DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

FIFTH ASSEMBLY

WEEKLY HANSARD

5 AUGUST

2004

Thursday, 5 August 2004

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The Assembly met at 10.30 am.

(Quorum formed.)

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

Crimes (Restorative Justice) Bill 2004

Mr Stanhope, pursuant to notice, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (10.32): I move:

> That this bill be agreed to in principle.

For some time, I and my colleagues have been convinced of the potential of restorative justice practices to make a positive difference in a broader range of cases that enter the criminal justice system than what is now the case in the Australian Capital Territory. Currently, police refer to and provide conferencing through their pre-court diversionary conferencing program. This bill provides for the expansion of restorative justice options for court-based cases, right through to cases that are at the post-sentence and parole stages. This legislation will apply to juvenile and adult offenders.

A review of restorative justice options with a view to expanding their availability in the ACT was an element of the Labor Party's pre-election platform and is a key crime prevention and sentencing strategy of the ACT criminal justice strategic plan 2004-05. This commitment, reflected in this bill, addresses the ACT's disadvantage compared with all other Australian jurisdictions, where a range of restorative justice options are in place servicing a greater proportion of justice system needs.

Research shows high victim satisfaction and extremely high offender satisfaction with restorative justice processes and practices. Community members, besides the immediate offender and victim, also experience high levels of satisfaction. All relevant government and justice sector agencies were represented on the restorative justice subcommittee, which thoroughly considered expert advice and world's best practice to develop an issues paper, released in October 2003. Extensive community consultation followed. The resulting recommendations support the concept of an integrated restorative justice unit.

This bill provides for a small, dedicated restorative justice unit, which will function as a central point for referral, assessment and delivery of conferences. The central unit will enable all justice sector agencies at every stage of the process to be involved, including the courts, the Director of Public Prosecutions and both adult and youth corrections. This will widen systemic awareness of victims' needs, victim-offender interaction and awareness of alternative programs, especially for young offenders.

ACT Policing's 2002-03 annual report states that last financial year resulted in 38 conferences accounting for 49 offenders. Case throughput for the proposed unit is estimated at 100 to 120 in year one and 200 cases annually thereafter, representing approximately five to 10 per cent of existing case numbers. Capacity to undertake conferences will be maintained by ACT Policing through participation within the unit.

In the first year the restorative justice model will be applied exclusively to juveniles, allowing legislative framework and administrative protocols to be thoroughly refined. The model will be extended to the adult jurisdiction in the second year, following a review. No offence categories are excluded from potentially being the subject of a restorative justice conference, but strong safeguards are built in through the limiting of referrals for serious offences that must be dealt with within the setting of the court or following a court outcome.

At times the restorative justice conference will be one element in a combination of integrated sentencing outcomes. Importantly, the inclusiveness of this new system enables restorative justice to be delivered at all stages of the criminal justice process, from pre-court to post-court stages. I commend this bill to the Assembly.

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

Utilities Amendment Bill 2004

Mr Quinlan, pursuant to notice, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming, and Acting Minister for Planning) (10.36): I move:

> That this bill be agreed to in principle.

Mr Speaker, regulation of the provision of utility services is currently undergoing a great deal of reform at both local and national levels. The Stanhope government has been actively involved in many areas of reform and debate regarding energy market reforms, the national water policy and related environmental programs.

This commitment to a sustainable basis for the Canberran lifestyle is reflected in the Canberra plan. The plan recognises that, if we are to maintain our high standards of living, health and wellbeing while still providing for those in our community who need assistance, we must ensure that provision of the essential services of electricity, gas, and water is adequately maintained and protected.

The keystone to the sustainability of essential services is retaining and supporting the already excellent relationship between the organisations and people involved in providing and regulating these services. The government, ActewAGL and the Independent Competition and Regulatory Commission form important relationships,

upon which the provision of essential services is based. These relationships need to be constructive and transparent interactions of mutual respect as we work together to provide Canberrans with some of the best utility services in the country.

This current bill focuses upon ensuring that the role performed by the ICRC will remain financially viable and financially independent, allowing them to provide quality analysis and decision making. The Utilities Amendment Bill allows new functions given to the ICRC under the national reform agenda to be included in its determination of licence fees. This ensures that the ICRC can recover reasonable costs from industry for the detailed work that it performs under the national energy codes.

This amendment reflects the situation in other jurisdictions, effectively allowing work undertaken by regulators under all its utility rated acts and codes to be included in the licence fee structure. The amendment also retains the transparency and flexibility needed for future national changes to be adequately incorporated as the reforms continue. I look forward to all my Assembly colleagues supporting this straightforward and commonsense amendment, which will ensure that the role of the ICRC as an independent regulator will be adequately maintained. This amendment will ensure that the balance of providing sustainable and essential services is retained through this time of reform and change. I therefore commend the Utilities Amendment Bill to the Assembly.

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

Small Business Commissioner Bill 2004

Mr Quinlan, pursuant to notice, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming, and Acting Minister for Planning) (10.40): I move:

> That this bill be agreed to in principle.

Mr Speaker, I am pleased to present the Small Business Commissioner Bill 2004 to the ACT Legislative Assembly. In launching the economic white paper in December 2003, the government committed to the goal of establishing the ACT as the most friendly small business location in Australia. This means that the ACT will develop a reputation for being a hassle-free place to do business where the effort and endeavour of small business is appropriately rewarded and recognised.

This bill is a significant response to this aspiration. It also caps off an array of initiatives the government has now implemented for small business development in the ACT. Policies and initiatives which flow largely from the government's economic white paper are incorporated. I can now inform the Assembly that approximately $128 million has to date been committed to the economic white paper initiatives through the third appropriation bill of 2003-04 and the 2004-05 budget. Although our financial commitment to establish a Small Business Commissioner is a very small component of

the total funding figure, the commissioner's ability to shape a support environment for small business in the ACT is enormous.

The Small Business Commissioner Bill will establish a statutory body—a body supported by government but at arms length from government—to shape a fair, cooperative and competitive environment for small business in the territory. It will also work towards ensuring that government services for small business firms are effective, accessible and intuitive in their operation.

In broad terms, we see the day-to-day focus of the Small Business Commissioner to be on removing the impediments that are often put in the way of small business doing business: improving the interface between small business and government agencies, helping establish an advanced customer service approach between agencies and the business community and simplifying the process of government so that information and services are properly conceived and efficiently delivered.

We see the Small Business Commissioner developing roles and functions around dispute resolution and dispute prevention—for example, being a facilitator between parties to a small business dispute, whatever its source or whoever the parties might be. We also see the Small Business Commissioner developing a capability—or small business antennae—to flag problems and issues before they become intractable or divisive. The ACT Small Business Commissioner Bill creates a role for the commissioner to review and improve government legislation that impacts upon the small business sector. Importantly, the bill provides for a new channel of advice from the commissioner to government on small business issues.

Lastly, we see the Small Business Commissioner playing an active role in education and cultural change to support our aspirations for small business, a communications effort that will largely be directed at government agencies and, more broadly, the ACT community. The legalisation I present here today more fully describes the formal roles of the Small Business Commissioner in clause 11 of the bill. However, I would stress that in framing this legislation we have avoided being overly prescriptive.

Government funded small business advocacy bodies—those with proactive work programs and supporting powers—have been established in Victoria, South Australia and Western Australia. Although the three existing state bodies differ in function and resourcing, each has been highly successful in its own right. The lesson we have drawn from this experience is that the commissioner needs to develop a work program and style of operation that reflect the issues faced in the ACT and the internal dynamics of the sector. In that regard the government Small and Micro Business Advisory Council will be an important source of information and advice to the commissioner.

We are also seeking to establish a legislative framework where the work of the Small Business Commissioner will complement, and mesh with, the work of the other governing agencies. For example, the Small Business Commissioner will not overlap or circumvent the important review and dispute resolution work undertaken by the Office of Fair Trading, the Ombudsman or the Administrative Appeals Tribunal. Rather, the focus of the commission will be on early and low-key involvement, to address issues before they become problems for individual businesses or broader problems.

I would also expect the Small Business Commissioner to work closely with BusinessACT on information and communication activities relating to the small business sector. In 2004-05 the government is providing $340,000, from the existing business and economic development budget to appoint a commissioner and establish an appropriate level of resource support. The government is very conscious about not creating additional layers of bureaucracy through this initiative. We need, however, to establish a position in government with seniority and with the authority to open bottlenecks and the ability to shake the tree when it needs to be shaken.

On successful passage of this bill, the government will commence the process of recruiting the ACT's first Small Business Commissioner. The government would like to make an appointment as soon as is possible, subject to the obligations of the caretaker period we will soon be entering. We are also aware that the role will require a unique set of skills: an understanding of the process of government but also strong empathy with and understanding of small business issues. Accordingly, we will consult the business community on the appointment.

In closing, it is important to reflect on the reasons why the government has implemented this initiative. There are some 20,000 small businesses in the ACT, employing around 53,000 people. That is over half the territory's private sector employment. Small businesses make up 96 per cent of the territory's private sector enterprise pool. On sheer numbers alone, there is an argument to establish a specialist capability around government to maximise the potential of the sector.

While skills and capability do exist within agencies like BusinessACT, a commitment to an independent commission is a clear signal of the importance the government attaches to the development of small business in the territory. The government has established a challenging aspirational goal for the small business sector, and we know that this goal needs to be driven without compromise. The Small Business Commissioner will play an important part in this process.

For the continued growth and long-term health of the ACT economy, the government wants to see small business unimpeded and unshackled as it develops and grows. We also want to set up an environment that is conducive to business formation and nurtures development and innovation. We know that this environment has many dimensions, and the commissioner has an important role to play in delivering tangible services and also changing mindsets and culture.

We have consulted widely in the development of this legislation, including with the government's Small and Micro Business Advisory Council. I believe there is strong support in the ACT business community for this initiative and an expectation that the commissioner will be given the authority, and free hand, to develop a work program that makes a difference.

The legislation I present to the Assembly today meets these important requirements and expectations. I might add that this legislation and process are complementary to the workplace changes we have also made. The government recognises that successful business and safe and reasonable working conditions are not incompatible with each other—others might not.

I commend the Small Business Commissioner Bill to the Legislative Assembly.

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

Child protection
Paper and statement by minister

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

> The Territory as Parent—Review of the Safety of Children in the Care of the ACT and of ACT Child Protection Management—The Territory's Children—Ensuring Safety and Quality Care for Children and Young People—Audit and Case Review—Government response—Addendum, dated August 2004.

I seek leave to make a statement in relation to the paper.

Leave granted.

MR WOOD: Mr Speaker, the Chief Minister tabled the published report *The territory's children* in the Assembly on 3 August. The published report included a new recommendation, recommendation 11.1, which is about implementing the recommendations arising from the audit report. This addendum provides the government's response to recommendation 11.1. The government will undertake further consultation with service providers and carers in relation to the detailed recommendations in the audit report.

The reference groups which were established as part of the implementation team for the Vardon report and which comprise people with child protection experience and practitioners will be involved in the implementation of the audit report recommendations.

Community Services and Social Equity—Standing Committee
Report 3—government response
[Cognate paper:
Supplementary government response]

Resumption of debate from 11 December 2003, on the motion of **Ms Gallagher**:

> That the Assembly takes note of the paper.

MR SPEAKER: Is it the wish of the Assembly to debate this order of the day concurrently with order of the day No 25, relating to the supplementary government response? There being no objection, that course will be followed.

MR HARGREAVES (10.51): Mr Speaker, I hope that the esteemed reporter from the *Canberra Times* is listening so that no misrepresentations of the facts will appear in that

illustrious newspaper again. I would like to refer the chamber to what the Standing Committee on Community Services and Social Equity, of which I am chair, actually said about the issue when it looked into it in August 2003. In chapter 6 of its report, at recommendation 39, the committee referred to the statutory obligations being discharged by people in, at that time, the Department of Education, Youth and Family Services.

The issue was not about the reality of lack of safety for children in the community at that time. The issue was that officers had not discharged their statutory obligation. That is what the committee put forward. In previous committee hearings, estimates and annual reports, there was reference to the lack of compliance with statutory obligation. I can recall no suggestion of lack of safety being put to the minister by me or any member of my committee in the meetings which I either chaired or took part in.

I, as chair of that committee, did not have conversations with the minister about the lack of safety of children in the ACT; I had conversations with the minister about the lack of compliance with statutory obligation. Now I think it is important that we recall what happened after that. It was found in a review of that, which was actually kicked off by the minister and the Chief Minister, that there had not been compliance since 1996. The actual act was in 2001; that is when compliance was an obligation. The then Liberal government gave an undertaking to this Assembly that that would happen. It did not. Again, Mr Speaker, we are talking about the discharge of statutory obligation.

The minister was asked about it—I think it was in the annual reports. She had been the minister there for a number of weeks. It is improper and inappropriate to beat up that the minister should have done something. It is inappropriate and it is juvenile to do that. When the minister looked into it, what did she do with it? She brought it to this chamber. She could have just instructed her department to fix it, and what would have happened is that the statutory obligation would promptly have been discharged and the systemic problems revealed in the report would never have been addressed.

This minister brought the thing to this Assembly, and she has said, "This is in an issue. We will go down this track, find out what is wrong and we will fix it." As a result of that report and the minister's actions, the government has agreed in 28 instances specifically with recommendations and has agreed with most of the others in principle. We then saw the Vardon report, which went a little bit more deeply and informed the minister what the situation was—or at least hinted at it.

We saw the minister's and the government's response to the Vardon report: millions of dollars pumped into child protection; a change in the organisational structure; a significant recruitment campaign, including an overseas recruitment campaign to have more people in the system; greater education for people in the system; and greater accountability of people who are looking after our kids. We have seen the implementation strategy and we have Gwen Murray's report, *The territory's children*, which was delivered just the other day, hinting at but indicating exactly what was going on. We have had the government's response to that, and now we have got an addendum to the government's response to that.

I see in the media a pathetic attempt to blow this up into child abuse that has been known to this government since early 2003. Well, that is not so. That is just a plain lie. That is a plain falsehood, which is being perpetrated in the media and prolonged by the media

because it makes a great headline and it frightens the hell out of families in this town. The people behind that should be thoroughly ashamed of themselves.

Members interjecting—

MR SPEAKER: Order, members! Mr Hargreaves has the floor.

MR HARGREAVES: The role of the media in sensationalising this serious issue is to be deplored, and members of this place that have stoked the media need to share in being deplored. It is an irresponsible thing for them to have done. The responsible thing has been to see the issue and its seriousness and to do something about it. I repeat: the minister saw that there had been a problem and moved to fix it. Have a good look at *The territory's children* and then dig deeply. How far do you think this goes?

Mrs Burke: That's for you to find out.

MR HARGREAVES: Mrs Burke can't help herself. You'll get your 15 seconds in the sun, Mrs Burke. Hold your tongue and wait for it, please. Case histories of all of these people will go back an enormous length of time. Guess who was the steward of the children's safety for most of that time? It was not this government and it was not that minister. That minister acted with the speed of lightening to look after these kids. And what do you do? You get up in the media and you sensationalise it.

Mrs Burke: I do not.

MR HARGREAVES: Mr Speaker, I ask you to warn Mrs Burke because she is making it very difficult.

MR SPEAKER: Direct your comments through the chair, and members will maintain strict order.

MR HARGREAVES: I did. Thank you very much, Mr Speaker. She has been warned once this week. This chamber ought to be saying to the minister, "You've acted incisively and quickly—as best you can. You sank a whole lot of money into this thing. You've taken the department and shaken it, and you've changed the culture. Thank you very much for that. You have revealed all for us. We now have the facts."

We now have a good idea of what this minister is doing about it, which contrasts with the actions of those opposite. Those opposite promised in 1996 that they would do something, and it took five years for the legislation to turn up—five years of promises that they would report to the ACA on what they were doing. What happened in that time? Absolutely nothing. The legislation comes down and what happens after that? Absolutely nothing.

Then this government came to this side of the chamber for 12 months. What happened? Still nothing. The minister was then told of it. She found out the depth of this. What did she do? What did the Chief Minister do? He stood aside for the duration of an investigation of those people who may have had executive responsibility for it. They then threw a lot of money at it—and about time. One of the consistent themes coming through here is that this area has been underresourced and that underresourcing played a

very large part in the systemic failure. The report says that it is principally a systemic failure and that individual caseworkers are working hard looking after the kids; it is the systems they have to play with that have let them down and let our kids down.

I know that those opposite, and other members in this chamber, have decided that a great way to get themselves re-elected is by sensationalising an issue. It is one thing to put it into the public arena; it is another thing to perpetrate a falsehood in the media. That is pretty disgusting. I will reiterate my conversations, and I hope Scott Hannaford is listening to this. If you check the *Hansard*, it was not Ms Dundas who raised the issue; it was me. In fact, following that, Ms Dundas immediately moved the conversation on to another area of the Children's Court, and we did not have an opportunity to explore it further. Mr Hannaford, I expect to see that in print tomorrow.

I also expect to see asked in print tomorrow: as chair of that committee, did I go and see the minister and say our kids are unsafe? No, I did not. Why do you think that was, Mr Speaker? It was because I had the undertaking from the department that the statutory obligations would be honoured. It was revealed later that they were not. When this was raised in the context of the report, it slipped through again because of the advice from the department. When the minister realised what was going on, she acted.

I would like to see that in print. I would like to see the litany of initiatives that this minister has delivered in print, instead of the sensationalising scaremongering and creation of fear in the community, which have been the hallmark of recent publications in the *Canberra Times*. I think it is absolutely deplorable.

This Assembly should be saying, "Thank you very much for bringing this issue forward, Minister. We appreciate what you are doing. We see what you are doing. Let's all hope that the initiatives pay off." If you look at the case studies, you will see that they are very old. They are indicative of a systemic malaise. This government, through this minister, has tackled that malaise head on.

I suggest to you, Mr Speaker, that the approach those opposite, particularly the shadow minister—and aptly named "shadow" minister—would have taken would have been to instruct the department to discharge its statutory obligations and hope like heck that nothing happened. Clearly, that is what happened if they had six years of stewardship of this issue. An examination of the dates of those unsafe incidents will reveal that they go way back into the stewardship time of those people.

Now is the time to be a mature parliament, to say, "We have a serious issue on our hands; let's work collaboratively and collectively under the leadership of this minister and fix it for the safety of these kids." What is important is the safety of these children, not the re-election chances of people who are struggling for media oxygen and relevance out there. All they are doing is making it difficult for those people in the department who are doing their damndest to make sure these kids are protected.

Every time those officers stand up to you and belt that particular child protection service, they lower the morale of the people working there. They make it more difficult for those people to be effective when they try intervention programs. Well, good on you! I hope you sleep at night knowing full well that your actions over there are working against the rights, interests and wellbeing of children and young people. The government has put its

response down, and it is a positive response. It has acted incisively, quickly and with resources. You merely stood up in the public arena and frightened the public. Congratulations to you. Your, and everybody's, actions here are deplorable.

I am not sure whether it was the Chief Minister or Ms Tucker who said it earlier, but it is a very good point: we the Assembly should share the responsibility for this; none of us read these annual reports often enough. I think that is correct.

MS DUNDAS (11.06): I thank the minister for tabling a supplementary response to the community services and social equity report, *The rights, interests and wellbeing of children and young people*. When we were doing the inquiry, a lot of issues were raised, and one that the committee was keen to stress was that we did not want *The rights, interests and wellbeing of children and young people* to be just another report that would sit on a shelf. We wanted to see real action, which is why we were committed to the recommendations that we put forward.

The question was posed: how many reports does the government need to start moving forward to change how we deal with children and young people? The initial response from the government in relation to the inquiry was quite light on, and concerns were raised initially that the government had seemed to be dismissive of some of the concerns raised and some of the recommendations made by the committee. So it is quite pleasing to see the supplementary response.

A number of key recommendations that were noted have now been changed to recommendations that have been agreed. Recommendations 13, 14, 29 and 39—to name a few—which talk about how to deal with mandatory reporting and what kind of information and statistics we need on children and young people in care so that we will think things are progressing, have been upgraded from "noted" to "agreed".

It is a very positive step that the government has changed its attitude to some of these recommendations; it is a disappointing thing that it had to take three more reports in the meantime to get the government to this point. One of things that are spattered through this new supplementary response is talk of the Vardon inquiry and talk of the review into the Children and Young People Act and how a lot of what the committee recommended in August 2003 was echoed by the Vardon inquiry when it was tabled. It appears the government was more willing to listen to recommendations coming from outside than recommendations that were initially put to them in August 2003.

That being said, it appears that we now have movement forward in a number of areas. It is now up to the Assembly to maintain that scrutiny and ensure that these recommendations are implemented—as the government has said that they will be. One of the key components of that will be the ongoing review of the Children and Young People Act of 1999. That is an incredibly important review, and the government has indicated through its supplementary response that significant changes will be considered in relation to that review, partly because of the work of the Standing Committee on Community Services and Social Equity and partly because of the work of Vardon.

When the community services committee tabled its report in August 2003, I noted that the inquiry was not sparked by deaths or allegations of corruption and did not just have a focus on care and protection, as did inquiries that had happened in New South Wales and

South Australia. We noted that the issues in relation to care and protection were of nationwide concern, but we found that there were many problems to do with how we look after our most vulnerable and that the most vulnerable in our community—children who have been placed into care—were not having their needs met, were not having their voices heard and were being placed under continual strain.

We put forward the idea that, if a child is in care, it will most likely end up being part of the juvenile justice system. That is a cycle we must work to break so that we are actually protecting our children who need protection and not letting them get into a situation where they feel they need to participate in criminal activity to be part of their community. These things were being said 12 months ago, and throughout the inquiry many reports were put forward of concern in relation to children and young people.

The key component, which was always put forward and I think needs to remain the focus, is that children's voices were not being heard. Children, as the key component of the care protection system—through the CREATE Foundation and through conversations with anybody they can find—have for a number of years been putting forward their concerns about the care and protection system and the problems that they are facing. For far too long, adults, as leaders of the community, have ignored their voices. We can no longer do that. We need to listen to the people who know what is happening to them, and we should respect the voices of children and young people. If we continue to ignore their voices, we will surely regret it even more than we do at the moment.

I would like to respond to some of the comments Mr Hargreaves was making. I was not planning to, but I feel that they do need some response. When the Chief Minister and the minister for what was then education, youth and family services announced that they would be doing a further inquiry into care and protection in the ACT, like many people in this place, I went back and looked over the work that the community services committee had done. I read the transcripts, I read the submissions and I re-read the report—because I thought that we had discussed these issues. Looking back over the transcript, I saw that we had.

Mr Hargreaves's concerns about individual children were raised with the minister in relation to specific cases where young people known to family services had died and there were coroner's inquiries going. Mr Cornwell raised those concerns specifically. There were discussions about how these things could have happened, why children were falling through the gaps and what we needed to do to make things better for children in care.

Other things were discussed in those inquiries, including the concerns of the Office of the Community Advocate in relation to statutory reporting under section 162. Concerns were raised about the looking after children system that is meant to deal with reporting and information flows. Concerns were raised about children in care and their continual involvement with the youth justice system.

These hearings were reported again by the *Canberra Times* in February 2004. They are not necessarily new discussions that are happening in the public. The minister was there. The minister was even told that she might want to look through the OCA report to see what the OCA was saying. I think enough alarm bells were ringing for the minister to ask for more information and to look a little bit deeper into this.

If that had happened at the time, back in February 2003, or in August 2003 when the report was tabled, we might have been dealing with this issue a year ago. We might have been looking at these things a year ago. Some of the recommendations that the committee made were almost identical to recommendations made in the Vardon inquiry. It seems that we had to wait another year before the action that all of us are so desperate to be seen taking was actually taken.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming, and Acting Minister for Planning) (11.16): I want to touch on one issue, that is, the report in today's *Canberra Times*. Unless I am misled or mistaken the article in today's *Canberra Times* grossly misrepresents the role Ms Dundas played at that committee hearing. The only explanation that could be given is that it was bad reporting, that bad information was given to the reporter, or that it involved a bit of both.

I just had a look at the relevant portion of the *Hansard* that refers to the issue that was tangentially dealt with at the hearing. Ms Dundas moved the committee onto a different topic. Anyone reading the paper today could be excused for believing that Ms Dundas questioned the minister and her officers intently on additional issues that emerged much later and to which nobody has referred for months. If Ms Dundas played a direct role in that misrepresentation and, as a consequence, the position of an earnest young minister was completely misrepresented, the record ought to be put straight. The Democrats came into existence under the banner of keeping the bastards honest. I would have grave concerns if there had been any dishonesty on their part. If there is any moral courage here today the record must be corrected.

MR CORNWELL (11.19): As a member of the committee I wish to show that, apart from the unedifying picture of people scrapping like wild dogs or jackals over some corpse or over who has exposed this issue—

Mr Quinlan: "Jackal" is a good word. Well done!

MR CORNWELL: It is a good word when it is used in relation to certain people who attacked the story in the *Canberra Times*. We have to remember that the role of the media is perfectly legitimate and justified. The media is about reporting. It is the minister's problem if he does not like to see this issue on the front page of the papers. I would like to mention another matter.

Mr Quinlan: Is it right or wrong?

MR CORNWELL: Would Mr Quinlan give me an opportunity to contribute to this debate?

MR SPEAKER: Order!

MR CORNWELL: The other issue that I find interesting relates to the desperate efforts by this government to push back this problem. As my colleague Mrs Burke said earlier, the problems that we addressed in this report occurred during this government's watch. With a change of government, anyone taking over a ministry assumes responsibility for

that ministry. That is what happens. It is no use arguing that these things go back much further and that somehow previous governments are responsible for them, as that is simply not the case. These things occurred during the watch of this government and it will have to wear them.

Government members interjecting—

MR CORNWELL: Listen to the howls coming from government members. This issue is the responsibility of the government. I welcome and would like to comment on the supplementary response that has been given. The government has agreed to most of these things in principle. I refer to recommendation 22.2, which is not agreed to, and remind members that it will establish a clear protocol that children and young people in those circumstances have one case worker or manager from family services.

It worries me greatly that that recommendation has not been agreed to. Part of the problem is that too many people have been involved in this issue. We need somebody who has responsibility for each case otherwise these young people will fall through the net. If we have too many people involved, somebody will think that someone else is doing the job. The best interests of the child or the young person will not be observed if we do not have one case worker or manager. Another matter about which I express a great deal of concern is recommendation 26. The committee recommended:

> That the government amend the Children and Young People Act 1999 to require mandatory reporting of suspected cases of serious neglect.

The government has not disagreed with that recommendation; it has simply noted it and said:

> This recommendation has been considered in consultations with key stakeholders during the review of Children and Young People Act 1999. Amendments to the legislation will be considered by government taking into account the comments made.

I commend to the government the points made by the committee on pages 93 and 94 of its report. The committee admitted that it would be difficult to try to differentiate between occasional neglect and constant neglect. However, that is why we have lawyers and parliamentary draftsmen. I do not believe that that is beyond their wit. Nevertheless, I am concerned that the government has seen fit only to note this matter; I had hoped that it would agree to it. The problem relates to the whole question of mandatory reporting about which all members of the committee have spoken at length to date.

That is the core issue. Various people have not done their jobs. The government is attempting to push responsibility for this matter back onto previous governments when it has been in office for three years. Anyone taking over a government or a ministry has a responsibility to chase up and establish that everything in those ministries is going on in the way that he or she wants it to be. Presumably, this government has policies that are completely different from the policies of previous governments, so one would expect it to check on what is going on.

The government has not given this issue the attention it deserves. I hope that the recommendations set out in this response will be dealt with speedily. I hope that the

government addresses with the same alacrity as it addressed other matters those two matters to which I referred—the two recommendations that were qualified. I hope that we hear no more arguments about the front page of the *Canberra Times*—a newspaper that is doing its job. Just because an election is coming up Mr Quinlan wishes to stifle media criticism.

Mr Quinlan: Inaccuracy, yes, we do.

MR CORNWELL: In that case I suggest that he send a letter to the editor. That avenue is available to him, just as it is available to anybody else. By all means members should come into this chamber and put their points of view and we can then argue those points in public. But for Mr Hargreaves to stand up in this chamber and bucket responsible journalists I suggest—

Mr Quinlan: Do you agree with the content of that article?

MR SPEAKER: Order! Mr Cornwell has the floor.

Mr Quinlan: Is it right or wrong?

MR SPEAKER: Order, Mr Quinlan!

Mr Quinlan: Don't you care? You don't care.

MR SPEAKER: Order!

MR CORNWELL: To be perfectly honest, I thought there was a lot of sense in it. I thought it was legitimate information to be putting forward. The fact that it was on the front page must have distressed Mr Quinlan greatly. The truth of the matter is that the *Canberra Times* has a job to do. The journalist assigned to the ACT Assembly has a job to do and it was done, whether or not the minister likes it.

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

Leave granted.

MS DUNDAS: I wish to respond specifically to the Treasurer's questions relating to the newspaper article and to ask him to correct the record. The article on page 1 of the *Canberra Times* states:

> [There are] also statutory requirements under section 162, which is about reports of abuse and neglect. There is a requirement that the OCA be notified of that and the Community Advocate was critical of compliance with that requirement in the annual report.

That is a quote from the committee's transcript of proceedings and it is something that was said by the chair.

Mr Quinlan: The chair?

MS DUNDAS: Members might like to hear what I am saying.

MR SPEAKER: Order!

MS DUNDAS: The transcripts of the meetings of the Standing Committee on Community Services and Social Equity, which are on the public record, are available for people to read. Government members might have some questions that they wish to raise with the *Canberra Times* relating to that issue. I refer to the other quotes directly attributed to me. I said of the minister:

> She can't say that these issues weren't raised with her because they were.

I also said:

> There should have been more done in February when those concerns were put to her.

That is what I said to the reporter in question. I never claimed that the quote I read out earlier was something that I said. However, yesterday I referred to the transcripts and to what was discussed at those public hearings when I spoke to the journalist from the *Canberra Times*, as I did with other media outlets. At the public hearings I asked questions about the follow-up action that was being taken to help kids who have suffered child abuse. I asked what happened to them when referrals were picked up. I also asked questions about the Office of the Community Advocate referring to the lack of reporting and information flows. I hope that clears up the record.

MRS CROSS (11.30): How courageous government members are when they are in a pack, but how cowardly they are when they are on their own. They find it easy to attack an individual, even though this issue is not about Ms Dundas.

Mr Quinlan: Yes, it is.

MRS CROSS: Mr Quinlan should face the facts. She is not on trial here so get your act together.

MR SPEAKER: Mrs Cross, direct your comments through the chair. Order, Mr Quinlan!

MRS CROSS: Mr Speaker, would you direct Mr Quinlan to be quiet?

MR SPEAKER: Direct your comments through the chair and remain relevant.

MRS CROSS: The comments made by Mr Hargreaves were not surprising. He said that members of this place were "struggling for relevance", which is like the pot calling the kettle black. Someone who will be on the backbench forever is struggling for relevance. That stupid comment has nothing to do with this issue. Everybody in this place knows that the *Canberra Times* does not always report issues accurately. Unfortunately, that is the only newspaper this town has and that is the paper with which we have to deal.

This issue is not about whether the *Canberra Times* is always accurate in its reporting and it is not about Ms Dundas; it is about a serious issue, that is, child protection. How many reports does the government need before it takes action? How many reports have to be handed down? I am not saying anything against the minister, as I do not believe that she is a bad person. However, when members state, "We do not want to use the blame game here; we just want to move forward", that is a very weak way out of what we consider to be a moral obligation.

The government does not have to sack everybody down the line in order to send out a clear message; it has to sack the chief executive officer as the onus is on her and the buck stops with her. She should have been sacked. Why was she not sacked? Did she threaten to sue? Would that have exposed other things? Who knows? She should have been sacked. If she had been sacked it would have sent a clear message to everybody else who might not have performed their duties in the best possible way.

The victims in this case have been the children. The Vardon report reveals that there have been 45 deaths, 15 of which have been unexplained. Why on earth should we accept that? That is the truth; it is not a lie. Fifteen deaths have been unexplained. Why is it that nobody has paid for that? Someone must accept responsibility for that. Only one chief executive officer was there the whole time. This is an immoral weaselling out of a moral obligation. This is a desperate defence that shows plain disregard for the facts before us. Members of the crossbench deliberately did not make comments about this when the report first came out. We did not say anything until the auditor's report came out. Now we have every right to make a comment because the process has been completed. That is usually the way in which we operate, which Mr Hargreaves referred to as "struggling for relevance". What a pathetic argument!

It being 45 minutes after the commencement of Assembly business, the debate was interrupted in accordance with standing order 77. Ordered that the time allotted to Assembly business be extended by 30 minutes.

MRS CROSS: It is a shame that Mr Hargreaves turned this debate into a dirty political fight just because of something that was on the front page of today's newspaper. It is a shame because this is not about the newspaper; this is about our children. This is about children who have died and it is about their unexplained deaths. This issue is about a lack of accountability. When the former government was in office members of the present government took every opportunity to make the former government accountable in relation to a number of issues. That is the right thing to do and that is what we are here for. We are all here to make governments accountable. This government is not exempt from that. Heads should have rolled. The chief executive officer should have been sacked. It was irresponsible of the government not to do so. As I said earlier, it is an immoral weaselling by this government out of a moral obligation.

MS TUCKER (11.35): I will comment, first, on the supplementary response to the report of the Standing Committee on Community Services and Social Equity. I agree with what Ms Dundas said: I am not totally impressed with the government's response. The government said that it had noted quite a number of recommendations but it has now changed the word "noted" to "agreed" or "agreed in principle". If we read the text of the

response we find that it is not very different. It would have been more honest if the government had left some of its original responses.

I wish to refer to a couple of recommendations in which I am particularly interested. Recommendation 3 states:

> The Committee recommends that the Government develop model legal rights and responsibilities units and include them as part of a core curriculum for ACT high schools and colleges.

The government's revised response agrees with that in principle. That issue was noted in the government's first response. There is very little difference between the government's revised response and its first response. I am concerned because the government's revised response states that most colleges offer legal rights and responsibilities units as part of their legal studies courses, which is not good enough.

The point of the committee's recommendation was that this was a fundamental part of empowering young people and educating children to understand their rights. It could be argued that that is one of the key ways in which we can assist children to deal with neglect and abuse. I am sorry that the government's response then states:

> The ACT Department of Education and Training also employs a civics and citizenship curriculum officer and the Commonwealth-funded discovering democracy program is actively promoted in ACT government schools.

That program, which ceased on 30 June, was never that actively promoted because it was flicked over to the Association of Independent Schools. That is really just a basic error. We asked for a supplementary review but if something as basic as that was not looked at I am not confidant that these issues have been taken seriously. Recommendation 4 states:

> The Committee recommends that the Government provide funding for a psychiatric inpatient facility for young people …

That critical recommendation was agreed to in principle in the government's original response. It is still agreed to in principle, but we have heard that a feasibility study has to be undertaken. We know that that recommendation is not feasible economically. That need was identified in a couple of reports that I have done over the years. Once again, I am really concerned about the fact that we are being fobbed off with a feasibility study. What we are hearing from the government is a no to that recommendation. Recommendation 6 states:

> The Committee recommends that the Government investigate and report on the feasibility of a secure residential treatment facility for young people engaging in sexually offending behaviour ...

That is another issue that has come up over the years and that has only just been agreed to in principle. The government, in its previous response, talked about considering options, but in its supplementary response it has now backed off. I would like to see what work has been done so we can get some idea of why the government has backed off. The government has agreed to recommendation 7, which refers to non-government providers. The government noted that recommendation in its first response, which states in part:

> The government is committed to developing a participation model for children and young people and this will be developed as part of the response to the Vardon report.

The government, in its previous response, said that it had considered that recommendation. It then goes on to state:

> The government's alcohol and drug program currently has no exclusion criteria.

The point that has been made by the committee is that it wants to see specific services for young people. We know that the government's alcohol and drug program is now under three different reviews, so it would have been useful if the government had re-thought what it had said in light of those three reviews and the serious allegations that have been made. That issue should have been updated in the government's response. It is quite insulting for the government to state that it currently has no exclusion criteria. Even though the government has agreed in principle to recommendation 8 I think it is another no. Recommendation 8 states:

> The Committee recommends that the Government provide funding … for a dedicated position within the Domestic Violence Crisis Service that would deliver programs and outreach to children and young people who have witnessed/been subjected to domestic violence …

That is a really big issue in the audit and in most reports that have dealt with those issues. Basically, we are being fobbed off. We have seen that kind of language in report after report, which upsets me when I read it. After everything that has happened the government, in its revised response, states:

> The government will continue to review the adequacy of this funding on an ongoing basis.

So the government is telling us not to worry about it, which implies that everything is okay when we know that it is not. The audit raised concerns and drew attention to the fact that there must be a much stronger reaction to questions concerning children who are exposed to domestic violence. The government also states in a new section of its revised response that it is providing additional support and accommodation services, which is good. The government also states:

> The government is working to support the domestic violence crisis service emergency accommodation response to families.

We really want to see some commitment by this government. I am concerned that, once again, we are being fobbed off. There has been talk about the child at risk assessment unit dealing with these issues, but anyone who is familiar with this area would know that it does not. One group of children basically falls outside all the normal responses. I am glad to hear the minister saying that there will be more effective links between current family services and other ACT Health agencies, but this recommendation was made because that is a crying and specific need.

I am not satisfied that the government's response addresses that recommendation at all. Basically, the government is saying, "We are doing it. We will look at that and get better links." We want to see a specific dedicated position. That is what this recommendation is about. When I first saw that recommendation I was very supportive of it because I know that this has been an issue over the years. Recommendation 13 states:

> The Committee recommends that the Government consult with key stakeholders regarding the adequacy of existing performance measures for care and protection services ...

The government did not agree to that recommendation in its original response, which is a damning indictment. I am glad that it has done so now. Yesterday I spoke to the media about my concerns and I have spoken also to Ms Gallagher. When we look at the audit and at what has happened, how can we have confidence in this government? I do not blame the minister, but she really needs to explain to me and to the community how she has confidence in this response when something as basic as the critical need for performance measures has been highlighted in other reports.

The government did not agree to, and insultingly dismissed, this recommendation in its original response, a matter about which I am concerned. In recommendation 14 the committee refers to foster and kinship carers. In the government's response it notes only the access to respite care by foster carers. The government states that it supports access to respite care by foster and kinship carers and that it will continue to work with funded foster care agencies, which is the bottom line. (*Extension of time granted*.)

People will not become foster carers if the government cannot guarantee them access to respite care. It is not good enough that we are being fobbed off with more reviews in relation to this whole question of support for foster carers, improving standards and training, and so on, which is what is happening. The second paragraph of recommendation 14 states:

> ii. adopt a system of payments as outlined in Chapter 6 of this Report by December 2003 ...

