiated to seek expressions of interest in buying the entire business of the joint venture; if so, what was the outcome of this process; if not, why not.

(5) Is there any relationship between the purchaser of the business and assets of the joint venture, Pioneer Construction Materials Pty Limited, and any of the entities involved in the joint venture; if so, what is the nature of this relationship.

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

See the answer to Question No 1330 above.

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## Williamsdale Quarry (Question No 1336)

**Mr Smyth** asked the Treasurer, upon notice, on 4 March 2004:

(1) Further to the reply to a Question without notice of 10 February 2004 and in relation to structure of the Williamsdale Quarry joint venture, (a) what was the formal structure of

the joint venture, (b) what were the entities that had an interest in this joint venture and (c) what was the extent and nature of their interest;

(2) What entities were established within the structure of the joint venture and in each case, (a) when was each entity established and (c) what was its role;

(3) What were the interests of the joint venture partners in the entities identified in part (2), what was the extent, where relevant, of any interest from parties external to the joint venture in any of these entities and what changes, if any, occurred in the interests involved in entities established within the joint venture during the life of the joint venture;

(4) How were the initial financial contributions into the joint venture from the joint venture partners determined and were there any changes in the proportions of these financial contributions during the life of the joint venture;

(5) At the time the joint venture was established, did all partners pay all the funds into the joint venture that were committed to be paid.

**Mr Quinlan**:

See the answer to Question No 1330 above.

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## Nurses—statistics
## (Question No 1343)

**Mr Smyth** asked the Minister for Health, upon notice, on 4 March 2004:

(1) How many (a) enrolled and (b) registered nurses are currently employed in the A.C.T. public hospital system;

(2) How do the figures in (1) above compare to the figures for March and August 2003, please provide figures;

(3) How many (a) enrolled and (b) registered nurses have left the A.C.T. public hospital system in the last 12 months;

(4) What reasons, if any, were given by nurses for leaving the A.C.T. public hospital system;

(5) How many (a) enrolled and (b) registered nurses have been recruited in the last 12 months;

(6) How many of these recruits have come from the University of Canberra.

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

Please note that these figures are for the Canberra Hospital and the Calvary Public Hospital and do not include numbers from Community Health or Mental Health Services:

(1) The number of enrolled nurses and registered nurses employed in the ACT as at February 2004:

Enrolled Nurses: 262
Registered Nurses: 1,539

(2) The comparable figures for March and August 2003 are:

| | March 2003 | August 2003 | February 2004 |
|---|---|---|---|
| Enrolled Nurses | 232 | 254 | 262 |
| Registered Nurses | 1,553 | 1,565 | 1,539 |

(3) The number of enrolled and registered nurses that left the A.C.T. public hospital system in the last 12 months:

Enrolled Nurses: 16
Registered Nurses: 166

(4) A wide variety of reasons are cited by nurses for leaving the A.C.T. public hospital system, they are highly personal in nature.

Permanent staff employed by ACT Health are offered an exit interview and survey.

(5) The number of enrolled and registered nurses that have been recruited in the last 12 months are:

Enrolled Nurses: 14
Registered Nurses: 117

(6) The number of registered nurses that came from the University of Canberra to the Canberra Hospital Graduate Nursing Programs are:

- 1 graduate in February 2003
- 19 graduates in August 2003

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## Karralika redevelopment (Question No 1374)

**Mr Smyth** asked the Minister for Planning, upon notice, on 10 March 2004:

What other costs did the Government incur in regards to the condemned Karralika redevelopment, excluding the two consultants fees as outlined in response to Question on Notice No 1006.

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

Additional costs expended by the Government associated with the proposed Karralika redevelopment, other than the consultant's fees outlined in response to Question on Notice 1006, include the payment of the Development Application fee by ACT Health to the ACT Planning and Land Authority (ACTPLA) only. The Development Application fee was **$2,465.16**.

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## Teachers—student numbers (Question No 1401)

**Mr Pratt** asked the Minister for Education, Youth and Family Services, upon notice, on 11 March 2004:

In relation to the number of students in classrooms:

What was the average number of students per teacher in:

(a) Kindergarten;
(b) Year 1;
(c) Year 2;
(d) Year 3 classes in ACT Government schools in:
    i. 2000;
    ii. 2001;
    iii. 2002;
    iv. 2003;
    v. 2004 to date.

**Ms Gallagher**: The answer to Mr Pratt's question is:

The average number of students per teacher in Kindergarten to Year 3 classes in ACT Government schools is estimated as:

| | Kindergarten | Year 1 | Year 2 | Year 3 |
|---|---|---|---|---|
| **2000** | Data Unavailable | | | |
| **2001** | 21.5 | 22.2 | 23.0 | 24.1 |
| **2002** | 20.7 | 21.9 | 22.3 | 24.2 |
| **2003** | 19.1 | 20.2 | 20.8 | 22.0 |
| **2004 to date** | 17.5 | 18.2 | 18.6 | 20.3 |

Please Note:

It is difficult to measure class sizes for individual year levels due to the formation of composite or multi-age classes in numerous primary schools in the ACT. Schools group students into multi-age classes when the number of students in particular years of schooling do not allow for 'straight' classes to be formed.

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## Motor vehicles—registration (Question No 1406)

**Mr Cornwell** asked the Minister for Urban Services, upon notice, on 11 March 2004:

In relation to Road Rescue Fee:

(1) What is the intended purpose of the annual Road Rescue fee of $16.00 and the Road Safety Contribution of $2.00 charged upon ACT vehicle registration renewals;

(2) How are these fees currently used;

(3) How much revenue was raised in 2002-2003 from each of these fees.

**Mr Wood**: The answer to the member's questions are as follows:

(1) The Road Rescue Fee was introduced by the Liberal Government in January 1997. The intended purpose of the Road Rescue Fee is to help fund the provision of all emergency services for a person who has been injured in a motor vehicle accident on a public road within the ACT.

The road rescue fee also provides ambulance cover for transportation to the nearest hospital for people who have been injured in a motor vehicle accident on a public road within the ACT.

The Road Safety Contribution was introduced by the Liberal Government in July 1998. The intended purpose of the Road Safety Contribution, which is paid to the NRMA ACT Road Safety Trust, is to enhance road safety within the ACT.

(2) Revenue from the Road Rescue Fee is used to offset the operational costs of road rescue services in the ACT. It not only helps fund pre-hospital paramedic level care provided by ambulance personnel and associated transport costs but also Fire Brigade services at accident scenes and the rescue of motorists trapped in crashed vehicles.

The Road Safety Contribution and matching contribution by NRMA Insurance represents the only funding source for the ACT Road Safety Trust. In the pursuit of the Trust's road safety objectives, the money is used to fund the annual grants programs that support worthwhile road safety initiatives.

(3) The revenue raised from the Road Rescue fee in 2002-2003 was $3,211,473.

The revenue raised from the Road Safety Contribution in 2002-2003 was $417,227.

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## Government contracts (Question Nos 1411-1413)

**Mr Berry** asked the Treasurer, upon notice, on 30 March 2004:

In relation to contracts for the financial years 2002-2003 and 2003-2004 to date, for each agency the Minister is responsible for, could the Minister provide the following information:

(1) number of contracts;

(2) number of consultants;

(3) number of contractors;

(4) number of labour hire firms;

(5) number of contracts containing labour hire component;

(6) number of contracts with no labour hire component;

(7) types of services provided;

(8) number of contracts needing extension after 2003;

(9) numbers of each type of contract used, in the following categories (a) standard (b) schedule of fees, (c) quote/lump sum, (d) invoice and (e) other;

(10) number of services outsourced in the following categories (i) whole, (ii) in part or (iii) unidentified;

(11) number of contracts directing appropriate award usage;

(12) number of contracts where there is subcontracting occurring;

(13) number of contracts with (a) permission or (b) non-permission clause for subcontracting;

(14) number of contracts requiring award usage for subcontractors.

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

10 May 2004

Mr Wayne Berry MLA
Speaker
ACT Legislative Assembly
London Circuit
CANBERRA ACT 2601

Dear Wayne

Thank you for your letter of 9 March regarding a question you asked Ministers concerning each agency's contracting arrangements. This letter should be considered as a response to Questions 1411-1413.

I can't accept your assertion that members of the executive are taking caucus for granted. Given recent events, I believe executive members have done nothing other than treat caucus with respect and abide by the long standing rules and conventions of caucus.

With respect to your question, I am advised that very significant resources would be required to fully answer your question, as the number of contracts in my area of responsibility are numerous. My advice is that I have over 400 'primary' contracts in my area of responsibility, not including the Territory Owned Corporations, with countless smaller contracts. Clearly the effort required to fulfil your request would be more than substantial.

With that in mind, I am unable to divert the necessary resources to answer your question at this time.

Kind regards,

Ted Quinlan MLA
Treasurer.

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## Government contracts (Question No 1414)

**Mr Berry** asked the Minister for Disability, Housing and Community Services, upon notice, on 30 March 2004:

In relation to contracts for the financial years 2002-2003 and 2003-2004 to date, for each agency the Minister is responsible for, could the Minister provide the following information:

(1) number of contracts;

(2) number of consultants;

(3) number of contractors;

(4) number of labour hire firms;

(5) number of contracts containing labour hire component;

(6) number of contracts with no labour hire component;

(7) types of services provided;

(8) number of contracts needing extension after 2003;

(9) numbers of each type of contract used, in the following categories (a) standard (b) schedule of fees, (c) quote/lump sum, (d) invoice and (e) other;

(10) number of services outsourced in the following categories (i) whole, (ii) in part or (iii) unidentified;

(11) number of contracts directing appropriate aware usage;

(12) number of contracts where there is subcontracting occurring;

(13) number of contracts with (a) permission or (b) non-permission clause for subcontracting;

(14) number of contracts requiring award usage for subcontractors.

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

I have been advised by my Department that the information sought is not in an easily retrievable form, and that to collect and assemble the information sought solely for the purpose of answering the question would require a considerable diversion of resources. In this instance, I do not believe that it would be appropriate to divert resources from other priority activities for the purposes of answering the Member's question. However, I would be pleased to provide the Member with a verbal briefing on request covering information relevant to this subject.

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## Government contracts (Question No 1415)

**Mr Berry** asked the Minister for Urban Services, upon notice, on 30 March 2004:

In relation to contracts for the financial years 2002-2003 and 2003-2004

(1) number of contracts;

(2) number of consultants;

(3) number of contractors;

(4) number of labour hire firms;

(5) number of contracts containing labour hire component;

(6) number of contracts with no labour hire component;

(7) types of services provided;

(8) number of contracts needing extension after 2003;

(9) numbers of each type of contract used, in the following categories (a) standard (b) schedule of fees, (c) quote/lump sum, (d) invoice and (e) other;

(10) number of services outsourced in the following categories (i) whole, (ii) in part or (iii) unidentified;

(11) number of contracts directing appropriate aware usage;

(12) number of contracts where there is subcontracting occurring;

(13) number of contracts with (a) permission or (b) non-permission clause for subcontracting;

(14) number of contracts requiring award usage for subcontractors.

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

(1-14) After careful consideration of the question, and advice provided by my Department, I have determined that the information sought is not in an easily retrievable form, and that to collect and assemble the information sought solely for the purpose of answering the question would be a major task, requiring a considerable diversion of resources. In this instance, I do not believe that it would be appropriate to divert resources from the provision of direct services to clients, for the purposes of answering the Member's question. However, I would be pleased to provide you with a verbal briefing covering information relevant to this subject, should you request it.

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## Government contracts (Question No 1416)

**Mr Berry** asked the Minister for Police and Emergency Services, upon notice, on 30 March 2004:

In relation to contracts for the financial years 2002-2003 and 2003-2004 to date, for each agency the Minister is responsible for, could the Minister provide the following information:

(1) number of contracts;

(2) number of consultants;

(3) number of contractors;

(4) number of labour hire firms;

(5) number of contracts containing labour hire component;

(6) number of contracts with no labour hire component;

(7) types of services provided;

(8) number of contracts needing extension after 2003;

(9) numbers of each type of contract used, in the following categories (a) standard (b) schedule of fees, (c) quote/lump sum, (d) invoice and (e) other;

(10) number of services outsourced in the following categories (i) whole, (ii) in part or (iii) unidentified;

(11) number of contracts directing appropriate award usage;

(12) number of contracts where there is subcontracting occurring;

(13) number of contracts with (a) permission or (b) non-permission clause for subcontracting;

(14) number of contracts requiring award usage for subcontractors.

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

I have been advised by my Department that the information sought is not in an easily retrievable form, and that to collect and assemble the information sought solely for the purpose of answering the question would require a considerable diversion of resources. In this instance, I do not believe that it would be appropriate to divert resources from other priority activities for the purposes of answering the Member's question. However, I would be pleased to provide the Member with a verbal briefing on request covering information relevant to this subject.

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## Government contracts (Question No 1417)

**Mr Berry** asked the Minister for Arts and Heritage, upon notice, on 30 March 2004:

In relation to contracts for the financial years 2002-2003 and 2003-2004

(1) number of contracts;

(2) number of consultants;

(3) number of contractors;

(4) number of labour hire firms;

(5) number of contracts containing labour hire component;

(6) number of contracts with no labour hire component;

(7) types of services provided;

(8) number of contracts needing extension after 2003;

(9) numbers of each type of contract used, in the following categories (a) standard (b) schedule of fees, (c) quote/lump sum, (d) invoice and (e) other;

(10) number of services outsourced in the following categories (i) whole, (ii) in part or (iii) unidentified;

(11) number of contracts directing appropriate aware usage;

(12) number of contracts where there is subcontracting occurring;

(13) number of contracts with (a) permission or (b) non-permission clause for subcontracting;

(14) number of contracts requiring award usage for subcontractors.

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

(1-14) After careful consideration of the question, and advice provided by my Department, I have determined that the information sought is not in an easily retrievable form, and that to collect and assemble the information sought solely for the purpose of answering the question would be a major task, requiring a considerable diversion of resources. In this instance, I do not believe that it would be appropriate to divert resources from the provision of direct services to clients, for the purposes of answering the Member's question. However, I would be pleased to provide you with a verbal briefing covering information relevant to this subject, should you request it.

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## Government contracts (Question No 1419)

**Mr Berry** asked the Minister for Planning, upon notice, on 30 March 2004:

Could the Minister provide the following information in relation to contracts for the financial years 2002-2003 and 2003-2004 to date:

(1) number of contracts;

(2) number of consultants;

(3) number of contractors;

(4) number of labour hire firms;

(5) number of contracts containing labour hire component;

(6) number of contracts with no labour hire component;

(7) types of services provided;

(8) number of contracts needing extension after 2003;

(9) numbers of each type of contract used, in the following categories (a) standard (b) schedule of fees, (c) quote/lump sum, (d) invoice and (e) other;

(10) number of services outsourced in the following categories (i) whole, (ii) in part or (iii) unidentified;

(11) number of contracts directing appropriate award usage;

(12) number of contracts where there is subcontracting occurring;

(13) number of contracts with (a) permission or (b) non-permission clause for subcontracting;

(14) number of contracts requiring award usage for subcontractors.