Basically, the government is stating that it will review the current child protection manual as a contingency payment to carers. We do not need to be fobbed off with another review. For years we have established that foster carers find the work difficult and distressing. They cannot deal with really basic needs, let alone more quality of life contingency payments. I think that important recommendation should have received a more positive response. Recommendation 16 states:

> The Committee recommends that the Government:
>
> i. develop, with key stakeholders, a template for Annual Review Reports by March 2004 …

That was noted in the government's original response and it has now agreed to that recommendation. The previous response was a template from the 1986 act. I think we are being fobbed off. On the one hand the government is saying that it agrees with that recommendation but, on the other hand, it is saying that that is part of the review process.

So the government is really only noting that recommendation. I do not understand how the government can agree to something and then state that it has to go through a review process. Either the government is agreeing with it or it is not. It would have been better if the government just said that it had noted the recommendation. Recommendation 19 states:

> The Committee recommends that the Government investigate alternative remand options for young people and report back to the Assembly by September 2004.

That recommendation was agreed to in principle but I am interested to know whether that timeframe will be met, as the government does not state that in its response. Recommendation 20 states:

> The Committee recommends that the Government consult with staff … regarding the appropriateness of increasing pay …

Originally that recommendation was noted but it has now been agreed to. Basically, the response is the same; there is really no change to it. Recommendation 21 states:

> The Committee recommends that the Government fund an onsite, daily drug and alcohol counselling service at Quamby ...

That recommendation has been agreed to in principle now, but prior to that it was noted. The government used the same words in its response. It said that that recommendation would be picked up in the alcohol and drug strategy. I have to confess that I have not had a chance to find it in that strategy. I hope it is in there because it is something that has been identified for a long time as being an area of need. Recommendation 22 refers to juvenile justice systems. The government noted that recommendation in its original response.

I think I have made my point. I am concerned about the fact that I am taking up too much of the time of the Assembly, so I would be happy later to give to Ms Gallagher my comments on the remainder of the recommendations. I want briefly to refer to the audit and to the fact that it demonstrates an administrative failure. The audit states in part:

> There is a high proportion of children and young people who have become progressively more developmentally delayed and emotionally damaged over the years.

The audit continues:

> Many of these children have remained living with their parents in abusive situations. Other children have moved through many places returning home to live periodically or on visitations.

The evidence in this audit report is that children have been damaged. It shows that the system is an absolute and total failure. I commend the minister for the way in which she has responded to this information and I commend her for implementing various strategies. I have already made it clear that I am concerned about the revised report, but I still have to ask: how it is possible to have confidence in the person or persons—I am not saying who, as I think it is the job of the government—in charge of this issue?

Yesterday or the day before when we debated another issue we made sure that the members of boards who were no longer directors in voluntary organisations took responsibility for taxation. Children have been damaged and we have a failed administrative system, but nobody is taking responsibility for that. The community has a right to ask, "How can the minister or the government say that they have confidence in those who continue to run this service?"

MRS BURKE (11.51): I was not going to say too much at this stage, given that it was a Standing Committee on Community Services and Social Equity report and a cognate debate. However, it seems to have gone a bit broader than that, given interviews in the media that have gone on today in relation to this matter. I understand that has been dealt with under separate cover.

Mr Hargreaves made mention that the committee did not have conversations about the lack of safety and, moreover, a lack of compliance to report suspected cases of child abuse. Surely, if that is not a matter of safety and totally irrelevant, I do not know what is. The government's penchant for going back and back into issues is disappointing. I think that has already been mentioned by my colleague Mr Cornwell.

I am extremely disappointed that Minister Gallagher is being hung out to dry by two other ministers—ministers Corbell and Stanhope—and that is quite clear. I am disappointed that this fairly new minister to the position—which has been said time after time—has been left to stand there to take most of this rap. However, when a person becomes a minister, they assume the mantle; and they assume accountability and full responsibility. I think it is naive and quite churlish for any of us to stand up and say, "It wasn't me; it was the government before; it was the government before that."

May I say, Mr Speaker, that we all know—and it has been acknowledged as well in this place, moving along—that the former Liberal government did indeed act upon information. They were the government that set in place and set in train—and my colleague Mr Stefaniak may want to talk about that in due course—the legislation. They did do something, despite the comments that have been made. I am still getting calls to my office. You can carp on and say this is not happening or that is not happening, but it is.

I think it is quite expedient now to again talk about some of the issues raised in the committee. They have been spoken about at length. I think there have been serious failings on the part of this government to address the issue and I still believe that the government and the minister knew well before. If she did not, then why is she not holding her government or her department accountable? Why is the Chief Minister not here today? Perhaps he has forgotten to be here.

Mr Hargreaves: On a point of order, Mr Speaker: Mrs Burke has implied that the minister knew something and has not brought it before this Assembly. That is an imputation against the character of this minister and I ask her to withdraw it.

MR SPEAKER: I think it is a point of debate.

MRS BURKE: Mr Speaker, if I could comment on that: I am not making imputations against Ms Gallagher.

MR SPEAKER: I did not hear you say that.

MRS BURKE: I am merely stating the facts. I will continue. It is very appropriate that now we have some of the chronology put on the table in simple form. On 15 January 2003 the ACT government announced that ACT family services had not been providing reports about allegations of child abuse of wards of the state to the Community Advocate—I think Mr Hargreaves has alluded to that—as required by the Children and Young People Act 1999. Cheryl Vardon, the Commissioner for Public Administration, commenced an inquiry into this failure to follow appropriate process.

Mr Quinlan: The government initiated the inquiry.

MRS BURKE: Yes, under pressure, Mr Quinlan. I did not know that child protection was your area of expertise.

Professor Kim Oates and Ms Gwenn Murray joined Commissioner Vardon's team on 21 January 2004. This question had been brought to the attention of the government for at least a year. I am not saying that; the chronology states that, Ministers, if you are listening. The Community Advocate, Ms Heather McGregor, met with Mr Corbell in October 2002 to discuss the issue. While he sought a briefing, which stated the problem was being addressed, Mr Corbell took no further action to ensure that that was the case.

It was also mentioned in the Community Advocate's annual report for 2001-02 that the minister responsible for the Community Advocate, the Attorney-General, Mr Stanhope, took no action. Why? He openly admitted that he did not read the report. If he did not, why didn't his department or his advisers? When asked about this failure, the Chief Minister stated he did not have time to read reports. The Community Advocate also advised the head of Mr Stanhope's department about the problems, but Mr Keady did not act. So how many people did know yet did not know? In March 2003, Greg Cornwell MLA asked:

> What action is being taken against those who fail to fulfil their legal obligations under mandatory reporting?

That came about as a result of Mr Cornwell being on the CSSE committee, and he raised his concerns in that way. Why didn't the government notice then or respond then? It was advised that disciplinary action might be taken against those who failed to do this. A report by the community services and social equity committee into the rights, interests and wellbeing of children and young people found that the government had failed to meet its obligations in 2004, stating:

> … the Committee is extremely concerned at reports Family Services has failed to comply with its obligations under the Act.

The committee recommended that performance contracts in the department require that these statutory obligations be complied with. Ms Gallagher delivered a reply to the

committee's response on 11 December 2003, noting the recommendation without supposedly being aware of the problems. I find that incredible. Later that day, 11 December 2003, Ms Gallagher claimed that the department advised her of the problems by fax. She did not correct the record in the Assembly, as the ministerial code of conduct requires, but told the Chief Minister a month later. They commissioned the Vardon committee and finally told the public, after numerous occasions. As the chronology in the Vardon report states quite clearly, they would have known time and time again.

On 6 February, the Chief Minister received an interim report from Commissioner Vardon indicating that the failure to report claims was the tip of the iceberg of the problems with family services. The chief executive of the Department of Education, Youth and Family Services, Ms Fran Hinton, and the executive director of family services were stood aside pending the full review of Commissioner Vardon. In late March, Ms Vardon asked for an extension until 7 May 2004. It is already clear that three ministers have serious questions to answer—Mr Stanhope, Ms Gallagher and Mr Corbell.

The ACT government announced that it had set aside $1.8 million from the Treasurer's Advance to set up an audit team. As at 6 April this advance had not been spent—further evidence of Labor's lethargy on this issue. Fair dinkum! The ACT government received the Vardon report in May. However, its response had not been before cabinet. A copy of the Vardon report was leaked to the media on 18 May 2004, leading Jon Stanhope to declare that he would hold a formal inquiry—one that never really was that formal, from what we have heard the Chief Minister say. So that leaves us to wonder—"leaked"! Interesting! The Vardon report and the government response were finally released on 25 May 2004. It goes on.

Indeed, carers have been on the front line of all of this. Carers are the people being caught in the crossfire because this minister is not standing up strongly and leading her department in the way she should. Heads have to roll. Heads should have rolled. It is not about having heads on sticks; it is about ministerial accountability, responsibility and leadership. How can the department have any confidence in this minister and in this government? How can they be expected to perform when there are still people within the system who were the cause of the problems? "Let's move the problem sideways" seems to be a classic with this government. I think it is absolutely irresponsible to expect a department to function while people at the head of it are not functioning and performing themselves.

Jon Stanhope, in his media release of 25 May 2004, claimed there was no crisis in child protection. That begs the question: why is the government spending an additional $70 million over four years on child protection if there was no crisis? I have said and will say again that throwing money is not going to change a culture. The minister denies that there was an arrogant or indeed a bad culture in family services; yet in her own words she says, "Things are being improved or implemented to create a new culture." Interesting!

What is of even more concern is that there will be months of delay in the implementation of the 47 recommendations in the report, with the implementation committee that has now been formed. Given this government's record of delaying a decision, it is unlikely that major and substantial progress will be made before the election. I have to commend

the minister, however, on some of the issues she has addressed, and I hope that we see a move to the future.

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

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

> That so much of the standing and temporary orders be suspended as would prevent:
>
> (1) debate continuing on order of the day No 1, Assembly business, such debate having precedence over Executive business; and
>
> (2) order of the day No 25, Assembly business, being called on after conclusion of the debate on order of the day No. 1, Assembly business.

MR STEFANIAK (12.02): Mrs Burke mentioned me. I was minister for a while and certainly saw the act come into play initially, so I should say a few words here. I have said a few in the past in relation to this. People talk about funding. In the Estimates Committee or something else it was revealed—and I have certainly refreshed my memory—that we put in, I think over a three-year period, an extra 50 per cent or so in funding. Quite obviously this government has put in a lot of money, and that may well be needed. Mrs Burke is quite right: money can go some way but you need to look at the culture of organisations and see how you can improve that. Quite clearly there have been some problems there.

Back in 1996 mandatory reporting of child abuse was supported by everyone on both sides of this house, and we resolved to implement it. I recall that quite an amount of training occurred in relation to professionals. There was an increase in the amount of reported child abuse and various other mechanisms were put in place. At the same time a lot of work was done to improve the Children's Services Act, which came into effect in May 2000. A lot of work went into that—there was a lot of consultation with the various groups. I recall heaps of consultation not only with the department but also with the foster carers, for example, other groups involving child protection, the courts and even the DPP. It was a significant effort that won praise from both sides of the Assembly when it came in.

Obviously, some of these problems go back a while—not just in the last 12 months or anything; not just since this minister was minister. I was racking my brains to see what I was told, and maybe what I could have done better. It is difficult for a minister if you are not told to start with. You cannot simply clone yourself and be in every single room in every single office in your department, especially if it is a big one. You rely, to a large extent, on what you are told, but there probably are a few little triggers that can assist you in driving for better outcomes.

If anything was going amiss I certainly was not told. I ceased to be minister on about 15 December 2000—approximately seven months after this act started—when Mr Moore became minister. Having gone through the reporting requirements under section 162, I was wondering whether any of those occurred in my time. Having checked, I am quite satisfied that that was not the case. There may have been one or two which overflowed into Mr Moore's time; I am not sure.

I recall a very lengthy conversation with the Community Advocate when I was Attorney-General back in June or July, when the Gallop inquiry was going. She was very concerned about the way that inquiry was going. I am a pretty open and approachable sort of bloke; I was as a minister and I still am. We probably had a couple of meetings over the Gallop inquiry and she had ample opportunity to tell me her concerns. I was very concerned to hear her concerns about the Gallop inquiry. I remember taking a number of steps and talking to some of my ministerial colleagues. Basically that was that. I am very concerned to see these things, and I might make a few comments to the minister.

I would imagine that, from time to time, issues arise and people complain about things. I certainly hope, Minister, that when that occurs in individual cases you take that up with the department, as indeed I did and as I am sure other ministers did—get the department to do things, if need be, and perhaps even go to court. Might I say that sometimes when that occurred during the time I was minister—and I assume during the time of other ministers—the courts often did not do what we thought might have been in the best interests of the child, but you live with that and you abide by court orders.

Basically, as Mrs Burke has said, if there is a culture there—and there are a number of instances in recent times which clearly indicate that—where the obvious answer or the obvious duty is staring them in the face and people do not do it, something has to happen. If you have people who have had control over those public servants for a long period of time and there are systemic problems, action needs to be taken. We have seen in the past people losing their jobs through not doing the right thing as public servants.

I think of people at the remand centre and I think of people at Quamby who have a great deal of responsibility towards people under their charge—especially in a place like Quamby where you are dealing with troubled young people. In this area I think it is especially important that people do their jobs. It is the role of the senior executive, the minister and the government to ensure that that happens. I believe it is very important to bear that in mind. Mrs Burke is absolutely spot on when she says it is not just money, it is a culture; and those things desperately need to be addressed in the interests of our children.

MRS DUNNE (12.07): There has been a fair amount of scurrying for cover this morning, attributing blame and trying to spread it far and wide, and it has not been very seemly. I think we have to focus on the points made by Mrs Cross in this regard. We are talking about our children; we are talking about a systemic problem that we have known of for a long time. Ms MacDonald likes to interject all the time and ask, "What about Mr Stefaniak?"

Mr Stefaniak has addressed the issue. It has been addressed a number of times and it is addressed in the territory as parent report as well. The Community Advocate went to Mr Stefaniak and said, "Minister, I have a problem that I think needs to be addressed." As a result of that approach there was a review—read the chronology—and changes were made to the legislation. The changes in the legislation are the problem. What we are debating today is the failure of the implementation of the legislation that was changed. When we changed the legislation and introduced the Children and Young People Act, there were certain issues that had to be complied with. We know definitively that one of

the 71 or 73—as the minister informed us during the estimates process—statutory requirements has not been complied with.

I have asked in this place whether the minister is aware if any of the other 70-odd statutory requirements under the Children and Young People Act have not been complied with and the minister has told me that she is confident. I want to place on the record that I am not confident, simply because of the failings we are talking about today—the failings of the territory parent to report about children in the territory parent's care to the Community Advocate under section 162 (2) of the Children and Young People Act. That is the failure we are talking about. What that means is that, under section 162 (1), somebody in the old department had to generate a report about the danger a person was in. Under section 162 (2) the chief executive essentially had to put that report in an envelope and address it to the Community Advocate. That consistently did not happen from the time this bill was implemented.

We are not talking about what happened before this bill was implemented. We are talking about the systemic failures to implement the Children and Young People Act as it refers to section 162 (2) of the Children and Young People Act. There ain't nothing else that we are talking about; this is the pivotal point. Members of the government may wish to cloud the issue but this is not an issue that can be clouded. This is what we are talking about here. What brought it about was the Community Advocate saying to the community services committee that she had a problem; the Community Advocate saying, I have to say a very inept way, in her annual reports that there was a failure to comply.

One of the recommendations of the last Estimates Committee was that, when a supervisory body like the Community Advocate becomes aware of a failure of an organisation to meet their statutory responsibilities, they have to report it in an open and transparent way, using a, "Look at this, fellas; something's going wrong" process. In two successive years it was reported by the Community Advocate in such a way that you had to be out there looking for it before you found it. That is part of the systemic failure. The way the Community Advocate brought it to the attention of the Attorney-General and subsequently to this place was not good enough and is part of the failure. But the failure is about section 162 (2) of the Children and Young People Act. If section 162 (2) was not complied with, I still need to be satisfied that section 162 (1) was complied with.

MS GALLAGHER (Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (12.12), in reply: I will pick up firstly on what Mrs Dunne said—that we, over here, are scurrying for cover in relation to this child protection issue. I woke up this morning and actually thought about scurrying for cover. I thought how, over the last seven months, this child protection issue has taken its toll on everyone—none more so than the children who are in the care of the territory—but I hardly think this government can be accused of scurrying for cover.

Today we are here to talk about the government's response to the standing committee's report on the rights, interests and wellbeing of children and young people in the ACT. We are also here to talk about the supplementary response—a supplementary response that we were not required to provide but one which, on my initiation, after discussions with Ms Tucker, was deemed appropriate considering the information that had come to light following the tabling of this report.

I think the government's response to this inquiry is part of the way forward in child protection and services to young people in the ACT. It might not be everything everybody wants. I imagine all of us in this place today wish that it could be everything we want. I am sure that we all wish that no child or young person in the ACT needed the services, the support or the advocacy that this report and the government's response acknowledges is needed because it is part of the government's community responsibility to support children and young people. Those services are needed. We are doing everything we can to provide them and we will build on this. This supplementary response is only one part of what this government is doing to improve services to children and young people in the ACT.

I feel that I need to defend myself against some of the comments that have been made, particularly comments made recently by Ms Dundas and repeated in this chamber today, and Mrs Burke accusing me of knowing something and hiding it from everybody which, I have to say, I find personally offensive. In relation to the issue that arose yesterday, it is true that there was comment in a committee appearance that I attended on 21 February. In relation to section 162 (2), there is a comment in the *Hansard* of that date that went for about 10 seconds of a two-hour hearing.

I am not walking away from the fact that a large part of the content of that hearing was about services to children and young people and issues the community services committee had had. We had lots of discussion about that and I am not walking away from it. All of that conversation was framed—and it is also noted in the committee's report—that the committee was greatly encouraged to see family services engaged in a refocus. It notes the confidence that the OCA had placed in that.

We talked about that all through the refocus. I had been briefed on the refocus and was of the understanding that all the issues being raised as problems with family services were well in hand. That was the information I had. It has been said that I had been given information and that I knew there were problems in family services. Yes, I did know there were problems in family services, but I noted the comments of my department and the committee that the refocus work was underway; that the coroner had congratulated that work; that the OCA had a new relationship with one of the officers in family services and that she said she was confident that reforms would occur under this refocus agenda.

The committee stopped short of calling for an inquiry into family services because of this refocus agenda, because things were heading the same way. There was a diversion of about 15 seconds to section 162 (2), which was answered incorrectly by an officer sitting next to me as being a matter relating to an annual report. That answer was not clarified; nobody from the committee followed it up with me; nobody from the committee wrote to me; no-one asked me to reappear in front of the committee; nobody from the Community Advocate's office spoke to me about their evidence during this inquiry; and the department was not asked to provide a supplementary response. The committee did not even make a recommendation about the government's and the department's non-compliance with section 162 (2). They said, "You should make sure performance contracts have a part in them that says you have to meet your statutory obligations." As part of the government's industrial relations agenda we have been moving away from individual performance contracts, and we noted that in our response.

If the committee thought so gravely about this non-compliance, why wasn't every committee member banging on my door saying, "There are children in the territory about whom allegations of abuse have been made and they are not being handed to the Community Advocate." Why didn't that happen if everybody knew as they know now? As it turned out yesterday, everybody knows all the problems in family services. Everybody knows the content of what the auditors raised, so why weren't they banging down my door telling me, "This child is in danger; this child is being abused"? None of them did.

Why was every agency in the territory not coming to me and saying, "Family services is in chaos; the refocus agenda is not working; there are all these children at risk"? Why was that not happening, if everybody knew, as they know now? Now that they have the audit report that I commissioned through the review, why does everyone now know this? Why was it a secret from everyone? If it was not a secret to you, I do not know how you can live with yourself.

Part of the debate yesterday and the debate today, I think, is about everybody in this place feeling sick to the stomach with what the audit has found; people looking inside themselves and asking, "How on earth could our system have done this to our children? How on earth could this have happened? Whilst we were all in here and all part of inquiries, how could this have happened?" That is the only humane reason I can give for everybody now saying, "Katy knew about it; she should have done something but she never did."

Mrs Burke: You should!

MS GALLAGHER: Mrs Burke, I am going to take you up on that. I would like you to table proof that I knew about what was going on.

Mrs Burke: You've got it.

Mr Quinlan: Put up or shut up!

MR SPEAKER: Order!

MS GALLAGHER: You have accused me. Mr Speaker, Mrs Burke has alleged several times today that I knew what was going on in child protection and that I did nothing about it. I am merely asking that she table proof of that allegation. It is an extremely serious allegation. If you can prove it, Mrs Burke, table it.

Mr Quinlan: Shut up!

Mrs Dunne: I rise on a point of order. Twice in the last minute Mr Quinlan has told Mrs Burke to shut up. I would like him to desist.

MR SPEAKER: A couple of times I have called her to order as well. It is not Mr Quinlan's job to do that; it is mine. I ask Mrs Burke to take heed of my comments.

Mr Quinlan: On the point of order: can I correct the record? I actually said, "Put up or shut up!"

MR SPEAKER: Interjections are highly disorderly and they should be discontinued.

MS GALLAGHER: Today I have been accused of knowing things and not taking any action; that I should have acted on things that I knew, or am alleged to have known; and that this review has been delayed a year. I dispute that. At every briefing and every meeting, every indication I was given was that all the reforms that needed to be undertaken in family services were being handled and were handled. It sounds to me like Minister Corbell was given that undertaking; I imagine Mr Moore was given that undertaking, and I understand Mr Stefaniak was given that undertaking. The audit goes back to 1987, in some cases. It shows that that simply was not the case; that we were not given information about the situation in child protection; that none of us was; that none of us in the Assembly understood; that no-one in the community understood, until the Vardon report and, following that, the specific details as outlined in Ms Murray's report.

Nobody knew about it, and to stand here and say that I knew and that I delayed taking any action on this for a year, or for more than a year, is simply offensive. I was briefed on this on 11 December. We have been through this before. The Assembly rose on that day for the end of the year. I met immediately with the Chief Minister. We immediately put in train a plan to deal with it, including seeking information about what the hell was going on, because, frankly, the brief that was given to me did not tell me what was going on. At the first point at which we could go public, we did go public. At the time Mrs Burke, who was calling for the sacking of every child protection worker in the ACT, said we had pulled a stunt to do it before the bushfire anniversary, so as to hide it, which was a rather interesting take. (*Extension of time granted.)* We went public at the first opportunity. We have had a very thorough and very transparent review, where all aspects of my involvement, and that of previous ministers, have been analysed and reported on. Following on from that, the Community Advocate has had a look at everything and put her view in her report—and that report is public.

We now have the audit report. They looked into in excess of 1,000 files—the file of every single child involved with section 162 (2), and more. In fact, she went further than that. We now have a picture of what is happening in child protection. For the past eight months this government has been working to rebuild the system. We have put in place $68 million. Yesterday I opened the Woden office of the Office of Children, Youth and Family Support where, for the first time, we have child protection staff working with Youth Connection and juvenile justice in the one building so we can streamline our services to children in need.

Never have I seen such an optimistic work force. When I visited those workplaces seven months ago, when we had 50 fewer staff, I imagine, desks were empty; the staff had had enough. Meeting them yesterday and seeing all the results of the work and training that have gone in, the resourcing that has gone into their offices and the support they have got from a new management structure really shows that the child protection system in the ACT is on the way forward.

This government has led it; we have not hidden from anything; we have not scurried away from anything; we have made every piece of information public. I stand here and take responsibility for probably four or five ministers, and previous governments, leading back to well before self-government, Mrs Burke. I have resisted blaming previous governments. I have always said that I take responsibility as the minister in charge now, but there is a whole range of people I am taking responsibility for.

Let us look at what Mrs Burke has contributed to this debate over the past eight months. She has launched a website, calling for people to call in with their latest child protection drama, and to have government reports logged on it; she has had a bit of a tear on radio and TV; she has forwarded to my office a number of individual cases which we have dealt with one by one; I believe she has given some people false hope about what role she can play in sorting out their issues in child protection. That itself has had problems, particularly for me, in this place. She has never joined the government in reform; she is highly critical of everything we have been doing, apart from some of the money we have put in, which she says in welcome.

When I look to see what has happened around the country, child protection in Queensland went into crisis and in South Australia and Victoria the opposition has consistently worked with the government to reform it, because child protection is above politics, which is where it should be. But here in the ACT we could not have an opposition that said, "Yes, there is a massive problem and we have to deal with it". We have an opposition that says, "Yes, there is a massive problem; it is Katy Gallagher's fault and it is Jon Stanhope's fault, and they need to go over it."

Every time a report has come out, Mrs Burke's contribution to the debate has not pushed the child protection reform agenda forward. In fact, I note that the Office of the Community Advocate had to write to Mrs Burke—thankfully, she made that letter available to all members here—to draw to her attention some of the problems with how she was conducting herself in the public debate. I will quote from parts of it. It says:

> It seems that you did not read the letter I sent you, attaching the report, which deliberately and carefully pointed out to you that the analysis related to the past … It is a matter of serious concern to me that at this point in time, the reform process in the care and protection system is at an early, and somewhat fragile, stage, and what is needed is positive encouragement, solid understanding of the complexities of a care and protection service, and publicly expressed belief and hope that … efforts being made by a number of people in a number of agencies, will result in a better service. This is an important opportunity which must not be destroyed or lost. I can honestly say that at this point, I do not know what more anybody could be doing.

I will repeat that last bit. It says: I do not know what more anybody could be doing at this stage to reform child protection. *(Further extension of time granted.)* It continues:

> … then I implore you to lend your support to it, and give the dedicated people now involved in moving forward, something of a fair go.

I do not think I could have said it better; they were exactly the sentiments I felt. I call on Mrs Burke again, if she has evidence to prove that I knew something was underway in

child protection and did not do anything about it, to table it in the Assembly by close of business today, or by the final sitting today.

I do not want to go into the lunch break, but there were a number of comments made by other speakers. In relation to Ms Tucker, she is the single person in this place outside the government who works constructively with me on child protection. I note her comments about her dissatisfaction with the government's supplementary response and will continue to work with her on those issues to progress her areas of concern. Unlike others who contribute in this place, Ms Tucker has a genuine concern for the rights, interests and wellbeing of children and young people in the ACT.

Mrs Burke: Mr Speaker, I wish to raise a point of order. I wish to make a personal explanation.

MR SPEAKER: We will have to deal with this first.

Question resolved in the affirmative.

Community Services and Social Equity—Standing Committee
Report 3—supplementary government response

Resumption of debate from 3 August 2004, on motion by **Ms Gallagher**:

> That the Assembly takes note of the paper.

MRS BURKE: Mr Speaker, I wish to make a personal explanation under standing order 46.

MR SPEAKER: Please proceed.

MRS BURKE: I want to address a couple of comments Ms Gallagher made. It is interesting to say that I am not working with the government, yet she says that I am sending emails. That is disappointing; that is a misrepresentation. She has also—

MR SPEAKER: Order! This has to be a personal explanation, not a resumption of the debate.

MRS BURKE: I am not resuming the debate; I am giving a personal explanation. Ms Gallagher has accused me of not working with the government, and I am.

MR SPEAKER: I take that as a resumption of the debate.

MRS BURKE: Okay. The one point I want to make where I have been misrepresented—and Ms Gallagher does know that—is that she said I was calling for all workers to be sacked or dismissed. That is simply not the case. I have always consistently said upper to senior management from ministerial level down.

Question resolved in the affirmative.

Sitting suspended from 12.31 to 2.30 pm.

Visitors

MR SPEAKER: I would like to welcome to the Assembly two groups: on the opposition side of the public gallery, a group of overseas parliamentary officers taking part in the Australian National University's program on responsible parliamentary government; and on the government side of the public gallery, a group of students from the University of the Third Age. On behalf of all members of the Assembly, I welcome you to our Assembly.

Questions without notice

Ambulance service

MR SMYTH: Mr Speaker, my question is to the Acting Minister for Health and minister for emergency services. Yesterday you confirmed that it was now regular practice to use ACT ambulances as hospital beds, requiring us to ask the New South Wales ambulance service to provide ambulances in response to ACT work. I will repeat your words:

> I said yesterday that it is often very busy and sometimes it reaches capacity. On those occasions, because of the processes in place between the ambulance service and the emergency department—and sometimes it takes a while for the ambulance to move on—it is necessary to call on other services.

Minister, in estimates on 26 May, the head of the department of health, Dr Sherbon, said:

> It's highly unusual in the territory.

He advised that an incident earlier in May was the first occurrence where a patient had been kept in an ambulance for a "significant period of time". Minister, why has the situation in the hospital system deteriorated so badly that what was a highly unusual situation in May has become relatively commonplace in the past three months?

MR WOOD: Mr Smyth, there is no problem here, as much as you would like to see one. Whether this occurs regularly, I do not know. What is regular? The fact is that less than once a month we call on the services of an ambulance from New South Wales, which, of course, would be from Queanbeyan. That is not very much, is it?

In the last five weeks—since these figures are kept on a financial year basis—there has been one occasion. I think it is comparatively rare; it is not commonplace; it is not usual. From time to time we do need to call on these services.

I might mention that, in the period since we have called on one ambulance from New South Wales, we have sent 15 over the border. In the year before that, ambulances came in on nine occasions from New South Wales. On something over 80 occasions we sent ambulances over the border. That is a good, cooperative arrangement. No problem with that! Do you have a problem with that?

MR SMYTH: Minister, why has the hospital system deteriorated so badly that we now have an ambulance being used as a ward at least once a month and 38 bypasses in the

last seven months? Why have we got rising numbers on waiting lists, an increased number of hospital bypasses and the use of ambulances as wards?

MR WOOD: Why has it deteriorated so badly?

Mr Hargreaves: Who was the minister then?

MR WOOD: It was the Liberal government. The *Canberra Times* of 5 April 2001 stated:

> Patients are being hooked up to monitors in storage rooms … as Canberra Hospital is pushed to breaking point.

Why has it deteriorated? Hey, it ain't worse than that, Mr Smyth. In fact, it has got better since then, Mr Smyth.

Mr Hargreaves: A Liberal government again.

MR WOOD: I think it was a Liberal government then, wasn't it? On Wednesday, 18 July 2001, the *Canberra Times* stated:

> Nursing shortages at the Canberra Hospital have forced the closure of 17 beds and the restricted use of a further eight.

Elective surgery was cancelled. I have a folder that thick, Mr Smyth, of the record of your government. Things have got better since this government came into power. No question about that!

Bushfires

MR PRATT: Mr Speaker, my question is to the Chief Minister. Chief Minister, yesterday you advised the Assembly that you were in the north of Canberra on 17 January 2003. Where, precisely, were you in the north of Canberra on the evening of Friday 17 January 2003? What exactly were you doing on that evening to prepare for the oncoming bushfires?

MR STANHOPE: I have answered the question previously, Mr Speaker.

Mr Smyth: I rise on a point of order, Mr Speaker. That question has not been asked previously. This question is quite specific, in response to an answer given by the Chief Minister yesterday. You should ask him to answer the question.

MR SPEAKER: You have asked him the question and the Chief Minister has responded. It is his prerogative to do so.

Mr Smyth: It is an entirely new question. We have not previously asked the question, "Where were you in the north of Canberra?" The Chief Minister has not answered that question.

MR SPEAKER: I cannot dictate how ministers answer questions; I can merely ensure that the standing orders are complied with. If the minister decides to discontinue his

response it is up to him. He has given you a short response and I cannot do much about that.

Mr Smyth: Mr Speaker—

MR SPEAKER: I have ruled on it.

Mr Smyth: You have the power to compel a minister to answer a question.

MR SPEAKER: No, I do not.

Mr Smyth: You can determine—

MR SPEAKER: No, Mr Smyth. Do not start making the rules up!

Mr Smyth: I am not making the rules up, Mr Speaker.

MR SPEAKER: I do not have the power to compel a minister to answer a question. I have the power to sit a minister down if he is not answering the question but it is the prerogative of the minister to answer the question how he wishes. That is a longstanding convention, applied in this and in many other parliaments. I have ruled on the matter.

Mr Smyth: On a different point of order: the standing orders say that a question that has been fully answered cannot be asked again. Would you rule on whether this question has been asked before?

MR SPEAKER: It is not a matter for me. The Chief Minister has responded by saying he has answered the question before. If you do not think he has, that is a matter for you to deal with.

MR PRATT: I have a supplementary question. Chief Minister, is your failure to answer the question—your shyness—an attempt to avoid an issue going to the heart of whether or not you failed in your duties on 17 January 2003 to warn this community about the oncoming bushfire approach?

MR STANHOPE: No.

Child protection

MRS BURKE: My question is directed to the minister for education, youth and family support. I understand that your government has introduced what is known as a "centralised first intake" system for reports of child abuse. My advice is that, under this system, the most urgent cases are supposed to be followed up within 24 hours of being reported, while cases assessed as less urgent are supposed to be followed up within seven days.

Can the minister assure the Assembly that all the child abuse cases reported to her department are being seen within the relevant period of 24 hours or seven days? If your department is not handling all reported cases of child abuse within the specified period, how long is it taking for these reports to be followed up by your department?

MS GALLAGHER: If Mrs Burke had concentrated on her portfolio and read the quarterly report released last week, she would realise that, no, the department is not meeting the timeframes required in those quarterly reports for allegations of abuse and neglect being reported to the Office for Children, Youth and Family Support.

In relation to the 24-hour appraisals over one year, the target is 90 per cent; the department reached 81 per cent. In relation to seven-day appraisals, the target is 85 per cent; the department reached 63 per cent. In 21-day appraisals the target is 85 per cent; over the year the department reached 59 per cent.

I have been public with those figures. They were released last week. All members have had access to them. I have done media reports on them. I have consistently said that the work is being prioritised—it has to be. In a 35-day period from the beginning of the Office for Children, Youth and Family Support, they received 769 allegations of abuse or concern for children—that is 769 in 35 days.

In relation to the 24-hour appraisal, only 55 per cent of those were achieved. Within that 24-hour appraisal time, the work is being prioritised; that is, the most urgent cases are being seen to. Those classified as less urgent, within that 24-hour timeframe, are being dealt with as resources become available. In relation to the reports that we received in those quarterly reports, all of those urgent appraisals have been undertaken.

MRS BURKE: Mr Speaker, I have a supplementary question. Minister, why is it that workers are receiving cases reported in May—supposed to be followed up within seven days—in late July or early August to investigate? Why is the system not meeting its performance targets?

MS GALLAGHER: Unless you can find another 45 child protection workers and get them trained and starting tomorrow, these figures will remain difficult to achieve. The reports coming in are double those received in previous years. We do not have double the work force. We are working on recruitment. We are doing everything we can to achieve staffing numbers that would satisfy and enable the department to meet its time limit figures. Timeliness is quite complicated. In relation to the 24 hours, if you are under 12 months—

Mrs Burke: Why?

MS GALLAGHER: If Mrs Burke would listen to me—

Mrs Burke: You've said this before, though.

MS GALLAGHER: Listen to me. In relation to a seven-day appraisal, they might not be able to find the child. It might take them 14 or 15 days to locate the child. That impacts on the statistics. They might find the child and then have more work to do. Again, this impacts on whether they are able to appraise and manage that case to completion within the timeframe.

There are many variables relating to these figures. However, the targets have been set. The department does its best. But at the moment, it is just coping. I have made no secret

of that. Unless anyone out there has 40 child protection workers ready to start work tomorrow to deal with the 800-odd cases we are getting every month, these timeliness figures will be very difficult to achieve.

We have nothing to hide on this. I have been on the record. We are trying to achieve the best outcomes we can. We are dealing with the most urgent cases as they come in. I get constant briefings from the department about this. We will look at whether the targets are realistic when we look at our performance measures.

The Office for Children, Youth and Family Support is working very hard in the interests of protecting children in the ACT. They do what they can, Mrs Burke. They are short-staffed and reports are coming in faster than they can deal with them. While we have sat here bickering about child protection, this area of government will have received 40 allegations of abuse about children. That is what they will be dealing with. They will be doing the work.

Child protection

MR CORNWELL: My question is to the minister for education, youth and family support. I am most interested to hear, Minister, of the problems faced by the department in relation to family support—that you are getting something like 800 reports per month and that the department is understaffed.

I understand that your department recently rejected applications from four or five experienced child protection workers. The reason that these applicants were rejected was that they were supposedly overqualified. I would imagine that anybody with any qualifications in this area would be welcomed if your department is so overworked and overwhelmed. Given that I thought we were in desperate need of well-qualified, experienced staff, why did your department refuse these applicants on the spurious grounds that they were overqualified?

MS GALLAGHER: As opposition members who have been ministers will know, ministers do not involve themselves in the recruitment of staff or decisions about recruitment of staff to public service agencies, which is entirely appropriate.

Your question seems to accuse the department or the office—I have no idea what you are accusing them of—of dismissing people who would be able to do this job and who have passed a recruitment process for no other reason than they do not want these people or they do not need them. This is entirely incorrect because the department is actively recruiting. We have been recruiting since February continuously.

I always found in my experience as an organiser—and as someone who has represented people when they have been rejected through recruitment—that there are always two sides to every recruitment story. But, as I have said, ministers do not involve themselves. I am satisfied that the recruitment process in place is very rigorous, is very thorough and is making sure that we have the best people in the jobs.

I will take advice on whether four to five people have been told to nick off because they are overqualified. I absolutely doubt whether that has ever happened. I have no doubts that the recruitment process is ensuring that we are getting the best people for the best

jobs. If they are not the best people for the job, they do not get the job. But I will take advice on whether they were given the reason that they were overqualified.

MR CORNWELL: Mr Speaker, I ask a supplementary question. While you are about it, Minister, could you also find out whether they have been rejected because they have a reputation for speaking out against past problems in this area.

MS GALLAGHER: The insinuations just keep coming. So now the new Office for Children, Youth and Family Support, with a new management structure, is weeding people out because they may have had a view on something to do with child protection. You are making a very serious allegation there. I am not even going to pursue that one.

Mr Smyth: Oh, why not?

MS GALLAGHER: I am not going to pursue it. I will pursue whether or not people were told that because they are overqualified they did not get a job. I do not know how you measure whether someone did not get a job because they may have spoken out. It is not in the selection criteria.

Mr Quinlan: Give us some information. Substantiate your insinuation.

Mr Smyth: Don't come to us. Go and check your files. Go and check your records.

MR SPEAKER: Order, members, please!

MS GALLAGHER: It is just ridiculous.

Bushfires—asbestos removal

MRS CROSS: My question is to the Minister for Urban Services. During a bushfire recovery meeting at Duffy primary school earlier this year, which ministers Quinlan and Corbell attended, some constituents raised concerns about the disposal of the debris from the homes destroyed by bushfires, some of which contained asbestos. Alarming comments were made by those constituents at that meeting that the disposed of debris was moved from one site and then stored elsewhere. The constituents' concerns related to the handling of this debris, which included asbestos, a hazardous substance which many know has fatal consequences. Can the minister inform the Assembly whether the disposal of this material—its removal from one site and restorage in another—was handled in a safe way to ensure the community that no area was contaminated during this process?