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

| | **2002-2003** | **2003-2004** |
|---|---|---|
| (1) | 72 | 86 |
| (2) | 35 | 36 |
| (3) | 37 | 50 |
| (4) | 5 | 5 |
| (5) | 14 | 7 |
| (6) | 58 | 79 |

(7) Strategic Communications, Finance and Media Studies (Transition to ACTPLA)
Planning, Engineering & Surveying Studies
Traffic & Transport Studies
Spatial Plan Studies
System Analysts/Programmers
Felling & Mulching Pine Trees

| (8) | **2002-2003** | **2003-2004** |
|---|---|---|
| | 6 | n/a |

(9) Standard Contract used for all contracts.

| (10) | 1 (in part) – Printing & Photocopying<br>0 (in whole)<br>0 (unidentified) | 1 (in part) - Printing, Photocopy etc<br>0 (in whole)<br>0 (unidentified) |
|---|---|---|

| (11) | **2002-2003** | **2003-2004** |
|---|---|---|
| | 0 | 0 |

| (12) | **2002-2003** | **2003-2004** |
|---|---|---|
| | 0 | 0 |

(13) All ACTPLA contracts contain the clause "The Contractor/Consultant will not assign or Subcontract the whole or part of this agreement without the prior written consent of the territory".

| (14) | **2002-2003** | **2003-2004** |
|---|---|---|
| | 0 | 0 |

**ACTION Authority**

| | | |
|---|---|---|
| 1) | 2002–03: 29; | 2003–to date: 33 |
| 2) | 2002–03: 22; | 2003–to date: 12 |
| 3) | 2002–03: 7; | 2003–to date: 21 |
| 4) | 2002–03: 0; | 2003–to date: 0 |
| 5) | 2002–03: 0; | 2003–to date: 6 |
| 6) | 2002–03: 29; | 2003–to date: 27 |

7)

| | 2002–03 | 2003–to date |
|---|---|---|
| Plant and property maintenance | 6 | 12 |
| Capital expenditure evaluation | 9 | 4 |
| External benchmarking | 2 | 2 |
| Legal | 1 | 0 |
| Computer services | 1 | 1 |
| Public hearings and submissions | 2 | 1 |

| | | |
|---|---|---|
| Internal evaluation and workplace issues | 8 | 13 |
| Total No of Contracts | 29 | 33 |

8) 2002–03: 13; 2003–to date: 11

9)

| | 2002–03 | 2003–to date |
|---|---|---|
| Standard | 12 | 7 |
| Schedule of fees | 5 | 10 |
| Quote/Lump Sum | - | 5 |
| Invoice | 12 | 11 |
| Other | - | - |
| Total No of Contracts | 29 | 33 |

10)

| | 2002–03 | 2003–to date |
|---|---|---|
| Whole | 2 | 7 |
| Part | 7 | 9 |
| Identified | 0 | 0 |

11) 2002–03: 0; 2003–to date: 0

12) 2002–03: 0; 2003–to date: 6

13) 2002–03: 0; 2003–to date: 6

14) 2002–03: 0; 2003–to date: 3

**Land Group – (2002-2003)**

1. 63
2. 35
3. 28
4. 3
5. 3
6. 60
7. Valuation Services
   Planning, Environmental, Geological, Feasibility and Financial Studies
   Site Investigations
   Landscape and Tree Survey/Assessments
   Architectural
   Lease & Development Conditions
   Engineering Services
   Indigenous Heritage Studies
   Rural Management

8. Nil
9. Standard Contracts used for each Contract
10. Nil
11. Nil
12. Nil
13. All Land Group Contracts contain a clause stating the Consultant/Contractor will not sub-contract without prior agreement with the Agency
14. Nil

**Kingston Foreshore – (2002-2003)**

1. 39
2. 0
3. 39
4. 0
5. 0
6. 39
7. Development & Planning Studies
   Preparation of Master & Control Plans
   Design & documentation
   Legal Advice
   Project Management Services
   Landscape Design
   Retail Study
   Financial Modelling
   Surveying Services
   Market Research
   Relocation of Gas & Electricity Services
   Remediation
   Infrastructure Design
   Geotechnical & Environmental Investigations
   Demolition
8. Nil
9. Standard Contracts used for each Contract
10. Nil
11. Nil
12. Nil
13. All Kingston Foreshore Contracts contain a clause stating the Consultant/Contractor will not sub-contract without prior agreement with the Agency
14. Nil

**Gungahlin Development Authority – (2002-2003)**

1. 35
2. 27
3. 8
4. 4
5. 4
6. 31
7. Audit Services
   Accounting Services
   Tree Assessments
   Engineering Services
   Survey Services

Valuations
Design & Planning Studies
Marketing
Project Management

8. Nil
9. Standard Contracts used for each Contract
10. Nil
11. Nil
12. Nil
13. All have a clause relating to seeking permission to sub-contract
14. Nil

**Land Development Agency – (2003-2004 to March 2004)**

1. 134
2. 43
3. 91
4. 10
5. 10
6. 124
7. Valuation Services
   Planning, Environmental, Geological, Feasibility and Financial Studies
   Site Investigations
   Survey Services
   Landscape and Tree Survey/Assessments
   Architectural Services
   Lease & Development Conditions
   Engineering Services
   Project Management Services
   Legal Advice
   Demolition & Remediation Services
   Infrastructure Design & Construction
8. Nil
9. Standard Contracts used for each Contract
10. Nil
11. Nil
12. 5
13. All Land Development Agency Contracts contain a clause stating the Consultant/Contractor will not sub-contract without prior agreement with the Agency
14. Nil

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## Government contracts (Question No 1420)

**Mr Berry** asked the Minister for Education, Youth and Family Services, upon notice, on 30 March 2004:

In relation to contracts for the financial years 2002-2003 and 2003-2004 to date, for each agency the Minister is responsible for, could the Minister provide the following information:

(1) number of contracts;

(2) number of consultants;

(3) number of contractors;

(4) number of labour hire firms;

(5) number of contracts containing labour hire component;

(6) number of contracts with no labour hire component;

(7) types of services provided;

(8) number of contracts needing extension after 2003;

(9) numbers of each type of contract used, in the following categories (a) standard (b) schedule of fees, (c) quote/lump sum, (d) invoice and (e) other;

(10) number of services outsourced in the following categories (i) whole, (ii) in part or (iii) unidentified;

(11) number of contracts directing appropriate award usage;

(12) number of contracts where there is subcontracting occurring;

(13) number of contracts with (a) permission or (b) non-permission clause for subcontracting;

(14) number of contracts requiring award usage for subcontractors.

**Ms Gallagher**: The answer to Mr Berry's question is:

I have been advised by my department that the information sought is not in an easily retrievable form, and that to collect and assemble the information sought solely for the purpose of answering the question would require a considerable diversion of resources. In this instance, I do not believe that it would be appropriate to divert resources from other priority activities for the purposes of answering the Member's question. However, I would be pleased to provide the Member with a verbal briefing on request covering information relevant to this subject.

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## Government contracts (Question No 1421)

**Mr Berry** asked the Minister for Women, upon notice, on 30 March 2004:

In relation to contracts for the financial years 2002-2003 and 2003-2004 to date, for each agency the Minister is responsible for, could the Minister provide the following information:

(1) number of contracts;

(2) number of consultants;

(3) number of contractors;

(4) number of labour hire firms;

(5) number of contracts containing labour hire component;

(6) number of contracts with no labour hire component;

(7) types of services provided;

(8) number of contracts needing extension after 2003;

(9) numbers of each type of contract used, in the following categories (a) standard (b) schedule of fees, (c) quote/lump sum, (d) invoice and (e) other;

(10) number of services outsourced in the following categories (i) whole, (ii) in part or (iii) unidentified;

(11) number of contracts directing appropriate award usage;

(12) number of contracts where there is subcontracting occurring;

(13) number of contracts with (a) permission or (b) non-permission clause for subcontracting;

(14) number of contracts requiring award usage for subcontractors.

**Ms Gallagher**: The answer to Mr Berry's question is:

I have been advised by my department that the information sought is not in an easily retrievable form, and that to collect and assemble the information sought solely for the purpose of answering the question would require a considerable diversion of resources. In this instance, I do not believe that it would be appropriate to divert resources from other priority activities for the purposes of answering the Member's question. However, I would be pleased to provide the Member with a verbal briefing on request covering information relevant to this subject.

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## Government contracts (Question No 1422)

**Mr Berry** asked the Minister for Industrial Relations, upon notice, on 30 March 2004:

In relation to contracts for the financial years 2002-2003 and 2003-2004 to date, for each agency the Minister is responsible for, could the Minister provide the following information:

(1) number of contracts;

(2) number of consultants;

(3) number of contractors;

(4) number of labour hire firms;

(5) number of contracts containing labour hire component;

(6) number of contracts with no labour hire component;

(7) types of services provided;

(8) number of contracts needing extension after 2003;

(9) numbers of each type of contract used, in the following categories (a) standard (b) schedule of fees, (c) quote/lump sum, (d) invoice and (e) other;

(10) number of services outsourced in the following categories (i) whole, (ii) in part or (iii) unidentified;

(11) number of contracts directing appropriate award usage;

(12) number of contracts where there is subcontracting occurring;

(13) number of contracts with (a) permission or (b) non-permission clause for subcontracting;

(14) number of contracts requiring award usage for subcontractors.

**Ms Gallagher**: The answer to Mr Berry's question is:

I have been advised by my department that the information sought is not in an easily retrievable form, and that to collect and assemble the information sought solely for the purpose of answering the question would require a considerable diversion of resources. In this instance, I do not believe that it would be appropriate to divert resources from other priority activities for the purposes of answering the Member's question. However, I would be pleased to provide the Member with a verbal briefing on request covering information relevant to this subject.

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## Shopfront queue times (Question No 1423)

**Mr Cornwell** asked the Minister for Urban Services, upon notice, on 30 March 2004:

In relation to shopfront queue times.

(1) Appropriation Bill 2003-2004 (No 3), Department of Urban Services Output 1.1, Customer Services and Information and the new measure "average queue wait time" for Shopfront service, does the target of 12 minutes or less reflect the Government's own desired target for waiting times, or is it representative of the average actual waiting time to date for the current financial year;

(2) If it is the Government's own target waiting time, why is a target waiting time of up to 12 minutes acceptable, when previously a waiting time of up to only 7 minutes was used as a benchmark against which waiting times were measured as acceptable;

(3) If 12 minutes is representative of the average waiting time to date for the current financial year, why has this increase occurred?

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

(1) The new shopfront average queue time target of 12 minutes was established to provide a *consistent* measure across Canberra Connect shopfronts and the Motor Vehicle Registry

shopfront. Prior to the change these measures were respectively 7 minutes 70% of the time and 15 minutes 95% of the time. The new measure is representative of the actual wait time being achieved given the requirements for shopfronts to effectively enforce motor vehicle compliance and identity fraud.

(2) The 12 minute target is an *average* queue wait time calculated across all shopfronts on a daily basis. The average wait time to date across all shopfronts for the current financial year is 12:06 minutes.

(3) The original targets set in the shopfronts before 2001 were arbitrarily set without the benefit of accurate queue time reporting. An automatic queuing system was implemented in Canberra Connect shopfronts in 2002 and the Motor Vehicle Registry in 2003 to address Auditor Generals requirements for accurate performance measurement. The new measure reflects a consistent measure that meets the requirements of motor vehicle compliance and customer service.

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## Seniors—transport reciprocity scheme (Question No 1424)

**Mr Cornwell** asked the Chief Minister, upon notice, on 30 March 2004:

In relation to a national transport reciprocity scheme for seniors as at 30 March August 2004:

(1) Regarding the offer from the Commonwealth Government of funding of $49,000 in 2003-04, $50,000 in 2004-05 and $53,000 in 2005-06 for reciprocal State and Territory seniors transport concessions, has the ACT Government signed the agreement accepting the Commonwealth's offer;

(2) If not, why not and when will it do so.

**Mr Stanhope**: The answer to the member's questions is as follows:

(1) No.

(2) By way of background, State and Territory Governments, in consultation with the Commonwealth Government, have for some time been attempting to introduce a national reciprocal transport concessions regime for Seniors Cardholders.

In early 2001, Community Services Ministers indicated support for an option where daily transport tickets in capital cities would be made available to Seniors Card holders at the existing concession rate.

In October 2001, in the lead up to the last Federal elections, the Prime Minister, without reference to States and Territories, made a commitment to fund a national scheme. The details of the offer however was not made clear until the following May when the then Minister for Family and Community Services Minister, Senator Vanstone, wrote to State and Territory Ministers stating that the offer was for another option, which had already been rejected by Community Services Ministers as being unfeasible.

State and Territory Ministers subsequently wrote to Senator Vanstone formally rejecting the Commonwealth's offer, but indicating preparedness to continue negotiations. Senator Vanstone however did not respond to these letters.

During the ensuing period, State and Territory officials continued to pursue the matter through various forums but with little or no response from the Commonwealth.

On 6 February 2004, the Minister for Family and Community Services, Senator Kay Paterson, without reference to States and Territories, issued a press release advising that the Commonwealth Government was now prepared to re-enter negotiations regarding a new proposal. Senator Patterson subsequently sent formal letters to State and Territory Ministers, including to me.

On 12 March 2004, I replied to Senator Patterson's letter indicating that while the ACT Government was keen to see the establishment of a truly national and feasible transport reciprocity scheme, sufficient time was needed to consider the offer in detail, and to obtain appropriate agreements from the other jurisdictions, before deciding on the Commonwealth's latest offer. I am advised that other jurisdictions have provided similar advice to Senator Patterson.

I also noted in my letter that my Department would engage in discussions with officials in her Department, and seek advice from other jurisdictions through the national Positive Ageing Taskforce to determine the national perspective. The matter is on the agenda for discussion at the next Taskforce meeting to be held on 28 April 2004 in Melbourne.

Following advice from the Taskforce meeting, my Department will facilitate a whole-of-government response to the Commonwealth's offer, for the ACT Government's consideration.

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## Charities—control (Question No 1425)

**Mr Cornwell** asked the Minister for Urban Services, upon notice, on 30 March 2004:

(1) What controls exist for the collection of donations in the ACT by overseas charities, and to whom are these charities accountable;

(2) If there are no controls in the ACT applicable to overseas charities, why not.

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

(1) The controls in the *Charitable Collections Act 2003* (the Act) for overseas charities to collect donations in the ACT are the same for all charities, provided they are not exempt. Section 6(1)(d) of the *Charitable Collections Regulations 2003* (The Regulations) exempts any non-government organisation which is accredited with the Australian Agency for International Development (AusAID) from the Act. This exemption applies whether or not the money or benefit is, or intended to be used solely for aid in a foreign country.

Overseas charities, which are licensed in the ACT under the Act, are accountable to the Chief Executive, Department of Urban Services under the Act and its Regulations.

(2) The controls for non-exempt overseas, local or interstate charities or organisations, which are licensed to collect under the Act and the Regulations are the same. This guarantees that all entities are treated on a fair and equitable basis.

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## ActewAGL
## (Question No 1426)

**Mr Cornwell** asked the Treasurer, upon notice, on 30 March 2004:

(1) In relation to the recent Transact merger with ActewAGL and further to an interview on ABC Radio Canberra on Thursday, 18 March between presenter Chris Uhlmann and Chief Executive of ActewAGL, John Mackay, which services has Transact been forced to trim in its latest roll-out and why;

(2) Will Transact be able to offer to new subscribers the full range of services including the broadband component of internet, telephone, TV and video services enjoyed by current Transact subscribers; if not, why not.

(3) In regards to the fibre optic technology used in previous roll-outs, (a) why is it now not to be used by Transact and (b) will its use discontinue; if so, when;

(4) Is the fibre optic technology now deemed obsolete by industry standards and has it been superseded by other technologies; if so, will this affect existing Transact subscribers, for example, will they lose some of the services available to them currently; if so, how and when will this happen;

(5) Will existing Transact subscribers be able to access all four services listed part (2) in both the short and long term; if not, why not;

(6) Will new Transact subscribers be charged at a lesser rate for the provision of Transact services if they are not to receive the full range of services enjoyed by current Transact subscribers; if so, what will the cost difference be;

(7) If new subscribers will not be charged at a lesser rate if the full range of services are not offered, why not;

(8) Will the full range of services be offered by Transact to new subscribers in the future even if it is unable to do so currently;

(9) In what A.C.T. suburbs has Transact fibre optic cabling been installed to date;

(10) What (a) A.C.T. suburbs will be guaranteed to receive fibre optic cabling in the future before Transact ceases to install this technology and (b) A.C.T. suburbs will miss out on fibre optic cabling altogether;

(11) Does the current roll-out in Tuggeranong, to be completed at the end of April, include the fibre optic technology offering the four services listed in part (2);

(12) If the decision to cease TransACT's fibre optic cable rollout to A.C.T. suburbs has been made for financial reasons, what assurances can be given to ensure that Transact remains a viable entity in the future;

(13) Are there any plans for Transact to cease operations completely, or for those operations to be completely assimilated into ActewAGL's services; if so, why and how.