MR WOOD: Indeed I can. It goes back quite a while. That program has been completed for a year or more.

Mrs Cross: No, I am still getting calls.

MR WOOD: You had better come to me with chapter and verse, then. Members will recall that at the time the contract was let predominantly for all houses destroyed by the fire—all sites. Extreme caution was taken in transporting that material to a site particularly established at the bottom of Mount Stomlo. That is where all the debris went.

That site was thoroughly prepared beforehand and the work of loading that material onto trucks and carting the material to that site was meticulous. A particular attitude was taken, quite properly, to ensure that there was no danger. Mrs Cross claims material was shifted from one site to another. What sites?

Mrs Cross: You tell me chapter and verse.

MR WOOD: You had better tell me.

MR SPEAKER: Order! The minister will direct his comments through the chair.

MR WOOD: There was a proposal initially that the site be somewhere towards Coppins Crossing. I do not believe any material was tipped there at all. That is the only point. I can possibly check. That site was deemed to be unsuitable because there was a slow burn of the sludge on that site. Mrs Cross asks me to respond to something that I do not know about, and I am pretty sure never happened. She will have a supplementary question in which I expect she will spell it out in detail.

MRS CROSS: I do have a supplementary question. Is the minister prepared to provide the Assembly with chapter and verse on two things: why the material needed to be moved and why it was stored in an area where there was a slow burn in the sludge; and why it is that he is questioning the validity and legitimacy of concerns of constituents who continue to complain to my office because their concerns were not addressed at that bushfire recovery meeting at the Duffy Primary School?

Mr Wood: When was that meeting?

MRS CROSS: May.

MR WOOD: Nothing has come to my office in all this time. Mrs Cross has raised nothing. No constituent has raised the matter. These are claims like the opposition's—just saying something without any basis for it.

Mrs Cross: So you are saying that 200 people at a meeting were liars?

MR SPEAKER: Order, Mrs Cross! Everybody will come to order. Mr Wood has the floor. Mr Wood will direct his comments through the chair.

MR WOOD: I do know that the arrangements for moving that material were meticulous, as they needed to be. I would appreciate some advice from Mrs Cross that I can work on.

Schools—asbestos

MR STEFANIAK: My question is directed to the Minister for Education and Training. Many schools in the ACT were built in the 1960s and 1970s when fibrous cement sheeting, asbestos insulation and asbestos-based paint were used extensively in the construction industry. Some ACT government schools have already been found to have that material present. I believe it was found that Yarralumla preschool was riddled with the stuff. I also believe that recently Dickson and Narrabundah colleges were found to have asbestos and that you have done nothing about it. In 2002 the government was told

that there could be problems in older schools, but it decided not to have a full audit done of the asbestos problem in our schools. Why has the government not done a full audit of all schools that were built before 1984 to detect the presence of asbestos and ensure its removal?

MS GALLAGHER: I am not sure whether everything that was said is correct, so I will take the question on notice and get back to Mr Stefaniak.

MR STEFANIAK: I ask a supplementary question. While the minister is doing that, will she also state why she has adopted an approach that both exposes our kids to risk and taxpayers to future claims for negligence, especially given that there was a $5 million underspend in capital works as at the end of March this year?

MS GALLAGHER: I will take that question on notice. I do not necessarily agree with what Mr Stefaniak said, but I will get back to him.

indigenous community—delivery of services

MS DUNDAS: Mr Speaker, my question is to the minister for indigenous affairs. Minister, in December 2001 you said in this place that the government would develop reports each quarter on the current state and effectiveness of services delivered to the Aboriginal and Torres Strait Islander communities in the ACT. In May 2003, in this place, I asked you if these reports had been written or had occurred and you indicated that there would be an update on the work happening that was underpinning the development of some possible reports. No further information has been provided to this Assembly since that date. Will there be a report presented in this Assembly on the current state and effectiveness of services delivered to the ATSI community?

MR SPEAKER: I do not think there is a minister for indigenous affairs, but I think you might mean the Minister for Community Affairs. The Chief Minister deals with that.

MR STANHOPE: Thank you, Mr Speaker. Yes.

MS DUNDAS: I have a supplementary question. Could the minister please explain why we have not received a report each quarter since 12 December 2001, as promised? What is the timeframe for the delivery of a report into the current state of affairs of services for the ATSI community?

MR STANHOPE: The government has been very active in relation to issues around Aboriginal and Torres Strait Islander people to a degree that no other government has been. That will be affirmed by every indigenous representative in the ACT. Our record of achievement in relation to indigenous affairs is second to none. This is the only government, and the only party, in the ACT that has taken issues in relation to indigenous people seriously. This is the only government that has seriously addressed issues around indigenous disadvantage and dispossession with any vigour, with any determination and with any strategy. There is not a single indigenous representative in the ACT who would say otherwise. I am proud of the government's record in relation to that. The office of indigenous affairs has worked vigorously, and I will report before the end of the term.

Chief Minister—memory loss

MRS DUNNE: Mr Speaker, my question is to the Chief Minister. The Chief Minister has claimed that he suffered post-traumatic amnesia as an excuse for his inability to recall key events surrounding the 18 January bushfire.

Mr Stanhope: On a point of order, Mr Speaker: that's not true; that's not correct. Mrs Dunne has just misled the Assembly, and I ask her to withdraw that erroneous statement.

MR SPEAKER: That is not a point of order, but you will be able to respond, I think.

Mr Stanhope: On a point of order, Mr Speaker: what Mrs Dunne has just said is a lie.

MR SPEAKER: The truthfulness or otherwise of elements of the question is not a matter I can rule on. If Mrs Dunne has said something in her question that you want to refute, I think you're going to have the opportunity to do so.

MRS DUNNE: I suppose, to be more precise, the Chief Minister said he suffered from "memory index loss" as a result of the trauma surrounding the fires.

Mr Stanhope: On the point of order, Mr Speaker: I am pleased that Mrs Dunne has just admitted she lied. She has now corrected the record, and I'm grateful for that.

Mr Stefaniak: "Lying" is unparliamentary, Mr Speaker. He should withdraw that.

MR SPEAKER: Yes, withdraw the word "lying", Chief Minister.

Mr Stanhope: I will withdraw it, but we have noticed that Mrs Dunne just corrected the untruths she just told. There are one too many lies in this place.

Mr Smyth: Mr Speaker, I have a point of order. Ask him to withdraw that.

MR SPEAKER: Withdraw it, Chief Minister.

Mr Stanhope: Mr Speaker, I said, "There are one too many lies in this place." I did not make an imputation about another member of this place.

MR SPEAKER: I think it would be better for all of us if you withdrew it.

Mr Stanhope: I withdraw it, Mr Speaker.

MRS DUNNE: Thank you, Mr Speaker. I think I will start from the beginning. The Chief Minister has attributed his "memory loss" to the trauma of events around the 18 January fire. The Chief Minister may also be aware that the Melbourne Storm footballer Danny Williams recently claimed that he had memory loss as a result of trauma, after being charged with king-hitting Mark O'Neill of the Wests Tigers at Leichardt Oval on 16 July 2004.

Williams claimed that he suffered memory loss after being hit in a high tackle. The symptoms of this memory loss supposedly included hazy memory, irrational and aggressive behaviour and lack of coordination. The Rugby League judiciary did not believe this excuse and has suspended Williams for what has been described as a career ending suspension.

MR SPEAKER: Mrs Dunne, come to the point of the question, please.

MRS DUNNE: My question to the Chief Minister, after the context, is: were you showing any other symptoms of post-traumatic memory loss, indexed or otherwise, such as irrational, aggressive behaviour or lack of coordination on 18 January 2003?

Mr Wood: Mr Speaker, I rise on a point of order. This question is entirely out of order, and I suggest that we move on to the next one.

MR SPEAKER: I cannot rule the question out of order. The Chief Minister is entitled to answer it.

MRS DUNNE: Were you showing any symptoms of memory loss due to trauma, such as irrational, aggressive behaviour or lack of coordination on Saturday, 18 January? If so, were you in a fit state to make decisions on that day, and what assurances can you give to the people of Canberra that you will not fall apart under pressure at a later time?

MR STANHOPE: I ask the member to repeat the question. I did not quite get the gist of it.

MR SPEAKER: The question has been asked. Mrs Dunne, repeat the question.

MRS DUNNE: Were you showing any other signs of symptoms of memory loss due to trauma, such as irrational, aggressive behaviour or lack of coordination on Saturday, 18 January 2003? If so, were you in a fit state to make decisions on that day, and what assurances can you give to the people of Canberra that you will not fall apart under pressure should those circumstances arise again?

MR STANHOPE: The answer to the question is: not applicable, no, no, yes, not applicable, not applicable.

MRS DUNNE: Mr Speaker, I have a supplementary question. Chief Minister, given that you have become a man of few words this week, does your failure to answer this question give the people any assurance that, if the situation arises again, you will have enough presence of mind to warn them that the fires are coming?

MR STANHOPE: The reason for the answer I gave is that I refuse to allow myself the indignity of responding to that sort of crass nonsense. This is the parliament of the Australia Capital Territory. This is the legislature. This is the parliament. This is the place in which we represent the interests of 322,000 people, and I will not allow myself to descend to that level. I will not get in the gutter with you, Mrs Dunne.

MRS DUNNE: Mr Speaker, on a point of order: under standing order 118B, the Chief Minister should not be debating the question; he should be answering the question.

MR SPEAKER: Mrs Dunne, you asked the Chief Minister why he would not answer the question, and he is entitled to respond to it.

MR STANHOPE: You asked me for the basis of the nature of the answer I have given to these questions, and I am giving you the basis and the reason for why I have answered the questions in the way that I have. I will not climb into the gutter with you. I will not get down there into the gutter with you, Mrs Dunne, or with your colleagues. We have seen it all week—the innuendo, the slurs, the lies, the deceit, the descent into the gutter of you and your colleagues and your determination to seek to drag us down to your level.

I know, you know, the people of Canberra know how pitifully you purport to represent the interests of the people of Canberra. I know precisely what your standing in this community is. I know exactly where you stand in the minds and the thinking and the feeling of the people of Canberra. I know in what little regard you are held. I know what your personal approval ratings are. The difficulty you have is that you know. Grasping as you are for some advantage and some relevance, in your determination not to be obliterated in the poll that is coming in 10 weeks time you will do what you feel you need to do to gain some credibility, some credence and some support from the public in any way that you can. You have no policies; you have no standing; you have no integrity; you have no support. As an opposition you are a laughing stock.

You represent that, Mrs Dunne, with this appalling, paltry question you have put, this attempt to denigrate me and drag me down to your level, this attempt to drag us all into the gutter with you and your colleagues—where, I have to concede, you look very comfortable. You look at home down there in the rubbish and the nonsense. You look to be in your element. You look and sound it.

Long service leave

MR HARGREAVES: My question is directed to the Minister for Industrial Relations. Has the minister received any recent advice concerning issues of non-compliance with the Long Service Leave (Contract Cleaning Industry) Act 1999?

MS GALLAGHER: It is with some concern that I answer Mr Hargreaves's question. As members know we have laws that regulate our workplaces in the ACT. We provide regulation and advice on matters of occupational health and safety, workers compensation and, importantly, areas such as long service leave. Recently I had brought to my attention a matter of concern that has a significant monetary impact. The Long Service Leave Board is the government body that polices long service leave compliance. It ensures that employees' entitlements are secure and that employers pay that entitlement, or that it is paid as a levy to industry based long service leave funds.

Mr Speaker, as you are well aware, currently in the ACT we have two such funds in the construction and cleaning industries which serve to protect employees' entitlements in those industries. There is no guarantee that these employers, who use every dubious means at their disposal, will ever be brought fully into compliance with long service

leave law. The Office of Industrial Relations has brought one such employer, Endoxos, to my direct attention. That employer has been named in this Assembly before. Members will be aware that Endoxos was operated under the directorship of Mr Lindsay Burke. I believe that Mrs Burke, who is sitting in the chamber, is a former director of that company, although she resigned as a director on being elected to the Assembly at the last election.

In August 2001 Endoxos entered into an arrangement with a Sydney based labour hire firm whereby Endoxos employees purportedly became self-employed contractors but they still worked under the full supervision of Endoxos directors. Endoxos originally registered with the Cleaning Industry Long Service Leave Board in October 2000. It complied with the act by submitting quarterly returns and levy payments for its 60 workers until 19 August 2001. As I said earlier, at that time Endoxos entered into an arrangement with a Sydney based labour hire company. The board maintained that the arrangement with MLC, the company in Sydney, was unlawful. It determined that the workers were still employees of Endoxos and, as such, were entitled to the portable long service leave benefits provided by the act.

The Liquor, Hospitality and Miscellaneous Workers Union, on behalf of one of Endoxos' employees, pursued this matter with the Full Bench of the Federal Court. In November 2003 the court ruled that the worker was not an independent contractor but an employee for the purposes of redundancy and other award provisions and benefits. By the time this matter reached the Federal Court Endoxos had ceased to trade in the commercial cleaning industry in the ACT and all workers had been terminated by 12 January 2003. The board sought remedy from Endoxos for the lost service and levies of their employees for the period 20 August 2001 to 12 January 2003, but Endoxos' lawyers refused it.

The board considered its options regarding prosecution and debt recovery. It decided not to pursue the matter in the courts due to the substantial cost that that may incur to the fund and because of the futility of prosecuting a company that was no longer trading and that was probably insolvent. A total sum of $18,088 of long service leave credits that are owed to workers will never be paid by their employer, as they should be. The Long Service Leave Board will have to pick up that amount of $18,088 and pay it to Endoxos' workers.

Mr Smyth: Do you have your facts right?

MS GALLAGHER: Yes, I do have my facts right, Mr Smyth. The workers have been advised of the board's decision and they appreciate its generosity. The former directors of Endoxos have also been informed of the board's decision but they have not made any comment. There has been no media release by the Burke family that the $18,088 that is owing to its previous employees will not be paid by Endoxos because someone else is jumping in and will pay that amount.

Mr Cornwell: I take a point of order. Is it acceptable for Mr Hargreaves, who asked the question, to walk out of the chamber in the middle of the minister's answer?

MR SPEAKER: There is no point of order. The member will resume his seat.

MS GALLAGHER: Some people who speak Greek have informed me that "Endoxos" translates roughly as "glorious and honourable". As we can see, nothing could be further from the truth. Those who are responsible, directors and former directors, should hang their heads in shame at these actions that are depriving Canberra's lowest paid workers of their legitimate entitlement to long service leave.

Ambulance service

MS MacDONALD: My question is to the Acting Minister for Health. Further to Mr Smyth's inaccurate claims about ambulances, can the Minister provide more information about our ambulance system? Can he specifically provide information about turnaround times, which he did not mention in his answer to Mr Smyth earlier today?

MR WOOD: Yes, I can indeed show further the inaccuracy of Mr Smyth's claims. We are used to those in this place.

Mr Smyth: On a point of order. How can the Minister comment on statements attributed to me when I have made no statements at all about turnaround times of ambulances? It is either a fabrication of the question asked or a fabrication of—

MR SPEAKER: Order! The member asked a question of the Minister about turnabout times that he had not mentioned before.

Mr Smyth: No, apparently these are statements attributed to me. I have made no statements in the past couple of days about turnaround times. The question is out of order because it is a fabrication.

MR SPEAKER: Mr Smyth, you may make a personal explanation later. The question is quite legitimate.

MR WOOD: Mr Smyth has been making claims about the long time that ambulances have to wait at the hospital. If that is not turnaround times, I do not know what is. They are quite wrong. Hospital turnaround times, the time that ambulances wait there—Mr Smyth claims allegedly as mobile wards—are measured from the time the crew arrives until the ambulance crew departs. That includes unloading the patient, doing the paperwork, handing the patient over, the cleanup, restocking of the ambulance, and then they are ready to go.

The ACT Ambulance Service, and generally other ambulance services, has a target hospital turnaround time of 20 minutes on average. In the 2003 financial year, the average turnaround time for our crews was 23 minutes. We would like it to be better. In July 2004, the average turnaround time was still 23 minutes. This is hardly a situation, as alleged by the desperate Leader of the Opposition, of ambulance officers acting as wardsmen. He should acknowledge the time it takes to unload and hand over a patient. There are exceptions to that; that is the average time.

Mr Smyth: What was the longest time?

MR WOOD: Yes, I can go back to the figures I gave Mr Smyth before of extreme times some years ago. So much for the claim that ambulances are being used as hospital beds. It is well known, and we make it clear, that occasionally hospitals and ambulance services experience peaks of activity. These are not as common in the ACT when compared with the difficulties experienced elsewhere. When these peak periods happen, ACT hospitals and the Ambulance Service work to ensure that patients are managed effectively. At 23 minutes, our average ambulance turnaround times at hospitals are comparable with the rest of Australia. On top of that, Productivity Commission figures show that the Ambulance Service has the best overall response times to an emergency in the country. So, the service is working pretty well. Once again, this is excessive exaggeration, this hyperbole from the Leader of the Opposition, and he is only damaging his own credibility.

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

Papers

Mr Stanhope presented the following paper:

> ACT Criminal Justice Statistical Profile—March 2004 quarter.

Mr Quinlan presented the following paper:

> Government Procurement Act, pursuant to section 8 (3)—New Procurement Principle—Direction to Government Procurement Board, dated 2 August 2004.

Ms Gallagher presented the following paper:

> Occupational Health and Safety Act, pursuant to section 96D—Operation of the *Occupational Health and Safety Act 1989* and its associated law—Quarterly report June quarter 2004.

Live music—value to the community
Ministerial statement

MR WOOD (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for Police and Emergency Services, Minister for Arts and Heritage, and Acting Minister for Health): I ask for the leave of the Assembly to make a ministerial statement concerning the government's response to the resolution of the Assembly of 13 May 2004 relating to the value to the community of live music.

Leave granted.

MR WOOD: I am pleased that the Assembly has recognised the important contribution that contemporary live music makes to our city. There are opportunities for the government and others to make a positive contribution to the sustainability of that sector. Members will recall that Ms Tucker moved this motion. At the moment she is not with us in the chamber as she is obviously quite ill, but I have supplied her with a copy of the

government's response. Young people gain particular benefit from participation in live music. The government will help to make it accessible and engaging.

Following the moving of this motion, government officers met with representatives from the live music sector and a number of discussions took place between relevant government agencies, which helped to clarify the issues faced by musicians, young people and venue operators involved in live music. Research is also being conducted into how other Australian jurisdictions are supporting contemporary live music. In mid-July this year the government hosted a forum to discuss issues impacting on live music. Established and emerging young musicians, organisers of live music events, youth service providers and members of the ACT Cultural Council attended that forum. Those representatives from the sector confirmed that live music is alive and well in the ACT.

A productive discussion took place at the meeting and suggestions were made about a number of practical ways to address identified issues. The live music issues in the ACT that were revealed by this investigation can be grouped under four headings: the need for a music association; young people's participation in live music; issues of noise from live and recorded music; and the viability and diversity of live music venues. Those topics have direct relevance to the motion. I will briefly outline the issues raised and explain how the government intends to address them over the coming months to support the continued vibrancy and growth of live music.

I refer, first, to the need for a performance association. At the forum in July the primary issues raised by representatives from the sector were: the need for an industry body or association to foster professional development; to facilitate access to information, skills and resources; to provide an industry voice to represent the interests of performers; to facilitate communication between performers, event organisers and venues; to provide information and assistance to young people; and, finally, to advocate for the needs of young performers and audiences.

One of the issues raised in the motion that was moved in the Assembly was the availability of rehearsal space and PA equipment. Interestingly, the representatives did not identify those issues as issues of particular concern. It was acknowledged that there was a need for more accessible information about how to access resources, in particular for very young musicians. The forum suggested that an industry association might be best able to assist in a number of matters. The government will continue to meet with industry stakeholders to discuss the practicalities of establishing a music association and to provide advice on programs of support through which such an association may seek funding.

When I was arts minister the government gave financial support to a group representing those sorts of interests. Unfortunately, that group did not survive. The second issue that was addressed by the forum related to young people's participation in live music. The social plan articulates the government's commitment to enhancing support for programs that encourage young people to participate in the arts. The government recognises the particularly strong benefit that young people draw from their participation in contemporary live music.

The government currently supports young people to participate in a number of ways including: funding youth centres that are made available for performances and events;

funding, through various programs, live music events for young people such as Indyfest and the Fatback Festival; funding young people to organise and stage live music events through InterACT grants; including provisions in the Liquor Act to enable licensed premises and special events, under strict provisions, to serve alcohol at all age events; allowing events for persons under the age of 18 to be held on licensed premises where prohibition guidelines are followed; and allowing performers under the age of 18 to perform music in licensed premises.

Another measure that is used by the government is youth representation on relevant bodies. For example, the ACT Cultural Council and its committees, which include youth representation, assess grant applications for young people's participation in live music. Young people assess Youth InterACT grants according to youth participation principles and Youth InterACT guidelines. Live at Lunchtime is one example of a project that increases young people's access to live music. That project, which received funding through the last arts funding program, supported the performance of young bands comprising year 11 and year 12 students at Canberra colleges. The project, which is progressing well, demonstrates strong potential for future development.

Young people were represented in the July music forum and the Youth Coalition was also represented. Members of the forum agreed that these concerns either could be directly addressed or could be significantly progressed through the establishment of a music association. Members might care to go to the Tuggeranong Arts Centre to experience the strong programs that are run in that area. In addition to assisting in the establishment of a music association, the government, together with the Cultural Council, will invite a number of young people to participate in the assessment of applications for funding for music projects through the arts funding program.

That program will ensure that young people with emerging talents acquire an in-depth knowledge of the funding process. The government is also in the process of developing an event-planning guide that will provide detailed and accessible information to event organisers and will specifically include practical guidance for people organising all age events and events for younger people. The third issue for consideration relates to noise from live and recorded music. The Canberra plan, which charts the future development of Canberra, identifies a rapid increase in residential density in Civic as well as in our town and group centres whilst acknowledging that a parallel development of the recreational and cultural vibrancy of those centres is required.

Many cities have found a need to revise their noise management practices to accommodate new mixes of residential, recreational, cultural and traffic activity in their urban centres. It would be a tragedy if inadequate noise management practices stifled the cultural vibrancy being sought by people moving to areas of urban density, and this definitely includes noise from live and recorded music. The government is developing an integrated approach to ensure that noise issues are appropriately managed in Canberra and that the amenity of residents is adequately considered as the residential density in our city increases.

Noise issues can be divided into two areas—noise regulation and noise attenuation. Noise regulation refers to the legal framework that establishes and enforces appropriate noise levels. A number of noise zones have been established across the ACT with differing levels of noise allowable at different times of the day. Noise attenuation refers

to the construction or refurbishment of building or other structures to limit the passage of noise. Noise attenuation can be introduced to a music venue to prevent noise escaping, or to another space such as a restaurant or apartment complex to prevent noise entering.

Environment ACT primarily deals with noise regulation in the ACT. Noise from live entertainment is currently the cause of relatively few complaints in the ACT. However, more complaints are expected as residential density increases in our urban centres. The majority of noise complaints relate to barking dogs, air-conditioning or heating units, home stereos and municipal services. Members of the Assembly should be aware of the conundrum of the government being pressured on the one hand to provide protection from bad noises and being pressured on the other hand to be more accepting of good noise, such as that from live music.

Under the Liquor Act the Department of Justice and Community Safety has some residual responsibility in regard to the loss of amenity from licensed premises, essentially from people spilling out onto the street and causing loss of amenity. The Liquor Act stipulates that licensees are responsible for taking steps to ensure that public amenity is not affected by their business. In 2001 complaints regarding a range of noise sources in Civic led the ACT government to develop a discussion paper entitled "The Civic Noise Project."

As a result of issues raised in that paper and in the context of changing community expectations, the government will produce a fact sheet on issues relating to noise from entertainment venues; explore appropriate avenues to assist venue operators to develop their expertise in managing noise; explore the benefits of legislative change to extend the time for maximum daily noise levels in Civic and town centres from 10.00 pm to a later time on Friday and Saturday nights and for special events; and Environment ACT and ACTPLA will finalise the review of methods used to measure noise in response to complaints that have been received to ensure that noise attenuation in buildings is taken into account.

Noise attenuation in the construction of new or refurbished buildings is the responsibility of ACTPLA through a number of processes, including its role in enforcing the building code, assessing development approvals, approving variations to allowable uses and approving fit-outs under existing leases. ACTPLA is currently developing an integrated approach to noise attenuation to ensure that planning and building practices are adequate to preserve amenities, cultural vibrancy and the viabilities of our city's businesses as residential density increases.

The final issue that was raised by the Assembly and the music sector forum relates to the viability and diversity of venues. Live music and the venues where it is performed are often seen as interlinked. Live music venues provide spaces to experience live music, nurture performers and audiences and contribute to a city's live music scene. The live music sector in the ACT is resilient in the face of an almost cyclical ebb and flow of good venues. Individual venues may become a symbolic focus for live music for a time but they do not last forever. Many factors contribute to the success or failure of live music venues. However, often they are not huge money-spinners and require careful business management.

Compliance with the Liquor Act and with noise regulation must be carefully monitored and good relations must be maintained with neighbours. Patrons and fashions can shift unpredictably so that today's hotspot can quickly become tomorrow's no man's land. Much as the government supports private businesses it is not appropriate for it to meddle in them. However, the government will try to assist venue owners, where possible, particularly on the issue of noise. The government will issue a fact sheet regarding noise regulation issues that will assist venue operators to understand their obligations, and it will also explore avenues to assist venue operators to develop their expertise in managing noise as part of continued business improvement.

In conclusion, the government has only had a short time within which to respond to this motion. I am impressed by what has already been achieved. I also note that some of the elements of the motion call for legislation. It is too early to tell whether legislative change is an effective way to address this issue and it is unrealistic to seek to use this approach just before an election. However, I can tell the Assembly that the government's actions that I outlined are substantial, will be ongoing and are largely driven by the sector itself. These actions will address the need for a music association, young people's participation in live music, issues of noise regulation and attenuation and the viability of live music venues. Combined, these actions will have a significant and continuing impact on the vibrancy and sustainability of contemporary live music in the ACT for young people, musicians, venue operators and the broader community.

Appropriation Act 2003-2004 (No 3)
Paper and statement by minister

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

Appropriation Act 2003-2004 (No 3)—Preliminary Acquittal of Funds Report

MR QUINLAN: I seek leave to make a short statement.

Leave granted.

MR QUINLAN: Mr Speaker, I tabled a summary report of the acquittal of funds provided in Appropriation Bill 2003-04 (No 3) in response to recommendation No 11 in the report of the Select Committee on Estimates on Appropriation Bill 2003-04 (No 3). I note that the Select Committee on Estimates recommended that the information be tabled on the first sitting day of August.

Where possible, the government endeavours to meet the timeframes specified by the Select Committee on Estimates. In this case the collection of information has been delayed by the processing of end-of-year financial statements, which, as members of the Assembly would be aware, have been brought forward for the purposes of consideration prior to the forthcoming ACT election. Let us not forget all those questions on notice that also have to be addressed.

In retrospect, the timeframes were a little ambitious. Nonetheless, I can give members an update of where expenditure broadly is at and I will provide further details as soon as possible. The third appropriation act, as amended, provided $107.9 million to various agencies across government. Of the total appropriation, $84 million has been expended or committed as at 30 June 2004. Of the remaining $24 million not expended or committed as at 30 June 2004, $16 million relates to the $32.2 million in capital injections provided to Housing ACT for public and community housing.

Although the $16 million has not been expended, those funds have been earmarked for specific purposes, including $7 million for expanding community housing through the community organisation rental housing assistance program head leasing arrangements; $3 million to community housing providers; and $3.2 million for expanding indigenous housing. Those funds have not been committed to specific organisations at this time though discussions have been held with the sector to ascertain its views.

In addition, $2.7 million is remaining to expend on public housing, and properties will be purchased using these funds in 2004-05. Of the remaining balance $3.8 million relates to EBAs for nurses and visiting medical officers; $1.4 relates to the Office for Children, Youth and Family Support due to difficulties in recruiting qualified staff; $0.5 million relates to the coronial inquest and Eastman inquiry—the Eastman inquiry is expected to gain momentum early this financial year, a little later than expected—and other minor items relate to delays in the procurement of emergency services for the Emergency Service Authority, Cotter catchment conservation and re-vegetation work in which expenditure has been delayed by the drought and will be used for springtime plantings, and in the repair and replacement of fire-damaged fences. I commend the report to the Assembly.

Public hospital system
Discussion of matter of public importance

MR DEPUTY SPEAKER: Mr Speaker has received a letter from Mr Smyth proposing that a matter of public importance be submitted to the Assembly for discussion, namely:

> The ongoing crisis in the ACT public hospital system.

MR SMYTH (Leader of the Opposition) (3.33): Over the past six or seven months there has been a litany of headlines in the media concerning the state of public hospitals in the ACT. That litany of headlines and by-lines on the radio and television relates to things such as the hospital system going on bypass 38 times in just seven months; hospital waiting lists going up 35 per cent in the life of this government; the number of people on the public waiting list increasing to over 50 per cent; emergency department treatment times blowing out or not being met; and the Press Ganey report placing the ACT public hospital system in the lowest 10 per cent of hospitals in the country.

That litany of headlines and by-lines also relates to things such as the step-down facility that was promised by the previous government in March 2001 but that will not be built until February 2006, almost five years after the start of the process. It also relates to the number of nursing home-type patients. Twenty-five to 35 nursing home-type patients cannot be accommodated in nursing homes because this government's planning process

does not facilitate it. So those patients are left languishing inappropriately in acute beds, which is causing bed block.

We have headlines relating to things such as the government's attempt to close the rehabilitation independent living unit, the jewel in the crown of rehabilitation in the ACT, for some short-term gain. We have some disastrous headlines relating to what nursing staff call internal disaster mode, which the government claims does not exist. Its equivalent in New South Wales is called code black but the government blithely ignores that. For the first time in memory, the number of people on Calvary Hospital's waiting lists has gone over 2,000. Average throughput in the public hospital system is down because of the government's decision to cut Calvary Hospital's health budget by $3.5 million in its first full-year budget.

On top of that we are using our ambulances as hospital beds. Ambulances cannot unload their patients into areas of appropriate care that they need and deserve, as emergency rooms, the gurneys in corridors, storerooms and hospital wards are full. The government says, "It is business as usual. It is not as bad as the rest of the country. It is commonplace elsewhere." Who cares what happens elsewhere? Those in this place are charged with the governance and the budget of the ACT. Until the Stanhope Labor government came into office it was never commonplace; it rarely happened in the ACT. These are new instances of mismanagement by this government of the public hospital system.

Ambulances are routinely used as de facto hospital beds—a situation denied by the former health minister. I quote a statement in *Hansard* on 26 May by Dr Sherbon, the head of ACT Health, at the estimates committee hearings. He said, "This is most unusual in the territory." Today we found out that that has happened 10 or 11 times in the past 12 months. Apparently it is most unusual, but I would say that it is becoming way too common. The situation is so dire in the ACT public hospital system that we have had to use ambulances from Queanbeyan. I am also reliably informed that we might have borrowed ambulances from Yass. The minister, in his press release, states:

> Smyth's irresponsible scaremongering on ambulances. Everything is okay.

The minister is quoted on the ABC website as stating:

> We're looking and we are improving the services within the emergency services department of the hospital generally, we're also looking at the need for a further ambulance ...

The minister said that I was scaremongering as I said that ACT ambulances were not responding. Rightly so, arrangements are in place so that we can call on other organisations across the border when ambulances are needed. We have now received confirmation that the minister is politicising this issue. The minister is not paying attention. He is saying, "Yes, we do have a problem. We are considering getting four additional ambulances." This morning on the radio a Transport Workers Union representative admitted that the TWU has been after an additional ambulance for some years now but the government has ignored it.

When will the government wake up and address the problems in the health area? Mr Wood blathers on the radio about how the health budget is increasing. According to

this government the answer to everything is to increase the budget. Before the last election and before the onset of all these problems the former health opposition spokesperson, the present Chief Minister, Mr Stanhope, said, "We will fix the health crisis by urgently injecting $6 million into the health system." That injection of money resulted in this litany of disastrous headlines and in the crisis that the hospital has faced over the past 34 months.

The hospital system has not been fixed; it has got worse. Here is a newsflash for Mr Wood, the Acting Minister for Health. The health budget always increases. In some years it seems to increase from between 3 per cent and 7 per cent to between 7 per cent and 10 per cent, regardless of who is in government. We all know that the rate of inflation in the health area is somewhat higher—normally double, if not more—than the consumer price index. This argument is not about money; it is about what is happening with that money.

There is a stack of money in the system; it has just been put in the wrong places. The problem is the government and its management of the system or, in this case, its lack of attention or its failure to manage the system. Mr Wood complained about my use of the words "bureaucratic model". How else can I describe a system in which the first action of the chief executive of ACT Health after the restructure was to appoint two new deputy chief executive positions at a cost of over $500,000 a year? All that created was a bigger bureaucracy. The hospital has been sucked into the bureaucracy.

How else can I describe it other than as a model that has been put in place to suit the department? That model has not been designed to look after the people of the ACT. A cursory glance at the organisational chart in the annual report of the health department reveals a ludicrously top heavy organisation. If that is not a bureaucratic model I do not know what is. While senior executives and others enjoy the perks, the hospital system, in particular, Canberra Hospital, is hopelessly clogged at the front end. That is the problem. This government continually states, "There is no crisis. It is okay because the health system in the ACT is better than elsewhere." The ACT hospital system has always been better than elsewhere. It has always achieved much more than the other states and territories. However, that has slipped under this government.

I refer now to the issue of bed block—an issue that has been discussed before and that I am sure will be discussed again. The bed block issue was brought to the attention of this government when it came into office but it has done nothing to resolve it. Going back through the *Hansard* of previous estimates committees reveals that, year after year, somewhere between 24 and 35 nursing home-type patients are in the acute hospital system. They should not be there; they should be in nursing home-type facilities. However, no nursing home-type facilities are available because none have been approved.

We had a recent flurry of activity by the Chief Minister who was attempting to prove that he was doing the job. After 34 months in office this government is yet to make a firm decision on the Calvary site for aged care. Mr Deputy Speaker, you would well know that it is the fault of the Little Company of Mary as the government gave it the go-ahead last month. Mr Stanhope is now beating his chest and saying, "Why has it not done something?" After 32 months of government inactivity it is appropriate that that group makes an informed decision. I am sure it will do that quickly.

I refer to Goodwin Aged Care Services. For 2½ years it asked for a block of land. A couple of weeks back it finally got the go ahead, but it now has to go through the draft variation process to confirm it. I have numerous examples of other organisations that have been caught in this government's planning quagmire that cannot do their job because this government will not let them. We have bed block at the back end of the hospital system, which is filled with nursing home-type patients. We have blockages at the front end in the emergency department. Those blockages flow on to all aspects of the hospital, affect people who are trying to gain access to hospital beds for surgery or recovery, and also affect people on hospital waiting lists.

Often those people are bumped off the waiting lists because the hospitals cannot cope as a result of this government's improper management. Mr Deputy Speaker, you know a great deal about nursing home-type patients because you have been drawing attention to them for many years. In that time numerous nursing homes have tried to build facilities, only to be stymied by this government. Another issue that this government has let slide—it is an issue that will now take almost five years to complete—is the step-down facility.

The previous government acknowledged that there were difficulties and that we needed to find a way to get some of the more well patients who required less attention out of the system and into a facility where they could easily be accommodated at a much-reduced cost to the system. That concept has been called the step-down facility. The former government announced that proposal in March 2001 and money was allocated in the May 2001 budget to enable its construction.

In August 2004, more than three years later, we are yet to see a sod turned or the submission of a development application for that subacute step-down facility. That project is now worth about $10 million—costs have grown significantly in that time—but we have not yet had any commitment from this government to make that happen. All we had from the health minister was a feeble excuse that the department had not driven the project as well as it could have. The minister also said that he was disappointed.

The minister might be disappointed, but that disappointment is reflected in the lives of ordinary Canberrans on hospital waiting lists who, when it is their turn for surgery, cannot gain immediate access to emergency departments or to their public hospital system. It is well and good for the minister to be disappointed but this facility, which has languished for almost five years, will only be opened in February 2006. I somehow doubt that it will be opened then, based on this government's record expenditure on capital works. So members can see why our hospital system is in crisis.

This government's biggest failure is to ignore staff and to write them off. I refer again to the bureaucratic model. Practitioners on the ground, nurses, wards men, specialists, doctors and all those at the coalface are voicing dissatisfaction with the system. We were told at the last estimates committee hearings that 31 per cent of nurses would leave the system. Later the Minister referred to a different figure, but the official and uncorrected figure that was given at the last estimates committee hearings was 31 per cent. Nurses are leaving the system because they cannot do what they want to do—that is, care for sick and ill Canberrans. They cannot do that because they are not being given the tools to do their job. That is why we have this litany of failings by the government.

The Acting Minister for Health, who said that there is no such thing as an internal disaster mode, knows what is meant by that phrase. On Tuesday he fobbed us off by giving us a list of external disasters and stating that the government had in place external disaster plans, which is appropriate. However, hospital staff are referring to internal disasters or, to use the term that has been used in New South Wales, code black. What will happen when we go to code black? We asked the Acting Minister for Health what would happen if both hospitals went on bypass and he said, "That can never happen because the hospitals will keep accepting patients. If one hospital goes on bypass the other hospital cannot."

We are not informed when hospitals go on bypass. We could have both hospitals on bypass and they would not be admitting patients; those patients would be sitting in ambulances in the forecourts of Canberra's hospitals. That is bypass. Patients cannot get into emergency rooms because there is no room; they are left sitting in ambulances. We do not send those patients to other hospitals because they are full and already on bypass, so we leave them sitting in ambulances in the forecourt of Canberra Hospital while we call in relief staff and ambulances from Queanbeyan and Yass.

What a litany of failures. The real failure is the attitude of the government when it states that the hospitals are busy. Of course they are busy. Patients go to hospitals only when they need them; they do not go there for pleasure or for fun. We have not had from this government any indication as to how it will fix this problem now or in the lead-up to the next election.

MR WOOD (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for Police and Emergency Services, Minister for Arts and Heritage, and Acting Minister for Health) (3.48): Mr Smyth commenced his contribution by referring to a litany of headlines. In question time I referred to a couple of headlines and pointed out how the newspapers had referred to patients having been plugged into hospital storage rooms and the like. I could spend the 15 minutes that are available to me running through a number of headlines. I refer, for example to a headline in July 2001 that states, "Canberra patients waiting too long." Another headline on 26 May 2001 states, "Hospital chaos, nurses off sick."