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

When reading the answers below, it should be noted that ACTEW has a 24.9% ownership interest in TransACT and also owns 50% of the ActewAGL Joint Venture which, from 1 February 2004, entered into a strategic alliance with TransACT to integrate selected services between the two entities.

(1) TransACT's original business model for the rollout of its optic fibre cabling (utilising Very high speed Digital Subscriber Line [VDSL] technology) only covered the older suburbs of Canberra with above-ground power poles. The majority of these suburbs currently have access to the full range of TransACT's services (telephony, high-speed data, television and video services) and the optic fibre cable has been rolled out past approximately 60,000 premises. TransACT's original business plan did not include funding to extend its services to Tuggeranong and Gungahlin, which have under-ground services.

- I am advised by TransACT that its original VDSL technology involved the installation of optic fibre cable to a purpose-built 'node' within 300 metres of customers' premises and then connecting these premises with copper wires from each node.

Due to technological developments, TransACT's services can now be made available to all Canberra suburbs, including those with underground cabling, via Asymmetrical Digital Subscriber Line (ADSL) technology. The ADSL technology (delivering telephony, high-speed data and [in the future] television and video services) has been rolled out past approximately 10,000 premises in Civic and Tuggeranong, with plans for a further 30,000 premises to have access over the next 6-12 months.

- The ADSL technology is far more cost effective than the previous VDSL technology and is delivered by installing optic fibre cable to existing telephone exchanges and utilising existing copper wires from that point onwards to connect premises up to 4-6 kilometres from the exchange.

Based on the above advice, no services appear to have been trimmed from those originally planned

(2) As described in the answer to (1) above, I understand that at present, TransACT is able to deliver telephony and high-speed data services across its ADSL technology. TransACT is currently testing the provision of television and video over its new technology.

(3) As described in the answer to (1) above, the entire TransACT network is supported by a backbone of fibre optic technology. TransACT has changed the mechanism for the final copper wire link to premises. TransACT does not plan to discontinue the use of fibre optic technology.

(4) I have been advised by ACTEW that the fibre optic network used by TransACT is not obsolete and remains world-leading in technology and application. The change in technology for the final link to premises is a result of developing technologies and/or existing infrastructure in areas with underground power, but has not rendered any existing infrastructure obsolete. No existing TransACT customers will see any reduction in services, if anything, they will be enhanced.

(5) Yes, existing TransACT customers will continue to receive all telephony, high-speed data and television/video services.

(6) Yes. Customers will only pay for those services that they access and, as such, the charges will be less as they do not include television and video on-demand and the infrastructure costs are lower.

(7) Not applicable, see answer (6) above.

(8) TransACT is currently undertaking research and testing the provision of television/video services over the ADSL technology. TransACT remains optimistic, but cannot guarantee an outcome at this time.

(9) TransACT has rolled out fibre optic cabling to the following suburbs:

Ainslie, Aranda, Barton, Braddon, Calwell, Campbell, Chapman, Chifley, Chisholm, Curtin, Deakin, Dickson, Downer, Duffy, Farrer, Fisher, Forrest, Garran, Gilmore, Giralang, Griffith, Hackett, Hawker, Higgins, Holder, Holt, Hughes, Isabella Plains, Kaleen, Kambah North, Kambah South, Kingston, Latham, Lyneham, Lyons, MacGregor, Mawson, Monash, Narrabundah, O'Connor, Oxley, Pearce, Red Hill, Reid, Richardson, Rivett, Scullin, Stirling, Theodore, Torrens, Turner, Wanniassa, Waramanga, Watson, Weston, Yarralumla.

Of these suburbs, the majority use VDSL technology, as described in the answer to (1) above.

The suburbs of Fadden, Macarthur, Gowrie, Monash, Chisholm, Gilmore, Richardson, Isabella Plains, Theodore and Calwell use ADSL technology.

(10) I am advised that TransACT has no plans to cease the use of fibre optic cable technologies. Furthermore, the use of ADSL technology, under which the fibre will no longer be taken as far into the network as previously, allows access to all Canberra suburbs. I understand that TransACT plans to roll out fibre optic cabling into all suburbs, however, a final schedule for the remaining areas has not yet been developed.

(11) No, the roll out in Tuggeranong employs the use of ADSL technology, which currently delivers telephony and high-speed data. Television/video services will be provided if the technology is capable of doing so, in the future.

(12) ACTEW has advised me that TransACT has not decided to cease rolling out optic fibre cable across the ACT. TransACT is a private company operating in a highly competitive market. For this reason, assurances can not be given, however, I am advised by ACTEW that there are many reasons to be optimistic about its future prosperity.

(13) No.

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## Roads—speed limits (Question No 1427)

**Mr Cornwell** asked the Minister for Urban Services, upon notice, on 30 March 2004:

In relation to the speed limit on Monaro Highway at its intersection with Lanyon Drive:

(1) Is the Monaro Highway at the intersection with Lanyon Drive still a reduced speed limit of 80km/h;

(2) If so, how much longer will this interim road safety measure be in place; if not, when did the speed limit return to 100km/h;

(3) Has the Government given any consideration to making that section of the road 80km/h permanently;

(4) If so, when will a decision be made regarding permanency of 80km/h; if not, would the Government give consideration to a permanent 80km/h zone in this area;

(5) Has the Government received any representations from outside Government to leave this stretch of the road at 80km/h; if so, from whom;

(6) When will a decision be made on the extension of the acceleration lane and how will that extension be funded.

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

(1) Yes, the speed limit is still 80 km/h.

(2) Improvements, such as the extension of the acceleration lane for northbound traffic, have been identified and will be considered in the future Capital Works programs. Until such time, the speed limit will be maintained at 80 km/h. The speed limit will be changed to 100 km/h after the completion of these improvements.

(3) No, the current arrangement is only temporary.

(4) No, the speed limit of 100 km/h is considered the appropriate limit for this area once improvements have been constructed to the northbound acceleration lane.

(5) There were no representations from outside the Government to leave the speed limit at 80 km/h.

(6) The extension of the acceleration lane will be funded from future Capital Works programs. No particular deadline has been identified for this project since it will have to compete with other priorities during the normal planning cycles for Capital Works Programs.

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## ActewAGL—GreenChoice customers (Question No 1428)

**Mrs Dunne** asked the Treasurer, upon notice, on 30 March 2004:

(1) In relation to ActewAGL recently celebrating reaching 5 000 GreenChoice customers, over what length of time has it taken ActewAGL to bring those customers on board?

(2) What percentage of electricity supplied to the A.C.T. is from a renewable source?

(3) How many customers were signed up to GreenChoice each year that GreenChoice has been in place?

(4) Does ActewAGL have a goal of a certain number of GreenChoice customers it wishes to bring on board? If so, what is the goal and when is that target date to achieve it? If not, why not;

(5) Is it known what the A.C.T. Conservation Council will do with the $5,000 donation given to the organization by ActewAGL? If so, how will that money be spent? If not, will the Government inquire to find out how that money will be spent?

(6) What are the estimates of reducing greenhouse gases and other harmful elements into the environment by signing up 5 000 customers to GreenChoice?

(7) What number of customers are needed to sign up to GreenChoice to make a significant difference to the environment?

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

(1) I am informed that ActewAGL's GreenChoice product was launched in February 1999 and ActewAGL celebrated its 5,000th customer on 24 February 2004. Therefore it has taken approximately 5 years to reach 5,000 GreenChoice customers.

(2) ACTEW advises me that because it is not the only provider of electricity services in the ACT it cannot comment on the exact percentage of renewable energy supplied to the ACT.

I am advised that for the period from July 2002 to December 2003, around 2% of total electricity sales to the ACT market was supplied by ActewAGL from renewable sources. These figures will formally be released in the National Green Power Accreditation Program Annual Audit Report due out in June 2004.

(3) I am advised that the Total GreenChoice numbers at the end of each reporting period were as follows:

| Period | New GreenChoice Members | Total GreenChoice Members |
|---|---|---|
| Feb 99 – Jun 99 | 1,016 | 1,016 |
| 1999 – 00 | 1,621 | 2,637 |
| 2000 – 01 | 1,069 | 3,706 |
| 2001 – 02 | 501 | 4,207 |
| 2002 – 03 | 472 | 4,679 |
| Jul 03 – Dec 03 | 268 | 4,947 |

(4) I am advised by ACTEW that ActewAGL's goal, in line with it's *2003-2004 Environment Action Program*, is to increase GreenChoice customers by 10% to 5,080 from the June 2003 target of 4,620 customers. This target needs to be reached by 30 June 2004.

(5) The donation by ActewAGL to the ACT Conservation Council was not required to be allocated to any specific purpose. The Government will not be inquiring about how the donation will be used, considering the basis on which ActewAGL made it.

(6) I am informed that with 5,000 customers, ActewAGL can purchase enough energy from renewable sources to save almost 29,000 tonnes of carbon dioxide each year. This is approximately the same as the amount of carbon dioxide produced by the average family car over 18 months.

(7) Every GreenChoice member makes a difference by reducing greenhouse gas emissions and supporting renewable energy generation. For example, ACTEW informs me that a person signing up to "GreenChoice 10" purchases 3,650 kilowatt hours of renewable energy over a 12 month period (representing approximately a third of normal household usage). This amount of renewable energy prevents an estimated 3.2 tonnes of carbon dioxide from entering the environment every year.

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## ActewAGL—wind farm (Question No 1429)

**Mrs Dunne** asked the Treasurer, upon notice, on 30 March 2004:

(1) What details are available regarding ActewAGL's investigations to establish a wind farm in the A.C.T. and where can information be obtained regarding these plans?

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

(1) I am advised that ActewAGL is not seeking to establish a wind farm within the ACT. I am advised, however, that ActewAGL, Collex Pty Ltd and renewable energy development company EHN (Oceania) Pty Ltd have formed a joint venture to investigate the feasibility of establishing a wind farm on the Woodlawn and Pylara properties, near Tarago on the Southern Tablelands of New South Wales.

The members of this joint venture will undertake environmental and grid-connection studies, planning assessments and a community consultation program. This research and planning phase is expected to take about a year to complete, and will utilise data recorded by a number of monitoring towers already installed on the site.

If implemented, the project will aim to create a renewable energy supply, by harnessing the wind resource, while minimising environmental impacts and working closely with key stakeholders and the local community.

I am further advised that ActewAGL has a number of commercial arrangements investigating other potential wind farm sites at Spring Hill and Collector in NSW. Information about these opportunities will be available when the full energy resource capabilities of the sites have been analysed and collated.

Further information will be available on ActewAGL's website in the near future.

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## Motor vehicles—government fleet (Question No 1430)

**Mrs Dunne** asked the Treasurer, upon notice, on 30 March 2004:

(1) How many (a) hybrid vehicles and (b) gas converted cars form part of the A.C.T. Government fleet;

(2) Are there plans to increase the number of environmentally friendly vehicles in the Government fleet;

(3) Has any target been set for the number of environmentally friendly vehicles the Government wishes to have in the Government car fleet; if so, what is that target and timeframe; if not, why not.

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

(1) I am advised by the Office of Sustainability that the ACT Government vehicle fleet currently comprises 11 hybrid vehicles and 9 dedicated LPG vehicles.

(2) The Government has committed to increase the number of hybrid vehicles in the fleet to 25 to trial their suitability as ACT Government fleet vehicles.

(3) No. Any target to increase the number of hybrid vehicles beyond 25 will be contingent on whether they prove to be suitable as ACT Government fleet vehicles. Based on the number of hybrid vehicles already leased, the ACT has a larger proportion of its fleet (1%) dedicated to hybrid vehicles than any other State, Territory or the Commonwealth Government.

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## Dual occupancies
## (Question No 1431)

**Mrs Dunne** asked the Minister for Planning, upon notice, on 30 March 2004:

(1) In (a) 2002-03 and (b) 2003-04 how many dual occupancies were (i) approved and (ii) rejected for development and in which suburbs;

(2) How many dual occupancies are currently pending development approval and in which suburbs are the applications for.

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

(1)

| Year | Total Dual Occ. DAs Approved (A) | Total New Dual Occ. DAs Approved (B) | Total Dual Occ. DAs Refused (A) | Total New Dual Occ. DAs Refused (B) |
|---|---|---|---|---|
| 2002 - 2003 | 178 | 125 | 3 | 2 |
| 2003 - 2004 | 78 | 40 | Nil | Nil |

**Note (A):** All Dual Occupancy Applications. These figures include those applications for extensions, minor structures, pools etc (see detailed Table A attached).

**Note (B):** All Dual Occupancy Applications relating to the construction of new dual occupancy (see detailed Table B attached).

See detailed Table A & B attached for numbers per suburb.

(2)

| Total Active Dual Occupancy Applications (C) | Active Dual Occupancy Applications for new Dwellings (D) |
|---|---|
| 11 | 7 |

**Note (C):** All Dual Occupancy Applications. These figures include those applications for extensions, minor structures, pools etc. (see detailed Table C attached).

**Note (D):** All Dual Occupancy Applications relating to the construction of new dual occupancy (See detailed Table D attached).

See detailed Table C & D attached for numbers per suburb.