I will go through a few more headlines, though I have more than I could ever get through, that establish there has been a litany of headlines. On 5 April 2001 another headline states, "Patient flood pushes hospital to edge." I wonder which government was in office in the years that I have mentioned. Another headline states, "Nurses take measure of anger to Assembly." Mr Smyth claimed earlier that nurses had made clear their attitude in relation to this government, yet they took that measure of anger to the former Liberal government. Other headlines read, "Elderly without access to proper care", "No bed available for appendicitis patient", and, "Probe into hospital crisis."

Mr Smyth said that there was a litany of headlines. There was a litany of headlines in the time of the former government. Mr Smyth wants us to forget the record of the former government but he overlooks the massive amount of work that has been done by this government to improve hospital services at a time when demand is continuing to grow. I welcome the comments of opposition members on health issues, but I do not welcome them when they are not constructive or when they are so overblown that they are

completely ludicrous. Today we are debating the same topic that we debated on 22 June—a month ago. Mr Smyth thinks he will make some progress in relation to this issue but until he comes up with a reasoned and sensible debate he will only be going backwards.

There is no question about the fact that there are always issues, and there always will be, that need addressing in the area of health and hospitals. In discussing these issues I wish to make one thing clear: the ACT community has access to one of the finest public hospital systems in the world. I do not think anybody would dispute that. In 2003-04 our public hospitals provided over 70,000 inpatient episodes—the highest number on record. In that year it managed an 11 per cent increase in the number of outpatient occasions of service—again, the highest number on record. It oversaw an increase of 22 per cent in the most serious types of emergency department presentations.

In 2003-04 our public hospitals provided almost 1,000 additional elective surgery operations—an increase of 13 per cent—and, yet again, the highest number of elective surgery operations in a year on record, which is pretty impressive. Yet the pressures continue and the government continues to address them by putting more and more money into the health system. Mr Smyth said that this government is only just meeting inflation. He is wrong again. This government is way ahead of inflation. Mr Smyth should be praising the efforts of clinicians, support staff and nurses who are managing this significant increase in the demand for hospital services, rather than undermining their confidence, which is what he has done. This government is not in denial, which is what Mr Smyth has claimed.

I have been Acting Minister for Health for about five weeks and I am mightily impressed by the attention that is given to every aspect of health and hospitals. I am also impressed by the devotion of staff to their duty. There has been a significant increase in demand for services and that has placed quite severe pressures on health professionals. There is significant competition in Australia and around the world for qualified health professionals in all areas. As Mr Corbell said only a few weeks ago, everyone who uses our public hospitals can be assured that they will have access to high quality care and that the latest procedures, pharmaceuticals and equipment will be used. I repeat what Mr Corbell said:

> No-one in need of emergency care is turned away from our public hospitals.

This government has an excellent track record in ensuring that no-one in need of urgent elective surgery is made to wait too long for that surgery. I refer members to a headline to which I referred earlier which mentioned delays in elective surgery. Let me refer again to the facts. We heard a lot of repetitive debate from Mr Smyth but he does not want to hear repetition from this government. The former Liberal government, of which Mr Smyth was a part, funded additional elective surgery with time-limited funds provided by the Commonwealth as a thank you for signing up early to the previous health care agreement.

When this government came into office in 2001-02 those funds ran out. The former Liberal government, of which Mr Smyth was a part, did not make allowance for the continuation of this additional funding in its last budget. It did not maintain that level of funding and it was not written into its forward estimates. The Labor government, which

was left with that problem, is now attempting to fix it. Let me give members some facts to prove that. Labor provided more public elective surgery procedures in 2003-04 than has been provided in any other year on record. This government set a target of an additional 600 elective surgery operations and provided more than 900 operations.

Elective surgery initiatives announced over the last two budgets will provide almost $20 million in additional elective procedures over the next four years. That is almost 4,000 additional operations than would have been provided by the former Liberal government. I am not saying that all the problems have been fixed. There are still too many people waiting for elective surgery.

Mr Smyth: Well, that's normal.

MR WOOD: Does Mr Smyth want me to refer to all of the many headlines that I have? The ACT community can have faith in the fact that the ACT Labor government is working hard to fix these problems. This government is now moving to improve the situation of those who have less serious needs. The government, by providing additional resources, is not simply throwing money at the problem; it is targeting specialities and it is targeting those patients who have been waiting the longest times. We are now starting to see results. The number of patients who have waited for a long time is starting to fall. Members should not just look at the number of people who are on the waiting lists; they should look at the number of people who have waited for a long time.

I refer, next, to the emergency departments at our hospitals. The increase in the number of long wait emergency department admissions is a problem and a matter of concern to the government. I have ascertained from newspaper headlines that it was a disastrous problem in the time of the former government. Another issue that is of concern to the government is the level of access block, that is, the time that it takes a patient to get out of the emergency department and into a bed in a ward. All patients who are classified as triage category one patients, that is, patients in need of resuscitation, obviously receive attention immediately.

The increase in waiting times for other categories is due to the considerable increase in demand in 2003-04 for more urgent emergency department attention. The ACT still ranks as the best in Australia in meeting emergency department waiting times. National data for 2002-03, the only data that is currently available, shows that the ACT tied with Victoria as having the lowest emergency department waiting times in the nation. The number of people who are arriving at our emergency departments and who are classified as category two patients almost doubled over 2003-04. Our hospitals operate a load-sharing system when necessary and our ambulances work with their New South Wales counterparts during busy periods.

I have established that Mr Smyth's statistics are exaggerated and out of proportion. No-one with a life-threatening condition has ever been kept waiting because a hospital system has gone on bypass. Load sharing is a normal operation for emergency departments. Sometimes those departments get more attendances than they can cope with and it makes sense that, in those times, people are diverted to services where they can be more adequately cared for. Load sharing does not mean that people with life-threatening conditions are turned away or receive less timely or effective care. Too many people are still waiting too long in emergency departments before getting access to a bed in a ward.

Yesterday I referred to the money that this government is allocating and to the processes that it is implementing to improve services in emergency departments, and that is in addition to what it has done before. This government is continuing to work to keep up with demand. Over the 1990s it became increasingly difficult to open additional beds due to a reduction in the availability of qualified staff. That factor was mitigated by the increase in same-day activity, which helps to reduce the demand on beds.

Many things that used to require long hospital stays are now being completed in much less time, or even outside a hospital environment. We must make sure that the balance is right. At the moment it is not quite right, but this government is improving it. This government, in its 2004-05 budget, provided $2 million to ease access block in emergency departments by providing more beds in other parts of our hospitals. Observations units at Canberra Hospital and at Calvary Public Hospital will provide 17 beds for longer term care for those who need more than emergency department care but who may not need admission to an inpatient ward. Four more inpatient medical beds will be provided at Calvary Hospital to cater for the considerable increase in demand for medical services experienced during 2003-04.

The establishment of a transitional care service in collaboration with the Commonwealth will provide a more appropriate environment for people currently in hospitals waiting for residential care services. That will free up more than 25 additional inpatient beds. The subacute facility will soon be a reality. It will also free up a further 60 inpatient beds by providing a more appropriate environment for rehabilitation than an acute care service can provide. As part of these developments the new Queanbeyan Hospital will increase the number of inpatient beds in the region and reduce some of the flows from across the border into ACT hospitals.

Let me recap on debate thus far. An issue has been raised relating to access to inpatient beds, but that issue ought to be sensibly and accurately spelled out. This government is implementing a range of initiatives that will significantly improve the situation in the short and longer term. By 2007 the ACT community will have access to more than 130 additional hospital places. That process, which has now commenced, will provide and fund additional medical and observation unit beds in 2004-05. That is only the start of the government's reforms.

There are issues relating to our hospital system but this government is fixing them. When this government came into office it continued to work in this area, picking up on the less than good circumstances. The government values the efforts of its hardworking clinicians and support staff. It knows the pressures that they face and it knows that they more than earn the salaries that they make. Mr Smyth said earlier that this government did not value its nurses, which is a lot of nonsense. This government is presently negotiating a fine salary increase for them—it is presently dealing with the detail of that increase—after their salaries were depressed in the time of the former government.

People in the ACT can be confident about the care that they receive in our hospitals. They can be confident that all those responsible for their care are constantly working to improve it. I look forward to further debate about our hospitals but I think I will have to go outside this chamber if I want to get accurate and sensible debate that will assist the government in properly assessing existing circumstances at our hospitals.

MRS DUNNE (4.02): Mr Deputy Speaker, I have much pleasure in speaking in this matter of public importance debate about the ongoing crisis in the ACT public hospital system. Mr Wood, the Acting Minister for Health, concluded his remarks by saying, "We need to have a debate but what is being put forward by the opposition is inaccurate and doesn't relate to reality." He said earlier in the piece that our assertions were overblown and ludicrous and that he wanted a reasonable and sensible debate.

I had a speech prepared but I have just torn it up. About five minutes into Mr Smyth's speech a letter and position paper from the ACT faculty of the Australasian College for Emergency Medicine was delivered to Mr Smyth's office via courier. It is quite fortuitous that this should arrive and I think we should share with Assembly members some of the things being said by our foremost emergency specialists. The letter is signed by a range of well-known Canberra doctors, including the director of emergency at Calvary hospital and the associate professor of emergency medicine at the Canberra Hospital. I will read some of the letter. The letter commenced:

> We the undersigned representing the ACT faculty of the "Australasian College for Emergency Medicine" (ACEM), wish to draw your attention to a progressive worsening in Emergency Department performance and overcrowding.
>
> Attached is the ACT faculty of the Australasian College for Emergency Medicine Position Paper on Access Block and hospital overcrowding. Included are excerpts from the paper on Access Block and Overcrowding in Emergency Departments produced by the Australasian College for Emergency Medicine released in 24 April 2004 and the NSW Auditor-General's on Transport and Treating Emergency Patients released on 28 July 2004.

The covering letter goes on to say:

> The problem of overcrowding is indisputable in the ACT. That there are negative consequences for performance, adverse event rates, compromise of privacy and staff retentions has been documented repeatedly in other settings.
>
> The ACT public hospitals are both significantly affected. The declining ratio of inpatient beds per 100,000 population has been associated with a 54% increase in ED workload and a 500% increase in patients experiencing excessive waiting time.

I repeat that—a 500 per cent increase in patients experiencing excessive waiting time. The letter continues:

> Dissatisfaction at this current situation by the public and the staff is profound.
>
> It is key to addressing this problem to recognise that the fundamental issue is inadequate numbers of inpatient beds. Enhancing of after hours GP services, while a laudable plan, will not have a measurable effect on Emergency Department performance.

They go on to talk about the position paper that is attached to the letter. I will read from the executive summary in that document and at the end of my presentation I will seek leave to table the letter and the paper. The executive summary reads:

> We, the ACT faculty of the Australasian College for Emergency Medicine regretfully draw to the attention of interested parties a progressively worsening problem with Emergency Department overcrowding in the ACT. It is our collective opinion that patients' lives are being endangered to an unacceptable degree at an unacceptable frequency.
>
> The current conditions in Emergency Departments at The Canberra Hospital and Calvary Health Care have deteriorated so profoundly over the last five years that we are unable to adequately and safely guide our patients through what to most is one of the most stressful experiences in their lives. As a result, we are seeing increased attrition of Emergency physicians, trainees, and emergency nursing staff to other areas of medicine.
>
> Our conclusion is that while some mitigation of the problem has been obtained by further improvements in efficiency, the solution also must be addressed at its root, which we believe to be a situation where inpatient beds per 100,000 population ratios are simply too low to meet the needs of the community. The ACT in 2004 possesses only 57% of the available beds in 1988. This is despite an increase in the population and an increasingly elderly population. There must also be a whole of hospital approach to the issues of access block as shown by other Health Departments and hospitals.
>
> Therefore we, the ACT faculty of the Australasian College of Emergency Medicine, would like to bring to your attention the following:

They list the paper on access block, their own views on access block and the New South Wales Auditor-General's performance audit on transport and treatment of emergency patients in the New South Wales department of health. They go on to make a number of recommendations. I think I need to refer to some salient points. The submission states:

> We all remember when hospitals we worked in were not affected by access block and overcrowding yet now it is common and even cynically described as the 'new normal'. This is not due to lack of efficiency, but is multi-factorial and must change. It must not under any circumstances be accepted as a 'new normal'—

this is what the emergency specialists in this town are telling us—

> as it results in poor standards of patient care and high levels of risk for both patients and staff.

We hear about this all the time. Even today people have talked to me about friends who have been bypassed to Queanbeyan. Just by coincidence, a friend of people who are in the gallery at this moment was bypassed to Queanbeyan with a cerebral haemorrhage. This was a desperate situation and desperate friends had to hijack the ED to get service. This is not good enough. If the minister says, "This is the best in the country," it is still not good enough. Because people in Sydney or people in other developed countries may have worse circumstances than ours, it does not in any way excuse the appalling service that we receive in this town.

I seek leave to table the letter and attachments from the Australasian College for Emergency Medicine.

Leave granted.

MRS DUNNE: I table the following papers:

> Australasian College for Emergency Medicine (ACEM)—Access block and hospital overcrowding—
> Copy of letter from the ACT ACEM Faculty dated 28 July 2004.
> Position paper.

MS DUNDAS (4.10): The matter of public importance we are debating today is quite similar to one we debated a month ago, that is, whether or not we have an ongoing crisis in the ACT public hospital system. We are hearing varying degrees of evidence about whether or not we are having a crisis. I think one thing we can all agree on is that the answer to the question "Should we be doing better?" is yes. We should be aiming for that highest common denominator; we should be working to ensure that the hospital care and the health care that Canberrans get, that residents of the ACT get, and that is provided to the region around the ACT, are of the best possible standard.

Just recently I had the privilege of visiting Calvary hospital as a very healthy person, and have a tour of the facilities there. I was able to see the work that they are doing to help those who are quite ill. I thank the staff of Calvary hospital for taking time out to give me a better understanding of the workings of their hospital. I would like to thank Robert Cusack, the chief executive officer, and Sue Minta, the director of maternity services, for taking time out of their very busy day to talk to and advise me. From that visit I believe that the public health services at Calvary are operating at a very high level. In many cases it is hard to see the difference between public and private services, and I think that reflects Calvary's overall commitment to excellence in care, and that is something that needs to be supported.

On my tour of Calvary I came across a ward that was empty. There were beds that were all done up, there was some basic equipment, but there were no patients. Yet in other parts of the hospital I saw a lot of patients taking up space and there was some discussion about whether or not those areas were overcrowded. I just stopped and had to ask, "Why are these beds empty? Why are the lights not turned on in this wing? What is happening here?" I was informed that these beds had previously been funded, that funds had been available to keep them operational and have patients in them, but that funding had been cut several budgets ago and had not yet been returned.

So we have beds actually waiting for patients. The problem is we do not have the nurses being funded to support those beds; we do not have the doctors being funded to support those beds, and in that sense those beds are not being used. There are empty beds in our hospitals. I think we seriously need to think about how we can help people get out of emergency departments and into the wards where they can have longer term support for their health issues. I think we need to focus on that because the beds are there. We just need to look at how we are resourcing our nurses, our support staff and our doctors to allow them to help people when those beds come on line.

I think one of the things that have not been mentioned in this debate today is that the vast majority of the problems in our health system are caused outside our hospitals and are

the result of a lack of bulk-billing GPs. We have to provide preventative health services so that we do not get to the crisis point of needing to fill hospital beds. Those from lower socio-economic backgrounds are always over-represented in public hospitals, and they often end up in hospital as a result of not going to a doctor, and this was something that was evident on my visit to Calvary. They generally do not go to a GP, or are not in the habit of going to a GP, because they simply cannot afford to visit, or if they are new residents to Canberra, they cannot find a GP who is willing to take on new patients.

There are GPs in Canberra whose books are closed. They are seeing only patients who are already on their books. I think that is a major problem for the government. How can our population grow? How can people be attracted to come to Canberra and enjoy our lifestyle when they cannot even see a GP once they are here? People who are unable or cannot afford to see a GP, or are concerned that they do not want to take up a GP's time, are ending up at our public hospitals where the situation has got a lot worse. Whereas a GP would have been able to treat an infection in the very early stages, people are now going to a hospital with quite serious problems that have to be worked through.

We recognise that the Medicare schedule is set by the Commonwealth government and, unfortunately, it was increased in the Medicare Plus package for only some sectors of the community. But it is not good enough for ACT governments to sit by and not believe that this is their problem, and not work to relieve the pressures on GP's and public hospitals.

We need to look at how we can work on preventative health care to make sure that we are looking after the health care needs of people in the territory. Programs can be put in place to increase bulk-billing. We must do more to make sure people can get proper health care before they get to hospital. I think that would go a long way towards alleviating the situation in our hospitals at the moment where people have to wait longer to get the support they need. If illnesses can be dealt with in the preventative stage, I think we will alleviate a lot of the problems currently operating in our hospitals.

MS MacDONALD (4.16): Mrs Dunne raised the issue of the submission from the ACT faculty of the Australasian College for Emergency Medicine on the state of emergency department services in the ACT. I understand that the government is aware of the submission from the college, and let me say straight away that we welcome it. The involvement of clinicians in identifying areas for improvement and implementing positive change is one of the most important factors in making our health system work better. The government thanks the college for its contribution. I also understand that other colleges are raising similar issues with governments right around the country and that local faculties are making specific comments.

Suggestions made in the submission warrant serious consideration—some in particular—and the government will do so. I would point out that the submission seems to suggest that the key solution to the problems affecting the emergency departments is more beds. The government has already allocated additional funding for more beds and this funding includes provision for additional staff. However, it is probably also worth dwelling on some of the key changes and improvements already either underway or planned to alleviate the pressures facing the ACT's emergency departments. Remember, these changes are in the context that the ACT has the highest proportion, at 74 per cent, of people seen on time, as measured across all Australian public hospital emergency

departments. This is a record this government will work with our health professionals to sustain and, indeed, improve.

The government has already announced a range of initiatives. These include: a nine-bed emergency medicine unit and the introduction of rapid assessment and response teams at the Canberra Hospital at a cost of $1.251 million; an eight-bed clinical decision unit and four multiday medical beds at the Calvary hospital, $1.062 million; $11.368 million over four years to increase the number of beds in the intensive care unit at the Canberra Hospital; and redevelopment of the emergency department at the Canberra Hospital to enhance patient flow at a cost of $3.584 million.

More people turn up at our emergency departments sicker than in the past, partly because they cannot access GP services or because the services are too costly. ACT Health is finalising arrangements with GPs and the Australian government to introduce improved after-hours GP services on hospital campuses to help further reduce waiting times for low urgency patients. This should make some small contribution to the overall load on the emergency department.

The government is working closely with the Australian government to attract more GPs to Canberra.

Mr Smyth: That's not what the document says.

MS MacDONALD: Mr Deputy Speaker, I heard Mr Smyth in silence. I would ask that he do the same and pay me the same courtesy.

MR DEPUTY SPEAKER: I uphold the point of order.

MS MacDONALD: This is proving difficult due to a national shortage of GPs. However, the number of GP training places in areas of the ACT with shortages has increased from three in 2003 to 13 in 2004. This should see a flow-on effect of increased numbers of newly trained GPs into the work force.

The college has called for more nursing home beds. In the context of signing the Australian health care agreements in August 2003, the ACT government reached agreement with the Commonwealth to use 50 provisional high-care places to provide transitional care for people waiting in ACT hospitals for aged care placement. The aim of the service is to provide a more appropriate restorative, therapeutic and social environment for older people to maximise their capacity to return home or to lower level residential aged care. The service would also enable the beds currently occupied by nursing home type patients to become available for people requiring acute care.

The federal budget has identified up to 2,000 new transitional care places to be provided over three years, under a cost-shared model of care with the states and the territories, to assist older people in making the transition from hospital to aged care. No decision has been made on the number of these places to be allocated to the ACT.

ACT Health is currently actively seeking comments on its draft clinical services plan. A key part of that draft plan is estimating future requirements for inpatient beds. The material provided by the college will be a useful contribution to development of the plan.

The government is committed to working with the college to build further on the very considerable work already being done to make the ACT's emergency departments better places in which to work and be treated.

I would like to reaffirm Mr Wood's comments about the ACT public hospital system. The constant talk of crisis in our public hospitals is a slur on the hardworking clinicians and support staff in our hospitals who every day deliver excellent care across a large range of health services. Mr Smyth, our public hospitals treated 70,000 inpatients in 2003-04. That is an 8 per cent increase on the previous year. Obviously, that huge increase added significant pressure to the system, but I do not think a system in crisis could have managed an 8 per cent increase in activity.

Yes, our emergency department waiting times were longer in 2003-04 than in the previous year, but there was a 22 per cent increase in the number of serious emergency department presentations. Does Mr Smyth honestly believe that any government could have predicted at the beginning of the year a 22 per cent increase in serious emergency department presentations? Yes, this demand significantly increased the pressure on our emergency department staff and they have had to work extremely hard to manage this demand. Yet they have.

We know that this level of demand is not sustainable in the long term. So in acknowledgement of this unprecedented increase in serious emergency department presentations we have funded a range of new initiatives to speed up the transfers between emergency departments and wards. Mr Wood and I have often covered some of these. As Mr Wood noted, in the 2004-05 budget Labor provided funding for units at the Canberra Hospital and Calvary hospital for short-term observation adjacent to emergency departments to free up space in our emergency departments. It provided more funding for additional inpatient beds. Also, it established a rapid response team, which I have already talked about. This is a solid example of Labor responding effectively to a situation that could not have been predicted.

As has been mentioned previously in MPIs on the same issue, Labor, while acknowledging that more needs to be done, is not ashamed of its record in health. Some reminders for Mr Smyth's benefit include: on achieving office, ACT Labor had to immediately inject almost $9 million into the hospital system just to keep it going. In our first budget we provided almost $4 million to increase the salaries of our health professionals who were neglected under the previous government. We restructured the health portfolio so that it could plan and implement services in a strategic manner that met the needs of the entire community.

Over the last three years, we have funded our hospitals to meet the growth in demand for services, such as interventional cardiology, cancer services, renal services and emergency department care. We have funded increases in the costs of technology. We have funded additional registrars to reduce the pressure on young doctors and to improve the level of and access to care in our hospitals.

Our investment in our public hospitals has been accelerated in this year's budget. We will fund an additional three intensive care beds at the Canberra Hospital at a cost of almost $12 million over the next four years. The $17 million provided over the next four years for additional general surgeons will improve rosters and increase access to general

surgery services. We have tripled the number of breast care nurses in the ACT who provide valuable support and follow-up after surgery. We will provide $3 million over the next four years to increase the allied health workforce at our public hospitals.

I could go on because there is plenty more to add. This government has been doing significant work and injecting significant amounts of money to make sure that we provide the best health care system that we possibly can. That is what we have been doing and that is what we will continue to do. So the continual snipings and bleatings of Mr Smyth on this issue are merely there for one purpose: to detract from the good work that we are already doing and that we continue to do.

MR PRATT (4.26): Mr Deputy Speaker, what can we say about the Australasian College for Emergency Medicine's letter? That letter really suppresses all of Mr Wood's and Ms MacDonald's pathetic protestations.

I rise today to speak about a much forgotten yet vital area of the ACT public hospital system, the ACT Ambulance Service. The ACT Ambulance Service has done an admirable job over the past few years, particularly in respect of the 2003 bushfire disaster and the hurdles they have had to overcome under the current Stanhope government.

The ACT currently has six fully operating ambulances and crews. Is this enough for the whole of the ACT, especially if we are faced with an emergency? One of the most vital parts of the ACT public hospital system is understaffed and underfunded. This is a major contributor to the crisis that has emerged in the ACT public hospital system since the election of the Stanhope government in 2001.

I have spoken to many ambulance officers in the ACT and they have expressed their frustration to me about the lack of resources they have to work with. How are they supposed to do their job when the Stanhope government, which is letting the ACT public hospital system run into the ground, will not adequately resource the ambulance service?

Again I ask: are six ambulances and crews enough to service the entire ACT? The answer is no. Ambulance officers have told me that they are too stretched to provide the services they believe the territory is entitled to in accordance with national best practice. Funding of vehicles is not really the issue. The issues are training and providing sufficient crews to man the up to eight ambulances and their crew reliefs that ambulance officers believe are needed to cover the community's needs.

It is my understanding that as at three months ago the ACT was, on paper, fielding 84 ambulance officers/paramedics. But, according to reliable information provided to me, we were scratching to field more than a maximum of 79 officers. This position as at April 2004 reflected deterioration over some time in field crews. It seems to me that, like the broader health system staffing circumstances—and, indeed, like ACT Policing—we have seemingly acceptable paper strengths but the effective number of front-line people is much lower due perhaps to sick leave, overtime exhaustion, other duties and other issues relative to organisational fatigue. I would ask the government if the HR and personnel support services in the ambulance service are also therefore part of the problem relative to the insufficient ambulance capability.

The points that I have just made and the concerns expressed to me by a number of ambulance officers beg the question. Since the McManus fiasco—remember the ex-New South Wales ambulance officer recruited and vetted by the ACT Ambulance Service who turned out to be underqualified and carrying a drug habit?—has the HR system been rectified? What action occurred? Was anybody disciplined for that incredible breach of administrative practice? Did McManus's arrival reflect a sloppy sweetheart deal rather than a genuinely professional and objective recruitment and selection system? Are we losing good officers because there is no retention plan in place? Like the broader health system, is there a malaise in the ambulance service amongst the ranks affecting capability and the delivery of fundamental services?

the information that I have from the complaints of more than 10 individuals is that there is an erosion of overall crew strengths and there have been too many experienced officers leaving without sufficient reserve in organisational strength to temporarily cover losses and other considerations, including sick leave. The under-resourcing of the ACT Ambulance Service, both financial and human, reflects the ongoing crisis in the ACT public hospital system.

Current ACT ambulance officers are indicating to me that at least two more fully functioning ambulances and crews are needed to bring the ACT into line with its minimum requirements to service the people. For example, there has been concern expressed about being able to reach the southern extremities of the ACT. I found it entirely puzzling to hear the TWU today sheepishly admit on radio, after much media questioning, a need for one more ambulance. I have to say that the TWU is out of touch with the rank and file of the ambulance service.

Even the ambulance officers are saying that we need an increase of at least 30 per cent on top of the current resources of the ambulance service. Curiously, the TWU is not saying this but disenchanted, experienced ambulance officers are. And, of course, I can take an educated guess that the government is going to dismiss that idea and let the ACT Ambulance Service go down with the rest of the ACT public hospital system.

There is another issue here. We are concerned not only that ambulance stretchers are being used as hospital beds. While ambulance stretchers are being used as hospital beds, ambulances are not available to the field for call-out, nor are they available for crews to return to base for ongoing "in-shift" training. I do not think that is acceptable and I do not think it is necessary to offload patients—

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

Totalcare—fleet business—disposal of undertakings

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming, and Acting Minister for Planning) (4.32): I move:

> That, in accordance with section 16 (4) of the *Territory Owned Corporations Act 1990*, this Assembly approves the disposal of the Fleet business undertakings of

> Totalcare Industries Limited (including its assets, rights and liabilities) to a Territory owned corporation to be established under the Act.

Mr Deputy Speaker, members may recall that on 27 November 2003 this Assembly agreed to dispose of all business undertakings of Totalcare Industries Ltd to the territory. I am pleased to report that all the major business undertakings, with the exception of the fleet business, have since been successfully transferred back to ACT agencies. The roads, facility management, linen and corporate components of Totalcare's business undertakings have been transferred to the Department of Urban Services. The sterilising services business has been transferred to ACT Health.

The government has subsequently received legal advice that transferring the fleet business to the territory is not sustainable. This is because the departmental structure cannot support novated leasing arrangements as two of the three parties—namely, the lessor and the employer—would be the same, that is, the territory. Under the circumstances, the Totalcare board has recommended that the fleet business be transferred to a new territory-owned corporation rather than continuing to operate from within Totalcare. This will ensure that the fleet business can operate with a clean slate and avoid the new board being embroiled in a range of residual issues that still need to be resolved within Totalcare.

At a later stage, when all the residual issues have been addressed, it would be the government's intention to seek to deregister Totalcare under the Corporations Act. The government has accepted the Totalcare board's advice as to the best way forward, but the wording of the original resolution agreed to by the Assembly on 27 November 2003 does not provide for the fleet business to be transferred to a new territory-owned corporation. I therefore commend to members of this Assembly a revised resolution under section 16 (4) of the Territory Owned Corporations Act 1990 seeking agreement to dispose of the fleet business undertakings of Totalcare to a new territory-owned corporation.

MR SMYTH (Leader of the Opposition) (4.34): Mr Deputy Speaker, based on what the Treasurer has said, this seems to be a reasonable enough position to adopt. But it does raise some questions about the whole reincorporation of Totalcare into the department. Perhaps this legal advice should have been sought before they acted so quickly. But, that being said—

Mr Quinlan: This government does act quickly. Thank you for that.

MR SMYTH: The Deputy Chief Minister says that the government does act quickly. Apparently they acted quickly and they got it wrong. On the single occasion that they acted quickly, they in fact acted hastily and are now coming back to this Assembly to correct their mistake. That aside, it seems a reasonable thing to do. Certainly, these leases should not be put at risk and the fleet business should be operating as it should. It seems a reasonable process to set it up as a territory-owned corporation.

I note that the Treasurer has said that there are still residual issues. Clearly, one of those residual issues is the total cost of the reincorporation of Totalcare. Perhaps when Mr Quinlan closes on this motion, he might like to update us as to where the bill for the reincorporation stands at this time.

MS DUNDAS (4.36): Last November I supported the motion that the Treasurer has just mentioned sanctioning the return of each of Totalcare's functions to the appropriate ACT government departments. I appreciated that this change could eliminate the costs of a separate board, a CEO and some senior management positions. Having said that, I am also willing to support today's motion because I believe that it is legally necessary to have a separate corporation in order to lease vehicles for ACT government purposes. That argument was put quite strongly during the estimates process. However, I hope that this new corporation will not exhibit the problems of its predecessor. I was particularly concerned about the use of public funds in relation to private contracts, with private competitors being undercut.

The government obviously does not have to utilise a leasing structure for the vehicles it uses exclusively for government purposes. However, I appreciate that there is benefit in being able to offer ACT government staff leased vehicles as part of their salary package, as tax concessions can make this fringe benefit of greater value to the employee than the cost to the ACT government. But it is not necessarily part of its core business to lease vehicles to the Commonwealth government and private clients, although I understand that the Treasurer has declared that these private and federal government fleet services should be retained because they are currently returning a profit.

Unlike the linen business, I do not question the profitability of the fleet business. However, I am aware that we ended up with a corporation that was haemorrhaging public money because some government minds decided that there was a buck in a whole lot of businesses that turned out to be not as profitable as expected. I guess this time we are just going to have to wait and see if the numbers are as solid as predicted.

I was informed that the government will not accept as high a level of the financial risk in private contractual arrangements as Totalcare may have done as a commercial corporate entity. But there is no guarantee that the government will not continue to lose money on private contracts, including fleet contracts, so I cannot believe that there is a nil risk attached to this venture.

The concern about this proposal to establish a new corporation for fleet services is that financial reporting will be as opaque as it was under Totalcare. The public was not able to access full financial information in relation to Totalcare because it was apparently commercial-in-confidence. I would be extremely concerned if this new corporation used that same excuse to withhold information that we need to make a judgment about whether the income and costs are fairly distributed between the ACT government and non-ACT government portions of the business. ACT taxpayers need to be assured that their money is being spent appropriately.

I hope that this new business will be a financial success and that the Assembly will have access to information that satisfies those criteria. I reiterate my earlier statements in this place that the Assembly needs full information on government activities that affect the budget bottom line. This is one such example and I hope that the information will be forthcoming as the territory-owned corporation rolls on into the future.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming, and Acting Minister for Planning)

(4.39), in reply: I will speak very briefly, Mr Deputy Speaker. Isn't it funny how we either act too quickly or not quickly enough but never at the right pace? Given that there were some derogatory remarks made, let me just say that Totalcare was just one of the many disasters that we were required to fix up. I find it ironic that the party that would claim to be closer to business could be so hopeless at everything they touched. I would like you to list for me your successes versus your failures in enterprise over six years in government. The list would be quite illuminating. I commend the motion to the house.

Question resolved in the affirmative.

Pharmacy Amendment Bill 2004 (No 2)
Discharge from notice paper

MR WOOD (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for Police and Emergency Services, Minister for Arts and Heritage and Acting Minister for Planning) (4.40): Pursuant to standing order 152, I move:

> That order of the day No 1, Executive business, be discharged from the notice paper.

Question resolved in the affirmative.

Heritage Bill 2004

Debate resumed from 14 May 2004, on motion by **Mr Wood**:

> That this bill be agreed to in principle.

MRS DUNNE (4.41): This is a very important piece of legislation that has been a long time in the making. I think that, probably at about this stage of the previous Assembly, a bill was introduced to amend heritage law. Since then we have seen exposure drafts and, more recently, we have seen the government's final effort. As a result of that we are here today to debate a bill. I am sad to say that, in the course of this speech, I am going to have to say some fairly harsh words about what overall has been some fairly shabby treatment meted out to a whole range of people in the course of this debate and especially over the last week in the single-minded pursuit of getting this bill passed. Unfortunately, this is a very flawed bill.

There a question I often ask myself, which people also often ask us: in the ACT when we, as legislators, come to do something for the first time or relook at something, why do we always have to reinvent the wheel? Why, as a small jurisdiction, do we have to prove how plucky we are by starting from taws and always building everything from the ground up as if nothing existed before?

This is a very important issue in relation to the Heritage Bill simply because in Australia most jurisdictions use provisions that are used by the Commonwealth in their heritage legislation—this has been emulated by Queensland, the Northern Territory and Tasmania and you might call it "national template legislation"—but no: little old ACT has to go out and do it by itself. One of the really important questions we should ask ourselves is: why, when there is effectively national template legislation, the definitions in clause 10—one

of the single most important parts of the legislation about heritage significance—significantly depart, in the ACT legislation, from those in the national template legislation?

Some of the earlier paragraphs—paragraphs (a) to (d)—roughly translate to what is in the national template legislation. But when you get to paragraphs (e) to (k) there is very little resemblance between what is in the ACT legislation and what is coming to be accepted as national template legislation—in particular, paragraph (f), in relation to heritage significance, which is an absolute doozey. Something has heritage significance if "it is a notable example of a kind of place or object and demonstrates the main characteristics of that kind".

That defies English. It is a catch-all phrase that could get anything. If I think it is heritage, well it must be; and, if I am a heritage guru, well it certainly must be. I suspect that most external stakeholders have focused on the changes in how things are registered and have not focused on the grounds for putting things on the register. I think we should be focusing on the inconsistency or incomprehensibility of words that say that something has heritage significance if it is a notable example of a kind of place or object and demonstrates the main characteristics of that kind. It is legislative gobbledegook. In this legislation the heritage council is reconstituted. There are 11 people on the council, including two non-voting members: the Conservator of Flora and Fauna and the Chief Planning Executive.

Complaints have been made to me that perhaps the heritage council is not large enough or does not have a wide enough representation of people, especially in areas related to property. If I were of a mind to make bad legislation good, I would be minded to perhaps amend the constitution of the heritage council but, because this is such bad legislation and because the Liberal opposition will be opposing it, I am not minded to do so.

One of the really important issues here, which was the subject of some debate in the last sitting, is the operation of disallowable instruments. In the heritage legislation, functions under the act must be exercised in accordance with any applicable heritage guidelines. They are disallowable instruments. We have not seen any of those disallowable instruments and, when questioned, no real thought has gone into it except to say that the existing heritage guidelines will be translated for the time being and we will then sit down and think about what other heritage guidelines we might have in the future.

This is the first example of the mixed messages and the strange things that have been happening. In accordance with some decisions made in the Liberal Party room some time ago, reflected in a motion debated in this place, we resolved that we did not want to deal with legislation that had substantial amounts of disallowable material underpinning the legislation until we had some inkling of what the government was thinking about in respect of those disallowable instruments. If there was a disallowable instrument, regulation or something that dangled off the piece of legislation, we at least wanted to see drafting instructions.

I wrote to the minister about this. At a meeting I had with the minister about a range of topics he said to me, "Don't worry about it; we don't need to introduce any disallowable instruments. There won't be any disallowable instruments". I thought, "Gee, that does not really marry with my reading of the bill; I'd better go back and check." So I went

back and checked—I read the bill again—and then asked the officials. They said, "Yes, there will have to be a whole lot of heritage guidelines" and, "No, Mrs Dunne. We haven't really thought about what will be in them except that they will be simpler than the ones we currently have."

I am not satisfied. I am not going to pass a piece of legislation so late in the life of this Assembly when there is much significant work that still needs to be done, which we will not see and will not have the capacity to scrutinise until perhaps February next year. This is not a good way to make legislation. There are many things that would hang off these heritage guidelines. There is much that will impact on the wider community as a result of what is not being brought forward by this government.

I think the thing most people concentrate on when they think about heritage is how heritage is listed. We have had a whole cavalcade of people—and the minister in his presentation speech—saying that, under the present provisions, we are not doing it very well. I do not think there was an argument with that. The present provisions are now 13 or 14 years old and they have not been well implemented.

It has been said to me that the problem is not with the legislation as it stands but with the way people interpret it. Irrespective of that, we have not been well served by the process of listing heritage in the ACT. As a result of that—and the minister acknowledges it in his presentation speech—there is a huge backlog. There are only 25 historic sites and 250 Aboriginal sites on the interim register. There are 300 historic sites nominated and another 2,500 known Aboriginal places awaiting assessment.

This, of course, is a very grave problem and it reflects badly on many regimes, not just on this present minister. I think that, in many ways, heritage has been the poor cousin in the planning and land management panoply. I think it is incumbent upon all of us here to admit that we could have done better in the past, but changing the legislation does not change the culture of an organisation. At this stage I am not assuaged by the assurances from officials that everything will be better under the new regime in six months time.

I am concerned that, while the executive in this territory is kept in the heritage loop, the Assembly is effectively taken out of it. Reports made to the minister are not necessarily made public, and there are concerns about the level of material that may be kept secret. In the past we have had concerns—not necessarily in the ACT but in other jurisdictions—about information that is kept secret.

My original principal concern rested with part 10, which sets out how we undertake development applications that relate to heritage. A simple reading of the legislation basically implies that what we are setting up is a parallel approval process or a two-stop approval process, to be more precise. A whole range of people have come to me and to other members of the opposition saying, "We are really concerned about this because we are moving away from a streamlined process to something which is much more cumbersome."