Attachment A

**Table A: All Dual Occupancy Applications. These figures include those applications for extensions, minor structures, pools etc.**

| | 2002 – 2003 FY | 2002 – 2003 FY | 2003 –2004 FY | 2003 –2004 FY |
|---|---|---|---|---|
| **Suburb** | **Approved** | **Refused** | **Approved (to 31/3)** | **Refused** |
| Ainslie | 13 | 1 | 1 | |
| Aranda | 2 | | | |
| Banks | 1 | | 1 | |
| Bonython | 1 | | 2 | |
| Braddon | 4 | | | |
| Calwell | 2 | | 1 | |
| Campbell | 4 | | | |
| Chapman | | | 5 | |
| Charnwood | 1 | | | |
| Chifley | 5 | | 1 | |
| Chisholm | 2 | | 1 | |
| Condor | 3 | | 1 | |
| Cook | 3 | | | |
| Curtin | 2 | | 2 | |
| Deakin | 1 | | 2 | |
| Dickson | 1 | | 1 | |
| Downer | 3 | | 1 | |
| Duffy | 3 | | 3 | |
| Evatt | 1 | | 3 | |
| Farrer | 2 | | 2 | |
| Florey | 1 | | | |
| Flynn | 1 | | 1 | |
| Forrest | 1 | | 1 | |
| Fraser | | | 2 | |
| Garran | 5 | | 4 | |
| Giralang | 1 | | 1 | |

| | | | | |
|---|---|---|---|---|
| Gordon | 1 | | 1 | |
| Griffith | 7 | | | |
| Gungahlin | 21 | | 5 | |
| Hackett | 2 | | 3 | |
| Hawker | 1 | | 1 | |
| Higgins | | | 1 | |
| Holt | 1 | | 2 | |
| Hughes | 4 | | | |
| Isaacs | 1 | | | |
| Isabella Plains | 2 | | 1 | |
| Kaleen | 3 | | 2 | |
| Kambah | 3 | | 2 | |
| Latham | 1 | | | |
| Lyons | 8 | | 4 | |
| Macarthur | | | 1 | |
| Macquarie | | | 1 | |
| Mawson | 4 | | 2 | |
| McKellar | 1 | | | |
| Melba | 1 | | 1 | |
| Monash | 2 | | | |
| Narrabundah | 9 | | | |
| Oakes Estate | 1 | | | |
| O'Connor | 5 | | 1 | |
| Page | 1 | | | |
| Pearce | 3 | | 2 | |
| Red Hill | 7 | 1 | | |
| Richardson | 2 | | | |
| Rivett | 4 | | | |
| Scullin | | | 2 | |
| Spence | 1 | | | |
| Torrens | 4 | | 2 | |
| Turner | 4 | | 1 | |
| Wanniassa | 4 | | 1 | |
| Waramanga | | | 1 | |
| Watson | 4 | | 4 | |
| Weetangera | 1 | | | |
| Yarralumla | 2 | 1 | 1 | |
| **TOTAL** | **178** | **3** | **78** | **Nil** |

**Table B: All Dual Occupancy Applications relating to the construction of new dual occupancy.**

| | **2002 – 2003 FY** | **2002 – 2003 FY** | **2003 –2004 FY** | **2003 –2004 FY** |
|---|---|---|---|---|
| **Suburb** | **Approved** | **Refused** | **Approved (to 31/3)** | **Refused** |
| Ainslie | 9 | | | |
| Aranda | 2 | | | |
| Banks | | | | |
| Bonython | | | | |
| Braddon | 4 | | | |
| Calwell | | | | |

| | | | | |
|---|---|---|---|---|
| Campbell | 3 | | | |
| Chapman | | | 4 | |
| Charnwood | | | | |
| Chifley | 3 | | 1 | |
| Chisholm | 1 | | | |
| Condor | | | | |
| Cook | 2 | | | |
| Curtin | 2 | | 2 | |
| Deakin | | | 2 | |
| Dickson | 1 | | 1 | |
| Downer | 3 | | 1 | |
| Duffy | 2 | | 3 | |
| Evatt | 1 | | 2 | |
| Farrer | 2 | | | |
| Florey | 1 | | | |
| Flynn | | | 1 | |
| Forrest | 1 | | | |
| Fraser | | | 2 | |
| Garran | 5 | | 2 | |
| Giralang | 1 | | | |
| Gordon | | | | |
| Griffith | 1 | | | |
| Gungahlin | 21 | | 4 | |
| Hackett | | | 1 | |
| Hawker | 1 | | | |
| Higgins | | | | |
| Holt | 1 | | | |
| Hughes | 4 | | | |
| Isaacs | 1 | | | |
| Isabella Plains | 2 | | 1 | |
| Kaleen | 2 | | | |
| Kambah | 3 | | 2 | |
| Latham | 1 | | | |
| Lyons | 5 | | 1 | |
| Macarthur | | | 1 | |
| Macquarie | | | | |
| Mawson | 4 | | 1 | |
| McKellar | 1 | | | |
| Melba | 1 | | 1 | |
| Monash | 1 | | | |
| Narrabundah | 3 | | | |
| Oakes Estate | | | | |
| O'Connor | 2 | | | |
| Page | 1 | | | |
| Pearce | 3 | | 2 | |
| Red Hill | 5 | 1 | | |
| Richardson | 1 | | | |
| Rivett | 4 | | | |
| Scullin | | | 1 | |
| Spence | | | | |

| | | | | |
|---|---|---|---|---|
| Torrens | 2 | | 2 | |
| Turner | 3 | | | |
| Wanniassa | 5 | | | |
| Waramanga | | | 1 | |
| Watson | 2 | | 1 | |
| Weetangera | 1 | | | |
| Yarralumla | 1 | 1 | | |
| **TOTAL** | **125** | **2** | **40** | **Nil** |

**Table C: All Dual Occupancy Applications. These figures include those applications for extensions, minor structures, pools etc.**

| Suburb | No. Dual Occupancies Active |
|---|---|
| | |
| Ainslie | 1 |
| Conder | 1 |
| Duffy | 1 |
| Fraser | 1 |
| Garran | 2 |
| Gungahlin | 2 |
| Kambah | 1 |
| Kaleen | 1 |
| Yarralumla | 1 |
| **TOTAL** | **11** |

**Table D: All Dual Occupancy Applications relating to the construction of new dual occupancy.**

| Suburb | No. Dual Occupancies Active for new dwellings |
|---|---|
| Duffy | 1 |
| Fraser | 1 |
| Garran | 1 |
| Gungahlin | 2 |
| Kambah | 1 |
| Kaleen | 1 |
| **TOTAL** | **7** |

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## Education—reading materials (Question No 1432)

**Mr Pratt** asked the Minister for Education, Youth and Family Services, upon notice, on 31 March 2004:

(1) Are there guidelines in place for A.C.T. teachers when they issue reading materials for English students in high school;

(2) If so, (a) what are these guidelines, (b) how often are these guidelines reviewed and (c) who reviews these guidelines;

(3) If not, why are there no guidelines in place;

(4) Is there a complaints mechanism in place for parents to express their concerns to the teacher, school or Department on reading materials for English students in high schools;

(5) If so, what is the complaints mechanism; if not, why is there no complaints mechanism in place.

(6) How many complaints have been received on reading materials for English students in high schools since January 2003 to date.

**Ms Gallagher**: The answer to Mr Pratt's question is:

(1) There are system guidelines in place for ACT teachers when they issue reading materials for English students in high school.

(2) (a) At the system level, the guidelines for the selection of reading materials are embodied in the English curriculum framework, available on the department's website. Curriculum decisions are made at the school level, based on these guidelines, with school boards approving courses of study and the resources to support them.

(b) and (c) The English curriculum framework will be reviewed as part of the department's curriculum renewal project.

(3) The guidelines are in place.

(4) There is a complaints mechanism in place for parents to express their concerns to the teacher, school or Department on reading materials for English students in high schools.

(5) The department's complaints resolution policy is outlined in a brochure, ACT Department of Education, Youth and Family Services, *A Guide to Complaints Resolution Policy and Procedures*, available in schools, from the department and on the department's website.

(6) Since January 2003 there has been only one complaint received by the department on reading materials for English students in high schools.

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## Drugs—Ritalin sales (Question No 1433)

**Mr Pratt** asked the Minister for Education, Youth and Family Services, upon notice, on 31 March 2004:

(1) Have there been any reports of students in the ACT selling Ritalin tablets to other students as discovered in NSW;

(2) What are the consequences for any student found partaking in the sale of drugs at school;

(3) Has any sort of memo been sent out to ACT schools to (a) remind teachers and students what the penalties are for selling drugs at school and (b) ask teachers to keep a watchful eye on any sort of evidence that Ritalin or other drugs are being sold in the school yard;

(4) If so, when was this memo issued; if not, why not, and will you consider issuing such a memo;

(5) Is the ACT Government giving any consideration to locking up Ritalin for those students who need it and administering when needed, as is being considered in NSW.

**Ms Gallagher**: The answer to Mr Pratt's question is:

(1) The department has not received reports from ACT government schools, advising of students selling Ritalin tablets to other students.

(2) ACT government schools are supported in developing individual school policies such as critical incidents policies and drug education policies. Actions taken with students selling drugs at school are in accordance with Department of Education, Youth and Family Services (DEYFS) policies and procedures as outlined in the school management manual and the safe schools policy framework. These actions may include:

- informing and consulting parents/carers
- requiring the student to attend compulsory information/counselling sessions
- withdrawing privileges
- referring students to an external agency
- suspension
- notifying police.

(3) (a) and (b) No. These are ongoing duty of care issues that are the responsibility of principals.

(4) As there have been no reports of Ritalin being sold in ACT schools, a memo has not been issued at this time. A minute to principals may be issued if the department has cause to be concerned.

(5) If the school has been requested in writing to administer medication, the medication is kept in a secure place and administered according to the DEYFS policy ''administration of prescribed medication, catheters and injections to students".

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## Workplace improvement notices (Question No 1434)

**Mr Pratt** asked the Minister for Industrial Relations, upon notice, on 31 March 2004:

(1) What is the breakdown of industries identified in the Operation of the *Occupational Health and Safety Act 1989* Quarterly Report December Quarter 2003 for which 55 Improvement Notices were issued;

(2) When are these workplaces scheduled to be checked again by A.C.T. Workcover to see if they have complied with the Improvement Notice;

(3) If these workplaces do not comply with the Improvement Notices they have been issued with, what are the next steps to be taken by A.C.T. Workcover.

**Ms Gallagher**: The answer to the member's question is as follows:

(1) The industries in which Improvement Notices were issued are as follows:

| **Industry (ANZSIC division)** | **Number of improvement notices** |
|---|---|
| Construction | 37 |
| Retail trade | 11 |
| Agriculture, forestry, fishing & hunting | 6 |
| Property and business services | 1 |
| **TOTAL** | **55** |

(2) When an inspector issues an improvement notice, section 76(2)(b) of the *Occupational Health and Safety Act 1989* requires the inspector to "specify a period, being a period that is, in the inspector's opinion reasonable, within which the responsible person is to rectify the matters or activities to which the notice relates." Inspectors have regard to the nature of the particular hazard in determining a reasonable period.

If the responsible person is unable to comply with the notice within the specified period, they may seek an extension of time. Under section 76(7) of the Act, an inspector may extend the period for compliance with the notice. Inspectors will grant extensions if satisfied there are good reasons to do so. If there is no request for an extension, the inspector contacts the responsible person on the date specified in the notice to ensure that the notice has been complied with.

(3) Failure to comply with an improvement notice is an offence under section 79 of the Act. If the responsible person does not comply with an improvement notice, then the inspector may refer the matter for prosecution.

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## Emergency services—communications (Question No 1435)

**Mr Pratt** asked the Minister for Police and Emergency Services, upon notice, on 31 March 2004:

(1) What is the title of the unit to look after communications and media at the Emergency Services Authority Bureau (ESAB);

(2) How many people are employed to work as (a) media advisors and (b) specialist communications strategists within the ESAB;

(3) If a communications strategist has been hired, what qualifications does that person have to fulfil that role;

(4) How many people in total make up the Communications/Media unit in the ESAB;

(5) What new devices have been installed within the Communications/Media Unit at the ESAB since the events of 18 January that assist in disseminating information more rapidly;

(6) What devices still need to be installed;

(7) What staff still need to be hired.

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

(1) Community Relations and Corporate Communications

(2) (a) Two
(b) One

(3) Well qualified for the work required. Standard operating procedures for emergencies have been developed for the unit.

(4) Four.

(5) The unit is equipped with a full range of modern business equipment, including high-volume fax services and an expandable telephone network to ensure its ability to adapt to any scale of emergency. The unit also has its own emergency power supply in case of power failure.

(6) None.

(7) There are no plans to further increase the staff in the unit.

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## Students—assessment (Question No 1436)

**Mrs Burke** asked the Minister for Education, Youth and Family Services, upon notice, on 31 March 2004:

(1) Is the Year 10 pilot program to assess students on Key Competencies still in operation; if not, why not;

(2) Are there any plans to expand this program.

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

(1) No. Currently, assessment and reporting of work-related skills is being progressed through the work of the Career Transition Section in the Department of Education, Youth and Family Services.

(2) The outcomes of the department's Work Related Outcomes project are compatible with the career competencies embedded in the Australian Blueprint for Career Development, which is awaiting endorsement by the Ministerial Council on Education, Employment, Training and Youth Affairs.

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## Mental health—services (Question No 1437)

**Mr Smyth** asked the Minister for Health, upon notice, on 31 March 2004:

(1) How much of the $400 000 allocated in 2003-04 to expanding community teams to deliver mental health services has been expended;

(2) How many additional staff have been hired to fulfil an increase in staffing and hours of operation for the residents of Tuggeranong and Woden;

(3) What is the caseload of staff working in these community teams.

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

(1) The calculated expenditure for the Mobile Intensive Treatment Team (MITT) up to Monday, 5 April 2004 is $125,000. The under expenditure is directly related to timing issues for attracting suitable staff. The function is now staffed.

(2) A total of 4 additional staff has been recruited. The hours of operation are 8:30am to 9:00pm Monday to Friday and 9:00am to 5:00pm Saturday and Sunday / public holidays.

(3) The current caseload of staff working in MITT is 11 clients.

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## Canberra Psychiatric Unit (Question No 1438)

**Mr Smyth** asked the Minister for Health, upon notice, on 31 March 2004:

(1) In relation to the discharge planner at the Canberra Psychiatric Unit, when was a person hired in this role after the announcement of $80 000 in the 2003-04 Budget to fund this role;

(2) Has only one person held this position since its inception; if not, how many persons have held this position;

(3) How has this role provided improved coordination between the inpatient, hospital services and case managers in the community;

(4) How has this role provided improved support and a continuum of care for mental health clients across the hospital and community settings.

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

(1) The position was filled in September 2003.

(2) Two people initially shared the position part time. For consistency, it was found to be more efficient for one person to hold the position full time.

(3) The designated discharge planner provides a single point of contact for coordinating the transition from PSU to the community for clients. The discharge planner works

collaboratively with inpatient and community clinicians, GP's consumers and carers to develop an agreed plan of care for clients following discharge.

(4) Continuity of care is improved by the discharge planner providing improved coordination of the transition from PSU to the community for clients by working collaboratively with inpatient and community clinicians, GP's consumers, carers and non-government organisations to develop an agreed plan of care for clients following discharge.

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## Gungahlin outreach services (Question No 1439)

**Mr Smyth** asked the Minister for Health, upon notice, on 31 March 2004:

(1) How much of the $400 000 allocated to Gungahlin Outreach in the 2003-04 Budget has been expended to date;

(2) How many additional clinical staff have been hired to deliver outreach services for mental health clients in Gungahlin;

(3) How many mental health clients are listed in the Gungahlin area;

(4) What is the case load of staff hired to provide Gungahlin Outreach;

(5) How many homes on average are visited by staff on a weekly basis.

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

Gungahlin Outreach please note the data relating to this question is between 1.8.03 – 1.4.04

1. Approximately $195,000 of the $400,000 has been expended to date.

2. Three (3) full time staff have been hired to the Belconnen team to service the area.

3. There are 45 consumers listed as active clients against the area in the last week.

4. The average Case Load for staff averages to 18 consumers per full time equivalent staff member.

5. 901 home visits have occurred which is an average of 26 per week.

No capital works have occurred at this stage on the advice of Facilities Management A.C.T Health. The services are being provided at Ngunnawal Shopping Centre in an A.C.T Health building.

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## Mental health—positions (Question No 1440)

**Mr Smyth** asked the Minister for Health, upon notice, on 31 March 2004:

(1) In relation to funding of $80 000 which was provided in the 2003-04 Budget for a drug and alcohol mental health worker and as this position was designed to reduce the impact

of substance abuse on people with a mental illness, has a reduced impact of substance abuse on people with a mental illness occurred;

(2) If so, what supporting figures or information can be provided to support that reduced impact; if not, why not.

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

(1) The nature of Comorbidity is such that any new input into the area of treatment will take a significant period of time to impact.

(2) Indicators of the impact of this funding enhancement will be seen through a higher percentage of clinically managed consumers being identified with co-morbidity issues. Another indicator can be seen by the number of requests for consultation and clinical support by the drug and alcohol mental health worker.

The worker is actively involved in the cultural change, education and training of service providers through the 'dual diagnosis project' within the Alcohol and Drug Program and in his daily contacts with staff.

He also maintains an information and resource database and regularly circulates readings related to Co-morbidity Dual diagnosis to workers in the field. Individual clinical contacts with mental health workers also involve a component of education about substance misuse and useful approaches in this area.

Staff training occurs through orientation, new graduate program and the continuing education program within MHACT.

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## Teachers—qualifications (Question No 1441)

**Mr Smyth** asked the Minister for Education, Youth and Family Services, upon notice, on 31 March 2004:

(1) In each ACT Government school, how many teachers have the qualifications to teach the specialised subjects of (a) physical education, (b) art and craft, (c) technical development for example woodwork and (d) music;

(2) How many of these specialist teachers are working as full time teachers in these positions.

**Ms Gallagher**: The answer to Mr Smyth's question is:

(1) Comprehensive data is not kept in the form requested. Most ACT teachers are required to be able to teach across a range of key learning areas. Some teachers specialise in individual subject areas to meet the needs of specific schools and the available skills and qualifications are matched to those needs. The supply of teachers with specific qualifications or experience in physical education, art and music currently exceeds the demand in those areas. There are occasions of unmet demand for technology (for example, woodwork) teachers.

(2) See part (1).

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## Food poisoning hotline
## (Question No 1442)

**Mr Smyth** asked the Minister for Health, upon notice, on 31 March 2004:

(1) Has the 24 Hour Food Poisoning Hotline ever been inoperable in the calendar years (a) 2002, (b) 2003 and (c) 2004;

(2) If so, (a) on how many occasions and (b) for how long was the hotline inoperable in those years;

(3) What are the reasons for the hotline not being available 24 hours at all times;

(4) Have any glitches in the system been fixed;

(5) Is it the case that over the Christmas break a family, all suffering from what appeared to be food poisoning, tried to contact the hotline and found the line rang out numerous times;

(6) Is the hotline monitored to ensure it is always available to Canberrans;

(7) What should be the next port of call for residents who ring the hotline and no one answers.

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

(1) No
Yes
No

(2) Following the 2003 bushfires, the Health Protection Service, who maintain an after hours phone service that deals with issues such as food poisoning complaints was not able to maintain or access this system. The system was inoperable from 18/1/03 until 22/1/03.

The Health Protection Service after hours phone service was also not operational from 24 December 2003 until just after 2pm on 29 December 2003.

(3) The system failure in January 2003 was as a result of the destruction of the Health Protection Service facility at Holder during the 2003 bushfires. The system was reinstated following the temporary relocation of the Health Protection Service to the Moore Street Health Building on 22 January 2003

The system in place in December 2003 was set manually at COB of each day. Internal procedures then provided for a system check (following activation) by administration staff to ensure that the system had been successfully set. An investigation into the December system failure confirmed that the system was properly set on 24 December but that it was subsequently deactivated. The system was reset on 29 December.

(4) A new system has since been implemented that has automated the phone diversion for all after hours contact.

(5) A letter was received indicating that a family had tried to contact the Health Protection Service after hour's service during the 2003 Christmas break. The outcome of an investigation into the incident is outlined at point 3 above.

(6) The Health Protection Service after hours phone service is not currently monitored, nor is it considered necessary. An automated system to divert callers to an after hours message service is operational. This service gives callers the option of leaving a message which is actioned the next day. Callers are also provided with a pager number that allows them to contact an on-call officer 24 hours a day for urgent matters.

(7) Residents who have an urgent public health concern such as food poisoning are now able to make contact with the Health Protection Service through hospital emergency departments, Health first or Canberra Connect.

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## Radiologists (Question No 1443)

**Mr Smyth** asked the Minister for Health, upon notice, on 31 March 2004:

(1) How many radiologists are currently employed to work in the A.C.T.;

(2) What is the average waiting time for radiology treatment in the A.C.T.

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

(1) Radiologists and Radiation Oncologists are related but distinct disciplines within the medical profession. The Royal Australian and New Zealand College of Radiologists define the disciplines as follows:

**Radiologists** are medical practitioners with 6 years postgraduate specialist training. They employ diagnostic imaging in diagnosis and as a specific aid to certain forms of treatment. Diagnostic imaging includes X-rays, thermography, Magnetic Resonance Imaging and ultrasound.

**Radiation Oncologists** are medical practitioners with 6 years postgraduate specialist training. They advise on the treatment or combinations of treatment most appropriate and are usually responsible for the total care of the patient suffering from cancer. They have special skills in and are responsible for the use of ionizing radiation in the treatment of patients.

The Member's Office has confirmed that the questions asked relate to radiation oncology.

(2) The delivery of radiation therapy requires an initial consultation with a radiation oncologist who establishes the urgency and priority of care. Radiation therapists, in consultation with the radiation oncologist, subsequently plan and initiate the treatment. The Radiation Oncology Department at The Canberra Hospital has positions for four radiation oncologists and 21.5 full time equivalent radiation therapists.

There are three radiation oncologists currently providing care to cancer patients. Concerted and comprehensive advertising to recruit a fourth specialist is continuing.

There are 19 full time equivalent radiation therapists employed against the 21.5 positions. This figure includes one radiation therapist employed in a mentored training position.

(3) General improvement has been demonstrated in the median waiting time for patients classified as Urgent, Semi-urgent and Standard categories. This improvement has resulted from the increased operational capacity of the linear accelerators. The comparison between November 2003 and February 2004 is contained in the following Table.

| Category | Median waiting time | |
|---|---|---|
| | Nov 03 | Feb 04 |
| **Urgent** | 2 days | **0 day** |
| **Semi-urgent** | 21.5 days | **14.5 days** |
| **Standard Category B** | 54 days | **32 days** |
| **Standard Category A** | 35 days | **20 days** |

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## National Zoo and Aquarium (Question No 1444)

**Mr Smyth** asked the Minister for Planning, upon notice, on 31 March 2004:

In relation to correspondence the Minister wrote to me on 17 March informing me that the Government is considering the National Zoo and Aquarium Planning Investigation report prepared by consultants for the National Capital Authority and the A.C.T. Government, how long will it take the Government to consider this report and will a decision be made regarding this land before the Budget is announced.

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

The answer to this Question on Notice is addressed in Question on Notice No. 1275. The report and other matters such as environmental and financial implications are being assessed.

When these assessments are completed the Government will advise its decision. The decision will not be announced prior to the Budget

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## Quamby detainees (Question No 1445)

**Mr Cornwell** asked the Minister for Education, Youth and Family Services, upon notice, on 31 March 2004:

(1) Is it a fact that there are inmates over 18 years of age in Quamby; if so, how many are there;

(2) Respecting the ACT privacy laws, are they in for (a) serious and (b) non-serious crimes and what are the maximum penalties for each category;

(3) How long (a) have they been in there and (b) will continue to be there;

(4) Why are people over 18 years accommodated in Quamby and are they segregated from the other under age inmates;

(5) Does the Government consider it desirable to accommodate over 18 year olds in Quamby; if not, what does it propose to do about those currently there;

(6) If nothing will be done about moving existing 18 year old inmates to an adult facility, why not;

(7) Is it proposed to move any future 18 year olds at Quamby to an adult facility; if not, why not.

**Ms Gallagher**: The answer to Mr Cornwell's question is:

(1) On 6 April 2004 there were three detainees within Quamby Youth Detention Centre who are over 18 years of age.

(2) The *Crimes Act 1900* does not provide a distinction for (a) serious, and (b) non-serious crimes.

The maximum penalties for the crimes committed by the three 18 year old detainees are:

| Residents over 18 years | Crime | Maximum prescribed penalty |
|---|---|---|
| Young person 1 | Ride in vehicle without authority | 5 years |
| Young person 2 | Burglary | 14 years |
| Young person 3 | Assault, occasioning actual bodily harm | 5 years |

(3)

| Residents over 18 years | (a) Time in Quamby | (b) Time remaining in Quamby (not taking possible remissions into account) |
|---|---|---|
| Young person 1 | 145 days | 150 days - 27 September 2004 release |
| Young person 2 | 251 days | 233 days - 29 December 2004 release |
| Young person 3 | 211 days | 60 days - 28 June 2004 release |

(4) Sentencing provisions for young people are stipulated in the *Children and Young People Act 1999*.

Quamby has three accommodation units, male detainees aged 15 and above are housed in the 12 bed Ngunnawal Unit, female residents and males aged under 15 years are housed in the Murrumbidgee Unit with the remaining 6 bed Brindabella Unit used to accommodate any young person classified as special needs, in addition to new inductions to the centre.

(5) This issue is being examined as part of the current planning pertaining to redevelopment of the Quamby Youth Detention Centre. Currently, the issue of age is considered during placement and every effort is made to appropriately separate detainees within the accommodation units available.

(6) The ACT Children's Court currently has the capacity to sentence a young person to a period of detention up to two years and can sentence a young person to detention within a young offenders institution. As a result of this section of the Act, it is currently lawful to detain young people over the age of 18 years at Quamby Youth Detention Centre. The provision of appropriate accommodation blocks, which takes this issue into consideration, is being considered as part of the Quamby redevelopment. Advice received from the ACT Government Solicitor in 2003 indicated that it is not possible to transfer a young person (albeit over the age 18) to an adult correctional facility if they have been sentenced in the Children's Court to a period of detention in a youth facility and are therefore serving a Children's Court Order. The current adult facilities within the ACT are remand facilities and cannot hold young people for any reason other than those specified under S122 of the *Children and Young People Act 1999*, that is for the purpose of temporary custody prior to transfer to another institution.

(7) Refer to the response to part (6) above.

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## Veterinary examination room (Question No 1446)

**Mr Cornwell** asked the Minister for Urban Services, upon notice, on 31 March 2004:

(1) In relation to the veterinary examination room and the response to Question on notice No 1186 in which it was stated that the new completion date for this project has been delayed until March 2004, has this project now been completed;

(2) If so, when was the project completed; if not, why has it not been completed and what is the estimated completion date.

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

(1) Construction of the Veterinary Examination room at Domestic Animal Services is completed.

(2) Final inspection of works took place on Monday 22 March 2004.

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## Belconnen Arts Centre (Question No 1447)

**Mr Stefaniak** asked the Minister for Arts and Heritage, upon notice, on 31 March 2004:

In relation to Belconnen Arts Centre feasibility:

1. In relation to Belconnen Arts Feasibility Study and further to the response to Question on notice No 1197 which states that this project would be completed in early April 2004, is this work still on track to be completed in the coming days; if not, why not, and when will this feasibility study be completed;

2. How long after the feasibility study is completed will Government make an announcement about whether it will support recommendations made in the feasibility study.

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

1. The response to Question on notice No 1197 stated that 'The project is running to schedule. Preliminary results are expected in mid-February and the working completion date is early April. The Budget states that final completion is expected by June 2004 (page 177, Budget Paper 4).'

   There have been no changes to this timeline.

2. The working recommendations are being considered by Government in the context of the 2004-05 Budget process.

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## Sports facility study (Question No 1448)

**Mr Stefaniak** asked the Minister for Sport, Racing and Gaming, upon notice, on 31 March 2004:

1) In relation to a request by my staff in February to a Departmental Officer in Sport and Recreation ACT for a copy of the sports facilities study completed by the Department which was highlighted in the December Sport and recreation newsletter, why is it now that after requesting this study twice my office has been informed that the study is not available until an official launch takes place?

2) How many copies of the study have been distributed in the sport and recreation community?

3) When will I be able to obtain a copy of the original document?

4) Are any changes being made to that document?

5) When will the study be publicly released and can you assure me that the document that is publicly released will not be different to the one that I believe a number of organisations already have a copy of?

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

1) The "Facilities Study 2003" provides a 'snapshot' of the current facilities situation in the ACT and identifies gaps in the future needs of our community. The Study makes 18 recommendations for the Government to consider.

   Whilst work was undertaken by Sport and Recreation ACT staff in preparing the document, the ACT Sport and Recreation Council took a lead role in the development of this study and in the coordination and presentation of its public release. As such, it must be emphasised that the study is a document of the Council and its recommendations do not represent Government or departmental policy.

   As an ACT Sport and Recreation Council document, it was always intended for the Council to publicly release the study. However, the availability of the study was inadvertently advertised in the December 2003 Sport and Recreation newsletter, with a small number of copies subsequently released to the public. When this situation was

discovered in January 2004, all further requests for copies of the study were refused — including Mr Stefaniak's.

2) Prior to its release to the public, a copy of the study was made available to each member of the ACT Sport and Recreation Council and, unfortunately, to five local sporting organisations as per the December newsletter article.

3) I understand you have been furnished with a copy of the final report by Director of Sport and Recreation ACT on Monday, 5 April 2004.

4) No.

5) The ACT Sport and Recreation Council released Facilities Study 2003 on 31 March 2004. No changes have been made to the document.

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## Students—indigenous (Question No 1449)

**Mr Pratt** asked the Minister for Education, Youth and Family Services, upon notice, on 1 April 2004:

(1) How many Indigenous students are enrolled in ACT government schools;

(2) Of these students, how many are in:
(a) primary school;
(b) high school; and
(c) college.

**Ms Gallagher** The answer to Mr Pratt's question is:

(1) As at the February 2004 census, there were 882 Indigenous students enrolled in ACT government schools.

(2) Of these students, there were:
(a) 541 in primary schools;
(b) 230 in high schools; and
(c) 95 in colleges.

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## Teachers—school assistants (Question No 1450)

**Mr Pratt** asked the Minister for Education, Youth and Family Services, upon notice, on 1 April 2004:

(1) How many teachers' aids are currently employed in government schools in the ACT;

(2) What is the ratio of teachers to teachers' aids in government schools in the ACT;

(3) What qualifications must teachers' aids have;

(4) Do teachers' aids require post Year 12 training;

(5) Are there any courses offered in the ACT for people who wish to become a teachers' aid, or is such a course unnecessary.

**Ms Gallagher**: The answer to Mr Pratt's question is:

(1) The department does not employ "teachers' aids" but does employ school assistants in schools. At the end of March 2004, there were 485 (full time equivalent) school assistants employed.

(2) The ratio of teachers to school assistants employed fully or partially within classrooms at the end of March 2004 was 6.3:1.

(3) Applicants for school assistant positions do not require formal qualifications.

(4) No.

(5) There are no formal courses currently being offered in the ACT for school assistants. Relevant qualifications held by applicants for school assistant positions may be taken into account in selecting individuals for particular positions.

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## Breathalyser testing (Question No 1451)

**Mr Pratt** asked the Minister for Police and Emergency Services, upon notice, on 1 April 2004:

(1) On average, how much funding is in the A.C.T. Policing budget for police to undertake breathalyser testing in Canberra each financial year;

(2) On how many occasions did police set up a breathalyser station to test drivers for drink driving in (a) 2001-02, (b) 2002-03 and (c) 2003-04 to date;

(3) How many Canberrans were tested for drink driving by a road side breathalyser unit in (a) 2001-02, (b) 2002-03 and (c) 2003-04 to date;

(3) Of those Canberrans tested, how many were above the legal prescribed concentration of alcohol (PCA);

(5) Of those whose reading was above the legal PCA, how many were provisional licence holders.

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

(1) ACT Policing does not have quarantined funding for breathalyser testing. Funding is allocated to the general traffic team within ACT Policing for a range of traffic control tasks, including breathalyser testing. The amount allocated to the general traffic team this financial year is currently $1,958,625. Breath analyser tests are also carried out by police from other teams from time to time (such as general duties police).

(2) ACT Police set up a breathalyser station to test drivers for drink driving on the following number of occasions:

(a) 2001-02 1,055
(b) 2002-03 1,189
(c) 2003- 4/4/04 1,064

(3) The following numbers of tests were carried out:

(a) 2001-02 75,176
(b) 2002-03 76,459
(c) 2003- 4/4/04 27,977

The identification of persons tested as Canberrans or otherwise is not collected.