When these issues were raised with the minister we were issued with a revised explanatory statement that has in it a flowchart. The last page is headed, "Proposed revised DA process that will take in heritage." When I talked to people and asked, "How do we enshrine this in the legislation?" they said, "Don't worry about it, Mrs Dunne; this

is extrinsic material. When we all sit down to apply the legislation we will be bound by a flowchart in a revised explanatory statement," which, by the way, is already out of date. A new version was circulated to me yesterday, I think. No. In fairness, it was given to me by hand on Monday and an electronic version was sent some time after that. The extrinsic material at the back of the revised statement is already out of date.

This is what we are supposed to trust in. We are supposed to trust the minister that this process, which is neither simple nor straightforward and has more arrows than Legolas's quiver, will make the planning process simple and straightforward. When I asked the heritage officials about this process and expressed my concerns I specifically asked about what I hoped would be one of the great policy developments in the area of land planning approval that has developed in Australia over the last little while. I asked them how this process fitted together with the development assessment forum run by the planning and local government ministers.

I said, "How does this fit with that?" My question was returned with blank looks. So I explained what DAF was. I got an answer that said, "Mrs Dunne, it doesn't fit with DAF. We have not really thought about it." I thought, "Perhaps I am the first person to raise this." On that very day I received a submission that was provided by the property council, the MBA, the HIA, the property institute, Uncle Tom Cobleigh and all. The first concern raised was that the proposed development approval process was inconsistent with the national approach as portrayed in DAF. So I was not the first person to raise this with them; I was not speaking gobbledygook. In fact, this is something they should have addressed, but it has not been addressed. Because of this the Liberal opposition cannot support this bill.

That was my original and principal concern but, over the past week or 10 days, my concern has switched to indigenous heritage issues. This is where I come to the consideration that I have to say some harsh words. I find that the treatment meted out to me and to members of the community in the course of the discussions over this bill has been absolutely and utterly reprehensible. I asked straightforward questions and I have been given assurances, both verbally and in writing, about levels of consultation—that people have been consulted. When I checked back with those people I was told by some of them that they have not in fact been consulted.

I am going to have to do a little bit of "chapter and verse" here. Quite frankly, I am in the situation where one side tells me one thing and another group of people is telling me something completely contradictory. In a sense, I cannot judge. All I know is that there is a big problem here, that the officials—

Mr Wood: Come and talk to me and spell it out, chapter and verse.

MRS DUNNE: I will spell it out in a moment. I have been told that the officials, the personal political staff in the minister's office and the minister himself said, "We need to pass this bill. This is a fantastic bill; it is the greatest bill since sliced bread." The heritage council came to me. They wrote to me—and they wrote to members—and told me that. I questioned the propriety of the heritage council writing in such a way—in an almost political way—because they are direct beneficiaries of this. They were involved in the process; they were part of the process; and they are direct beneficiaries. In

addition, a community organisation like the National Trust has also come to me and said that they would prefer to see this bill passed; and that, yes, it is a pretty good bill.

That is where it ends. The property council does not want this bill passed. There is the accumulated submission from the property council, the planning institute, the Australian Property Institute, the MBA and the HIA. They have all said that there are serious problems with this. When I consulted some of the authors of that submission earlier this week they said, "Our druthers are that this bill not be passed at this stage." I will go on to the issue of consultation with indigenous people, or lack thereof. In fairness, there has been some consultation but—

Mr Wood: Endless! Six years, as you said.

MRS DUNNE: At the very best, what has happened could be described as haphazard and as less than transparent.

Mr Wood: Nonsense! It has been totally, absolutely, exhaustive!

MRS DUNNE: I will take an example.

Mr Wood: Rubbish!

MRS DUNNE: Mr Wood can address this in his reply. I specifically asked officials a little while ago about what consultation had been carried out with Mrs Agnes Shea, who had written to the Leader of the Opposition expressing her concerns about the bill. Mrs Shea wrote to the opposition on 18 June. Earlier this week I was assured, "No. Mrs Shea is happy now." "When did you speak to Mrs Shea?" I asked them, and they said, "There was a meeting of the Namadgi board last week and we talked with Mrs Shea. Oh no. Actually we didn't talk with Mrs Shea then; she was not there. We talked to her later and she is happy with the bill."

Seeing that Mrs Shea had made the effort of writing to the opposition, and seeing that this was a live issue, I rang and spoke to Mrs Shea on the morning of Tuesday this week. She said that she had not had a meeting with the heritage unit last week. I have an email from a member of Mr Woods's office staff from yesterday afternoon that says:

> The Aboriginal members of the ACT Heritage Council …

He names them. It continues:

> … have also been closely involved in the development of the *Heritage Bill 2004*. The matter has been a standing item at meetings of the Heritage Council for the last two years and until her term expired in late April 2004, Ms Agnes Shea was a member of the Council's legislation subcommittee. Ms Shea recently expressed concern that she had not seen the final Bill and was thus not able to answer community questions. However, after the meeting described above—

that is in this email—

> with the Aboriginal signatories or their representatives to the Namadgi Co-management Agreement, Ms Shea has indicated that she is now satisfied that

> Aboriginal community concerns have been addressed and that all outstanding issues have been resolved.

That is what I was told at 3.55 yesterday afternoon. However, Mrs Shea told me at 11.15 am on the previous day that she had not had a meeting in the last week and that she still had concerns. She told me that, quite frankly, she does not understand the bill; that she has not spoken to anyone about it since she wrote to Brendan Smyth on 18 June and that what she really wanted was some time to absorb what was in the legislation. That got me concerned because I had been assured that Mrs Shea had been consulted. I asked particularly which people had been consulted.

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

MRS DUNNE: *(Extension of time granted.)* I thank members for their indulgence, because I think what I have to say is important and goes to the heart of whether this is a good bill or not. I was given a list of organisations that were consulted. I was told that Mrs Shea had been consulted; I was told that the signatories to the Namadgi co-management agreement had been consulted—and I have not had anyone disabuse me of that—I was told that the Ngunnawal Aboriginal Land Council, from Queanbeyan, was consulted; but Mrs Shea tells me that she has not been consulted. One of the things I realised was that the Burru Ngunnawal Aboriginal Corporation had not been consulted.

It was claimed that other people had been consulted—the united Ngunnawal elders group. I have not been disabused of that but I have concerns about it. The Ngunnawal Aboriginal Land Council, from Queanbeyan, has no jurisdiction in the ACT because it is a New South Wales based organisation and the united Ngunnawal elders group, while doing sterling work and being a consultative body of some stature, does not have a charter in relation to culture and heritage. They may have been consulted on this, but they are not a recognised Aboriginal organisation for the purposes of heritage.

It was my understanding that one of the relevant Aboriginal organisations, for the purposes of heritage, is the Burru Ngunnawal Aboriginal Corporation, which is headed up by members of the Bell family, so I thought I would find out. No-one mentioned this group and no-one said that they had consulted with the Bell family, who are significant and important people in this debate in relation to indigenous heritage. So I asked, and yesterday received a copy of a letter that had been sent to Mr Brendan Smyth entitled, "Aboriginal cultural heritage consultation". The letter is signed by Mr Don Bell, a Ngunnawal elder. It says:

> In your position as the Leader of the Opposition, I wish to inform you that at no time during the drafting of this Bill, did anyone from the ACT Government contact me.

We are getting into a bit of a "he said, she said" situation. Today at two minutes past 4.00, my office received an email that I was able to discuss with Mr Bell, because he was in the gallery. Other members will have received this email. It says: "After some discussion and inspection of relevant files, they acknowledged"—they being Mr and Mrs Bell—"that they have participated in and been invited to consultation meetings during the (long) process of developing the bill, and that the underlined

statement", which I have just read out, "in the letter to Brendan Smyth today is incorrect."

Further on, it says, naming an official from the heritage unit, "… took Don and Ruth"—that is Bell—"through the proposed Bill in detail, and they were comfortable with the approach in the Bill. Ruth said that she was happy to give her endorsement, while Don gave his in principle. They advised the person from the heritage unit that they would come to the Assembly and listen to the debate today."

I have discussed the email with Mr Bell. I would like to show members the copy of the email that Mr Bell received—because he crumpled it up in anger, and then apologised to me—for two reasons. Mr and Mrs Bell tell me that they made no admission that the information they gave to Brendan Smyth yesterday was incorrect, and they also tell me that they gave no endorsement in principle or otherwise to the Heritage Bill. Mrs Bell said to me, "I have a copy. I have at last received a copy, and I want to take it home and read it."

We are getting a clear message that members of the indigenous community have not had the time that they feel necessary to absorb what is in this bill. Mrs Shea said to me, "What I need is more time, because I don't understand it." Mrs Bell said to me, within the last hour, "I want to take it home and read it"—because today at about lunchtime was the first time she had received a copy of the bill. This is not to say that when they take it home, read it and absorb it and come back to the government and the opposition and say, "We are happy with this; we are not happy with that; we want it changed", that it will necessarily be changed to what they want. But we at least need to know what they want, so we can make a decision.

The consultation on this bill has been a travesty. It has been an embarrassment to this minister, an embarrassment to his staff and an embarrassment to the officials. I believe—I do not know what I can say that is within the standing orders—that I have been lied to, and I believe that members of the indigenous community have been used. Mr Bell said to me, "I have been taken for a ride." As a result of the discussions I have had with Mr Bell, I propose to move the motion circulated in my name. I move:

> Omit all words after "that" and substitute the following words:
>
> "(1) whilst not declining to agree to the Bill in principle, this Assembly:
>
> (a) notes that neither the Minister for Urban Services nor his department has conducted consultation about the *Heritage Bill 2004* as required by the *Native Title Act 1993 (Cwth);*
>
> (b) condemns the Minister for:
>
> (i) his failure to properly consult with the indigenous members of the ACT community in relation to the *Heritage Bill 2004*, according to law; and
>
> (ii) allowing his staff to claim falsely that members of the indigenous community had been consulted in relation to the *Heritage Bill 2004* and were satisfied with the Bill when this was not the case;
>
> (c) requires the Minister for Urban Services to conduct open consultation in relation to the *Heritage Bill 2004* with:

(i) Native title claimants and aspirants;

(ii) Representative Aboriginal Organisations;

(iii) Signatories to the Namadgi Agreement; and

(iv) Interested individuals;

(d) resolves not to proceed with discussion of the Bill until the Minister has conducted the abovementioned consultation and has reported back to the Legislative Assembly; and

(2) when the Minister has reported back to the Assembly, the question before the Assembly on the Bill shall be 'that this Bill be agreed to in principle'.".

MR WOOD (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for Police and Emergency Services, Minister for Arts and Heritage, and Acting Minister for Health) (5.09): I do not think there has been any bill in this Assembly that has been more thoroughly discussed than this one. As I recall, Mrs Dunne said that this began at the beginning of the term of the previous government; so this has been discussed for six to seven years. In that time the discussion has been endless. There has been enormous negotiation and cooperation.

I understand this is going to be adjourned to the next day of sitting. If that is the case, I will come back with a full chapter and verse on that consultation. On the basis that this is being adjourned to the next day of sitting, I will come back with the refutation of what has been said. I am really disappointed. I have been pushing it, but I thought we were heading into a harmonious and good outcome on this. In the last day it seems to have blown up. I am not sure whether some people out there are trying to stir it up a bit or not, and invent some problem. But if you allow me that week or so to come back at the next day of sitting, I will settle for that.

MS TUCKER (5.10): This Heritage Bill has been in development for at least five years. It has been variously criticised as an interference in the integrated planning approach of the land act, which will slow down and make development uncertain; as abandonment of any real commitment to heritage, especially indigenous heritage; and as a clumsy system which puts too much influence in the hands of self-appointed experts. It has also been promoted as a contemporary heritage regime, consistent with others across Australia, which will at long last allow for the backlog of thousands of known places and objects to be brought into the heritage register.

I will be supporting this bill, as I have come to the view that it will be more practical and effective, some philosophical concerns notwithstanding. A key shift, as I see it, is to take the heritage listing process out of the land act, which seems to encompass a glacial ministerial approval, and territory plan variation process and give it a regime of its own, with close links into ACTPLA's development approval process but with a nomination and registration process in the hands of the heritage council.

I acknowledge that there is a little less certainty in this new arrangement than in the current one in which any heritage registration is, by definition, a part of the territory plan and fixed in law. The new regime, however, provides for more specific offences with regard to dealing with heritage places and objects, with penalties ranging from a failure to report the discovery of a place or object to damaging or diminishing the heritage significance.

One of the ongoing problems we have faced in the existing arrangement is that the only real penalty in many situations has been to withdraw the lease, on the basis that the leaseholder was breaking the conditions of the lease. Not surprisingly such action, to my knowledge, has never been taken. I think it is also fair to say that the more formal heritage interests have approached this issue from one direction and that PALM—now ACTPLA—and, arguably, developers have approached it from the other direction. So while the heritage council would probably prefer to direct, rather than advise, ACTPLA it seems fairly clear that the whole scheme, new or old, is dependent on a reasonably collaborative approach to work. At least with this bill the option remains for the heritage council to take matters to the AAT. There are other devices too, such as the minister's call-in powers, as it happens, to ensure that any conflict over the value of a heritage site can be appropriately played out in public.

I am still somewhat uneasy about the development of this bill with regard to Aboriginal heritage. As I understand it, the approach we have taken here is generally considered to be contemporary in the Australian context and has been developed with advice from a Tasmanian expert who also guided other states in their approaches. Only the Northern Territory, however, includes Aboriginal heritage in its heritage conservation act—and it has a stand-alone Aboriginal sacred sites act as well.

I am aware that there has been concern expressed at different times that the final version of the bill was not circulated to relevant Aboriginal people prior to being introduced to the Assembly, and some uncertainty about how well this approach will work has been communicated to my office. I would also like to acknowledge that it is not an entirely straightforward matter to identify appropriate Aboriginal people or groups to provide advice or be consulted on all matters of possible Aboriginal heritage here in the ACT. As a consequence, however, I would hope that this legislation was developed with those requirements and complexities in mind.

While I believe that this legislation is workable, which is perhaps the most important point, I would say that a greater level of detail in consultation or negotiation on Aboriginal heritage matters might have been usefully pursued. In particular, the fact that the final version of this bill does not appear to have been brought to the attention of all representative Aboriginal groups in a timely fashion seems to have created more problems than it has solved.

It is for that reason that I would support an adjournment of this debate, after the in-principle stage, in order to ensure that representative Aboriginal groups have at least been shown the courtesy of a consultation on this bill, including the proposed amendments, which I would argue address some of the problems we have identified in our analysis of it. Best practice in consultation on law relating to Aboriginal affairs is that relevant communities have adequate opportunity to understand and give their view on any proposed changes.

This was, in effect, the first recommendation of the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs 1999 inquiry into the Reeves report on the Aboriginal Land Rights (Northern Territory) Act—namely that the act not be amended without traditional Aboriginal owners in the Northern Territory first understanding the nature and purpose of any amendments and as a group giving their

consent; and any Aboriginal communities or groups that may be affected having been consulted and given adequate opportunity to express their views.

While there has been substantial consultation, or opportunities for consultation, at the exposure draft stage the circle cannot be described as finished if one or more of the key groups is not sought out for a view on the bill we are debating today. I understand there has been a detailed discussion today, but to agree to a sufficient consultation period on the day of the debate seems unsatisfactory.

There also remain outstanding issues with regard to defined land, which comes under the orbit of the National Capital Authority. The National Capital Authority seems to approach heritage issues from a very national-centric perspective and seem inclined only to consult or work with national heritage organisations. I cannot imagine there is much room for change while the current federal government is in power. I suspect things might be more fluid if there were a change at the federal election. I would be fairly confident that the more connected approach to NCA and ACT planning, which the Labor Party favours, would be reflected in the heritage domain.

One of the features of this bill, which I trust can be replicated in the upcoming tree legislation, is the interoperability of the heritage register with ACTPLA's lease management development processes. The heritage register already works as a notification system for ACTPLA leaseholders and would-be developers. This new scheme should ensure that the process is closer to seamless. The information on heritage listings or guidelines will be automatically provided, and also the requirements of the heritage council to deal with or provide advice on any proposed activity within a statutory timeframe, consistent with ACTPLA's requirements. So the argument that this bill will become an impediment to the planning process is not supported by this version of the legislation.

I understand also that ACTPLA and heritage staff will undertake joint training sessions when this regime is introduced, to ensure comprehensive understanding of issues from both perspectives. We ought to recognise, however, that the bill is strongly bound to the DA processes, which is evidenced in the objects of the bill, in the Heritage Guidelines; part 10 (Land Development Applications); and in the consequential amendments, clause 231 in particular, which identifies the heritage matters which must be considered by ACTPLA or the minister where an application has been called in. With regard to timelines for the process, once a DA is lodged time lines are guaranteed by the land act.

If passed, this bill will introduce a new regime. At this stage, given the enormous backlog of heritage reports and nominations, I would have to agree that some change is necessary. In the interests of moving forward on heritage matters, I am prepared to accept some of the assurances by government that the processes as I have described them will deliver. I will support an adjournment in order for government to ensure that relevant Aboriginal groups have had a reasonable opportunity to understand and comment on the bill. I believe that some consultation at this end stage has occurred with everyone; however, I am still of the view that less of a rush now might be in order. I am not prepared to support the amendment from Mrs Dunne as I believe it is inaccurate with regard to the reference to law and is unnecessary. We will just adjourn to the next sitting day.

MS DUNDAS (5.19): I wish to clarify for members that I will be addressing the bill in principle, as well as the amendment, in recognition of the time before us. The Democrats are happy to support the Heritage Bill in principle. We recognise that the proposal put forward is better than the current system, but we also recognise that there are amendments that need to be made in relation to the government's proposal to make it slightly more workable, slightly clearer, and to address some concerns already raised. We also support an adjournment occurring today so we can address the concerns raised in the last 48 hours in relation to consultation. If further issues arise we have at least a week to see if we can get some amendments to deal with those issues.

In relation to the bill in principle, it streamlines the process for nominating heritage places and objects, abandoning the parallel process we have at the moment. This will bring clarity for developers and property owners, as well as making sure our heritage, both indigenous and post-European invasion, is preserved and acknowledged. The new heritage system will give greater power to the heritage council, which will be made up of experts who have interests in all aspects of heritage. It will increase the level of meaningful public consultation and give a final right of appeal to decisions at the end of the process, rather than multiple appeals throughout the process. I think that is something we need to consider as a very worthy thing to look at.

Heritage in Australia is an interesting juxtaposition. For many years heritage was thought of as only concerning buildings and objects that have been around since 1788—and in most places we have become rather good at recognising and preserving our European history. However, we have recently come to understand that our heritage and culture extend much further back in time than just the last 214 years. Just as Australia's treatment of indigenous people is shameful but a part of our history that we need to recognise, our lack of understanding about the history of indigenous people has meant that we have already lost many places and objects of heritage significance to indigenous people. I believe that Australia's history and culture is all the poorer for that.

I believe this bill will go some way to rectifying the mistakes of the past by giving greater recognition to the importance of indigenous heritage. Aboriginal organisations must be consulted on the nomination of Aboriginal places and objects, and the heritage council must have a representative from the Aboriginal community, and experts on Aboriginal culture and archaeology, working with them. That being said, it is appropriate to note that we need consultation now on the bill as it stands, to ensure that the concerns of the indigenous community in relation to how the framework will operate are being addressed. It is important that consultation takes place.

Also as part of this bill our environmental heritage is not forgotten. The heritage council will have the ability to make recommendations to the Conservator of Flora and Fauna about trees of heritage significance. This will hopefully avoid the tragedy which occurred on Nettlefold Street, where the government stood by and watched as trees of genuine heritage significance were felled in order for a developer to start work on some yet unknown building but not proceed with it.

Places and objects found to have heritage significance will be placed on a heritage register. I am told that the register will be accessible online and interactive. In my discussions with the heritage unit they were quite excited about their ability to go online

and I look forward to seeing this come to fruition. I understand it will be modelled on the excellent New South Wales heritage online database. It will be a vital tool to increase the understanding of heritage and heritage values; it will be useful for the industry and the general public, as well as schools and universities and people trying to access greater information about heritage in the ACT.

Without a doubt this proposal is better than the current system and I think that, with time to work through some of the issues that have arisen this week, we can address the issues. Some issues have already been addressed by an amendment circulated today but it appears that more issues need closer scrutiny. Hopefully that closer scrutiny can occur with an adjournment today.

I draw members' attention to the amendments I have circulated. I thank the minister and the heritage unit for working through concerns of mine, concerns of other officers and concerns of other sectors. There are amendments being put forward that I would like members to consider as we take an adjournment and work through other issues. That will also give members more time to work through the amendments that have been circulated over the last few days. I understand that most of the amendments are simple changes to bring further clarity and transparency to the process of registering heritage places and objects so that we have written in words what we are trying to achieve through the diagrams and the processes we are establishing.

As I said, the Democrats will be supporting the bill in principle but we cannot support the motion put forward by Mrs Dunne. I understand her frustration and concerns but, considering the word of the minister and what I believe to be an agreement to an adjournment in this place after the in-principle stage, hopefully some of the issues Mrs Dunne has raised can be addressed in a constructive way over the next week

MRS CROSS (5.25): It is clear that the existing heritage legislation is well overdue for overhaul and streamlining. The changes that will be introduced by this bill will, among other things, bring about a quicker and better co-ordinated resolution of heritage nominations. This bill will put in place effective mechanisms to deal sensitively with these issues and a heritage council will exercise an appropriate degree of expertise in relation to that process. The key organisations in this field that want this bill have been closely involved in its development.

Those organisations are satisfied that this bill is sensible and practical and that it will help them to do their jobs better by replacing cumbersome legislation. I support the bill at its in-principle stage but I am concerned about the matters that were raised earlier by Mrs Dunne. I understand that debate on this bill will be adjourned to enable the government to assess the concerns that were raised earlier this evening by members. The consultation process that supposedly took place with indigenous people in our community must be more comprehensive and accurate. I have heard different accounts of the conversations that have taken place and I am concerned that there are inconsistencies.

I am pleased to see Don and Ruth Bell in the chamber this evening. It is good to have them here. However, I am concerned about the apparent inconsistencies that exist as a result of the consultations that were held between the government and members of the community. I am encouraged by what the minister said earlier. Next week the government will look at this issue and it will address any inconsistencies that might exist.

I look forward to being able to debate this bill in the detail stage at the next sitting of the Assembly.

MRS DUNNE: I seek leave to speak again.

Leave granted.

MRS DUNNE: This is an unusual course of action for the Assembly to take but this amendment is important. We need to place on the record what appear to be the failings of this minister, his department and this government in consultation on this important piece of legislation. For most of the week we heard a great deal about what "he said" and what "she said". The minister said he would come back next week with chapter and verse about what has happened. I do not care about chapter and verse. At the end of the day I want everyone to have had his or her day in court. I want everyone to believe that he or she has had a fair hearing.

The minister said that he would come back next week and tell us what happened on such and such a day. I have mountains of emails from officials informing me of what is supposed to have happened. Today one of those emails was scrunched up and thrown on the floor in the Assembly by someone who said that what was in it was a lie. I do not think that we in this place can adjudicate on that. This amendment will set in train a process that will ensure that everyone with whom the minister said he consulted will be consulted again. Everyone that the minister should have consulted but did not consult will be consulted. The minister will report back to the Assembly so that when we debate this bill in the in-principle stage we will know that those who should have been consulted have had their say. That is what this amendment is about.

Earlier I noticed the Chief Minister wandering around the chamber holding the amendment and saying, "This is outrageous." It is outrageous because somebody in this place had the audacity to gainsay the Chief Minister who spends his time saying that he is the friend of indigenous people in the ACT. Today in this very place, in answer to a question that was asked by Ms Dundas, he admitted that for three years this government comprehensively failed in relation to one of its key commitments—reporting on indigenous matters. He might now get around to doing what was supposed to have been done every quarter in this Assembly.

Indigenous people in our community have gainsaid this government by stating that they are not happy with their treatment. I talked to a number of people in the indigenous community about this amendment. This morning one of them said to me, "Vicki, that is exactly what we want." We could adjourn debate on this bill and ask the minister to go back and consult with the community. However, we also need to place on the record the fact that so far consultation has failed. It does not matter whether or not a lot of people sat around in rooms, as no-one communicated or connected.

People have told us different things. We need to reach the stage where we are all singing from one hymn sheet. People might say, "I do not like the tune", but we will all be singing from one hymn sheet. I cannot be satisfied that this government has consulted with the community. I said earlier that I believe what I have been told is lies. The things that happened today confirm that this government is not open and transparent. What does this government have to hide? Why did the minister continually come to me and say,

"We should pass this bill; it is a great bill"? It is actually a crock of a bill. It could be fixed but I am not prepared to do anything to fix it until I know that what I have been told is the truth.

The only way this minister can assure me that what I was told is the truth is to do it again. He should ensure that registered Aboriginal organisations once again are consulted in relation to this bill. I do not believe that that has happened. Heritage officials admitted today that one of the groups that should have been consulted received this bill—all 99 pages of it—for the first time today. That is not consultation. I urge members to agree to my amendment to the motion. We can then debate the bill when the minister has done his job properly.

MR WOOD (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for Police and Emergency Services, Minister for Arts and Heritage, and Acting Minister for Health): I seek leave to speak again.

Leave granted.

MR WOOD: Don and Ruth Bell expressed concern about an email that was read out earlier by Mrs Dunne—an email that was received by a member of my staff. That email stated that Don and Ruth Bell had endorsed the bill. I am aware that a member of my staff might have inappropriately and inaccurately paraphrased what they had to say and that will be corrected. My staff member and I both apologise.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (5.33): I wish to speak to the amendment. This good piece of legislation has been developed over a number of years beyond the term of this government. Work on the bill began during the term of the previous government and essentially this government has worked on it for its entire term in office. Almost everybody in the ACT who has a detailed interest in and a commitment to heritage protection in the ACT and to issues surrounding heritage have endorsed this piece of legislation.

In all that time members of the ACT government's heritage unit have worked on the bill diligently, honestly and objectively and they have genuinely consulted across the board. For the last couple of years I have been receiving representations about this legislation. During that time I have had discussions across the board with almost all stakeholders in relation to this legislation. In the past few months I have received unsolicited letters from people that I hold in high esteem relating to heritage protection in the ACT. They have told me that this is the finest piece of heritage legislation in Australia.

People in this community who have a reputation in heritage and heritage protection issues simply cannot be gainsaid. They have written to me—and I am sure that they have written to other members—to indicate that this is possibly the best piece of heritage legislation in Australia. That is the view of experts in our community in relation to this legislation. The amendment that was moved is gratuitously nasty or vicious as it condemns the minister for his failure to consult the community properly. There has been more consultation in relation to this piece of legislation than there has been in relation to any other piece of legislation. Essentially, the purpose of this amendment is to adjourn debate on this bill. The amendment states that this Assembly:

(b) condemns the Minister for:

(i) his failure to properly consult with the indigenous members of the ACT community … and

(ii) allowing his staff to claim falsely that members of the indigenous community had been consulted …

It is sheer bunkum to pretend we are doing this simply to ensure that some appropriate process is in place. It illustrates the extent to which opposition members are happy to go to engage in cheap politics. That is what this amendment is about. The government has consulted well in relation to this fine piece of legislation. Those in the community who understand heritage and heritage protection issues applaud this bill, which is a benchmark in Australia in relation to heritage protection.

There will always be somebody who will not agree with the final position. There will always be somebody who, in some instances, will disagree just for the sake of disagreeing. There will always be instances in relation to almost all consultation where somebody will take a contrary position for the sake of taking a contrary position. No matter what commitments are made or what concessions are agreed to they will still not be satisfied and they will still never agree. That is the case in relation to this legislation. This fine piece of legislation deserves to be passed.

Question put:

That **Mrs Dunne's** amendment be agreed to.

The Assembly voted—

There being confusion concerning the numbers reported, the Assembly, in accordance with standing order 165, proceeded to another vote.

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

Question so resolved in the negative.

Amendment negatived.

Question put:

That this bill be agreed to in principle.

The Assembly voted—

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

Question so resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clauses 1 and 2, by leave, taken together.

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

Administration and Procedure—Standing Committee
Report 6

Mr Speaker presented the following report:

> Administration and Procedure—Standing Committee—Report 6—*The Appropriateness of a Code of Conduct for Members and their staff*, dated 4 August 2004, together with a copy of the extracts of the relevant minutes of proceedings.

MS DUNDAS (5.44): I seek leave to move a motion authorising the report for publication.

Leave granted.

MS DUNDAS: I move:

> That the report be authorised for publication.

Question resolved in the affirmative.

MS DUNDAS: I move:

> That the report be noted.

For the information of members, this report arose from the first report of the Select Committee on Privileges relating to some inappropriate action that was taken by staff in this building. The Standing Committee on Administration and Procedure was tasked with establishing whether or not there should be a code of conduct for members and/or a code of conduct for staff that work in this building. The committee examined a report that was prepared during the time of the Fourth Assembly that contained a recommendation that there be a code of conduct for members.

I draw the attention of members to the recommendations of that committee that call on the Sixth Assembly to consider this report. As there is insufficient time for the Fifth Assembly to do that, it would be unfair to place impositions on members who may not be able to consider that report in the fullness of time. I urge all members to look at that report and to consider its implications. I hope that the Sixth Assembly will be able to debate fully the need for a code of conduct for members.

Question resolved in the affirmative.

Suspension of standing and temporary orders

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

> That so much of the standing and temporary orders be suspended as would prevent order of the day No 20, Private Members' business, relating to the Discrimination Amendment Bill 2003 (No 3), being called on and debated cognately with order of the day No 3, Executive business, relating to the Discrimination Amendment Bill 2004 (No 2).

Discrimination Amendment Bill 2004 (No 2)

[Cognate bill:
Discrimination Amendment Bill 2004]

Debate resumed from 24 June 2004, on motion by **Mr Wood** on behalf of **Mr Stanhope**:

> That this bill be agreed to in principle.

MR SPEAKER: I remind members that in debating order of the day No 3, executive business, they may also address their remarks to order of the day No 20, private members business.

MR STEFANIAK (5.47): Mr Speaker, I have already spoken to the private members bill. We have already closed debate on that.

The opposition will be supporting the government's Discrimination Amendment Bill (No 2), which amends the Discrimination Act by clarifying the special measures provision in section 27 in order to put its meaning beyond doubt. Ironically, given that a majority of the Assembly will reject our very sensible Discrimination Amendment Bill 2004, which would allow for positive discrimination to address a gender imbalance in any profession, trade, occupation or calling, section 27 of the act, which the government's bill amends, is a special measures provision that deals with affirmative action—or positive discrimination.

The purpose of section 27 is to prevent people from outside the relevant class from complaining about services targeted at those within the class. As a result of past decisions by the AAT and the Supreme Court, section 27 has been misconstrued and, despite an amendment made by the Carnell government to section 27 in 1999 to clarify that—and the full Federal Court decision in Richardson's case—there is still some confusion about the scope and application of section 27.

As a result of that uncertainty the government has brought forward this bill to overcome those remaining difficulties. It clarifies the words "members of a relevant class of people" in subsection 27 (1) and changes subsection 27 (2) to bring in the test of reasonableness. This makes the threshold level of what constitutes unlawful discrimination in section 27 consistent with what is in the rest of the act. The effect of the bill is to ensure that people who are entitled to special services have the same right as the rest of the community to make a discrimination complaint about the services they receive.

It is a reasonably simple bill, which the opposition are happy to support. We would only wish that the government showed some consistency in dealing with issues such as this. Unlike the government, we do not have any problems supporting sensible measures that improve legislation, and it is a shame that the government is set to reject our sensible bill, which we are debating cognately.

MS DUNDAS (5.50): I will address my comments to both the discrimination amendment bills before us. Whilst the Assembly supports the idea of debating them cognately, I note that the bills address different issues in relation to discrimination law. The ACT Democrats are happy to support the government's bill, but we cannot support the opposition's bill.

The government's bill clarifies the intention of section 27 of the Discrimination Act. This section has had something of a checkered history, as in previous wording it was interpreted to mean that any service or facility provided to address equal opportunity was effectively given a blanket exemption from the Discrimination Act. That meant that a service such as a program dedicated to assisting women enter the workforce would be exempt from all provisions of the Discrimination Act, meaning that it could discriminate on other relevant characteristics—for example, disability.

This was never the intention of section 27, and the act was changed in 1999 to try and clarify this. However, the change stated that services could still be exempt from the act if they could demonstrate that the discrimination was not irrelevant to the program. This particular wording has continued to cause concern in the community sector, particularly in the disability sector, where it is believed that it is far too easy to show that discrimination is not irrelevant. Relevance is a fairly easy concept to demonstrate.

The government proposes to substitute the concept of relevance for the concept of reasonableness. This means that a service may only be exempt from the Discrimination Act if that discrimination is reasonable for the purposes of ensuring that equal opportunity exists. ACTCOSS welcomed these changes, after continuously bringing them to the government's attention. I am happy to support the government's bill, and I commend it for finally correcting this issue, which has long been a source of concern in the community.

However, turning now to Mr Stefaniak's bill, the Democrats cannot support this proposal. Our current discrimination laws are based on equal opportunity. Mr Stefaniak has raised the point that, even where there is equal opportunity to work in a profession, there are not always equal outcomes. I agree that this is true. Where we see glaringly

unequal representation in a profession it is a flag for us to look at that area to see where the problem is and how we can address it.

When Mr Stefaniak was discussing his bill, he chose to concentrate his arguments on the underrepresentation of men in the teaching profession. Off the top of my head I can think of many more professions where women are underrepresented—the professions of engineers, medical specialists, barristers, senior management in corporations and big business, tradespeople, members of private sector boards, politicians, taxi drivers, tenured academics, judges, police officers and military personnel.

It is interesting that Mr Stefaniak has suddenly become a fan of gender quotas in a profession where it is the men who are underrepresented when over countless decades it has been the women who have been underrepresented. The question that actually needs to be addressed is: do we believe it is necessary to move away from merit-based appointment?

Mr Stefaniak's bill reflects the belief that boys need more male teachers and that preferential recruitment of male teachers will achieve that goal. I acknowledge that Mr Stefaniak's bill in its draft form is broader than just the teaching profession, but I am using it as it was an example that was put forth at the beginning of this debate. It was a debate about male teachers in our schools.

I believe that boys and girls in our schools need good teachers who can adapt to the different learning styles of individual students. I believe we need teachers who are well paid and have clear opportunities for career progression. I believe we need teachers who are respected in the community and whose work is valued by the government. As I see it, the real reason men are not attracted to teaching is that they see it as a low status and underpaid career. If we want better teachers, regardless of their gender, we need to value them both socially and financially.

There is a major problem with abolishing the merit principle, especially the merit principle for teachers: male teachers may become regarded as inferior teachers who have been employed for their gender and not for their teaching skills. We currently have some very good male teachers in the territory, and this proposal may lead people to regard them as second rate because we have adopted a policy that says less qualified men are employed before more qualified women. If we abolish the merit principle for teacher recruitment, we will end up with teachers being hired on the basis of their sex and not their skills. We need to be wary of doing that.

Mr Stefaniak has put forward the idea that we should allow employers to ignore the Discrimination Act where people of one sex dominate a profession. The current act does not go that far for any disadvantaged group. It simply says that women must have equal opportunity to secure a job, not an equal number of jobs in any profession.

When girls were getting poorer results than boys at school, despite most teachers being female, we did not think the answer was getting rid of the male teachers. Instead, we looked more broadly at what was discouraging women from continuing their education. I think we should be doing the same thing when we find boys doing more poorly than girls in our schools, and we should be doing the same thing in a profession where there is an obvious dominance of one gender over the other.

What is actually going on there? What is discouraging one gender from taking on that role? How can we address those underlying questions in a positive way, as opposed to introducing some form of quota? Discriminating against women is not going to attract more men to female dominated professions, just as discriminating against men is not going to make that job more attractive to females.

If there is a belief that there are not enough male teachers, we should continue working with the Australian Education Union to win proper pay for teachers. Teachers' pay needs to reflect their skill and experience so that teaching becomes a more attractive career choice for creative and high achieving people, who would make the great teachers of the future, regardless of their gender. That is the key issue in the debate about male teachers and female teachers and how boys and girls do academically in school. We need to move further to value our teachers.

The proposal put forward by the opposition is an ill-conceived attempt to undermine discrimination laws, and it would not fix the problem it was intended to address. The Democrats will not be supporting it, but we hope that moves will be made to work at the underlying issues that Mr Stefaniak seems to indicate exist. I hope that we will value our teachers and professions and address the underlying reasons why some professions end up dominated by one gender, which to an extent locks out other genders. There is work that can be done without making this ill-conceived law change.

MS TUCKER (5.58): I will speak first to Discrimination Amendment Bill 2004 (No 2), which amends section 27. We will certainly support this bill. This bill is hopefully the final resolution of a problem that was first raised in November 1998 when the Administrative Appeals Tribunal delivered a new and problematic interpretation of section 27 of the Discrimination Act in a case relating to a disability group home.

A case was brought by a resident of the home against ACT Community Care because Community Care had decided that an additional person should move into an existing four-bedroom home by converting the staff bedroom into a bedroom and the lounge room to a lounge room-cum-office-cum-staff bedroom. The residents appealed that decision on the basis that a person without a disability would not have had that decision made without their consent.

I understand that the tribunal found no discrimination in Community Care deciding to do that, but found that there was discrimination in the process—that is, no consultation. The department appealed and the decision was overturned on the basis of section 27. The argument put during the case—not the appeal—was that society cannot afford to meet the demand.

Prior to that decision on appeal, section 27 had generally been understood to be about allowing affirmative action. This new interpretation allowed a service to discriminate against individuals from that group effectively on the basis that it was a service designed to support that group. Changing the law to remove this interpretation has proved to be difficult.

The then Liberal government prepared an amendment bill in 1999, which was debated in December 1999. There were problems with the wording, and Jon Stanhope prepared an

amendment to it, which the Greens supported. However, the amendment was narrowly defeated, and the bill went forward unamended. The bill today will correct the problems created by that 1999 amendment. The 1999 amendment inserted the words:

> (2) However, subsection (1) does not make it lawful to do an act for a purpose mentioned in that subsection if the act discriminates against a member of the relevant class in a way that is irrelevant to the achievement of that purpose.

This still left open the possibility for services to argue that they could discriminate against people who the act is supposed to protect by virtue of the service's action being part of work towards a program to support people in that group. The government's amendment today should remove that problem by using the "reasonable" test. On this point the amendment says:

> (2) However, subsection (1) does not make it lawful to do an act for a purpose mentioned in that subsection if the act discriminates against a member of the relevant class in a way that is not reasonable for the achievement of that purpose.

That does seem to be an improvement. The earlier amendment left it as "irrelevant to the achievement of that purpose". The group of actions that could be described as irrelevant to the purpose is much smaller than the group of actions that could be described as not reasonable for the achievement of that purpose. It is a step forward, but I am still a little bit concerned that it might potentially leave open an argument that something is necessary due to resource constraints.