(4) The following numbers of people tested were above the legal prescribed concentration of alcohol (PCA) at Random Breath Testing Stations:

(a) 2001-02 473
(b) 2002-03 1,138
(c) 2003- 4/4/04 1,001

It should be noted that in 2002/03 ACT Policing moved from a specific target of a number of breath tests required in the purchase agreement to a focus on achieving the outcome of road safety. As part of this shift in focus breath analyser tests became much more targeted to ensure the persons with the highest likelihood of endangering themselves and others by driving whilst under the influence were tested.

(5) The number of provisional licence holders tested above the PCA at Random Breath Testing Stations were :

(a) 2001-02 102
(b) 2002-03 235
(c) 2003- 4/4/04 241

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## Burnout offences (Question No 1452)

**Mr Pratt** asked the Minister for Police and Emergency Services, upon notice, on 1 April 2004:

(1) How many reports have been receive by police regarding burnout activity and street racing in the Gungahlin area in (a) 2002-03 and (b) 2003-04 to date;

(2) On how many occasions, when these reports were made to police, was a police car sent out to inspect the activity;

(3) In how many cases were offenders apprehended;

(4) Of the offenders apprehended, were any charged; if so, with what offence were they charged;

(5) Did police receive any reports of drag street racing or burnout activity in the early hours of Friday, 26 March 2004 in Amaroo;

(6) If so, (a) how many reports were received, (b) what action was taken by police after receiving these calls and (c) was a car sent out to the area;

(7) If a car was not sent out to the area, why not.

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

(1) For the period 01 July 2002 to 30 June 2003 there were six burnout offences reported in the Gungahlin area, while for the period 01 July 2003 to 31 March 2004, two burnout offences were reported.

(2) Of the reported burnout offences for 2002-2003, police patrols attended five out of the six occurrences, while for 01 June 2003 to 31 March 2004, police patrols attended on one of the two occasions.

(3) (4) In 2002-2003, three of the offences were cleared by caution, one offence was not cleared and the remaining two were cleared otherwise. For 01 June 2003 to 31 March 2004, both offences were cleared otherwise. For both periods, there were no charges relating to burnout offences that appeared before a court.

(5) Yes

(6) (a) ACT Policing received a number of phone calls about burnouts in Amaroo in the early hours of 26 March 2004; however it would be too resource intensive to determine the exact number of phone calls for that time period.
(b) and (c) A patrol was sent to investigate the matter, however no offenders were identified.

(7) Not applicable.

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## *The Canberra Plan* launch (Question No 1453)

**Mr Smyth** asked the Chief Minister, upon notice, on 1 April 2004:

1) What was the cost to Government of the festivities organised, including bands and marquee hire, for the launch of *The Canberra Plan* in Civic Square? Please provide itemised costs;

2) Why was it necessary to hire two bands and three tents to launch *The Canberra Plan*?

3) How much did it cost the Government to (a) print and (b) distribute Canberra Plan brochures to send to every household in Canberra?

4) How much has it cost to (a) produce and (b) air (i) television and (ii) radio advertising of *The Canberra Plan*?

5) How much has it cost for publication of newspaper advertising of *The Canberra Plan?*

6) Has any other advertising of *The Canberra Plan* taken place? If so, what form of advertising and what has been the cost of that advertising?

7) Why does electronic advertising for *The Canberra Plan* not carry an authorisation statement as required by the Commonwealth Broadcasting Act 1992.

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

1)

| | | |
|---|---|---|
| Public address system<br>Audio control<br>Splitter<br>Microphones<br>Lectern<br>Projection monitors (2)<br>Projector<br>+ Operators (3) | = | $2,985.00 |
| Marquees<br>Stage steps<br>Staging<br>Tables (7)<br>Chairs (348)<br>Fluoro lights<br>Extension leads<br>Power board | = | $7,805.70 |
| ACT Govt Pavilion<br>Set-up and dismantle | = | $4,604.60 |
| Security | = | $511.50 |
| Entertainment | = | $600.00 |
| Catering<br>– food, drink, staff | = | $1,900.00 |
| TOTAL COST | = | $18,406.80 |

(All dollar amounts are inclusive of GST)

2) The Canberra Plan has been developed as a document by Canberrans for Canberrans with very extensive community involvement in the creation of its three 'chapters' – the *Social Plan*, *Spatial Plan and Economic White Paper*. The Plan also has, amongst its seven themes, 'A Dynamic Heart' – referring to the focus on making Civic and central Canberra a more vibrant place.

The sounds of 'live' music in Civic Square is consistent with the 'Dynamic Heart' theme of *The Canberra Plan*.

In planning the event, it was considered important to involve the community. Three speakers from the community represented three distinct demographics and more than 50 talented young Canberra musicians were given the opportunity to perform on the day. This was considered to be in keeping with *The Canberra Plan's* spirit of community participation. The engagement of two musical groups, at a minimal cost, helped to highlight the range of talent that exists in the Canberra community.

The use of marquees are commonplace for outdoor events, to provide shelter both from inclement weather and the sun. One large marquee was required to accommodate the more than 300 people in attendance. Two smaller marquees accommodated a Whole of ACT Government display (reused from the Royal Canberra Show) and catering for morning tea.

3) It cost $23,046.00 to print *The Canberra Plan* brochures 'At a Glance' and $5,910.00 for their letterbox distribution across the ACT.

4)

a. A two-minute *Canberra Plan* promotional video was produced at a total cost of $11,110.00. This video was produced for internal and external audiences and the production house also provided a shortened 30-second version of the video for use in television and cinema advertising. The 30-second radio commercial cost $90 to produce.

b. i) It cost $29,807.80 to 'air' the 30-second *Canberra Plan* commercial on the three Canberra commercial television networks (WIN, Prime and Southern Cross Ten).
ii) It cost $6,198.50 for the 30-second radio commercial to go to air on Canberra's four commercial radio stations (Mix, FM 104, 2CC and 2CA).

5) It cost a total of $14,350.00 for advertising of *The Canberra Plan* in the Canberra Times, Canberra Chronicle and City News.

6) *The Canberra Plan* is being advertised at selected Canberra cinemas at a cost of $5,500.00. There was an additional cost of $880.00 to convert the 30-second television commercial to cinema format.

7) The Chief Minister's Department consulted the Australian Broadcasting Authority and sought legal advice on the matter and was advised that the radio and television advertisements for *The Canberra Plan* did not need to carry an authorisation statement.

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## Land tax
## (Question No 1454)

**Mr Smyth** asked the Treasurer, upon notice, on 1 April 2004:

(1) Why is land tax applied on a quarterly basis with no provision for refunds when the status of a relevant property changes;

(2) Have any property owners sought a refund of land tax, after paying their quarterly assessment, when the status of relevant properties has changed after the payment has been made;

(3) What cost would be involved in permitting the provision of refunds of land tax in situations where the status of a property changes during a quarter;

(4) Is the application of land tax to a property, when that property may have changed its status during a quarter, appropriate under the relevant policy.

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

(1) The quarterly land tax system based on the rental status of a property was introduced in 1995 and replaced the previous annual land tax liability and non-principal place of residence system. Moving to the rental status of a residential property to determine land tax liability required a full quarterly assessment system rather than a daily pro-rata system to provide a simpler system for landlords and to eliminate the need for a complex and costly administration of land tax.

(2) Yes. However, refunds have not been granted as the provisions of *the Rates and Land Tax Act 1926* do not allow a daily pro-rata of land tax charges within a quarter.

(3) The cost of permitting refunds for a daily pro-rata of land tax charges where the rental status of a property changes within a quarter would require significant additional resources to monitor, recalculate the tax and amend assessments and to process a refund of the tax for a large number of properties. It is ***estimated*** that recurrent staffing cost of approximately $0.2 million would be required as an additional 8 600 land tax assessments would have to be issued. It is also ***estimated*** that a reduction of $0.4 million in annual land tax revenue would result.

(4) Yes. A quarterly land tax charge for residential properties that are rented within a quarter is consistent with the provisions of the legislation.

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## Bushfires—initiatives expenditure (Question No 1455)

**Mr Smyth** asked the Treasurer, upon notice, on 1 April 2004:

(1) What proportion of the $25m allocated in the 2003-04 Budget for bushfire initiatives has been expended; and

(2) Are there any bushfire initiatives that have not yet received any of the funds allocated; if so, which initiatives and when will that funding be expended.

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

(1) Of the $25m in Government Payment for Output (GPO) allocated for bushfire initiatives in 2003-04, approximately $21m has been expended by agencies as at 31 March 2004.

(2) The majority of 2003-04 bushfire initiatives are well under way.

As at 31 March, no expenditure had been incurred on:

- the purchase of bushfire volunteer protective equipment (JACS); and
- the replacement of gutters and footpaths (DUS).

These agencies anticipate to expend the majority of funding allocated by the end of the 2003-04 financial year.

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## Whooping Cough (Question No 1456)

**Mr Smyth** asked the Minister for Health, upon notice, on 1 April 2004:

(1) How many cases of Whooping Cough have been reported to date this (a) calendar and (b) financial year;

(2) Of these cases, how many were (a) adults and (b) children;

(3) Are there any concerns about any sort of Whooping Cough break out at this time.

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

(1a) Reported cases of Pertussis this calendar year 1/1/04 to 31/3/04 are 45.

(1b) Reported cases of Pertussis in this financial year 1/7/03 to 31/3/04 are 288.

(2a) In the calendar year (1/1/04 – 31/3/04) there were 15 cases in people under 20 years and 30 cases in over 20 years.

| **Age** | 0 – 4 years | 5 – 14 years | 15 – 19 years | Over 20 years | Total |
|---|---|---|---|---|---|
| **Number of Cases** | 3 | 9 | 3 | 30 | 45 |

(2b) In the financial year to date (1 July – 31 March) there were 169 cases in people under 20 years and 116 cases in over 20 years.

| **Age** | 0 – 4 years | 5 – 14 years | 15 – 19 years | Over 20 years | Total |
|---|---|---|---|---|---|
| **Number of Cases** | 12 | 105 | 55 | 116 | 288 |

(3) There are no concerns of a pertussis outbreak at this time.

There was an outbreak in 2003 with notifications peaking in August and September. Total number of cases was 143 in these two months. Notifications have since been steadily decreasing.

Health Protection Service will continue to monitor all new cases to assess the disease pattern.

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## Dental waiting lists (Question No 1457)

**Mr Smyth** asked the Minister for Health, upon notice, on 1 April 2004:

(1) How much of the $500 000 allocated in the 2003-04 Budget to reduce adult dental waiting lists has been expended to date;

(2) Has the adult dental waiting list been reduced; if so, please provide the figures to show this reduction and explain if the targeted reduction has been achieved; if not, please provide the figures and explain why expenditure of these funds has failed to reduce dental adult waiting lists.

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

(1)

| | | |
|---|---|---|
| Restorative Scheme | $ | 344,043.15 |
| Denture Scheme | $ | 66,172.30 |
| Increased dental officer staffing | $ | 90,000.00 |
| **Total** | **$** | **500,215.45** |

(2)

- Recurrent funding of $500k in the 2003-4 budget was used to reduce the waiting time for restorative and denture services by developing and implementing partnerships with private providers and recruiting additional dental officers in the program.

- The target for 2003-04 was to refer 600 clients out to private providers. This target has been achieved. 625 clients have been referred out under the schemes.

- At 30 March 2004 the no. of clients waiting for restorative services is 2079 and waiting time is 13 months. At 1 July 2003 there were 2438 clients waiting for restorative services and the waiting time was 22 months.

| Year | Number of clients | Waiting time |
|---|---|---|
| July 2003 | 2438 | 22 months |
| March 2004 | 2079 | 13 months |

- There are 217 clients booked for denture work and waiting time for Category 1 (highest priority group) is 10 weeks, Category 2 is 16 weeks, and Category 3 is 20 weeks.

- The Program demonstrated downward trends in the centralised waiting list for restorative services. With the increased funding, the increase in capacity due to the triage for emergency services and the increase in dental officer staffing in the Program the number of clients waiting and the waiting time is the lowest on record since the withdrawal of the Commonwealth funding in 1997.

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## Health expenditure (Question No 1458)

**Mr Smyth** asked the Minister for Health, upon notice, on 1 April 2004:

(1) How much of the $310 000 allocated in the 2003-04 Budget for Corrections Health has been expended to date;

(2) What is the breakdown of the funding that has occurred since this funding was allocated;

(3) Has this funding enabled the provision of an integrated comprehensive health service across all custodial correctional facilities as promised; if so, how is this the case; if not, why not.

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

(1) At the end of the March 2004, $232 000 of the $310 000 allocated to Corrections Health has been expended.

(2) Of the $310 000 allocated to Corrections the breakdown of funding was as follows;

| **Service** | **Expenditure** | **'000** |
|---|---|---|
| General Health | Employee Expenses | $ 147 |
| | *Operating Expenses (*Includes GP Clinic expenditure for Symonston) | $ 63 |

| | | |
|---|---|---|
| Mental Health | Employee Expenses | $ 92 |
| | Operating Expenses | $ 8 |
| **TOTAL** | | **$ 310** |

(3) The aim of this funding was to provide an integrated comprehensive health service across all custodial facilities. In particular, the 2002-03 budget allocation was for the provision of health services to detainees accommodated at the newly opened remand centre at Symonston.

The Corrections Health Program currently provides an integrated health services across all sites (Belconnen and Symonston), with a clinical record system for adult and youth detainees and referral to a community based services for follow-up or further treatment following release from custody.

In 2001-02 and 2002-03, the Corrections Health Program also received budget from the Department of Justice and Community Safety to employ an alcohol and drug Case Manager and a registered nurse (level 3) who also had an on site team leader role for health staff. Funding for these positions ceased at the end of 2002-03 year, leaving the health service with an unexpected reduction in budget for nursing positions.

As intended the budget allocation in 2002-03 has enabled the provision of both mental health and general health service delivery at Symonston, however the majority of the resources allocated to the Corrections Health Program continue to be allocated to provision of services at Belconnen Remand Centre

The rationale for the majority of current resources being provided to Belconnen Remand Centre includes both the actual number of detainees at each site and the service requirement at each site. These two issues are inter-related, however have specific considerations for the provision of services.

The service requirement at the Belconnen centre is greater than at the Symonston or Quamby Centres with Belconnen Remand Centre having more than twice the number of detainees housed (approximately 56 bed capacity) compared to the Symonston and Quamby facilities (less than 30 beds at each site).

For the Adult Remand Centres, the current budget provides for one nurse to be on duty from 8.00 am to 4.30 pm and one nurse to be on duty from 10.00 am to 6.30 pm (18.30 hrs) each weekday and one nurse at each site on weekends, with three mental health officers available across the two sites and the Court cells.

For Quamby Youth Detention Centre, the budget allows for one nurse on duty Monday to Friday and an on-call nursing service at weekends (to provide assessments for youth admitted over the weekend) and Child and Adolescent Mental Health Officers to be available during business hours.

For the adult centres, the budget also allows for General Practice Clinics (3 sessions at Belconnen Remand Centre and 1 session at Symonston Temporary Remand Centre), a Women's Health Medical Officer (1 x session fortnightly) and a Specialist Aboriginal Health Medical Clinic (1 x session fortnightly). At Quamby there is a weekly paediatric session on site with an on-call General Practitioner service. All facilities are serviced by an after hours medical services from within budget.

Health service needs and health service delivery requirements vary across sites with differing health needs within the adult and youth populations. Health service provision is tailored according to the needs of detainees at each site. Belconnen Remand Centre has the highest demand for primary, secondary and tertiary health service provision with Symonston Temporary Remand Centre having fewer needs and the Quamby Youth Detention Centre having the least requirement for secondary and tertiary health care but higher primary health care needs than the adult facilities.

Health service provision is currently structured to meet the need to provide pre-court dosing of pharmacotherapies and other medications at Belconnen Remand Centre at 8.00 am and induction assessments at this site at 6.30 pm.