I talked to ADACAS about this, who commented:

> If the change will achieve the desired result as set out in the Explanatory Memorandum, then ADACAS would have no problems with the amendment …
>
> We have some concerns with how the words "reasonable" and "proportionate" could be interpreted. In particular, there are some fundamental assumptions which dog the provision of disability services, "world views" which influence what we/society think is OK for people with disability, but which we would never accept ourselves or our family. How might these influence what is deemed reasonable and proportionate?
>
> Is it "reasonable" and is the response "proportionate" that people in Disability Programs group houses have little if any real choice, and certainly not the final say, on where they will live, with whom they will live and who comes into their home, eg to provide them with support?
>
> The case which sparked this whole row was about Disability Programs deciding to make the staff bedroom a fifth bedroom …
>
> There are other current examples, when Disability Programs took the handles off the taps, put bolts on the outside of the bedroom doors to lock people inside or "chemically restrain" people—

as it came out in the Gallop inquiry—

> Would the proposed change have prevented the appeal, or it being upheld? If not, then there is no real change. Until we actually see some decisions come down, we are not sure how we can predict whether or not it has achieved the desired result.

In closing, the Greens are happy to support this amendment. I believe it is an improvement on a very unfortunate interpretation—based on vigorous argument from the department at the time, no doubt—but I also make the point that in the future the Assembly must keep an eye on how this is going. It is very important that government is committed to making it work in its role as service provider.

Mr Stefaniak's Discrimination Amendment Bill amends the Discrimination Act to make it lawful for a person to discriminate against someone else on the ground of sex in order to overcome gender imbalance in a profession, trade, occupation or calling. It makes sex discrimination lawful if reasonably reliable statistical data show a gender imbalance in employment and the discrimination is reasonable, having regard to any other relevant practice and the public interest. The object of the bill is similar to but broader than the Commonwealth Sex Discrimination Amendment (Teaching Profession) Bill 2004, which was not passed in the Senate.

First, I will address the underlying discriminatory nature of the bill. The ACT Human Rights and Discrimination Commissioner, Dr Helen Watchirs, commented:

> This bill is directly contrary to the objectives of the ACT Discrimination Act 1991, including the promotion of equality between men and women. It weakens and undermines the Act by giving employers an open-ended discretion to simply discriminate on the basis of sex, when the causes of gender imbalance in a workplace can be due to complex factors other that discrimination …

Such as historic causes and labour market forces. She also notes:

> The bill may also be inconsistent with section 8 (3) of the Human Rights Act 2004—"Everyone has the right to equal and effective protection against discrimination." The criteria in the bill are not reasonable, objective or proportional to achieve a legitimate purpose—that is, to correct past discrimination. The bill does not satisfy the requirement in section 28 of the Human Rights Act that the limitation on human rights must be reasonable and demonstrably justified in a free and democratic society.

In the tabling speech the Liberals specifically mentioned the need for more male teachers. It is interesting to look at the teaching profession and the male and female experience of life as a teacher. The Greens realise that there are widely recognised disincentives to enter the teaching profession: poor pay and low status, comparatively low salaries and career opportunities and, particularly for male teachers, concerns about child protection.

We also recognise that the lack of male teachers, particularly in our primary classrooms, is worthy of concern. However, this legislative response, to make it lawful to discriminate, does not redress substantive discrimination and is not the answer. Governments should address the factors that underlie graduates turning away from teaching as a career and the failure to retain beginning teachers in education systems.

Pay, status and workload are consistently cited as why teachers of both genders are moving away from the industry. These issues were raised recently in the pay dispute for ACT teachers.

The work of teachers is critical to our society. We simply cannot afford to undervalue the educational experience of our kids. It is well recognised that work in schools has become increasingly challenging due to the complexity and seriousness of the social issues students bring with them. We have to value this work more. We have to give young people reasons to become teachers and give good teachers reasons to stay. Salaries are a key indicator of our commitment, but the issue is broader than that. Good teachers need to be supported in every way possible, including encouraging their creativity and allowing others to learn from them.

In the case of male teachers, which the bill refers to as an example, the causes of imbalance relate to disincentives in the profession: the relative status of teachers in the community, comparatively low salaries and career opportunities and, as I said, child protection issues—or the perception of the risk of unmeritorious allegations and complaints. This explains why many men choose not to become teachers or, if they do, why some tend to leave mid-career if they are not promoted to non-teaching higher positions such as principal or deputy principal—positions which are held disproportionately by males.

Eva Cox, from the Women's Electoral Lobby, highlights this issue. The problem with all feminised occupations, such as teaching and nursing, is that men rise quickly through the ranks and away from the coalface, leaving women in poorly paid work and girls with a lack of female leadership role models. They suggest, perhaps satirically, but also making a point, that sending the excessive proportion of men in executive jobs back into the classrooms is a way to address the lack of men in junior teaching positions.

The suggested link between boys' underachievement at school and the presence of male teachers does not appear to be supported by research and ignores the latest surpassing by males of females in the workplace generally. Causes of the female domination of work such as nursing and childcare, which are perceived as nurturing but undervalued "women's work", are different to causes of the male domination of the professions of scientists, engineers, parliamentarians, judges, surgeons, professors and the military, where there are stereotypes and cultures that create barriers to equal opportunity for women that are not based on merit.

Janet Smith, a PhD candidate at the University of Canberra, has investigated the experience of male primary school teachers. She found that, in light of the dominance of the "we need more male teachers" discourse, there is an urgent need to be explicit about why more male primary teachers are needed, what problems they are supposed to overcome and how their presence will help. This investigation will need to consist of research into the needs of both boys and girls in primary schools and whether a teacher's gender has any effect on their learning outcomes or school experience.

The Australian Education Union make some interesting points about the needs of students. They state that boys do not need special programs to address literacy. Education systems as a whole simply require more adequate resources, quality teachers and smaller class sizes. They go on to state that there are multiple learning styles—but

not a learning style only common to all boys. The boys' lighthouse project, the Commonwealth study into boys education, has demonstrated that the methods used to produce successful learning outcomes for boys are matters of quality teaching, not gender, and thus are equally applicable to all in the classroom.

The Australian Council for Educational Research support this argument. They comment that the quality of teaching and learning provision is by far the most salient influence on students' cognitive, affective and behavioural outcomes in schooling, not teacher gender. We need to encourage male teachers to remain in the teaching profession and to offer them enough incentives to do that. It is irresponsible of us to weaken the Discrimination Act to address a problem that has much deeper social causes and that research indicates will not be solved by this sort of measure.

MR PRATT (6.10): Mr Speaker, I rise to support this bill. There has been a tradition in society since time immemorial to positively discriminate where capability needs to be developed or operated or where people in society need to be protected. Of course, there has also been unacceptable discrimination in society. As society modernised, these discriminatory practices needed to be broken down. For the most part, this has happened successfully. However, it is now time to obtain sufficient flexibility in law and our administrative procedures to ensure that, where we still need to positively discriminate to either provide better protection or develop better capabilities in our community services, this can be done without cries of "discrimination" arising.

Taking an example at the national level, I refer to the military, where certain combat positions within the ADF continue to be identified as male positions, despite strong time and energy wasting, politically correct campaigns to break down that convention. Happily, commonsense has prevailed, and in that case discrimination has been overlooked.

For over 40 years, there has been a concerted campaign to break down stereotype barriers in recruitment, job positions and club membership and to address discriminatory practices against gender, racial, sexuality, political and other groupings. This was necessary and represented the most important of all the progressive movements in the necessary liberalisation of modern society, which commenced when I was a young man.

To my mind, the most important progressive initiative undertaken in more recent decades was the lifting of female student performance and the creation of more opportunities for young females in schools, universities and then the workforce, although pay disparity is still an issue not yet resolved. Lifting female student performance was a classic case of positive discrimination.

It is true to say, however, that the politically extreme in society have attempted to take this progression too far, which undermines the need for this act to be put in place. The politically extreme have sought to flatten out the sensible, time-honoured practices relating to all functions in society from jobs to the institution of marriage. To a point, society has weakly bent to these pressures and, in my view, thrown out thousands of babies with bathwaters in what has been a significant period of retrograde action, paralleling the progress that we also had to have.

Resources, emotion, energy and time have been wasted, and sensible society practice has been damaged by activists who have successfully pressured successive Labor and Liberal governments around the country, and in the territory, to introduce discrimination legislation at extreme levels—extreme levels whereby society has become impeded from exercising best practice in all walks of life; extreme levels whereby political correctness has frightened ordinary, decent members of society—workers, managers, teachers, policemen—into tolerating second-best practices across the entire spectrum of governance, professional life and other societal functions. This legislative amendment bill is clearly aimed at bringing some sanity back to the system.

I want to see urgent action taken to lift discrimination impediments on teacher recruitment. I want schools to competently recruit female, male, indigenous and Pacific Islander teachers and recruit from any other societal grouping to meet any special need. I want to see that schools can do that without the sword of political correctness, legal threats or any other political activist threat hanging over their heads.

It has been clear to me, since I commenced the debate in this place on boys' education, that these threats exist. The political Left of this town, including members of this government, very quickly remind me, and others, that this threat exists. They have offered no positive recommendations for enhancing best practice or addressing the serious issues affecting our children's education.

I have argued long and hard in this place that male and female role model teachers are needed for both boys and girls, right across the primary and secondary schooling spectrum in varying balances, depending on the individual school and depending on the student make-up, sometimes including demographics. But right now, school principals and departmental authorities are in fact unable to positively discriminate to rebalance the major imbalance that does exist right across our schools. Of course, we see political activists sitting in the wings to ensure that there will be no positive discrimination to rectify this problem in our schools.

Let's look at a couple of these examples. What about indigenous teachers? We need to recruit indigenous teachers now. We have a lot of indigenous youth, some of whom are in danger of not completing a reasonable education. They need role models. How do we do that? How do we recruit indigenous teachers with the current discrimination legislation, leaving open the opportunity for legal reaction? Let me just support this argument. indigenous teachers would increase the cultural elements and provide positive role models for both genders. They would also help non-indigenous teachers with expert advice on curriculum and strategies for challenging behaviour.

Let me justify the case for positive discrimination and the need to recruit women teachers in certain speciality areas—despite my previously stated position that I am concerned with the gender balance across our schools. A teacher has advised me that women as role models are increasing in number in some schools, where they have been successfully recruited and trained. They have been increasing their enrolment in physical education, where adolescent females students feel conscious about body image.

Women teaching technology, woodwork and metalwork increase female students' perspectives so that they think outside the square, reducing the stereotypes. Male

students in those sorts of classes also realise that women are able to complete technology, woodwork and metalwork tasks. That is important in our quest to enhance the VET stream in secondary schooling.

We need female role models to encourage certain female students to go into the VET stream, where it may be deemed that this is their best course to higher learning. There will be a need, once the VET stream is properly developed, for female teachers in this area of schooling—but, again, we cannot positively discriminate to recruit them, because the law does not allow us that flexibility. That is another reason why we need to have this act.

In some areas we need to positively discriminate in favour of recruiting male teachers. We have heard 15 per cent, but let's just say, conservatively, that 20 per cent is the figure for the occupancy of male teachers in primary schools. That is simply not good enough, but there is no way under present laws that we can positively discriminate to recruit male teachers to rebalance that equation.

Let me look at some of the reasons for putting male teachers into schools. I take issue with some of the comments earlier from the crossbench. A female teacher in high school said:

> Young male students following on from primary years without positive male role model influences continue their challenging behaviour, pushing the boundaries of violence, truancy, disrespect and peer pressure. Actually, the discourse consists of both male and female students who need positive male role models.

Too many students, particularly boys, come from broken homes where there is conflict with their only role model: mum. This element has been transferred into the school environment, where students often identify the female teacher as someone they can disrespect, as they do mum. With a male teacher in the high school years students are more likely to respond to requests, exert positive behaviour and maintain appropriate discipline in respecting others—that is, female teachers and their fellow female students. Let's not forget the other major category: students who do not come from broken homes but from stable, loving, but single-parent families, where there is no male role model. In those cases a male role model is required, to round out student development.

Ms Dundas poo-poos the need for male teacher balance. Let me quote from the *Improving the Educational Outcomes of Boys* departmental study December 2002. While it did not find strongly in favour of shoring up boys' education, it could not deny the following observations, which I maintain support the case that I am putting forward for more male teachers in schools. It reads:

> Outside the school, boys can draw unbalanced modes of masculinity constructed through the media, sport, and popular culture that result in:
>
> Restrictive emotionality
> Concern with power and status
> Excessive self-reliance
> Homophobia
> Anti-authoritarian bravado
> Anti-intellectualism

> Non-relational attitudes towards sexuality (Australian Secondary Principals' Association, 2001).

These are eight good reasons why students need to have good male role models in schools so they can dispense with those sorts of developments. There are powerful arguments for having more male teachers—first, in primary schools, where boys aged seven, eight, nine and 10 are beginning to formulate their characters and need to see male role models; and, later, in high school, where male teachers can assist female teachers maintain good behaviour and a good teaching and learning environment.

I think that, if a school principal—and the department, if it is visionary—sees that certain schools need to have their teacher make-up rebalanced, they ought to be able to recruit particularly male, or female, teachers, depending on the needs of that school. Right now I fear they cannot do that under legislation. Therefore, I must support this amendment bill, particularly in relation to education, so that flexibility can be put back in place and sensible decisions can be made to improve teaching capability where it is needed, if necessary by recruiting male or female indigenous teachers, or teachers from other backgrounds, to add value to those schools. I support Mr Stefaniak's amendment bill.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (6.24): I will close the debate, Mr Speaker. The government opposes the Discrimination Amendment Bill 2004. The amendment is discriminatory, unnecessary, unjustified and contrary to the Human Rights Act 2004. Although it is couched in more general terms, the immediate purpose of the amendment, as stated by Mr Stefaniak, is to increase the number of males in the teaching profession for the purpose of providing children with more positive male role models, especially during the formative years in primary school.

The bill is presumably based on the premise that boys increasingly underachieving at school can be remedied by the provision of more male teachers. There is no doubt that more male teachers can provide children with positive male role models, that there are not enough of them at present and that we should increase the number of males entering the profession. But passing legislation like this is not the way to do it. The first issue that arises is what effect such an amendment can have. Firstly, it could only have a limited effect, if any.

The Commonwealth Sex Discrimination Act 1984 applies throughout Australia and renders ineffective any inconsistent ACT legislation. It does not apply to discrimination in employment by a body or authority established for a public purpose by a law of the ACT, including an institution of technical and further education. ACT legislation has no effect to the extent that it is inconsistent with the Commonwealth law. If Mr Stefaniak's amendment is contrary to the Sex Discrimination Act, as it seems to be, it would appear that it would apply in some cases, such as employment in government schools, but would not apply in just about every other case.

What about the amendment proposed by the bill, even if it were to apply in the ACT? The amendment is discriminatory. It permits an employer to discriminate against someone by denying them employment or employment benefits because of their sex. It permits an employer to discontinue an employee's contract because of their sex. It does this simply to have more employees of the opposite sex where it is considered "in the

public interest". There is no indication of who is to make the decision to discriminate or what criteria are to be applied to determine whether it is in the public interest to do so.

The proposed amendment is contrary to the objectives of the Discrimination Act 1991, which are to eliminate discrimination in employment and to promote equality. Section 27 of the Discrimination Act deals with situations where what would otherwise be unlawful discrimination is permitted. It provides for the application of special measures, allowing discrimination to ensure that a particular class of person has equal opportunities with other people, or to afford access to services and facilities for those groups for whom previous unlawful discrimination has prevented equality of treatment. Importantly, this is not permissible where the proposed discrimination is irrelevant to the achievement of the objectives sought to be achieved.

The bill proposes discriminatory measures that are irrelevant to the objectives Mr Stefaniak says he is seeking to achieve. No barriers have existed to prevent men entering the teaching profession that have caused lack of equal opportunity. They have had equal access, along with women, to services and facilities related to that profession. Therefore, the bill does not provide a valid exception to the principle of non-discrimination as set out in the act for the purpose of providing more male role models for children at school.

The bill permits discrimination on the basis of statistics and the consideration of public interest, with no stipulation of who decides what is in the public interest and what criteria are to be used to determine the public interest. This provision is so vague that it gives little direction to decision makers or applicants for a teaching position. It provides the potential for arbitrary decisions and abuse of rights. Who makes this decision—the employing school council, the head teacher, fellow teachers? To whom are they accountable for their actions? The bill spells out none of this. The criteria on which decisions are to be based are not easy to measure.

The government acknowledges community concern about the lack of appropriate male role models in schools, but the approach to addressing the issue is not through legislation. Rather, it is through taking steps to ensure not only that more men are attracted to the profession but also that men and women teachers are of the highest calibre. To simply increase the number of males is discriminatory and does not adequately address the issue.

The amendment is unnecessary. There are other, non-discriminatory ways of increasing the number of employees of a particular sex. The Discrimination Act does provide a less discriminatory means of addressing gender imbalance in certain professions, by permitting conduct that would otherwise be unlawful discrimination. This means is provided by section 109 of the act, which provides that the discrimination commissioner may temporarily exempt a person from the operation of specified provisions of the act, including those making employment discrimination on the ground of sex unlawful.

But this provision does not allow open slather for correcting perceived gender imbalance in employment or anywhere else. It is subject to the need to promote the object of the act and the desirability of redressing past discrimination. There is no exception or exemption that permits discrimination simply on the ground that someone believes it is "reasonable" or "in the public interest".

We are fortunate to have an example of how section 109 might operate. The very same issue of gender imbalance in primary school teaching was the basis for an application for an exemption by the Catholic Education Office under the similarly worded Commonwealth Sex Discrimination Act of 1984. The Catholic Education Office wanted to offer male-only scholarships to school leavers for the purpose of increasing the number of male primary school teachers, based on the same reasoning as Mr Stefaniak uses here.

The Human Rights and Equal Opportunity Commission refused a temporary exemption. It held that "sex-specific" scholarship schemes designed to attract male Higher School Certificate students to primary school teaching are not a reasonable response to the imbalance of male and female teachers. The commission said that there appeared to be no practices that exclude, disadvantage, restrict or result in an adverse effect upon males seeking to enter the primary teaching profession. It held that the adverse effects of the exemption would be out of proportion to the benefits alleged to accrue. It also pointed to the fact that there are other ways of increasing the number of male teachers that do not involve discrimination against females, such as improving the perceived status of teaching among boys.

By contrast, the commission responded differently to a revised application by the Catholic Education Office. When the Catholic Education Office presented a request for a temporary exemption to offer an equal number of scholarships to male and female applicants, the commission agreed to do so on certain conditions. The proposal was to involve the creation of additional scholarships and not to impact negatively upon the existing scholarships currently being offered. It was also stipulated that this was to be only one element.

Sitting suspended from 6.31 to 8.00 pm.

MR STANHOPE: As you would recall, I was halfway through my response to the Discrimination Amendment Bill 2004. I will continue. For the sake of connection, I will start where I think I finished. I did not note it quite accurately.

The Human Rights and Equal Opportunity Commission refused a temporary exemption. It held that sex-specific scholarship schemes designed to attract male high school certificate students into primary school teaching are not a reasonable response to the imbalance between male and female teachers.

The commission said that there appeared to be no practices that exclude, disadvantage, restrict or result in an adverse effect upon males seeking to enter the primary teaching profession. It held that the adverse effects of the exemption would be out of proportion to the benefits alleged to accrue. It also pointed to the fact that there are other ways of increasing the number of male teachers that do not involve discrimination against females, such as improving the perceived status of teaching among boys.

By contrast, the commission responded differently to a revised application by the Catholic Education Office. When the Catholic Education Office presented a request for a temporary exemption to offer an equal number of scholarships to male and female applicants, they agreed to do so on certain conditions.

The proposal was to involve the creation of additional scholarships and not to impact negatively upon the existing scholarships currently being offered. It was also stipulated that this was to be only one element in an overall strategy to address the gender imbalance in primary school teaching. I note that the Human Rights and Equal Opportunity Commission stated in its decision that it remained uncertain about the validity of the reasons advanced in support of the exemption. These were the very same reasons that Mr Stefaniak advances in support of his bill.

Finally, but not of least importance, the bill is incompatible with the Human Rights Act 2004. It is incompatible with section 8 of the Human Rights Act, which provides that everyone is entitled to equal and effective treatment against discrimination on any ground. It is allowing that discrimination cannot be held to be a reasonable limit to the right to equal treatment under section 28, which provides that human rights may be subject only to reasonable limits set by territory laws that can be demonstrably justified in a free and democratic society.

For one thing, the measures you take must be in reasonable proportion to the importance of the objective you want to achieve. The bill proposes potential discrimination on the basis of sex to achieve higher numbers of the opposite sex in a particular workplace. The immediate purpose of the bill is to provide more and, by implication, better male role models for children than they currently have.

Discriminating against competent female teachers and promoting the employment of male teachers simply because of their sex does not have a rational relationship with the objective of providing good quality education where the basis for employment should be merit. The means used must provide a reasonable way of achieving the objective and there must be as little interference as possible with the rights or freedoms of those affected. Sex-specific discrimination is not integral to the objectives and outcomes of the education system.

Four inquiries at the Commonwealth level have questioned this perception. These inquiries concluded that, while schoolteachers are in a position to provide children with appropriate role models, the qualities necessary to demonstrate good teaching are not innate to either sex and the priority of all education systems should be to attract teachers of the highest quality.

The Commonwealth Department of Education, Science and Training, in its 2001 report *Declining rates of achievement and retention: the perceptions of adolescent males*, concluded that it is the quality of the teacher that matters to the educational outcome of school students, not the sex of the teacher. So did the Commonwealth Department of Education, Science and Training in its 2002 report addressing the needs of boys.

In 2002 the House of Representatives Standing Committee on Education and Training investigated ways of addressing the fact that boys seem not to be coping as well as girls at school. Its report is called *Boys: Getting it right*. The committee concluded that, to generate positive effect on boys, the emphasis should be on attracting the right kind of men just as it should be on the right kind of women; that is, the criteria should be based on merit.

The committee specifically rejected the Stefaniak approach of displacing women or considering women less desirable as teachers than men, and recommended the provision of a substantial number of HECS-free scholarships for equal numbers of males and females. But instead of acting on the recommendation of the House of Representatives Committee, the federal government went ahead with its Sex Discrimination Amendment (Teaching Profession) Bill 2004. It took the same approach as the bill we are considering here, by allowing the provision of gender-specific scholarships in relation to school teaching courses.

The Senate Legal and Constitutional Legislation Committee carried out an extensive investigation into the federal bill and produced its report entitled *Provisions of the Sex Discrimination Amendment (Teaching Profession) Bill 2004*. At page 30 of that report, it considered the above reports in its deliberations and it concluded that "there is no evidence to suggest that increasing the number of male teachers will enhance educational outcomes for boys nor that the perceived lack of role models for boys in school, and associated behavioural issues, is any way linked to their educational outcomes".

It concluded "that the committee is mindful of evidence that it is the quality of teaching and learning provision, and not teaching gender, that has the most profound impact on scholastic outcomes". The disparity between males and females is a labour market issue that requires longer-term strategic and labour market planning. The Commonwealth bill was then rejected in the Senate.

The Labor Party at the federal level has developed a five-point plan for increasing the participation of men in teaching, including a national campaign for attracting quality entrants into teaching, targeting men with relevant skills and backgrounds, encouraging more male mentors to work with schools and parents, incentives for relevant specialist skills and student discipline, and welfare programs targeted at boys. Roles and behaviours appropriate to people of different genders are assumed through the whole gamut of social and learning activities, such as parental influence, peer group pressure, the media, social structures and power relations within the wider society.

The education system makes a specialised and limited contribution to this process. If teachers are not chosen for their ability, but because of their sex, the measure proposed is not rationally related to the objective being pursued.

The approach of this bill is not justified in the light of its objective, either for the immediate purpose for which it is proposed, or for the general purpose of providing equal number of male and female employees in any profession or workplace. Where it is considered in the public interest, there are ways of achieving that objective that do not require discrimination on the basis of a person's sex. The bill should not be allowed to pass. It is contemptuous of the rights of aspiring teachers to be dealt with equally before the law, and not to be discriminated against because of their sex.

I will conclude on the other cognate bill we are discussing—the Discrimination Amendment Bill 2004 (No 2)—and close debate on that speech, which I introduced on 24 June 2004. It fulfils the government commitment to amend the Discrimination Act to put the meaning of the law and special measures beyond doubt. I described the content of the bill in some detail when I presented it. I will not labour the detail again today. I just

note some points. The bill clarifies the protection of services and programs for people with special needs.

The current law has long been the subject of uncertainty in the community. In particular, there has been concern about whether people with special needs are effectively protected against discriminatory practices in the provision of special measures services. *(Extension of time granted.)* The bill more clearly expresses the objective of protecting special measures programs for people with special needs from legal challenge by people not intended to benefit from the program, without protecting any negative discrimination within those programs.

The passage of this bill today will ensure that disadvantaged groups that receive services to meet their special needs are protected against discrimination according to the same standards as the rest of the community. It will give effect to the fundamental right of equal protection of the law without discrimination. It will mean that section 27 operates as originally intended, and not as it has been forced to operate over the last four years as a result of totally unacceptable amendments made to it by the Liberal Party in government. Thank you very much Mr Speaker.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Discrimination Amendment Bill 2004

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

> That this bill be agreed to in principle.

The Assembly voted—

Ayes 4	Noes 8	
Mrs Burke	Mr Berry	Ms MacDonald
Mr Cornwell	Mrs Cross	Mr Quinlan
Mr Pratt	Ms Dundas	Mr Stanhope
Mr Smyth	Ms Gallagher	Mr Wood

Question so resolved in the negative.

Payroll Tax Amendment Bill 2004

Debate resumed from 24 June 2004, on motion by **Mr Quinlan**:

> That this bill be agreed to in principle.

MR SMYTH (Leader of the Opposition) (8.17): The opposition will be supporting this bill. This bill provides for an extension to exemptions from payroll tax for three types of leave: maternity leave, adoption leave and primary carer leave. Under the provisions in the bill, employers who provide their employees with these types of leave would be able to exclude from their payroll tax calculations the wages paid for people utilising these types of leave.

A key reason we support the exemption for these three types of leave is that people who take maternity, adoption or primary carer leave will be contributing to the strength of their families. It is important that we take as much action as we can to encourage the roles of parents and carers, and so achieve a better balance between home and work. I note that these provisions will not come into effect until 1 July 2005. This long lead time is good, as it enables employers to put the necessary arrangements in place prior to the exemptions commencing.

I did initially have some concerns about the impost the provision of this bill might establish. I have determined, however, that the actions necessary to put these measures in place should require relatively straightforward additions to existing payroll tax software. The impact on employers should therefore be minimal.

There is a small cost to revenue of around $150,000 a year. We agree that it is a small cost to bear, given the benefits that are available. However, with this enhancement to the balance between home and work, we may even achieve an increase in productivity through having more satisfied employees with resulting gains to turnover, profitability and taxation revenue.

We have become aware, since this bill was presented, of a need to clarify the provisions relating to part-time employees. As a result, I understand the government has prepared an amendment to this bill. As I noted a moment ago, we will be supporting the bill and we will be supporting the government's amendment.

MS DUNDAS (8.19): The Democrats are strongly supportive of family friendly employment practices. A society that prevents women making the full contribution to our community and our economy does not make social or economic sense. At a federal level, the democrats have proposed a national paid maternity leave scheme as a way of better spreading the financial burden of child rearing.

Workers with families need more than paid leave. Parents also want secure part-time work; accessible, reasonably priced childcare; and flexibility in their jobs. But the democrats see a national system of paid maternity leave as integral to work and family policy.

It should also be pointed out that we see paid maternity leave as a workplace entitlement rather than a solution to the country's declining fertility rate. Only about a third of Australian women have access to any form of paid maternity leave. Most are in the public sector or work for large employers. The chance to stay at home with a new baby should not be confined to the well paid or those who work in big workplaces. Paid maternity leave should be a right, not a privilege, for Australian working women.

Senator Stott Despoja introduced a private members bill in the Senate to establish a system of paid maternity leave for Australia, as we were only one of two OECD countries without paid maternity leave. The democrats propose 14 weeks government funded leave at the rate of the minimum wage or, if a female employee usually earns less than this, at her normal wage. There is also the flexibility for this to be topped up through additional payments or periods of leave, locally negotiated between employer and employee. The estimated cost of this program would be around $352 million a year.

In developing this legislation, the democrats consulted extensively with employers, unions, community and women's organisations. It was widely agreed that small business could not afford the added cost of providing paid leave to their female employees, hence the role for government.

Many larger companies in Australia now recognise that it makes more sense to retain employees that have young families than lose experienced and valuable workers. Businesses cannot afford to lose talent, expertise and productivity of working women, just because they decide to have a baby.

As business and the wider community increasingly recognise the value of paid maternity leave, the onus is on all of us to continue the debate about balancing work and family, to ensure that all governments understand why paid maternity leave is an essential part of the mix. It is more than politics. We all benefit from the creation of the next generation, not just in terms of tax revenue and productive work.

I appreciate that the ACT government does not have the resources available to fund a universal paid maternity leave scheme for the territory. However, we should be doing whatever we can to encourage businesses to fund parental and adoption leave for their staff. So this bill, in its modest way, provides some financial rewards to large employers who offer paid maternity or adoption leave. For that reason, I am glad to extend the support of the ACT democrats to this bill.

MRS CROSS (8.22): The Payroll Tax Amendment Bill 2004 provides a payroll tax exemption to employers who provide paid maternity, adoption and/or primary carer leave for ACT employees. As a long-time advocate of private sector paid maternity leave, I applaud the government on this incentive and will be supporting this bill.

The benefits of paid maternity leave are numerous. Not only does it go some way towards addressing the female disadvantage in the labour force, but also it is likely to encourage more women to have children, thus increasing our population and our future tax base. Paid maternity leave assists with the large costs of childbirth and it also contributes significantly to reducing the attrition rate of women in the workforce, which certainly saves employers significant sums in recruitment and training costs.

The Women's Electoral Lobby put it well when they said that paid maternity leave "helps Australian households adjust to the difficult transitions that are part and parcel of the arrival of a new child, as well as the complicated return to work phase". These benefits were recognised by the Human Rights and Equal Opportunity Commission when, in its 2002 report *Valuing Parenthood*, it advocated "some form of universally accessible paid maternity scheme". Similarly, International Labour Organisation

convention No 183 and the convention on the elimination of all forms of discrimination against women, both advocate paid leave in order to enable women to maintain an attachment to the labour market.

Since 1973, women in the Commonwealth public sector have had at least 12 weeks paid maternity leave, yet very few Australian women who work in the private sector have access to such benefits, despite the fact that part of the taxes they pay go towards paying the benefit to women who are employed in the public sector. How could anyone in his right mind see that as a fair and reasonable situation?

According to the Human Rights and Equal Opportunity Commission, only about one-third of women workers in Australia, including public sector workers, have access to paid maternity leave although, in some cases, it is as little as one week. This is clearly a form of discrimination. I am glad to see the ACT government addressing it in part. Taxation incentives will encourage more employers to offer paid maternity leave.

In Australia, paid maternity leave is not legislated for as it is in 20 other countries, including Japan, Canada, New Zealand, Thailand, Singapore and most of Europe, including all Scandinavian countries. In Sweden, for instance, the government pays for 450 days of maternity leave; in Denmark, the government pays 18 weeks of maternity leave at the woman's full wage. Even our neighbour New Zealand has paid maternity leave, where the government pays for 12 weeks at a maximum of $325 per week.

In Australia workers can gain paid parental leave only by award or in enterprise bargaining. Australia is lagging behind, still operating a labour market that severely disadvantages women. Whilst this bill does not legislate for paid maternity leave, it does create an incentive for employers to provide for it. This is a positive step.

However, the effect that this piece of legislation will have on the private sector offering paid maternity leave needs to be qualified. According to the ABS, the private sector accounts for 57 per cent of ACT employment. Of this 57 per cent, 53 per cent of employment within the private sector is by small business.

One cannot realistically expect that the impact of such legislation within the small business community will be great. Combine this with the fact that a substantial proportion of women are in part-time and casual employment, where the incidence of paid maternity leave is less than for those in full-time work, and you see that this really will not have a marked impact on the provision of paid maternity leave in general. Nevertheless, this is not grounds to reject any forward step towards securing paid maternity leave for women. What this legislation will hopefully do is result in a changing of the guard with respect to private sector attitudes to this form of leave.

In 2002 I introduced the Discrimination Amendment Bill, which prohibited discrimination against a woman who is, or may be capable of, bearing children, or has expressed a desire to become pregnant or is perceived as likely to become pregnant. This bill sought to prevent situations where women were denied jobs or promotions because they may have decided to have children. And this legislation promoting paid maternity leave is one further step in eradicating discrimination against women in the workforce.

Sooner rather than later we will have a system in Australia that makes paid maternity leave available to all. This is my dream and the dream of many other women. Women should not have to suffer disadvantage because of pregnancy. Women should not be discriminated against based on sex.

Women deserve to have real choices and paid maternity leave allows for this. In July 2002, whilst a delegate at the Commonwealth Parliamentary Association Conference in South Australia, I tabled two papers: one was the discrimination bill which had passed earlier that year and the other was a paper on paid maternity leave. It was a scheme that I had been working on for some years. In simple terms it showed that, contrary to what most Australians thought, the cost to fund paid maternity leave in this country was in fact minimal.

Going back a number of years when I was putting this paper together, I asked the Australians I surveyed the following question: "How much do you think it would cost to fund paid maternity leave?" They said, "We don't know". I asked them how much they thought they were paying in tax to fund education, unemployment, the ABC, and a number of incentives and initiatives. Those initiatives ranged anywhere from $100 a year to $1500 a year.

The cost to the private sector to fund paid maternity leave is the cost of one cappuccino a month. The cost is minimal. Yet no-one was able to put it down in simple terms until this analysis was done. And still we, in this country, rather than insist or enforce a paid maternity leave scheme funded by the taxpayer—incidentally since 1973 the taxpayer has funded a paid maternity leave scheme for the public sector—discriminate against women in business, who are funding paid maternity leave for women in the public sector. Hopefully one day someone will have the courage, the incentive to have this passed. Although this bill does not create a system of universal paid maternity leave, it does promote paid maternity leave in the private sector and therefore has my support.

MS GALLAGHER (Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women, and Minister for Industrial Relations) (8.29): The Payroll Tax Amendment Bill provides ACT employers with a very real incentive to make available paid maternity, adoption and/or primary carer leave by allowing an exemption from payroll tax for wages paid to employees who qualify for these types of leave.

An increasing number of ACT women are employed in the private sector. For these women, employers taking advantage of the payroll tax exemption will signal an important step forward. It will bring the ACT to the forefront of encouraging family friendly policies and flexible employment opportunities. The amendment will increase options and economic support for working women and men who wish to raise children.

The provision for primary carer leave as well as maternity and adoption leave acknowledges changing work and family responsibilities for women and men, and paves the way for greater gender equity in parenting and in balancing work and family commitments. At present Australia is only one of two OECD countries without provision for compulsory maternity leave. The ACT government has implemented several measures aimed at redressing this position created by the Commonwealth's refusal to develop a national scheme of paid maternity leave.

We have enacted a range of maternity leave initiatives including an increase in paid maternity leave for public sector staff from 12 to 14 weeks. With this amendment the ACT private sector now has an incentive to follow the government's lead and provide similar provisions for maternity, adoption and primary carer leave.

At present, women still bear the majority of parenting and caring roles. At the same time, women are increasingly being encouraged to pursue careers. For women who are both raising children and working, family-friendly and flexible working places are becoming increasingly important. The Assembly is one of those workplaces. At present, however, the majority of women employed in the ACT private sector do not have access to paid maternity, adoption or primary carer leave. This significantly limits options available to women in the ACT who wish to have children.

As part of this government's longstanding commitment to promoting women's employment options, this amendment will not only provide working women with more economic stability but also allow them greater choice surrounding employment and parenting decisions.

In line with the goals outlined in the Canberra social plan, this payroll tax exemption promotes a balance between work and family life. The ACT government is committed to the concept of work life and family balance—or, as someone in my office calls it: the work life and family "collision"—and recognises that all Canberrans have commitments outside the workplace.

This amendment recognises the importance of parenting and will encourage workplaces to provide greater flexibility to employees and more family-friendly environments. This government understands that, by providing people with a balance between work and other commitments, the whole community will ultimately benefit.

A similar payroll tax exemption amendment was introduced by the Victorian government in 2003. The ACT amendment, however, goes even further than the Victorian model by providing an exemption to employers for wages paid to employees taking primary carer leave, as well as maternity and adoption leave. The allowance for primary carer leave supports and recognises partners and other family members in parenting roles.

This amendment will also promote greater gender equity in parenting and family responsibilities, and will ease the pressure on women balancing career and family commitments.

This amendment will clearly benefit ACT women working in the ACT private sector through the provision of an exemption to employers from payroll tax or wages paid to an employee on primary carer leave. The amendment will also mean that the onus of parenting and the double burden of work and family responsibilities can be spread more evenly between ACT females and their male counterparts.

In conclusion, I acknowledge and thank the Treasurer, Ted Quinlan, for his cooperation and input into the development of this amendment bill; his staff in his office; the staff from the Office for Women; and particularly Angie Drake from my office.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming, and Acting Minister for Planning) (8.33): I thank members for their thoughts and support. Of course, it is a no-brainer.

Mrs Cross: You had to ruin it with that, didn't you? You're a real graduate from charm school.

MR QUINLAN: It is a no-brainer. You could not argue against this. I conclude by saying that it is just another measure to demonstrate that this government subscribes to the notion that working to promote business and the economy and working to promote a humane, safe workplace are not mutually exclusive, as some might appear to believe.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming, and Acting Minister for Planning) (8.34): I move amendment No 1 circulated in my name *[see schedule 1 at page 3596]*.

I table a supplementary explanatory statement to the amendment. The amendment is required to ensure that wages paid to both full-time and part-time employees are treated equally in the event that an employee takes his or her eligible leave at less than full pay and less than his or her average rate of pay. It tidies up the bill and makes it more embracing.

Amendment agreed to.

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

Bill, as amended, agreed to.

Territory Owned Corporations Amendment Bill 2004

Debate resumed from 1 July 2004, on motion by **Mr Quinlan**:

> That this bill be agreed to in principle.

MR CORNWELL (8.36): The Territory Owned Corporations Amendment Bill 2004 will tighten the existing legislation, making TOCs more accountable to shareholders and other interested parties. It is consistent with improving government processes and improved accountability.

I understand that it will, among other things, prevent legislative inconsistencies with the Legislation Act 2001 that might have allowed TOCs exemptions from court action or

paying taxes, duties or fees that form part of the public moneys of the territory. Effectively, it tightens the territory-owned corporation regulations, providing accountability and government framework to protect the territory and, for that matter, other shareholders' interests, where applicable. The opposition will be supporting the legislation.

MS DUNDAS (8.37): The Democrats are happy to support this bill. It addresses a number of issues surrounding the regulation of territory-owned corporations. Currently, there are three territory-owned corporations in the territory: ACTEW, ACTTAB and Totalcare. As we have seen today, the government is preparing to create a new territory-owned corporation for the fleet management business, which I guess will be the remaining part of Totalcare.

Clause 8 of the bill adds new criteria to the main objectives of territory-owned corporations. These include the added objective of social and environmental responsibility to those corporations that did not have those responsibilities before. As the Treasurer noted, ACTEW did have those responsibilities. This move is to be welcomed. For many years the ACT Democrats have argued that the government needed to move more towards addressing the triple bottom line explicitly in its operations, and that includes the operations of territory-owned corporations.

However, while the bill takes a small step towards that goal, it is important that government follow up on this change to legislation by requiring additional reporting by TOCs and other government agencies to track both the social and environmental outcomes produced by the territory. I guess that is something that we will see with the outcome of the budget paper 5 consultations.

The bill also makes a number of changes to the Territory Owned Corporations Act to ensure greater reporting to government about its activities, particularly about any major changes or undertakings by the organisation that may affect its operations or outcomes. There are additional controls on guarantees and investments made by TOCs, creating additional oversight to their financial transactions, which is something the democrats support.

The bill inserts section 17A, which will allow the government to apply general government policies to territory-owned corporations. I have an amendment to this section to ensure that any such application of government policy will be publicly notified to enhance the transparency of the process. I would envisage that that notification would be through a notifiable instrument through the Assembly.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming, and Acting Minister for Planning) (8.39), in reply: I thank members for their support. It is a relatively straightforward bill which standardises governance arrangements within territory-owned corporations.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MS DUNDAS (8.39): I move amendment No 1 circulated in my name *[see schedule 3 at page 3597]*.

I would like to provide some further details about what this amendment attempts to do. It would make any application of policy required by the government to be notified on the legislation register and to the Assembly through a notifiable instrument. This is not to suggest that there is anything nefarious about applying government policies to territory-owned corporations, as this is often a welcome and useful thing to ensure the accountability of organisations as well as to ensure that they are complying with important government practices and collection.

However, it is also evident that territory-owned corporations are required to operate at arms length of government. This amendment simply ensures that the interactions between the ACT government and territory-owned corporations are transparent and open to public and Assembly scrutiny. I commend this amendment to the Assembly.

Amendment agreed to.

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

Bill, as amended, agreed to.

Intoxicated Persons (Care and Protection) Amendment Bill 2004

Debate resumed from 24 June 2004, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

MR SMYTH (Leader of the Opposition) (8.41): The opposition supports this bill, which seeks to give greater protection to clients and staff at sobering-up facilities or, as they are referred to in this bill, licensed places. The bill was introduced as a result of limitations in the current act relating to the ability of carers to ensure the safety of people using sobering-up places. Currently, carers cannot search clients for illegal or dangerous substances or clothing that might be used for self-harm—for example, for hanging by someone who is in the grip of alcohol or drugs.

This bill provides a framework for carers to search clients and, if necessary, to refuse them entry to premises if they do not want to be searched or if they are found to be carrying a dangerous substance. The opposition believes that the winners in this will be clients as well as carers. This stronger framework will enable the facilities—I think there are only one or two in the ACT at the moment—to run more safely and effectively. As I said earlier, the opposition supports this bill.

MS DUNDAS (8.42): The ACT Democrats also support this bill, although we note that the Intoxicated Persons (Care and Protection) Act, which we are amending, has not had a

chance to operate as, prior to its implementation, we did not have a sobering-up facility in the ACT. The government announced that a facility would be built at Ainslie, which I think is a positive move. It is a better idea to have such a facility than to allow intoxicated people to sober up in the watch-house, which is what they do now. The government has a duty of care not only to staff but also to clients who are admitted to a sobering-up facility. That duty of care will be enshrined in this bill.

Recently, the Acting Minister for Health wrote to me and detailed the case of a client who died at the previous sobering-up facility. Only last week there was news of the death of a person in a sobering-up facility in Alice Springs, although the coroner has since determined, quite quickly in the Alice Springs case, that it was not a death in care or custody. Clearly, safety issues are involved. We must ensure that carers at the new facility and at any future facilities have the power to prevent clients from bringing in dangerous goods or substances that they might use to harm themselves or others. In order to maintain the safety of staff and clients, this bill will give carers at a sobering-up facility the ability to conduct a frisk search of clients before they are admitted.

The bill contains modern and practical definitions for dealing with transgender and intersex persons. I thank the government for including those definitions in this piece of legislation. As a society, we gradually come to terms with the fact that there are better ways of upgrading our criminal justice system. As I said earlier, detaining people in the watch-house just because they are intoxicated is not a good way to deal with any problems that might arise. The introduction of sobering-up facilities is a good step forward. As we move to establishing those facilities in the territory, this bill will ensure that they operate in the safest way possible.

MRS CROSS (8.44): The Intoxicated Persons (Care and Protection) Amendment Bill 2004 will increase the search and seizure powers of carers at a licensed sobering-up facility. That is commendable, given that in 1996 the previous sobering-up facility in the ACT was closed following the death of a client. Having a sobering-up facility in the ACT will provide many benefits to Canberrans. That facility not only would care for intoxicated persons but also would reduce public disruption whilst reducing law enforcement and health care costs as there would be a reduction in violence by and against intoxicated persons.

Sobering-up facilities are also good starting points, enabling people who have trouble with alcohol to get help. Sobering-up facilities can provide a large amount of information on alcohol and drug treatment, among other things. People at those facilities also have the ability to identify problems and then to refer clients to relevant agencies. We have evidence that suggests that sobering-up facilities contribute significantly to the public benefit. In addition, the 1998 report by the ACT Ombudsman on the use of police powers under the Intoxicated Persons (Care and Protection) Act 1994 recommended that the ACT government should ensure the provision of a sobering-up shelter.

There is a need for a sobering-up facility in Canberra. I am glad to see that the government is funding such a project. I note that carers at sobering-up shelters face many dangers. Carers are often on the receiving end of verbal attacks and at times they can be the victims of physical violence or threats of physical violence. Similarly, other clients are often placed in dangerous circumstances. This legislation will attempt to reduce those

dangers by strengthening the search and seizure powers of carers. I shall therefore be supporting it. I eagerly await the opening of the sobering-up facility in Civic and I enthusiastically wait to see what impact it will have on Canberra.

MR WOOD (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for Police and Emergency Services, Minister for Arts and Heritage, and Acting Minister for Health) (8.47): I thank members of the Assembly for their support for the bill, which took some time to implement. The government is now putting in place a legislative base that I hope will alleviate the problems that occurred in the past. I will move a couple of amendments in the detail stage in order to clarify provisions relating to searches.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

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

Clause 5.

MR WOOD (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for Police and Emergency Services, Minister for Arts and Heritage, and Acting Minister for Health) (8.47): I move amendment No. 1 circulated in my name *[see schedule 2 at page 3596]*.

I table a supplementary explanatory statement to the amendments. As I indicated earlier, I have moved this amendment as a result of comments that were made in a report of the Standing Committee on Legal Affairs on the scrutiny of bills and subordinate legislation. This amendment and the next amendment that I will move will make clear when a search can commence and the power of carers conducting such a search.

Amendment agreed to.

MR WOOD (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for Police and Emergency Services, Minister for Arts and Heritage, and Acting Minister for Health) (8.48): I move amendment No. 2 circulated in my name *[see schedule 2 at page 3596]*.

Amendment agreed to.

Clause 5, as amended, agreed to.

Title agreed to.

Bill, as amended, agreed to.

Drugs of Dependence (Syringe Vending Machines) Amendment Bill 2004

Debate resumed from 24 June 2004, on motion by **Mr Corbell**:

That this bill be agreed to in principle.

MR SMYTH (Leader of the Opposition) (8.49): I have spoken to Labor Party members about tabling a speech on behalf of Ms Tucker, who is absent from the Assembly. I did not have time to ask members on the crossbench. Ms Tucker asked me to seek leave to table her speech and then ask for leave to incorporate the speech in *Hansard* so that the Greens' position on the Drugs of Dependence (Syringe Vending Machine) Amendment Bill is included in the official record.

Leave granted.

MR SMYTH: I table the speech. I seek leave to incorporate that speech in *Hansard*.

Leave granted.

The incorporated document appears at attachment 1 on page 3594.

MR SMYTH: On behalf of Ms Tucker, I thank all members for their cooperation. That is an indication of the way in which we work together at times. I will speak now in the debate on this bill on my behalf and on behalf of the Liberal Party.

The Canberra Liberals have a proud history of providing innovative ideas that enable us to deal with the drug problem. We are strong supporters of the nationally agreed harm minimisation framework. We counterpoint that approach with a strong punitive attitude towards drug dealers and traffickers. We also realise the important role that needle exchange programs play in reducing the spread of HIV/AIDS and hepatitis C.

The syringe vending machine proposal is interesting. I note the report of the Standing Committee on Health that recommends the installation of such machines. The opposition has a number of serious concerns about this bill. The opposition's first concern relates to the imposition of a fee for a needle. While that might be necessary to discourage children from using the machines, it is in conflict with the principle of free access to syringes and injecting equipment, which is at the centre of the harm minimisation approach. If there is the addition of a fee for those who are using the machines, the machines will be subject to vandalism. I note with interest that years ago we removed the coin boxes on barbecues in some of our parks simply because they were consistently being vandalised. The opposition believes that the addition of a fee for the retrieval of syringes will lead to vandalism and that that, in turn, will result in the machines not being able to be used.

The opposition is also concerned that there will be an inappropriate use of and access to syringes by children. Members would be aware that, sadly, very young people are injecting drugs. We view with concern young drug users having access to needles in that way. Curious youngsters will have access to machines if they are located at health centres to the side rather than in the middle of thriving town centres. The proposed location of machines at health centres provides us with a disincentive to vote for this bill.

Vending machines will not be located on main streets and there will be no signs that are lit up informing us that they are available, which is what we encounter with ATMs. Because of their very nature and the nature of those who seek to use them, they would be located in more secluded areas that were not open to public scrutiny. They would be located in those areas to encourage people to use them. However, that in turn will lead to issues of security in that people may well be exposed, and it will also lead to problems with data collection.

We obtain important data from the mobile needle exchange program. We can anonymously track those who are taking needles and establish how regularly they are using them. If we were not able to do that it would be to the detriment of any needle exchange program. The most important issue relating to the current needle exchange program is that there is a helping hand handing out needles to those who use them, which is critically important.

Part of the cycle of decay for those who use illicit drugs is that they become increasingly isolated from the community. One thing is important to their recovery and to their full return to the community. Somebody with a helping hand must be there to say, "We are here to help. Can I give you more information? Here is a brochure; here is a referral. Let me phone somebody. I can get you some help. I will take you somewhere."

We would not get that with anonymous vending machines. In those areas where we gain information it is critically important that we assist people as best we can. Vending machines will not provide us with any of that information. They will not be under observation and no security cameras will be attached because of the need for anonymity and the privacy of individuals. I reiterate the Liberals' support for harm minimisation and the fight against drugs. However, on this occasion we will not vote in support of the bill.

MS DUNDAS (8.54): The Democrats support the Drugs of Dependence (Syringe Vending Machines) Amendment Bill. We are pleased that the government is finally implementing some of the recommendations in the report entitled *Access to needles and syringes by intravenous drug users* which was handed down 12 months ago. Sometimes I wish the government would move faster to implement some of the recommendations in reports such as that.

We must be more proactive in exploring options that are available to fight the spread of blood-borne diseases such as hepatitis C and other diseases that can be spread by the intravenous drug use community. It is a matter of great concern to me and it should be a matter of great concern to the entire community that there are increasing rates of hepatitis C. The rates of HIV infection remained steady in the past, but new rates of HIV infection are now occurring in the ACT. The number of people who have these life-threatening diseases is expanding every year and we need to do more in our harm minimisation approach to prevent the spread of these diseases.

We must establish how the location of syringe vending machines will impact on our criminal justice system, our prisons and our remand centres. The Standing Committee on Community Services and Social Equity noted in its report relating to the families of those who are in custody that health problems that are picked up while individuals are in

custody are often shared with families when they are released from custody. Drug use is rife throughout our prisons.

When the government is determining whether to establish a prison in the ACT it will have to establish how it will deal with the health issues of prisoners, what it will do to protect the health of prisoners in the system and what it will do to protect the health of families when prisoners who have served their time are returned to their families. This bill does not refer to the provision of drugs. However, we recognise that there is a need to minimise the harm that is caused by the sharing of needles. We are looking at ways to provide needles 24 hours a day.

I remember referring in this Assembly to the fact that people in the ACT do not have 24-hour access to syringes. They used to have access to syringes, but those services were closed down. For a number of years, people in the ACT have not had 24-hour access to clean needles. Drug use is not something that happens between the hours of 9.00 am and 5.00 pm; it is something that happens 24 hours a day. We cannot foresee when somebody might desire to take a hit or whether that person will recognise, as a result of all the information that has been made available, that he or she must use a clean needle.

As opposition members have already said, legislating for the provision of vending machines is a step in the right direction. One of the benefits of the needle exchange program is the ability to provide one-on-one support, referral to further information and counselling at a time when syringes are being handed over. That is the next best thing until the government is willing to support the 24-hour operation of the needle exchange program.

Some members of the community expressed concern about access to these syringes and how they could be used to harm children. The opposition cannot have it both ways. The imposition of a $2 fee would act as a deterrent to children and young people. They would not want to spend $2 of their hard-earned pocket money just to play with a machine that they knew nothing about. The government would also have to determine how those small amounts of money were to be collected.

We must address the location of these machines and what the government will do to ensure that syringes are getting to those who need them the most and that they are being used properly. It is vital to those who are using syringes that they have access to them 24-hours a day. Clean needles are vital for the better health of those who are using them.

I welcome this initiative. However, I think the government should be doing a lot more to reduce harm amongst drug users. The alcohol, tobacco and other drugs strategy for 2004-08 could have gone a bit further in this area. That having been said, I welcome this move. I hope that there will be a greater move by the government towards a harm minimisation approach and to improving the health of our community.

MRS CROSS (9.00): I appreciate the intent of this bill, but there is little convincing or factual information regarding the degree of effectiveness that the installation of syringe vending machines at a number of points throughout the ACT is likely to have on stemming the threat of HIV/AIDS or hepatitis C. At the same time, I can see that it is difficult to acquire such information.

On the statistical side, we have to accept that there is not much positive supporting argument that the installation of syringe vending machines will contribute significantly to stemming the spread of disease. That is what the government expects, otherwise it clearly would not have introduced this bill. Less clear is the likelihood of meeting the program's key expectations.

As has been said, the ACT already has in place a comprehensive needle and syringe program, but injecting drug users do not have 24-hour access to clean injecting equipment. It has also been said that 2,500 people in the ACT alone have hepatitis C. If we juxtaposed those statements, could it be inferred that all those 2,500 people with hepatitis C in the ACT contracted the illness through using unclean injecting equipment and that that came about because the ACT did not provide 24-hour access to clean injecting equipment?

Is that a reasonable inference? Unfortunately, we cannot with confidence draw that inference, as we do not have firm facts with which to work. We know that one of the ways in which hepatitis C is contracted is through using unclean injecting equipment, but we also know that it can be contracted by other means. So maybe not all the 2,500 sufferers contracted the illness through using unclean injecting equipment.

It is proposed that these vending machines will be located outside four, possibly five, of the city's health centres and that measures will be taken to reduce the likelihood of inappropriate access to machines and their contents. Let us pause for a moment to consider that proposal. The machines are to be located at a height that will minimise the possibility of children putting money into them. If the program is to work efficiently, the machines must be reasonably and readily accessible to the average, run-of-the-mill young drug user. I find it difficult to conceive that, on the one hand, it will allow for ready access but, on the other hand, it is capable of defeating the never to be underestimated resourcefulness of children. With the best will in the world, one cannot conclude that children will not access those machines. That is a serious concern because it could lead to harm. That is one area that has caused some conflict in this debate.

Evidently these machines are to be covered with steel mesh security grills. Such protection might be a robust deterrent. However, if the machine is to be of any use it has to be readily accessible. If it is accessible to a drug-using teenager, there is no doubt that it will be accessible to a child. The goal of minimising the possibility of children accessing the contents by putting money into the machines is an unsatisfactory half-baked goal. A clear possible consequence is that the child who accesses the machine will be harmed. That possibility, which is openly acknowledged, therefore exists.

At this stage, that possibility is unacceptable; therefore, the likelihood of its occurrence should not be encouraged. In trying to reduce harm to one group we will potentially be exposing another very vulnerable group to a different sort of harm. That just does not make sense. Minimising the possibility of harm is a poor alternative to not creating the possibility of harm in the first place. As I cannot get my head around the idea that it is somehow all right to pursue a goal to service a minority in the clear knowledge that the means of pursuing that goal will create the potential for harm to another group in society that we should be doing our best to protect from harm, regretfully, I cannot support this bill.

MR WOOD (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for Police and Emergency Services, Minister for Arts and Heritage and Acting Minister for Health) (9.04): I thank Ms Dundas for her support for the bill. Mr Smyth and Mrs Cross said that they had severe reservations in relation to the proposed trial. I will not argue with them or dispute what they have had to say.

Lots of issues have to be addressed. The government will have to establish whether this system will work. This system has been operating in New South Wales for some time, but I have not yet been provided with details of its operation. The government will have to address problems relating to access, money, security, neighbourhood protection and the discarding of needles. As I said earlier, a number of issues will have to be addressed. However, it is worth a try. That is the argument that was put forward in a committee report and that is the argument that this government accepted.

Ms Dundas referred earlier to there being 2,500 people in the ACT with hepatitis C. I have not seen statistics for the ACT, but I have been told that the incidence of HIV/AIDS is increasing. We need to implement measures that are likely to be successful in reducing that incidence. As HIV/AIDS and hepatitis C are still incurable, we must take steps to try to diminish the spread of those diseases.

The government weighed up all the issues and decided to go ahead with this 12-month trial. If it patently does not work, the trial will not run for a year. The government will closely monitor and supervise that trial and, in due course, it will report back to this Assembly. If members obtain any other information in the next few months, I have no doubt that it will be well and truly aired in this place. The trial will go ahead. We should give it a chance and see how it goes.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Adjournment

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

> That the Assembly do now adjourn.

Australia-United States free trade agreement

MR BERRY (9.07): This evening I wish to refer briefly to the preferential trade agreement between Australia and the United States of America, commonly referred to as the Australia-United States free trade agreement. Last Saturday I, along with an overwhelming majority of delegates at the ACT Australian Labor Party conference, voted to support a motion that confirmed ACT Labor's opposition to that trade

agreement. I, like the overwhelming majority of Australians, was disappointed when federal parliamentary members decided to support the agreement.

That agreement will be disastrous for Australia. I quote Professor Ross Buckley from the Tim Fischer Centre for Global Trade and Finance at Bond University, who said, "We give up far too much for what we get." What are we giving up? Under the original deal that the sycophantic federal government dished up for Australia, the agreement is likely to result in higher copyright costs for schools, libraries and small software companies, reductions in quarantine protections, prohibitions on the use of government procurement for industry and development, and manufacturing job losses.

As members are probably aware, it could lead to less Australian content in the media and, most significantly, it threatens to lumber Australians with higher prices for medicine through the widening of the pharmaceutical benefits scheme. That is hardly a treaty of which we should be proud. We will get nothing or very little in return. Under the terms of the deal sugar is out and, over a period of 18 years, Australian beef producers will receive only limited access to United States markets.

Overall reports on the economic benefits of the agreement are marginal at best. Even assuming totally free trade in agriculture, before we discovered the bad news about sugar, the Centre for International Economics predicted only a 0.3 per cent gain for the Australian economy after 10 years. Studies by ACIL Consulting and the Productivity Commission predicted losses from the agreement. Even the chair of the Senate committee, who examined the matter and who supports the signing of the agreement, was hardly gushing about it. He said that, on balance, the free trade agreement was not that bad. In effect, he was damning it with faint praise.

In simple terms, this agreement shows that the federal coalition government is prepared to trade away Australia's social fabric for what amounts to a pat on the head from its big American brother, George W. Bush. It is clear that our Prime Minister has become joined at the hip with the United States President—a most unhealthy relationship that puts conditions for ordinary Australians in a poor second place.

Federal Labor sought to take some steps to address two major concerns that it has with the agreement—to guarantee Australian cultural content in our media and to protect the pharmaceutical benefits scheme. It has pledged to take further steps, if elected, to address other concerns. In my view, that is far from perfect. Small protections will seem less and less important over time as the agreement inexorably transforms Australian society. As Doug Cameron, national secretary of the Australian Manufacturing Workers Union, points out:

> This is like playing a poker machine, you might get some gains early in the piece but inevitably you will lose.

However, at least some parts of this appalling deal may be ameliorated. I take this opportunity to urge my federal colleagues to stand firm on the amendments that have been proposed thus far.

Missing persons

MRS BURKE (9.11): As many will know—I think Mr Smyth has already alluded to it—this is national missing persons week, which runs from 1 to 7 August. I think it is worth reminding people that the national missing persons unit, located within the Australian Federal Police, is responsible for the coordination and promotion of a national integrated approach to reducing the incidence and impact of missing persons in Australia and overseas. On average, over 30,000 people are reported missing each year in Australia. Fortunately, 99.5 per cent of those are located within the first 12 months. In the first week of August each year the organisation recognises the situation faced by many families around Australia and overseas when a member of their family has gone missing and, for one reason or another, are never located.

A good little acronym to remember is PLEAS—prevention, location, education and support. During this week, people may have seen a CD which has a very catchy and moving song on it. I am making the call to my constituency in Molonglo and to the broader community that there are CDs available for purchase. I was going to tell you where you can buy them. I cannot seem to find that, but the website is www.missingpersons.gov.au. The song is called *Let Us Know*, with lyrics and vocals by Dan Kerwin.

Mr Wood: You could sing it for us!

MRS BURKE: I do not think so, Mr Wood. You might like to sing the words for us! I will keep bringing this subject before the public. Having had a family member who went missing for a short period was bad enough. Heaven knows what people whose family members or loved ones go missing for longer than the period I was subjected to go through. I commend this national initiative to the house tonight. I ask that we get behind this national initiative and pass the word on.

Chief Minister—staff
Iraq—fundraising event

MR PRATT (9.13): I rise to talk about a multicultural issue which is of concern to me. Before doing that, I wish to put it on the record that I am quite disgusted at the behaviour of Mr Friedewald, the Chief Minister's senior adviser, who rang my office in response to a call made by my senior staff to the Chief Minister's office to courteously forewarn him of a question without notice. He told my staff member to "get f....d"—expletive deleted. For the record, I would like to place in stone my disgust at that man's lack of professional behaviour. I am still waiting for him to apologise to my senior staffer, Ms Lianos. That is entirely unacceptable.

The next issue I would like to go on about is the activities of the Chief Minister, who has a very high responsibility as the minister responsible for managing multicultural affairs. A number of times I have seen fit to stand up and criticise activities he has undertaken which, on all the feedback I have received from across the multicultural community, have been rather divisive, wedge-driven activities. I think that is irresponsible for a man who has that responsibility.

On this occasion, I wish to talk about his unwise attendance at an organisational fundraising activity at which the famous and gorgeous Donna Mulhearn was present as a guest speaker. The organisation itself—the Iraqi friendship society—is a quite responsible and well-regarded group. Donna Mulhearn was a human shield in Baghdad. She was also a person who was found to have been arrested in Faluja, some 50-odd kilometres west of Baghdad. She claimed that she had been kidnapped by the freedom fighters, but she then expressed sympathy with the so-called freedom fighters and took the opportunity, in the presence of the so-called freedom fighters, to bag this country—our government—over those issues. Donna Mulhearn may in herself be quite a decent person, but she is extremely naive and has expressed and exercised certain disloyalty to this country. I find it particularly strange that the Chief Minister attended that function.

Mr Wood: Where was that function held?

MR PRATT: It was at the Olims hotel, about three to four weeks ago. I raise this because members of the Muslim community have expressed concern that there is a division being driven by a pro-Ba'athist grouping in the Canberra Islamic community. Would you believe that in 2004 in this town there is a bloody pro-Ba'athist grouping? We have this Chief Minister not exercising discretion in some of these activities which reflect an international flavour and, in so doing, creating more disruption within our multicultural community, rather than managing that portfolio to ensure that there is harmony across the multicultural community. That is a concern, and I raise it here now.

Chief Minister—staff
Iraq—fundraising event

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (9.17): I acknowledge that a member of my staff used an expression that he certainly now regrets. He used the expression under some provocation, but he regrets that he did not use the restraint that he might have in the circumstances. I pass on that expression of regret from him for the language he used. I have to say that, as with most things in this place, there are two sides to every story, just as there are to that. But certainly my chief of staff regrets that he lost his temper and used language he normally would not use in those circumstances.

As for the amazing comments that have just been made about the fact that I attended a function designed to raise funds for refugees and for the rebuilding of Iraq, I am simply astounded. I am quite astounded—shocked—and, I have to say, essentially discouraged that Mr Pratt, on behalf of the Liberal Party of the ACT, should criticise me for attending to support an event designed to raise funds for people maimed, displaced or made homeless by our unjustified and unlawful attack on Iraq.

It really is, I think, a matter of some very real significance and an insight into the ACT branch of the Liberal Party that their spokesman on multicultural affairs should stand here and castigate me for raising funds to assist people devastated by war—people who have been displaced from their homes; people who have been maimed; people who have been made homeless; people who have lost their jobs; people who have lost their livelihoods; and people who have lost their very reason for being, as a result of the invasion of their nation.

That is interesting, isn't it? It is all right to raise funds to support people and to support multiculturalism; but do not support those people against whom Australia has declared war, particularly when they are Muslims; particularly when they are the people that you have used outrageously for political advantage; particularly when they are from that race of people or those nations that you used outrageously in the run to the last election.

These people are Muslims; they are Arabs; they do not really care; their only use in life, in fact, is for winning elections; they are the sorts of people who throw their children overboard; they are stateless people, claim jumpers. These people are basically not wanted or deserved anywhere; they are completely undeserving; they are non-people. They are Muslims and we know what the Liberal Party think about them. They are to be used and abused; they are the sorts of people who throw their children overboard; they are the sorts of people who should be locked up in concentration camps in the Pacific, in the middle of Australia or in Cuba.

What have we had today, on the very day that we have had revealed through the international press the torture of Australian prisoners detained for over two years in Guantanamo Bay by the other invader of Iraq? We have had a member of the Liberal Party standing up in this place on the very day it has been revealed that Australians who have been locked up without charge in a concentration camp in Guantanamo Bay for two years were subjected to torture by our allies and complaining that I attended a function in the ACT to raise funds for people displaced by that war—for people who have had their legs blown off, people who have lost their arms, people who have had their whole lives destroyed as a result of that illegal invasion.

What utter hypocrisy! What appalling hypocrisy from Mr Pratt! Here we have the great spy of the Balkans, who went over there supposedly as an aid worker and was working as a spy. I wonder what his mates think about his involvement in that little escapade. He was a spy: we all know it; everybody knows it. He was charging around the Balkans pretending to be an aid worker.

Here he is, coming in here and having a go at me for raising funds for people who have lost their arms and their legs, people who have been displaced, people who have had their country basically taken over, objecting to me raising funds for somebody trying to assist those people. That is what he does: he comes in here and talks to me about that. What humbug! Think of the hypocrisy of it on the very day that it is revealed, quite graphically, that Australian citizens locked up for two years are being tortured by our great allies, the Americans.

Iraq—fundraising event

MS DUNDAS (9.22): I want to add to the very good points the Chief Minister has raised in relation to the work of Donna Mulhearn. I am quite disappointed that members of this Assembly should attack so personally somebody who does not necessarily have the opportunity to respond. I do not necessarily want to add to what the Chief Minister has put on the record, but I would ask Mr Pratt to explain why he needed to call Donna Mulhearn "gorgeous". Are her looks—her appearance—in any way related to the fact that she is working incredibly hard to look after Iraqi children who have been displaced and gone through quite atrocious things because of the war in Iraq? She is working quite

hard with other Australian citizens, and people from around the world, to protect them and end the harm that we have caused through the war that has been raging in Iraq.

Iraq—fundraising event

MR WOOD (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for Police and Emergency Services, Minister for Arts and Heritage, and Acting Minister for Health) (9.23), in reply: Let me add my voice. Mr Stanhope was addressing a very fine event at the Albert Hall. I think that is what you are talking about. Mr Stanhope was not particularly aware, in my brief conversation with him, of a function at Olims hotel. I went to the Albert Hall for a function to raise funds for an orphanage in Baghdad, and a very fine lady was raising funds. Maybe you are quite misinformed, which is not surprising.

I went to a function where Mr Stanhope was present. I think this is the issue. It was a major event at the Albert Hall—a very fine event packed out with very fine Canberrans, a large number of whom were of the Islamic faith, although not all, because it was a community fundraiser for people suffering from the effects of the war in Iraq. Mr Stanhope was asked to give a speech. He gave a fine speech in which he said pretty much what he has said here: that he feels deeply for the people of Baghdad and that the war was an unjust war. It was in fact a fairly moderate speech.

I can tell you, Mr Pratt, that he was enthusiastically received by everybody in that hall. There was no dissension, no bitterness and no angst. He was enthusiastically received. I suspect that you are grossly misinformed and you should, I think, thoroughly examine what you hear before you come into this place and make allegations that are quite wrong, in any event.

Personal explanation

MR PRATT: Mr Deputy Speaker, I wish to make a personal explanation.

MR DEPUTY SPEAKER: Proceed.

MR PRATT: Firstly, I take Ms Dundas's point. I was simply being casual and clever with words. I did not mean to call Ms Mulhearn "gorgeous"; that was not the point I was making.

Mrs Cross: You can call us gorgeous, if you want!

MR PRATT: No. Secondly, I was not attacking the Iraqi friendship society. I was talking about the fact that the Chief Minister sought to attend an activity involving a particular speaker, not the body of people involved. Thirdly, I have never attacked the Australian Muslim community and I am not about to start doing that, either. Fourthly, having worked in Iraq, I have attended Iraqi friendship society fundraising activities and will continue to do so.

The Assembly adjourned at 9.26 pm until Tuesday, 17 August 2004 at 10.30 am.

Incorporated document

Attachment 1
Document incorporated by the Leader of the Opposition on behalf of Ms Tucker

Drugs of Dependence (Syringe Vending Machines) Amendment Bill 2004–4 August 2004

Speech to be tabled (by leave of the Assembly) by Brendan Smyth MLA, as Ms Tucker is absent from the evening session due to illness

The Greens are pleased to support this bill. The bill is consistent with the Standing Committee on Health's recommendation to install injecting equipment vending machines across the ACT, out of our inquiry into Access to needles and syringes by intravenous drug users.

It will provide 24-hour access to clean injecting equipment and information on drug and alcohol support services. This is being established on a trial basis, with close monitoring of issues like disposal of sharps in the area nearby.

This is only one step, and it is part of the broader work of harm minimisation to tackle the problems of drug use in our society. It works alongside things like education, effective mental health services and particularly dual diagnosis, and a range of supportive rehabilitative services and settings.

Facilitating access to clean needles and syringes for injecting drug users reduces the sharing of needles, and so reduces the risk of transmission of blood-borne diseases such as Hepatitis C and HIV/AIDS.

In the ACT there are between 100 and 200 people living with HIV/AIDS, and an estimated 5,000 people living with Hep C – a 45% increase over the past 4 years.

The World Health Organisation has estimated that 60-80% of IV drug users are Hep C positive and access to clean injecting equipment is vital in containing the spread of this disease. This is important for people across the whole of the community.

Vending machines are an addition to the face-to-face provision of injecting equipment. It is very important that vending machines do not replace the face-to-face contact, which of course provides the opportunity to chat, and if a person is open to it, there is the opportunity for referral to other services. It's also an opportunity for developing relationships between health carers and drug users. We know that services need to be ready when a person who has problems with drugs is ready themselves – there is a window.

However, the experience overseas – syringe vending machines are used effectively in Europe – is that machine dispensing reaches IV drug users not normally reached by other syringe exchange programs.

ACTCOSS support the move, saying that "this is an absolutely necessary condition for the minimisation of harm from injecting drug use in the Territory"

What we as an Assembly need to be vigilant about is that vending machines do not lead to cuts in the other services. I am concerned that there is not funding for

example for roaming buses after hours. This was an issue that was raised with me when I first met with a range of indigenous health carers, and community representatives, and asked their views on vending machines.

The plans that this bill will allow to be put into place is to set up the vending machines outside the Belconnen, Civic, and Woden, Tuggeranong Health Centres. Other sites may be developed, in consultation with relevant communities. Mechanisms will be put in place for safe disposal of used syringes; and the sites will be closely monitored.

I'd also encourage the government to work carefully with local communities to ensure that understanding is built well before the machines go in. Being open early will ensure that people are informed, and there's a genuine opportunity to hear people out and perhaps modify designs, or perhaps just having the opportunity to allay fears in other ways. At the very least, as you can't expect everyone to support this, despite the sound reasons for it, people will not feel dismissed or snuck-up on.

The model of contracting the operation out, including clear requirements about keeping the machines stocked, and the area clean, should avoid the problems that have occurred in some places in NSW, where the machines were bought outright, but then maintenance was not kept up.

Siting the machines at health centres is being done in an effort to make at least some connection with a health service. They also offer opportunities to site the machines just off general public view, but not too secluded.

This is not the answer on its own to all of the outstanding issues. There are still issues of access for some sectors of the community to be resolved. For instance, as the committee recommended, there is a need for culturally appropriate education campaigns regarding safe injecting practices are available to the Indigenous community. The committee made several recommendations specific to the needs of the Indigenous community around needle and syringe programs.

Also, we are still waiting for the government to find a way for people on remand or in prison to have access to clean needles. The committee saw appalling evidence of harm caused by sharing and re-use of needles in corrections, including greater spread of Hepatitis C throughout the community. The committee recommended that the new prison has purpose Meanwhile, the Government's new alcohol and drug strategy promises that people inside corrections facilities will have access to the same health services as people in the general community - the government needs to sort out the stand off between health and the concerns of corrections.

I commend the Government's work in implementing this recommendation of the Health Committee's report, and I look forward to their work on the remaining recommendations.

Schedules of amendments

Schedule 1

Payroll Tax Amendment Bill 2004

Amendment moved by the Treasurer

1
Clause 4
Proposed new section 9B (3) (a)
Page 2, line 23—

omit proposed new section 9B (3) (a), substitute

(a) the reference in subsection (2) (a) to wages paid or payable for 14 weeks leave is taken to be a reference to—

(i) for a full-time employee who takes the leave on less than full pay—wages paid or payable for a period equivalent to 14 weeks leave on full pay; and

(ii) for a part-time employee who takes the leave at less than the employee's average rate of pay over the 6 weeks immediately before the leave is taken—wages paid or payable for a period equivalent to 14 weeks leave at that average rate of pay; and

(iii) for any other part-time employee—wages paid or payable for a period equivalent to 14 weeks leave at the rate of pay of the employee immediately before the leave was taken; and

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Schedule 2

Intoxicated Persons (Care and Protection) Amendment Bill 2004

Amendments moved by the Acting Minister for Health

1
Clause 5
Proposed new section 6A (b), new note
Page 2, line 24—

insert

Note Under s 6C, a search may be required before admission.

2
Clause 5
Proposed new section 6C (1)
Page 3, line 7—

after

place

insert

before admitting the person

Schedule 3

Territory Owned Corporations Amendment Bill 2004

Amendment moved by Ms Dundas

1
Clause 17
Proposed new section 17A (3)
Page 9, line 13—

insert

(3) A notice under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

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Answers to questions

Stress leave
(Question No 1565)

Mr Smyth asked the Minister for Industrial Relations, upon notice, on 25 May 2004:

(1) How many A.C.T. Government employees were absent from work on stress leave in (a) 2002-03 and (b) 2003-04;

(2) What was the cost to the A.C.T. Government of its employees being on stress leave in (a) 2002-03 and (b) 2003-04.

Mr Stanhope: The answer to the member's question, which has been referred to me as it falls within my portfolio responsibilities, is as follows:

(1) Staff utilise personal leave for a variety of reasons, which may include stress or stress-related medical conditions that are unrelated to the workplace. If an absence from the workplace is the result of work-related stress, normally a workers' compensation claim would be lodged. The following figures therefore identify the numbers of accepted workers' compensation claims for psychological injuries.

2002/03 – 70 accepted claims.
2003/04 – 29 accepted claims to date.

Note that the 2003/4 data is complete to the end of April (for the comparable period in 2002/03 there were 38 stress claims recorded).

(2) The costs to Government associated with these accepted psychological injury claims are:

2002/03 – costs recorded to date are $1,365,564
2003/04 – costs recorded to date are $225,113

The 2003/04 data is complete up to the end of April (for the comparable period in 2002/03 costs recorded were $249,574).

Lyons service station site
(Question No 1570)

Mr Cornwell asked the Acting Minister for Planning, upon notice, on 22 June 2004:

(1) Is the now vacant and seemingly abandoned Lyons Service Station a privately or publicly owned property;

(2) Is this property to be sold or is it expected that this service station will reopen in the future;

(3) What information can be provided to concerned residents about any future plans for this building or site;

(4) What action can or will be taken to clean up this now vandalised and graffitied building.

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

(1) The lease is owned by Caltex.

(2) Yes the property has been sold. The lessee expects a service station on the site to be trading mid-late October 2004.

(3) The lessee expects to be trading a service station on the site by mid-late October 2004.

(4) The 3 months between settlement and commencement of trading will be spent getting the land and building into order. This will include provision of bowsers, air hoses, refurbished lubricating bays and the like. Cleaning up the land and bringing it to a businesslike state will be a part of this process.

Mount Ainslie bridle trail (Question No 1572)

Mr Cornwell asked the Minister for Environment, upon notice, on 22 June 2004:

Further to your reply to Question on notice No 1237 of 1 March 2004 which stated that discussions have commenced between Environment ACT and the Department of Defence about clearing the bridle trail from the Duntroon Horse Paddocks to Mount Ainslie of possible unexploded ordinance, (a) what is the progress to date and (b) when might the trail be reopened.

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

(a) Representatives of Environment ACT and the Department of Defence met on 29 June 2004 to review the on-going hazard assessment of the unexploded ordinance (UXO) affected lands near Campbell Park Offices. The outcome of this latest meeting is that the Department of Defence is unable to initiate further clearance of the site at this time, however, discussions are continuing on the most appropriate method to clear the trail of UXO.

(b) Clearance of the trail and reopening to public traffic is dependant on identification of the most appropriate method to clear the trail of UXO. Until that method is identified the trail will remain closed to ensure public safety.