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## Drugs—taskforce (Question No 1459)

**Mr Smyth** asked the Minister for Health, upon notice, on 1 April 2004:

(1) Where is the Government up to in implementing the recommendations of the drug taskforce;

(2) How much of the $250 000 allocated this financial year towards this objective has been expended;

(3) What recommendations (a) have been implemented and (b) are still to be implemented.

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

1) In December 2003, the Government announced it had made available $250,000 this financial year to support the implementation of a number of high priority actions identified in the *ACT Alcohol and other Drug Taskforce's draft ACT Alcohol and other Drug Strategy*.

Methadone and Buprenorphine Program
Since December 2003, the number of methadone and buprenorphine subsidised places has been increased.

Vending machines
Needle and syringe vending machines will be established outside health centres in Belconnen, Civic, Woden and Tuggeranong in 2004 as part of a 12-month trial.

Peer based models of service delivery
The Canberra Alliance for Harm Minimisation and Advocacy (CAHMA) are currently finalising a plan for increasing and improving support for peer-based models of service delivery, support, advocacy and community development.

Strengthening training programs
ACT Health have agreed to fund a proposal from the Coalition of Alcohol and other Drug Agencies in the ACT (CADAACT) to support conference attendance of staff from non-government agencies throughout 2004.

National Evaluation of Pharmacotherapies for Opiate Dependence (NEPOD)
ACT Health has been preparing for workshops with frontline workers users, families and carers in May 2004 to assist in the dissemination of findings of the National Evaluation of Pharmacotherapies for Opiate Dependence (NEPOD). The aim of the NEPOD dissemination and implementation strategy is to ensure that accurate information about the nature, costs and effectiveness of the evaluated pharmacotherapies is made available.

Printing of Client and Carer Information Booklets has been arranged. Distribution of the booklets is expected to occur in May and June 2004.

2) $20 000 allocated to the Methadone and Buprenorphine Program has been expended to 31 March 2004.

$5,000 allocated to the NEPOD has been expended to 31 March 2004.

$50,000 is expected to be provided to the Canberra Alliance for Harm Minimisation and Advocacy (CAHMA) in May 2004 to increase and improve support for peer-based models of service delivery, support, advocacy and community development.

$33,000 is expected to be made available to member agencies of the Coalition of Alcohol and other Drug Agencies in the ACT (CADAACT) in May 2004 to support staff development for non-government agencies throughout 2004.

3) a) Recommendations that have been implemented are outlined in (1) above;

b) The Government will provide a formal response to the draft *ACT Alcohol and other Drug Strategy* in the first half of 2004, outlining the recommendations that the Government will implement.

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## Mental health—scholarships (Question No 1463)

**Mr Smyth** asked the Minister for Health, upon notice, on 1 April 2004:

(1) Further to a press release dated 29 March 2004, in which the Minister claimed that the Government had provided $300 000 for mental health nursing scholarships, when was this mental health nursing scholarship initiative decided upon;

(2) When were the scholarships announced;

(3) What advertising of the scholarships has been undertaken to date;

(4) Which educational institution and study programs are covered by the scholarships;

(5) What progress has been achieved in awarding the scholarships and what stage of study has been achieved by any recipients;

(6) When was the funding provided to this program;

(7) Under what budget initiative or appropriation authority was this initiative funded;

(8) Is funding for the scholarships a once off or an ongoing program; if it is ongoing, what level of funding has been committed.

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

(1) Mental Health was provided with $0.300m for nursing scholarships in 2002-03 and to fund the specific Mental Health Nurse Education Program.

(2) The Mental Health specific scholarships were announced in 2002. Mental Health staff previously had access to the general nursing scholarships in 2001-02.

(3) External and internal advertising for these scholarships occurs twice per year for registered nurse (RN) intakes and once a year for enrolled nurse (EN) intakes.

(4) The study program is conducted through La Trobe University. The University provides a Post Graduate Diploma in Mental Health Nursing for RN's and short course in mental health nursing for EN's.

(5) 15 students have completed the RN program and 6 have completed the EN program to date. There are 7 RN's and 6 EN's currently enrolled.

(6) As advised in (1) above, Mental Health was provided with $0.300M in 2002-03.

(7) An appropriation for "Strengthening the Nursing Workforce" in 2001-02 included $0.600M for general nursing scholarships. In 2002-03, in response to an identified specific need in Mental Health half these funds were transferred to Mental Health.

(8) The nursing scholarship funding is ongoing at $0.600M per annum.

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## Mental health—funding (Question No 1464)

**Mr Smyth** asked the Minister for Health, upon notice, on 1 April 2004:

(1) Further to a press release dated 29 March 2004 in which the Minister claimed that the Government had increased mental health funding by $3.4 million in the last two budgets, what are the new initiatives or other spending increases that make up this claimed figure of $3.4 million

(2) To which budget does each change relate.

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

(1) 2002 – 2003 Mental Health Budget Initiatives

| Initiative | Expenditure |
|---|---|
| Child & Adolescent Mental Health Service Enhancement Package | $466,000 |
| CALCAM Adolescent Mental Health Day Program | $500,000 |

| | |
|---|---|
| Mental Health Respite Care Program<br>- Carers ACT<br>- Respite Care ACT | <br>$100,000<br>$105,000 |
| Psychogeriatric Care | $300,000 |
| Mental Illness Education ACT- Youth mental health education & literacy program | $85,000 |
| Expansion of Older Persons' Mental Health Service | $322,000 |
| 2002-2003 Total | $1,878,000 |

(2) 2003 – 2004 Mental Health Budget Initiatives

| Initiative | Expenditure |
|---|---|
| Gungahlin Outreach – Additional clinical staff to provide outreach services to mental health clients in Gungahlin | $400,000 |
| Calvary Link – Expansion of the Crisis & Assessment Team to include assessment at Calvary Hospital | $80,000 |
| Drug and Alcohol/Mental Health Worker | $80,000 |
| Forensic – Court Liaison Officer | $80,000 |
| Expansion of Community Mental Health teams to include Tuggeranong region and extended hours for the Woden teams. | $400,000 |
| Discharge Planner Program - employment of a discharge planner at PSU | $80,000 |
| Supported Accommodation – Expansion of the community mental health supported accommodation program | $240,000 |
| Employment of a Mental Health Clinical Data Manager | $55,000 |
| Support for Carers – Continuation of the 2002/03 Respite initiative. | $35,000 |
| SACS Award – Mental Health component of wage increases for staff employed by NGOs providing mental health services. | $90,000 |
| 2003-2004 Total | $1,540,000 |

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## Ear piercing
## (Question No 1465)

**Mrs Burke** asked the Minister for Health, upon notice, on 1 April 2004:

Please detail the laws governing the regulation of ear piercing in the A.C.T. with regard to (a) chemists, (b) jewellery stores and (c) any other outlet providing such a service, in particular with respect to young people under the age of 16.

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

**Regulation of ear piercing**
The ACT *Public Health Risk (Infection Control) Declaration Amendment 2001* defines closed ear piercing as, "a process of ear piercing that is carried out on the lower lobe of the ear by means of an apparatus that does not come into contact with the skin and can be operated only by the use of sealed and pre-sterilised disposable fittings."

**Exempt premises**
Businesses performing closed ear piercing are excluded from the requirement to hold a

Public Health Risk (Infection Control) Licence and thus are not specifically regulated under the ACT *Public Health Act 1997* unless the business is found to be a danger to public health.

**Non exempt premises**
Businesses performing ear piercing on the upper ear lobe or with reusable equipment (e.g. body piercing) are required to hold a Public Health Risk (Infection Control) Licence.

**Types of premises**
Whilst the ACT *Public Health Act 1997* deals with the public health aspects of ear piercing, there is no distinction between chemists, jewellery stores and any other type of outlet under the Act.

**Age of consent**
Currently there is no requirement in ACT legislation that children under the age of 16 require parental consent prior to ear piercing. Reference to age of consent is contained in section 388 of the ACT *Children and Young People Act 1999*, which requires the written consent of a parent prior to tattooing of a child or young person but does not address issues in relation to ear or body piercing.

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## Schools—computer tutor program (Question No 1466)

**Mr Pratt** asked the Minister for Education, Youth and Family Services, upon notice, on 1 April 2004:

(1) Is the Minister aware of a program which has been endorsed by the Australian Institute of Mathematics called computer tutor?

(2) Do any ACT government schools use the mathematics computer tutor?

(3) If so, which schools currently utilize this program and how many students would this equate to; if not, would the Minister encourage schools to allow the computer tutor to be used in ACT government schools given that it closely follows the Education Department's school curriculum in each state?

**Ms Gallagher**: The answer to Mr Pratt's question is:

(1) The program 'computer tutor' has been developed and produced by the Australian Institute of Mathematics. The Institute of Mathematics is a private company working in the area of multimedia education. The company has produced software in the fields of mathematics and English.

(2) ACT schools select a number of appropriate resources to support the curriculum. The 'computer tutor' is only one of many commercially available products available to schools and as such I do not think it is necessary to survey all schools about this particular product alone.

(3) The department encourages schools to use a wide range of resources to support their curriculum and focus on improving student outcomes.

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## Students—suspension and expulsion (Question No 1467)

**Mr Pratt** asked the Minister for Education, Youth and Family Services, upon notice, on 1 April 2004:

(1) In the (a) 2003, (b) 2002 and (c) 2001 calendar years, how many ACT government school students were (i) suspended and (ii) expelled;

(2) How many ACT government school students have been (a) suspended and (b) expelled to date in 2004;

(3) What are some of the reasons that students have been (a) suspended and (b) expelled;

(4) What guidelines or rules are followed by teachers and principals in making a decision to (a) suspend and (b) expel a student;

(5) When a student is suspended or expelled is there a requirement of the Department to ensure that student returns to some form of education when they have not reached the age of 16;

(6) Have these guidelines been changed or reviewed in recent times;

(7) Is there a need to review or change the guidelines;

(8) What is being done in Government schools to avoid suspending or expelling a school student and ensuring they achieve good educational outcomes.

**Ms Gallagher**: The answer to Mr Pratt's question is:

(1) The number of ACT government school students suspended in:
- (a) 2003 was 1125
- (b) 2002 was 1009
- (c) 2001 was 986

No students have been expelled from ACT government schools during this period.

(2) The number of ACT government school students suspended to 31 March 2004 is 346. No students have been expelled this year.

(3) Suspension and/or recommended transfer will be for behaviour where:
- (a) the student shows persistent and wilful non-compliance;
- (b) the student has acted in a way which threatens the good order of the school or the safety or well-being of a student or member of staff or exhibits behaviour that is disruptive to the student's own learning and/or other students' learning;
- (c) the student has threatened or perpetrated violence;
- (d) the school has sound reason to believe that the student may have committed offences against Commonwealth or ACT laws.

(4) DEYFS provides guidelines and mandatory procedures which are followed by teachers and principals in making decisions to suspend students. This information is available on the DEYFS website.

(5) Please see part (4).

(6) The department is currently reviewing these policies.

(7) Please see part (6).

(8) The department provides policy and procedures to manage extreme behaviours which result in suspension. The policy also provides a framework for schools to manage student behaviour and introduce strategies to reduce disruption to students' learning. The department also provides support structures, including the high school student support centres (northside and southside), behaviour management consultants, and other measure to provide and coordinate resource support for specific approaches to student management. ACT government schools utilise a range of resources and strategies to manage student behaviour and to avoid suspension. These strategies include negotiating changes to a student's curriculum, participation in work experience, anger management counselling and restorative practices.

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## Education—indigenous outcomes (Question No 1468)

**Mr Pratt** asked the Minister for Education, Youth and Family Services, upon notice, on 1 April 2004:

(1) Is the Minister aware of a new report titled the *Case for Change* – a review of contemporary research on Indigenous education outcomes;

(2) Was the Minister aware of this report before this question was asked;

(3) Does the ACT need to change implemented policy and practice to improve Indigenous educational outcomes;

(4) If so, what is the ACT Government and ACT Department of Education, Youth and Family Services doing to change (a) policy and (b) practice to improve Indigenous educational outcomes for the ACT's Indigenous students;

(5) If not, how will the Minister and the Department ensure that Indigenous education results improve now and in the future.

**Ms Gallagher**: The answer to Mr Pratt's question is:

(1) I am aware of the Australian Council for Educational Research (ACER) report, *A Case for Change: a review of contemporary research on Indigenous education outcomes*, released on 18 February 2004.

(2) Yes, I was aware that ACER research reports, such as this one, are available on the Council's website.

(3) The ACT Government is committed to a whole of government approach to addressing the needs of our Indigenous community, including students. I note, that *The Case for Change*, to which you refer, raises many of the same issues impeding Indigenous education progress that are discussed in the recent Council of Australian Governments', *Overcoming Indigenous Disadvantage Key Indicators 2003 Report* (Nov 2003). The

Government is committed to addressing these issues and is of the view that current programs and upcoming initiatives in this regard show that we are on the right track. *The Canberra Social Plan, Building our Community*, outlines many of the Government's further actions to improve outcomes for Indigenous people in our community.

(4) Mr Pratt will recall that the department is already working to improve Indigenous educational outcomes consistent with the areas raised in the ACER report. The *Services to Indigenous People, Literacy and Numeracy* and *Student Support* Action Plans as well as the *Equity and Diversity Plan*, specifically address these issues.

(5) Please note answer at (4).

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## Students—paid tutoring (Question No 1469)

**Mr Pratt** asked the Minister for Education, Youth and Family Services, upon notice, on 1 April 2004:

(1) Further to figures that have been revealed showing around one million Australian children have paid tutors, does the Government have any data that reveals how many ACT students receive paid tutoring;

(2) As tutoring is often a form of assistance that parents feel they cannot provide, what is the Government doing to assist parents in the difficulties they have with helping their children do homework;

(3) Does the ACT Government do enough to assist parents in their approach to helping their children with homework; if not, what sort of additional assistance could be provided and would the Government be willing to provide it.

**Ms Gallagher**: The answer to Mr Pratt's question is:

(1) No. The department does not have specific data on this issue.

(2) Schools employ a wide range of strategies that assist parents to work with their children to complete homework. These include developing a school homework policy, incorporating articles in the school newsletter, running training sessions and offering homework centres. The *LearningACT* website, launched on Thursday, 8 April 2004, provides resources for students to support and assist with school learning.

(3) The strategies outlined in part (2) assist parents in their approach to helping their children with homework. *LearningACT* is a dynamic and evolving resource that will continue to be updated to engage and support students in home study activities.

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## Pensioner concessions (Question No 1470)

**Mr Cornwell** asked the Treasurer, upon notice, on 1 April 2004, (redirected to the Minister for Disability, Housing and Community Services):

(1) In relation to the offer of funding from the Commonwealth Government to States and Territories to extend pension benefits to low-income self funded retirees and further to the Treasurer's comment in *The Canberra Times*, 29 March 2004, page 5, that the A.C.T. Government was more interested in extending concessions to pensioners and those who really need it, what is his definition of those who really need it and which groups of those in need fall within this definition;

(2) Do low-income self-funded retirees also fall within this definition of those who really need it; if not, why not.

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

(1) Core concessions under the ACT Concessions Program are available to ACT residents who are holders of a Centrelink Pensioner Concession Card or a Department of Veterans' Affairs Pensioner Concession Card or Gold Card. While some concessions are currently available to holders of Centrelink Health Care Cards, others, such as water and sewerage concessions are not. The ACT Government is committed to targeting support to those most financially disadvantaged in the community. Financial disadvantage is based on the individual having a level of income that renders them eligible for additional income support in the form of a pension.

(2) ACT core concessions are based on eligibility for one of the above pensioner concession cards. These are primarily based on income. If a self-funded retiree is on a low income, but their income is too high to render them eligible for a pension, they would not fall within the definition.

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## Housing—private rental properties (Question No 1471)

**Mr Cornwell** asked the Minister for Disability, Housing and Community Services, upon notice, on 1 April 2004:

(1) Further to the Question on Notice No 1288 regarding the leasing of private rental properties by ACT Housing for the placement of public housing tenants and that the owners of the private properties leased to the ACT Government do not have any say over tenant selection, yet the tenant/s are responsible for payment of any property damage, then how can the owners be assured that (a) for any property damage that occurs they will be properly recompensed and (b) the tenant/s that have been given residence in their property are, in fact, responsible tenant/s and will be in a position to be able to provide payment for any property damage;

(2) If the tenant/s are not required to pay a bond, and if, having vacated or abandoned the property leased from the private owner by ACT Housing there is significant damage to that property, what funds have been set aside by the ACT Government to ensure the property is returned to the owner in its original condition, or that the owner is duly compensated.

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

(1) (a) In my response to the Member's Question on Notice number 1288, I stated that property damage which is identified as a tenant responsibility will be paid for by the tenant. If the tenant fails to make good any damage at the appropriate time, Housing

ACT will pay for the repairs, prior to hand back of the property. This is consistent with our undertaking to return the properties in the condition in which they are received, less fair wear and tear. If there is a need to recover the cost of repairs from the tenant, Havelock Housing Association has procedures in place to do this; it will not be the responsibility of the property owner.

(b) Havelock Housing Association does not require references from potential tenants. However, the Department expects that its tenants will pay rent and behave responsibly and there is no reason to assume that this will not be the case.

(2) The Department has a fund set aside for the repair of vacant properties. This is based on the average amount spent on repairs to vacant properties.

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## Aged care accommodation (Question No 1472)

**Mr Cornwell** asked the Minister for Health, upon notice, on 1 April 2004:

(1) Further to Question on notice No 1298 part (6) and the response that an estimate of the total number of people on waiting lists for private aged care facilities cannot be provided, how can the A.C.T. Government make plans to solve the current problems in aged care accommodation, and thus help to reduce lengthy waiting lists for nursing homes in the A.C.T, if it is unaware of the numbers, or at least a close estimate, of people on such waiting lists;

(2) If an estimate has been determined, could that figure be provided;

(3) If an estimate of people on such waiting lists has not been determined, why not.

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

(1) The Australian Government is responsible for planning for the number of residential aged care places in the ACT and other states and territories. The role of the ACT Government is to work with providers on planning and building approval once the Australian Government has approved the places, and the ACT Government is currently progressing a strategy to streamline planning and building approvals processes for older peoples accommodation.

(2) There are approximately 479 people in the ACT who have been assessed as requiring high level aged care accommodation. A low level care waiting list is yet to be established.

(3) Aged care facilities are private enterprises and have no direct relationship with the ACT Government. Facilities keep their own waiting lists, and are not required to register their clients on a centralised waiting list. The ACT Government is working to improve the waiting list information, but this requires voluntary cooperation from facilities.

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## Building site—Yambina Street (Question No 1473)

**Mr Cornwell** asked the Minister for Planning, upon notice, on 1 April 2004:

(1) Further to the Minister's letter of 5 June 2003 regarding action against the lessees of 14 Yambina Street Waramanga for failure to complete building work on site since at least 1995, why has Planning and Land Management, its predecessors and successors allowed this matter to drag on for at least nine years;

(2) Does the A.C.T. have laws limiting the amount of time a lessee has to complete building work; if so, what is this time limit and why has it not been enforced in this case;

(3) In the Minister's letter which concludes by saying that the matter will be resolved after the AAT makes a decision, can he advise if a decision has been made and if so, what is that decision;

(4) If the AAT has not yet made a decision, why not;

(5) Do neighbours have any legal recourse for lower property values living next to this building site;

(6) Can the A.C.T. Government take action against the lessees under the so called dirty block legislation; if so, will such action be taken; if not, why not.

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

(1) ACTPLA and its predecessors have been attempting, within the laws that did exist and now exist to force the lessees to complete the extension. The lessees have been successfully prosecuted and fined under the Building Act. This did not convince the lessees to complete the extensions. ACTPLA issued orders requiring the immediate cleanup of the block and the completion of the extension by November 2004. The Administrative Appeals Tribunal, on appeal, affirmed the requirement to complete the extension by November 2004 and varied the cleanup provisions to take into greater account the impact of the construction work on keeping the site clean. The lessees have appealed the Tribunal's decision to the ACT Supreme Court. The matter is listed for a preliminary hearing in August this year.

(2) Development approvals now have a time limit built into them; normally two years. ACTPLA has the capacity to extend these times if the circumstances so warrant. The Land Act provides that where a Development Approval is not acted on within two years then the approval lapses.

However, when the National Capital Development Commission approved this extension under the Design and Siting legislation no such constraints were available.

This matter has been further exacerbated with the control of the granting of building approvals passing from the public sector to the private sector.

(3) The AAT handed down its decision on 30/06/03. That decision required the lessees to

a. properly store all building material on the site, get a skip bin to contain building waste and to cutback the bamboo growth to the satisfaction of the Territory. This was to be completed by 31/08/03.

b. complete the construction of the extensions by 5 November 2004.

This decision has since been appealed to the ACT Supreme Court. A preliminary hearing has been listed for August this year.

(4) See (3)

(5) I am unable to comment on such claims for compensation. These are matters which should be considered by the persons wishing to make a claim and their legal adviser. It would be a matter between the parties.

(6) When ACTPLA did attempt to take action under the dirty block legislation the lessees successfully applied to the ACT Supreme Court for a stay of any action by ACTPLA until their appeal to the Supreme Court had been disposed of.

ACTPLA can take no further action at this stage given the decision of the Supreme Court.

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## Aged care accommodation (Question No 1475)

**Mr Cornwell** asked the Chief Minister, upon notice, on 1 April 2004:

In relation to advice from the recently appointed Case Manager for older person's accommodation at the Council on the Ageing (COTA) meeting on 16 February 2004 that a report was to be out at the end of that month to say what had been done and what would be done in the future regarding the situation with aged care accommodation in the A.C.T. and that copies of this report would be available, could a copy of this report be provided to Members of this Assembly; if not, why not?

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

The Case Manager is reporting to me regularly and continuing to maintain very strong communications with COTA and service providers.

I am advised there was no commitment made at the February meeting to a different form of report.

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## Senior Executive Working Group (Question No 1476)

**Mr Cornwell** asked the Chief Minister, upon notice, on 1 April 2004:

Further to his response to Question on notice No 1306 providing details of the Senior Executive Working group (SEWG), if the SEWG's primary task is to oversee the implementation of the Building for Our Ageing Community strategy, then how can it be said that they have no impact on the endorsement or planning of future land releases for aged care facilities in the A.C.T.?

**Mr Stanhope**: The answer to the member's question is as follows.

In my response to the Member's earlier question (QON 1306), I did not say that the Senior Executive Working Group (SEWG) would have no input to planning of future land releases for aged care facilities in the A.C.T. Naturally individuals in the group would have input, but it is not the role of this Group to approve land release for aged care facilities.

The role of the Group includes improving the outcomes from the system and overseeing the Building for an ageing community strategy. The Group seeks to do this by, amongst other things:

- examining issues raised by service providers and peak bodies and responding to them in a coordinated and strategic manner; and
- developing system improvements in service delivery for the medium and longer term.

With respect to the second part of the Member's previous question, it is the ACT Planning and Land Authority and the Land Development Agency that have the statutory authority to approve development applications and land sales respectively, not the SEWG.

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## Victims Assistance Board (Question No 1477)

**Mr Stefaniak** asked the Attorney General, upon notice, on 1 April 2004:

(1) In relation to victims of crime, what is the role of the Victims Assistance Board (VAB);

(2) Has the VAB seen any victims and, if so, how many during the period 1 January 2003 to the 31 March 2004;

(3) Please list any benefits the VAB has brought in terms of assistance to victims since its inception;

(4) Why does the VAB get more money annually than the Victims of Crime Assistance League (VCAL);

(5) Has the VAB ever contacted the VCAL; if not, why not;

**Mr Stanhope**: The answer to the member's questions is as follows:

(1) The Victims Assistance Board (VAB) was established under section 19 of the *Victims of Crime Act 1994*. Its role is prescribed in Regulation 6 of that Act

(2) The VAB's role does not extend to having direct contact with victims of crime. Members of the VAB may form the eligibility review committee established under Regulation 29 to the Act to review eligibility decisions of the responsible service agency if necessary. The Secretariat of the VAB has advised that to date this has not been necessary. As Secretariat, she occasionally takes calls from victims of crime and directs them to other agencies if she is unable to answer the enquiries but this is not her defined role.

(3) The VAB has brought significant benefits in terms of assistance to victims since its inception. These benefits include approval of service providers, improvements in the process of approval of service providers, development of selection criteria for service providers and the design of steps to help prevent burnout of providers thus ensuring the provision of quality services to victims of crime.

The VAB has also achieved the improvement in the transparency of processes. For example, ensuring that the people who approve providers are not the people who give victims of crime the names of providers

The VAB ensures the quality of services provided to victims of crime.

The VAB has also achieved improvements in the quality of statistics kept, and therefore the information about victims of crime available.

In addition to this, the VAB provides the opportunity for a broad range of community views to be heard on victim issues as the Board is made up of a number of government and non-government representatives as prescribed in Regulation 8 of the *Victims of Crime Act 1994*.

The VAB also provides the opportunity for community and government agencies to share information and knowledge to improve both services for, and the treatment of, victims of crime within the criminal justice system.

(4) The VAB is funded through the budget of the Department of Justice and Community Safety. The Victims of Crime Assistance League (VOCAL) is a community organization. VOCAL provides the volunteer component of the Victims Services Scheme pursuant to a Service Level Agreement with the Department of Health that was negotiated by VOCAL. It is understood that VOCAL receives approximately $110,000 per year pursuant to this Agreement. The VAB, whilst currently having a full time officer for support and resources, receive only a small amount of money, approximately $10,000 to enable it to pay the expenses of members and for ongoing education.

(5) The VAB would only have contact with VOCAL in pursuance of its roles and functions as established under Regulation 6. Such contact has not been routinely necessary to date.

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## Victims of Crime Assistance League (Question No 1478)

**Mr Stefaniak** asked the Attorney General, upon notice, on 1 April 2004:

(1) Is it true that the Victims of Crime Coordinator (VCC) has taken over a room at the court previously occupied by the Victims of Crime Assistance League (VOCAL); if so, why was this done;

(2) What provisions have been made for the members of the VOCAL to use that room or have another room of their own allocated to them at court so that they can assist victims going through the court process;

(3) Will the Department ensure that the VOCAL has complete unfettered access to the room at court now occupied by VCC or alternatively ensure another room at court is available for them to use.

**Mr Stanhope**: The answer to the member's questions are as follows:

(1) There is no room at the court that is, or has ever been, exclusively occupied by the Victims of Crime Assistance League.

There are a number of external agencies whose offices are hosted by the Magistrate's Court Building. These include ACT Corrections Intake Office, Victims of Crime Co-ordinator's Office, Media Room, Court Alcohol and Drug Assessment Service, Legal Aid Protection Orders Unit and the Prisoners Aid Society.

In addition to this there are rooms made available by agreement to visiting agencies. VOCAL is one of the agencies that rooms are made available to by agreement. The other is the Domestic Violence Crisis Service.

All the rooms in the Court allocated to external agencies are provided at the Court's discretion, and on conditions determined by the Court.

There was a room used by VOCAL and this is the room presumably referred to in the question. The original agreement was that it was for occasional use with clients on court business and was to be shared between VOCAL/the National Association for Loss and Grief (NALAG) and CARE Inc. Over time, only VOCAL came to use it. It has never been allocated for exclusive use by VOCAL There was an amicable arrangement whereby the Victims of Crime Co-Ordinator's Office (the VOCC) would also use that space for interviews. It has never been used as an office as VOCAL has an office at Narrabundah.

Early in 2002 a number of occupational health and safety issues arose at the Court building, particularly in the context of appropriate places for interviewing clients and advice was given that the arrangements then in place were unsuitable. The Registrar of the Magistrates Court, Mr Thompson, decided that the room in being used by VOCAL and the VOCC should be used primarily by the VOCC. At that time, Mr Thompson was advised that the VOCC saw, on average, 5-10 clients each week while VOCAL had used the room perhaps 2 or 3 times a month.

The Court building, as a working environment, was considered an unsuitable place for counselling.

(2) Provisions have been made to allow VOCAL to access to a room within the Court building. In June 2003 Mr Thompson wrote to the chair of VOCAL outlining the situation.

After discussion it was agreed that the VOCC would have primary responsibility for accessing the room for client interviews and that, if VOCAL wished to use it, they would contact the VOCC to make a booking. It was agreed to put a 'room in use' notice up when in use. As a result the room is currently being used as a combined interview room. I am advised that until recently this arrangement had been working well but that recently VOCAL has been accessing the room without the agreed prior notice.

However, I understand that no complaint about this arrangement has been received from VOCAL by either the VOCC or the Court Administrator, Mr Bruce Kelly.

(3) Many of the rooms at the Court are shared by a number of diverse users who generally work together to ensure that all parties are accommodated, having particular regard to security and occupational health and safety issues. The combined interview room is, always has been, and remains available for use by VOCAL subject to the agreement reached between VOCAL and the Court. The Courts Administrator has indicated that, provided prior notice is received, the Court will continue to make a room available for use by VOCAL.

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## Human rights
## (Question No 1479)

**Mr Stefaniak** asked the Attorney-General, upon notice, on 1 April 2004:

(1) Further to his media release reported on 25 March 2004 on ABC radio news in relation to his visit to the United Kingdom and discussions he had with persons in relation to the A.C.T. Bill of Rights, now enacted as the Human Rights Act 2004 and the reference to Professor Francesca Klug being involved in the consultation on the A.C.T. Bill of Rights, was any other non-resident of the A.C.T. consulted on the A.C.T. Bill of Rights; if so, please list those persons and the capacity in which they were consulted;

(2) On what basis was Professor Klug consulted;

(3) Was Professor Klug, or any other non-resident of the A.C.T., paid for any services they rendered during the consultation; if so, how much;

(4) If there was any paid consultation was there a tender process;

(5) If so, please give details.

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

(1) In the process of preparing its report, the ACT Bill of Rights Consultative Committee consulted several non-residents, both informally (whilst they were in Canberra for other purposes) and formally.

Others who were consulted were the Rt Hon E W Thomas DCNZM PC QC of New Zealand; Professor George Williams of NSW University; Dr Gavan Griffith, barrister, Melbourne; and Ms Kate Eastman, barrister, Sydney. Each was consulted in his or her capacity as legal practitioner, judge (in the case of the Hon E W Thomas) or legal academic.

(2) Professor Klug was engaged in informal consultation with the ACT Consultative Committee when she visited the ACT as a guest of the Australian National University, to present papers at a conference "Comparative Bills of Rights" at the National Museum of Australia on 18 December 2002.

(3) Professor Klug gave her services free of charge, as did the Rt Hon E W Thomas, who was also present in Canberra as a guest presenter at the above conference, and Professor Williams.

Non-residents of the ACT who were consulted by the ACT Consultative Committee on the Bill of Rights were as follows:

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|---|---|
| Dr Gavan Griffith, barrister, Melbourne, for legal counsel: | |
| 18 March 2003 | $11,500 |
| 2 May 2003 | $10,875 |

Ms Kate Eastman, barrister, Sydney, for legal counsel:

| | |
|---|---|
| 5 March 2003 | $2,530 |
| 28 April 2003 | $11,450 |

(4) There was no public tender process for these consultations.

(5) The payments to the individual consultants were below the requisite $50,000 requiring endorsement by the Department of Treasury Approved Procurement Unit.

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