Dragway report (Question No 1578)

Mr Stefaniak asked the Acting Minister for Sport, Racing and Gaming, upon notice, on 22 June 2004:

(1) Did the Government say it had commissioned an inter-agency report on the Dragway; if so, has that report been completed;

(2) Will any or all of this report be issued publicly; if so, when will it be made public;

(3) If it is not to be made public, why not.

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

(1) The Government commissioned an inter-agency report to identify any outstanding issues about the proposed dragway in February this year. The report was provided to Mr Quinlan on 10 May 2004.

(2-3) The report will be publicly released following its consideration by the Government.

Police force—complaints (Question No 1580)

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 23 June 2004:

(1) How many complaints have been received by both (a) the Minister's office and (b) ACT Policing from members of the public regarding concerns about police behaviour, attitude and actions when dealing with the public in (i) 2000-2001, (ii) 2001-2002, (iii) 2002-2003 and (iv) 2003-2004;

(2) How many of these complaints have led to disciplinary action taken against police officers in (a) 2000-2001, (b) 2001-2002, (c) 2002-2003 and (d) 2003-2004;

(3) What programs are in place for training and raising the awareness of police officers regarding behaviour, attitude and actions when dealing with the public;

(4) What updates or further training, if any, is required to be completed by police officers throughout their career regarding behaviour, attitude and actions when dealing with the public;

(5) Are these programs reviewed, evaluated and adapted on a regular basis; if so, how regularly.

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

(1) (a) The Minister's office does not systematically record complaints received by the office.

(b) Please refer to ACT Policing Annual Reports for 2000-2001, 2001-2002 and 2002-2003 which outline the complaints received by the Commonwealth Ombudsman concerning ACT Policing personnel. Figures for 2003-2004 are not yet available and will be published in the 2003-2004 ACT Policing Annual Report.

(2) The Australian Federal Police (AFP) integrity regime has numerous ways of dealing with complaints. Actions taken regarding these complaints differ in each case and can include, conciliation between the member and the complainant, investigation, management action or, if justified, range from no action at all to dismissal of the member for serious breaches or criminal actions. Information in relation to substantiated complaint issues for each of the years referred to is provided in ACT Policing Annual Reports.

(3) The AFP Professional Standards (PRS) portfolio works in conjunction with ACT Policing. PRS presents lectures addressing the values of the AFP and the expectations of AFP personnel in regards to the values and expectations of AFP members when dealing with the public. These presentations are conducted at recruitment, conciliation training,

internal management courses and other development courses as required. AFP employees also have PRS instruction prior to overseas deployment. Remedial training is one method used by PRS where a complaint against a member is found to be substantiated.

(4) See question 3.

(5) Yes. Presentations delivered by PRS are regularly updated.

Facilities improvement program (Question No 1582)

Mr Stefaniak asked the Minister for Urban Services, upon notice, on 23 June 2004:

(1) What has been delivered for the expenditure of $268 000 as at 31 December 2003 on the facilities improvement program;

(2) As at the end of December was there an outstanding authorisation of $732 000 for this project; if so, have any of those funds since been expended.

(3) If so, (a) how much and (b) what has been delivered for that expenditure; if not, (a) why not, (b) when will the funds be spent and (c) what projects are scheduled.

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

(1) The $268,000 expended at 31 December represents payments made to ACT Procurement Solutions for the engagement of project managers, design, documentation and commencement of work on the projects included in the 2003-04 Facilities Improvement Program, namely works at the Dickson Pool, Manuka Pool and Reid Oval.

(2) Yes - at the end of December 2003, there was approximately $732,000 outstanding authorisation remaining in the project. Since that time, further funds have been expended.

(3) (a) A further approximately $586,000 had been expended to the end of June 2004.

(b) Since the beginning of the 2003/04 program, the following works have been completed:

- Dickson Swimming Pool –
  - new paved viewing mound to provide better amenities for events such as school swimming carnivals.
  - various electrical works to improve safety, identified in condition audit
  - shade structures over marshalling area and deep end of main pool

- Manuka Pool
  - various electrical works to improve safety, identified in condition audit

- Reid Oval
  - new training lights to accommodate the needs of junior Australian rules in the area

Funding has been committed for the following works, which are currently at varying stages of completion. It is expected they will be completed and funds expended by about October 2004:

- Conder Gordon district playing fields
  - new training lights for junior Australian rules and rugby league teams
  - new small pavilion to provide amenities for senior grade cricket and other users

- Calwell district playing fields
  - additional storage provision at main pavilion to assist users.

- Woden Park Athletics Field
  - refurbish aging pavilion to provide better amenities for users, plus a small verandah structure to provide shade and shelter for athletics and soccer users.

Financial Management Act (Question Nos 1585-1601)

Mr Smyth asked the Chief Minister, upon notice, on 23 June 2004:

(1) Does the Minister know of any instance where the Financial Management Act has been breached within his or her Department;

(2) If so, (a) which section has been breached and (b) why;

(3) Is the Minister concerned or currently investigating any possible breaches of the Financial Management Act within their Department;

(4) If so, (a) which section may have been breached, (b) why and (c) how did he or she become aware a problem may exist.

Mr Quinlan: As the Treasurer I have undertaken to provide a response to Mr Smyth's questions on behalf of all ministers. The answers to the member's questions are as follows:

(1) and (2) ACT Health, the Department of Disability, Housing and Community Services, and the Department of Justice and Community Safety have identified instances where reports were provided to the Legislative Assembly outside the prescribed period on a small number of occasions.

A routine internal audit report on trust moneys held by the Department of Treasury Portfolio has identified that certain unclaimed trust moneys have been transferred to the Territory Banking Account before the processes prescribed under s53A have been undertaken. These funds relate to unclaimed lottery prize moneys received by the Gambling and Racing Commission. Corrective procedures have been put in place, as a result of the internal audit report, and moneys will now be transferred according to the procedures specified under the FMA.

The Construction Industry Long Service Leave Board currently undertakes investments under an approval granted under s56 of the FMA by Mrs Kate Carnell as Treasurer in 1998. These investments, which include Australian and overseas equities, were properly authorised under the s56 FMA provisions in place at that time.

In 2002, s56 was amended to allow investments prescribed under Financial Management Guidelines (FMG). The investments held by the CILSLB include the 1998 investments, which may not be prescribed under the FMG, even though these investments were approved by Mrs Carnell, as Treasurer.

The Department of Treasury will be preparing revised FMGs for the Legislative Assembly's consideration, to ensure that investments by the CILSLB are consistent with the provisions of the FMA.

Children—plan (Question No 1606)

Mrs Burke asked the Minister for Children, Youth and Family Support, upon notice, on 23 June 2004:

(1) How much did it cost the Government to prepare the A.C.T. Children's Plan;

(2) What are the breakdown of costs involved;

(3) How much will it cost for the implementation committee;

(4) When does the Government anticipate it will finalise the implementation plan and release it publicly.

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

(1) The *ACT Children's Plan* cost $82,511.53 to prepare.

(2) The costs for the *ACT Children's Plan* can be broken down into the following amounts:

Consultant Expenses	$55 519.36
Printing and Copying	$10 069.65
Internet Charges	$2 634.00
Meeting Expenses	$500.88
Events and Promotion Expenses	$13 787.64

(3) There is no additional cost for the implementation committee.

(4) The implementation plan is incorporated into the *ACT Children's Plan* through the *Priorities and Actions 2004—09* document.

Fairbairn Avenue (Question No 1607)

Mr Cornwell asked the Minister for Urban Services, upon notice, on 24 June 2004:

(1) Why had no funds been expended on the Fairbairn Avenue Upgrade project as at 31 December 2003 as shown in the December quarterly capital works progress report;

(2) Have any funds now been expended on this project; if so, how much;

(3) What has been the delay with this project;

(4) Why is the completion date for this project listed as June 2005 in both the 2003-04 and 2004-05 budget papers, but listed as December 2004 in the December Quarterly Capital Works Progress Report;

(5) When will this project be completed;

(6) What works will be involved in completing this project.

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

(1) Funds have been expended on consultation, design and investigation works for the project. These have been charged to an earlier authorisation for the project.

(2) $41,059 excluding GST has been charged to the Fairbairn Avenue Upgrade project to the end of June 2004.

(3) Delays have been caused by concerns expressed by sections of the community late in the design process. Issues raised included continued access to Creswell Street from Fairbairn Avenue and further community consultation was required to resolve this and other issues.

(4) The discrepancy arises because towards the end of 2003 it was anticipated that the project may be accelerated, however the additional community consultation required to address concerns has required revision to the original scheduled completion date.

(5) The project is scheduled for completion by June 2005.

(6) The project includes duplication of 200m of Fairbairn Avenue from Anzac Parade to Treloar Crescent, construction of a roundabout at Treloar Crescent to improve safety and access to the War Memorial, realignment of Fairbairn Avenue from Treloar Crescent to Jackson Street, right turn lanes to improve turning safety at Truscott Street and Mount Ainslie Drive, sound attenuation measures adjacent residences and two underpasses to improve accessibility across Campbell.

Breast check self-examination pad (Question No 1610)

Mr Smyth asked the Acting Minister for Health, upon notice, on 24 June 2004:

(1) Do any areas of the A.C.T. Health Department promote use of the Breast Check Breast Self Examination Pad;

(2) If so, (a) which areas and (b) for how long have they been promoting this product;

(3) If not, (a) why not and (b) will you consider asking the Department to promote the product.

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

(1) No. In line with National guidelines, ACT Health does not promote the use of this particular product nor promote the practice of breast self-examination.

(2) (a) N/A
(b) N/A

(3) (a) Statements by BreastScreen Australia, the National Breast Cancer Centre and Cancer Councils confirm that there is no evidence that the promotion of a structured approach to breast self-examination by women, or the use of associated products, have any benefits in terms of reducing deaths from breast cancer.

The agreed message to women is that they should know the look and feel of their breasts and to see their doctor if they detect any changes or have any concerns. It is agreed that the best way to detect lumps at an early stage is through screening mammography and ultrasound.

The promotion of the product in question (the BSE Breast Pad) makes no explicit or implied claim to find breast cancer, breast lumps or any other type of breast disease.

(b) If an independent, formal randomised control trial of this product was undertaken and it was proven that the product was effective in detecting breast cancer, then ACT Health would review its current stance.

Students—bullying (Question No 1613)

Mr Pratt asked the Minister for Education and Training, upon notice, on 24 June 2004:

(1) Further to the reply to Question on notice No 1525, why are records of reports of teachers bullying or harassing students not kept centrally by the Department;

(2) To which area of the Department are reports of teachers bullying or harassing students referred;

(3) How many reports of this nature have been referred to this area of the Department in (a) 2000-2001, (b) 2001-2002, (c) 2002-2003 and (d) 2003-2004 to date.

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

(1) Under school-based management, there is no requirement for principals to report all incidents involving staff members to the central office of the department.

Where complaints are received either at the school level or in the department about teacher behaviour, the issue is referred in the first instance to the principal for further investigation. The principal, as manager of the school, is responsible for the initial investigation of concerns about inappropriate behaviour, including claims of bullying and harassment, by staff members in the school.

The Department of Education and Training's (DET) Complaints Resolution policy was introduced in June 2003. This policy required the development of a database for the collection of information about formal complaints across the system. During the policy implementation phase complaints have been handled and filed individually by the relevant sections of the department.

A DET central database for the recording of formal complaints will be online by 1 August 2004.

(2) Reports about teachers bullying or harassing students could be made initially to different areas of the department, including schools, Workforce Management Section, School Operations Branch, or to the Office for Children, Youth and Family Support.

Where allegations are found to be unsubstantiated or where they are minor, they are generally resolved at the school level. Where the principal believes further investigation or formal disciplinary procedures are warranted, a report is made to the Human Resources Branch of the department.

(3) There have been six formal complaints relating to teacher conduct since the introduction of the policy in June 2003. Only two of these could broadly be considered harassment of students by a teacher.

Fireworks
(Question No 1614)

Mr Pratt asked the Minister for Industrial Relations, upon notice, on 24 June 2004:

(1) How many reports or complaints were made to A.C.T. WorkCover from Friday 11 June 2004 to Monday 15 June 2004 regarding the use of fireworks;

(2) How many of these reports or complaints were investigated by A.C.T. WorkCover and what action has been taken;

(3) If there had been reports made to A.C.T. WorkCover about any illegal explosives or fireworks in the A.C.T. how many (a) calls or reports were received by A.C.T. WorkCover, (b) explosives or fireworks were seized and (c) referrals were made to the Australian Federal Police Bomb Squad.

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

(1) There were 112 reports to ACT WorkCover regarding fireworks for the period of Friday 11 June 2004 to Monday 14 June 2004.

(2) ACT WorkCover reviewed the information in relation to each report and launched an investigation into 6 of the reports received over the period. A number of unauthorised fireworks were seized at one of the residences investigated.

(3) a) ACT WorkCover received 24 reports that may have involved unauthorised fireworks for the period. Most of the persons lodging the complaints supplied inconclusive information regarding the location or persons involved. No reports of illegal explosives were received.

b) ACT WorkCover seized a number of unauthorised fireworks at a residence. These included four 100mm mortars which were preloaded, one 100mm reload shell, 4 large cakes, 4 roman candles and a small number of assorted fireworks.

c) No referrals were made to the Australian Federal Police Bomb Squad over the period.

Fireworks
(Question No 1615)

Mr Pratt asked the Minister for Industrial Relations, upon notice, on 24 June 2004:

(1) Since the *Dangerous Substances Act 2004* came into effect on 31 March have there been any reports to A.C.T. WorkCover about any illegal explosives or fireworks in the ACT;

(2) If so, (a) how many reports have there been and (b) what steps has A.C.T. WorkCover taken to investigate them;

(3) If there have been reports made to A.C.T. WorkCover about any illegal explosives or fireworks in the ACT, how many (a) calls or reports were received to ACT WorkCover, (b) explosives or fireworks were seized, (c) referrals were made to the Australian Federal Police Bomb Squad and (d) warnings were issued.

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

(1) There have been a number of reports to ACT WorkCover regarding fireworks for the period between 5 April 2004 (commencement of the *Dangerous Substances Act 2004*) and 25 June 2004. ACT WorkCover has not received any reports regarding illegal explosives for that period.

(2) (a)There have been 14 reports to ACT WorkCover regarding fireworks for the period between 5 April 2004 and 25 June 2004 (not including reports received over the Queens Birthday Weekend, 11 - 14 June 2004, see answer to QoN 1614).

(b) ACT Work Cover reviewed the information in relation to each report and launched a detailed investigation into 2 of them

(3) (a) See answer 2 (a) above.

(b) Unauthorised fireworks seized include one box of mixed fireworks and three boxes of prohibited fireworks (match crackers).

(c) No referrals were made to the Australian Federal Police Bomb Squad during this period.

(d) No warnings were issued.

Footpaths
(Question No 1616)

Mr Cornwell asked the Minister for Urban Services, upon notice, on 24 June 2004:

(1) Further to a Letter to the Editor entitled 'Footpath Safety' in *The Chronicle* of 22 June 2004, page 26 in relation to the condition of footpaths in Dutton Street, Dickson, is it the case that approximately 196 of 409 cement footpath blocks in this street are either (a) cracked, (b) broken or (c) in need of repair;

(2) When will the footpaths in this particular street be repaired;

(3) How often are footpaths in residential areas surveyed to check where repairs might be needed;

(4) If footpaths in residential areas are not regularly surveyed for this purpose, why not.

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

(1) Whilst a number of sections of footpaths in Dutton Street Dickson are cracked or have other minor defects, only 42 blocks require repair.

(2) Repairs in Dutton Street Dickson have been programmed to be completed by the end of November 2004.

(3) Urban Services carried out three major path surveys between 2000 and 2002 involving approximately 2,280km of footpaths and cyclepaths. These surveys were undertaken at a network level and involved recording the general condition of paths in terms of extent and severity. The results of the survey indicated that approximately 7% of the paths in Dutton Street were in poor condition. If a result of 50% or greater was indicated in a particular area a more detailed condition assessment would be undertaken of those areas.

Since completion of these surveys, residential footpaths and cyclepaths are surveyed for repairs in response to requests from members of the public.

(4) Enough information was gathered during the three major path surveys to enable maintenance and capital work planning. Each of the areas surveys will be resurveyed in the next few years to enable continued program planning. Currently surveys are targeted on high-risk areas such as suburbs with major shopping centres. It is expected that Dickson will be surveyed in 2004-2005.

Mobility scooters (Question No 1617)

Mr Cornwell asked the Minister for Urban Services, upon notice, on 24 June 2004:

(1) Further to a Letter to the Editor entitled 'Footpath Safety' in *The Chronicle* of 22 June 2004, page 26 in relation to the rules pertaining to the use of mobility scooters for older and disabled people, what rules pertain to the use of such mobility scooters on (a) roads, (b) footpaths, (c) designated cycle paths and (d) recreational paths;

(2) Is it the case that these scooters are not allowed on the roads and designated cycle paths; if so, why not;

(3) Why is it that cyclists are allowed to use the roads when mobility scooter drivers cannot;

(4) Why should mobility scooter drivers be compelled to use the footpaths when many footpaths are in a state of disrepair thus posing a hazard for drivers of these vehicles;

(5) Is the Government liable for damage or injury sustained as a result of mobility scooter drivers being made to travel along damaged footpaths; if not, who is liable.

(6) What are the rules pertaining to mobility scooters when there is an absence of a footpath and the driver is forced to use part of a road to continue their journey.

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

(1) (a) Under the Australian Road Rules as defined above a vehicle includes a motorised wheelchair that can travel **over** 10 Km/h (on level ground). If the wheelchair meets this requirement and weighs more than 110kilograms it should be registered and it will have unlimited access to the roadways.

If the motorised wheel chair (scooter) cannot travel over 10 Km/h, it is defined as a "Pedestrian". A pedestrian must not travel along a road if there is a footpath or nature strip adjacent to the road, unless it is impracticable to travel on the footpath or nature strip.

A pedestrian when travelling along a road must keep as far to the left as practicable and must not travel along side another pedestrian in the same direction unless overtaking.

On-road cycle lanes are dedicated lanes to non-motorised bicycles only. Pedestrians are not allowed access to these lanes.

(b) A motorised wheel chair that cannot travel more than 10Km/h over level ground can use the ACT community paths.

(c-d) Community Paths in the ACT are defined as Footpaths, cycle paths and recreational paths.

(2) Motorised wheel chairs are able to be used on roads, if they can travel at more than 10Km/h and are registered, then have unlimited access to roads. Motorised wheel chairs that cannot travel more than 10Km/h can use the roads similarly to pedestrians, if travel along the footpath or nature strip is impracticable. While on the road they must keep to the left.

Motorised wheel chairs that cannot travel more than 10Km/h can use community paths but not the dedicated on-road cycle lanes.

(3) A cyclist as defined by the Australian Road Rules is a 'Rider' and as such all reference in the Rules about driver and driving includes a reference to rider and riding. Mobility scooters depending on their speed capability can use the roads as a vehicle or a pedestrian.

(4) Motorised wheel chair operators are not compelled to use the footpath if the footpath is in such a state of disrepair that travel is impracticable.

Motorised wheel chair operators should advise Roads ACT of locations where the footpath is in such disrepair that travel along the path is impracticable. Information received can then be programmed for inspection and appropriate action. This information can be provided to the City Management enquiry line on telephone 6207 2500.

(5) The liability of the Government will depend on the circumstances in which the particular accident occurred. Factors such as the extent, visibility and the Government's awareness of any damage and the length of time it had been there may be relevant, but are not decisive of the question of liability.

(6) When there is an absence of a community path and the driver is forced to use part of the road to continue their journey then the same Australian Road Rules apply as a pedestrian. The motorised wheel chair must keep as far to the left as practicable and must not travel along side another pedestrian in the same direction unless overtaking.

Development—Yarralumla (Question No 1621)

Mr Cornwell asked the Acting Minister for Planning, upon notice, on 29 June 2004:

(1) In respect of Development Application (DA) No 200310585 relating to the construction of a new residence at 14 Brown Street Yarralumla, why was approval granted although the proposed residence was illegal both in respect to plot ratio and being three storey;

(2) Was official published HQSD documents and related information on ACTPLA's official web site ignored by ACTPLA during the DA approval process; if so, why;

(3) Were the provisions of Appendix 111.1 relating to privacy and boundary fences be ignored by ACTPLA during the DA process; if so, why;

(4) Did ACTPLA fail to acknowledge or address letters from immediate neighbours detailing their concerns about the proposed new residence when such letters were forwarded to ACTPLA in accordance with the formal notification process; if so, why;

(5) Why is it that immediate neighbours have no rights of appeal or redress under the Territory Plan;

(6) Should residents of the A.C.T. continue to be penalised or disadvantaged under the Territory Plan which is clearly flawed;

(7) When will the Minister intervene in this matter and exercise his powers to revoke DA approval and ensure the rights of immediate neighbours.

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

(1) The DA was approved with conditions and it was not considered to be illegal. The development satisfied Part B1 of the Territory Plan *Residential Land Use Policies*, specifically Section 3.6, "Residential Development and Redevelopment – Suburban Areas Controls" paragraph (h) and (i).

The development satisfied 3.6 (h) and is not three storeys because the basement garage was not immediately below the two storey portion of the building. The development satisfied Section 3.6 (i) because the plot ratio was 49.6%, which is 0.4% less than the maximum permissible of 50%. The plot ratio was based on a gross floor area (GFA) of 343.7 m2, which did not include the basement garage area or the cellar, pump room or the large amount of underfloor space, all of which were considered to be sub floor area and therefore not required to be included in the GFA calculations for determining the Plot Ratio.

(2) The official published HQSD documents and related information on ACTPLA's official web site were not ignored by ACTPLA during the DA approval process.

(3) The provisions of Appendix III.1 (the Code) of the Territory Plan relating to privacy and boundary fences were not ignored by ACTPLA during the DA approval process. The side and rear boundary setbacks at the lower floor level met the Performance Measure D3.1 of the Code

However, there were some upper floor level encroachments to these boundary setbacks but these were addressed by providing screening and opaque glazing to the affected areas including the terrace over the garage, verandah in front of the sunroom, study, terrace off Bedroom one and balcony off Bedroom 2. By including the requirement for screening and opaque glazing as Conditions of the Approval, the encroachments were deemed to meet Objective O3.3 as well as Performance Criteria P3.1, P3.2, P3.3 and P3.4 of the Code.

(4) Objection letters were received by email on 19 February 2004 from National Business Lawyers acting on behalf of the neighbours on either side of the proposed development. ACTPLA acknowledged receipt of the submission in an email to National Business Lawyers.

When amendments to the application were renotified, objection letters were again received on 13 May 2004 from National Business Lawyers on behalf of the same neighbours. A separate letter submitted by one of the adjoining neighbours was received 7 May 2004, with a letter of acknowledgement being sent on 11 May 2003.

When the decision was made on the DA, letters were forwarded to the immediate neighbours who lodged objections with ACTPLA in accordance with the formal notification process. A letter was also sent to National Business Lawyers who acted on their behalf. These letters addressed the concerns raised by the neighbours in their letters of objection, and explained why the DA was approved.

(5) Under Regulation 43 and Item 5 of Schedule 7 of the Land (Planning and Environment) Regulations 1992, objectors to single house development applications are excluded from applying to the Administrative Appeals Tribunal to review a decision made on a DA, unless the property has been listed on the Heritage Places Register.

(6) It is not clear what provisions of the territory Plan the member is referring to; However it should be noted that all variations of the Plan is subject to disallowance for the Assembly.

(7) The Minister does not have the power to revoke an approval made by the Planning and Land Authority. The *Land (Planning and Environment) Act 1991* allows an application to be referred to the Minister before a decision has been made by the Authority, however it does not allow the Minister to intervene once the application has been decided on.

Under the *Land Act* an approval can only be revoked if it was obtained by fraud or misrepresentation, or in relation to a place that is specified in the heritage places register or interim heritage places register – if the applicant is convicted of an offence under Part 6 of the Act.

Woden police station
(Question No 1622)

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 29 June 2004:

(1) What is the total amount of funds that have been expended to date on the Woden Police Station;

(2) What is the itemised list of the expenses at part (1);

(3) Was the expected completion date for this project in the (a) 2003-04 Budget papers March 2005, (b) December Quarterly Capital Works Progress Report 2003-04, June 2006 and (c) 2004-05 Budget papers, June 2005; if so, what is the correct expected completion date for this project;

(4) Why was there such a large discrepancy in the Capital Works Progress Report completion date and the 2004-05 Budget Papers expected completion date.

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

(1) Total funds expended to date on the new Woden Police Station are $433,459.17.

(2) **Itemised list of expenditure to date is:**

Strategic Options Workshop	$	6,380.00
Studies, Design & Documentation Fees:	$	
Cost planning consultant	$	7,947.00
Project development studies	$	11,143.00
Develop preliminary and final sketch plans	$	161,315.00
Develop final design and Tender documentation	$	169,515.50
Production of architectural perspective for consultation	$	2,200.00
Statutory Fees	$	2,958.67
Construction Costs	$	Nil
Project Management Fees	$	72,000.00
Total:	**$**	**$433,459.17**

(3) Current practical completion date is July 2005 comprising the following timeline:

Tender advertised:	26 June 2004
Tender closes:	22 July 2004
Award of contract expected:	August 2004
Contractor due to start within 14 days of award	
Construction period (44 weeks):	June 2005
Allowance for weather/delays:	2 weeks
Practical completion forecast:	July 2005

(4) The difference in the Capital Works Progress Report completion date was due to delays during the community consultation and planning process. There were issues with the design and siting requirements for the station given the location was adjacent to the floodway and proximity to a major sewerage trunk main, until these issues were resolved

it was uncertain that the project could be completed by June 2005. Given that the original project timeframes were expected to run over two years it was not unreasonable to estimate June 2006 in December 2003.

Breath test statistics (Question No 1623)

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 29 June 2004:

Further to the reply to an Estimates question on notice in which it was stated that the figure for the number of breath tests conducted to date this financial year is down substantially on previous years, even taking into account it is not the full year result, why is it the case that the number of breath tests to be conducted this year will be cut by a third on the 2002-03 and 2001-02 results.

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

The number of breath tests for the 2003-2004 financial year have not been cut. As can be seen in my previous response to Question on Notice 1451 ACT Policing in 2003-4/4/04 had set up 1,064 breath test stations to undertake breath testing, which was a similar number to previous years. The number of tests carried out at these stations each time they were operationalised has reduced overall but police tend to obtain proportionally higher results of drink driving from the testing that is carried out at those sites (please refer to part 4 of Question on Notice 1451). ACT Policing employs an intelligence-led approach where police target specific areas that, according to police data, have particularly high numbers of drink or dangerous driving incidents. These locations may have proportionally less traffic flow than other streets, which reduces the actual numbers of tests undertaken by police officers per hour while increasing the proportion of drink driving detected. ACT Policing is confident that targeted breath testing has a positive impact on improving road safety outcomes in the ACT.

Students—truancy (Question No 1624)

Mr Pratt asked the Minister for Education and Training, upon notice, on 29 June 2004:

(1) Further to the response to Question on notice No 1550, why is it that truancy rates for students are not identified;

(2) Is there any system in place to record truancy details; if so, what system is in place; if not, why not.

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

(1) All schools keep attendance records on individual students. The records detail instances of absences from the school by individual students. All schools have procedures that encourage parents/carers to communicate to the school the reasons for absences of their student. Where the school receives information from the parent/carer regarding the absence it is recorded in the school roll as an explained absence. Where information is not provided it is recorded as an unexplained absence. Unexplained absences do not

necessarily indicate truancy. Schools make judgements about whether or not an individual student may have been truanting. Instances of alleged or perceived truancy are then followed up by the school with the support of the department and other agencies where required. This information is not held centrally or tabulated into truancy rates.

(2) The department has not developed a system for recording truancy in years K-6 as this has not been identified as a significant issue by primary school principals. The department does have a system of identifying truancy rates for students in Years 7-10. Attendance records are only recorded as truancy when high school principals have strong evidence that truancy is the reason for an unexplained absence.

Children—foster carers (Question No 1626)

Mrs Burke asked the Minister for Children, Youth and Family Support, upon notice, on 29 June 2004:

(1) How are foster carers financially compensated when a child in their care damages property owned by the carer and what is the process for claim;

(2) Who is responsible to pay for damages to public property that is caused by a foster child in foster care;

(3) If in the unfortunate situation that a foster child physically assaults their foster carer and economic loss is suffered by the carer, who is responsible to pay compensation for the loss;

(4) What does the family services manual say about financially compensating foster carers for damage caused by a child in their care;

(5) Are foster carers covered by any form of insurance taken out by the A.C.T. Government with respect to caring for foster children; if not, why not;

(6) Do any of the six foster care agencies in the A.C.T. take out specific insurance to cover themselves or the children in their care with regard to their role as a foster care agency; if so, (a) what is this insurance and (b) is taking out this insurance a mandatory requirement placed on foster care agencies by the A.C.T. Government;

(7) How many foster children in the A.C.T. over the last five years have finished high school; if this information is not gathered, why not;

(8) What is the rationale behind 'care orders' for foster children ending at age 16;

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

(1) The Office for Children, Youth and Family Support (the Office) will compensate carers for damage to property owned by the carer. The carer should notify the foster care agency caseworker (ie Barnardos) who will notify the department caseworker. The care plan for the child should be reviewed. Some care plans will already anticipate this event when there is a history of such behaviour. Caseworkers and carers then consult on validation and remuneration and when the claim is substantiated, compensation is authorised and paid

(2) The Chief Executive, as the holder of parental authority, can be held responsible for damage to public property by a child in care, subject to a ruling by the court.

(3) The Court Unit of the Office for Children, Youth and Family Support would be consulted at the outset of a complaint of assault being made. It would be the decision of the carer to press assault charges. The investigation of potential criminal charges is a police responsibility. Dependent on the outcomes of police investigations the process would move towards a resolution of compensation and criminal issues. Advice from the Government Solicitor's Office indicates that it is most unlikely that there would be any liability in negligence on the part of the Territory. It is possible that the carer may have a claim under the *Victims of Crime (Financial Assistance) Act*. It is also possible that the carer may have an entitlement under a disability insurance policy or to social security payments.

(4) There is no specific reference in the Family Services manual regarding financial compensation for carers as a result of damage to property by children in care. The manual is primarily a policy and procedure manual for child protection workers. The manual is currently under review.

(5) No, risk management profile dictates that risk is carried by the Office on a contingency basis (rather than negotiate a premium with private insurers) See Question 6.

(6) Yes, the four foster care agencies (Barnardos, Galilee, Marymead and Life Without Barriers); Richmond Fellowship (residential care); and Hunter Support Services (individual support) are required by contract to cover themselves or the children in their care.
(a) This insurance is $10 million dollars;
(b) Foster carers are recruited, assessed, trained and supervised by foster care agencies under a purchaser/provider contract. A condition of the contract is that provider agencies "shall effect and maintain professional indemnity insurance relevant to its provision of the Services".

(7) This statistic is not a current performance indicator and therefore the Office is unable to generate a report of this nature. Specific information about each child or young person's academic progress is kept on their Office file. All children and young people in out-of-home care have Individual Education Plans which are developed by the Department of Education and Training, in partnership with the Office for Children, Youth and Family Services, foster carers, parents and the child or young person.

(8) The trend in the ACT towards care and protection orders which cease at the age of 16 years is in line with national and international trends. This trend appears to reflect the fact that young people of this age are generally, self-determining, and usually able to protect themselves from abuse and neglect. Where appropriate, the Children's Court does award orders which extend to 18 years. The decision is made by the Magistrate on a case-by-case basis, taking into account the maturity and best interests of the young person.

Children—care
(Question No 1627)

Mrs Burke asked the Minister for Children, Youth and Family Support, upon notice, on 29 June 2004:

In relation to the recent restructuring of your Department and the establishment of the new child support unit within the Chief Minister's Department, can the Minister advise of the current roles and responsibilities of senior officials stood aside as a result of departmental failings in regard to the non-compliance of the *Children and Young People Act 1999* which resulted in the Vardon inquiry.

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

One of the senior officials who was stood aside has returned to her position as Chief Executive of the Department of Education and Training. The other official has taken a position as an Executive Director within the Chief Minister's Department.

Roads—animal carcasses (Question No 1629)

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

(1) How often are A.C.T. roads inspected for kangaroo and other dead animal carcasses;

(2) Who is responsible for carrying out this activity;

(3) In what areas or particular roads is this activity carried out;

(4) What is the average number of carcasses that have been removed each (a) day, (b) week, (c) month and (d) year in the A.C.T. over the last three financial years;

(5) What is the (a) actual number of carcasses that have been removed and (b) cost per annum to the A.C.T. for removal of these carcasses each year for the last three financial years;

(6) If regular inspections of roadways for carcasses is not currently carried out, why not and is it left to concerned citizens to report such carcasses for removal;

(7) Are there concerns about the health implications of leaving such carcasses to decay along roadways if removals are not carried out on a regular basis;

(8) What is the A.C.T. Government's legal position if a carcass is not removed promptly and becomes a dangerous obstacle to drivers and pedestrians or poses a health risk.

Mr Stanhope: The answers to the questions asked by the member are as follows:

(1) Environment ACT rangers provide a rostered 24 hour per day Urban Wildlife Service which includes responding to incidents of kangaroo injury or death following motor vehicle collisions. Rangers rostered to the Urban Wildlife Program undertake patrols throughout the urban area each day to remove kangaroo carcasses. These rangers also respond to reports of dead and injured kangaroos received from members of the Community.

(2) Environment ACT rangers.

(3) A database of kangaroo incidents is maintained to assist rangers to target patrols in particular problem areas. Whilst incidents of kangaroo collisions can occur over a very

wide area of urban and rural ACT there are a number of "hot spots" that are more regularly inspected by rangers. Some of these are

Northside	**Southside**
Northcott Drive - Campbell	Tharwa Drive Tuggeranong
Limestone Avenue - Ainslie	Lanyon Drive- Tuggeranong
William Hovel Drive –West Belconnen	Johnson Drive - Tuggeranong
Caswell Drive - Aranda	Hindmarsh Drive –Woden
Glenloch Interchange	Tuggeranong Parkway
	Sulwood Drive- Tuggeranong
	Mugga Lane, Long Gully Lane
	Monaro Highway
	Athllon Drive Woden to Tuggeranong
	Erindale Drive Woden
	Yamba Drive Woden
	Coyne Street Fadden
	Bugden Avenue Fadden
	Box Hill Drive Conder

(4) The number of motor vehicle collisions with kangaroos varies between months of the year, and between years with a large number generally experienced during winter coinciding with the shorter daylight hours and peak hour traffic. Events such as the December 2001 and January 2003 bushfires had a very significant impact on kangaroo road deaths.

The number of kangaroos that have been removed from roadsides, including injured animals requiring urban wildlife staff to euthanase from 2001 until now is as follows:

2001 average = 2.07/day, 14.5/week, 63/month, 756/year
2002 average = 2.2/day, 15.4/wek, 67/month, 804/year
2003 average = 3.1day, 21.7/week, 94.3/month, 1132/year
2004 YTD (end June *) 3.1/day, 21.6/week, 93.5/month, 1122 year (est)
numbers have significantly increased over the average so far to date for July

(5) The number of carcasses removed is provided at (4).
Accurate figures of the cost to remove carcasses or euthanase and remove injured animals each year are not recorded. However, it is estimated that in recent years the equivalent of two fulltime rangers is required to undertake the program. The estimated cost of which including salaries, penalty allowances, vehicles and equipment is in the order of $150,000/yr.

(6) Regular inspections are undertaken.

(7) Environment ACT seeks to provide a timely service so as to remove dead animals before significant decay occurs. However I also note that:

- Many other Australian jurisdictions do not remove carcasses.

- Most kangaroo collisions occur along arterial roadways where there is little human contact. Scavenging birds will normally clean up carcasses not picked up by rangers relatively quickly, particularly in summer when carcasses decay very quickly

- The smell associated with decay of animals killed in closely settled areas if left would be unpleasant to any nearby residents. Removal of these animals is always a priority.

- One reason why carcasses are removed, apart from the concerns for public safety, is so that the pouches of females can be inspected and any joeys humanely dealt with rather than allow them to suffer a slow death from hyperthermia or starvation.

(8) Kangaroos are not the property of the ACT Government however the general public are advised through the media of the need to take care when driving.

Graffiti
(Question No 1630)

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

(1) How many (a) charges were laid and (b) convictions obtained for (i) graffiti and (ii) littering offences in the 2003-04 financial year;

(2) What is the total amount of revenue obtained from the (a) graffiti and (b) littering convictions.

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

(1) (a) (b)(i) and (ii)

Number of offences for Graffiti and Littering 1 July 2003 to 30 June 2004				
	Offences	**Convictions**	**Offences**	**Convictions**
	Graffiti 1(a)(i)	**Graffiti 1(b)(ii)**	**Littering 1(a)(ii)**	**Littering 1(b)(ii)**
Arrest	1	Convicted with 24 hrs community service	1	Yet to be heard
Caution	5	No further action	1	No further action
Charged before court	3	1 yet to be heard 1 convicted with community service order 1 not proceeding	-	
Diversionary Conference	2	No further action	-	
Summons	10	7 yet to be heard 1 convicted 2 not proceeding	2	1 convicted 1 dismissed

Litter Infringement notices issued by City Rangers	-		37	24 infringement notices have been paid; remaining infringements have continuing action
TOTAL	**21**		**41**	

(2) (a) $203
(b) $3 778.

Works
(Question No 1633)

Mr Pratt asked the Minister for Education and Training, upon notice, on 30 June 2004:

(1) Why is it that none of the new capital works projects listed for Education, Youth and Family Services in the 2003-04 December Quarterly Capital Works Progress Report have proposed completion dates listed.

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

(1) The proposed completion dates on page 1 of the 2003-04 December quarterly report were inadvertently omitted from the report. However, the proposed completion dates will be included in the June quarterly report.

Roads—on-road cycle paths
(Question No 1634)

Mr Cornwell asked the Minister for Urban Services, upon notice, on 1 July 2004:

(1) Since the introduction of the new on-road cycle paths in the A.C.T. have statistics been collected as to the number of cyclists using those paths;

(2) If so, what are statistics for daily usage of each of the on-road cycle paths in the A.C.T.;

(3) Could any other relevant information also be provided;

(4) If statistics have not been collected, why not.

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

(1) No.

(2) N/A

(3) N/A

(4) The provision of on-road cycling facilities was recently completed on some arterial roads and is still in progress on some others. On-road cycling facilities are currently being implemented on Northbourne Avenue to complete the Woden to Dickson project.

It is common practice to evaluate such facilities at least six months after their implementation ie: after new travel patterns are established. Roads ACT will arrange for the future collection of this data.

Roads—traffic infringements (Question No 1635)

Mr Cornwell asked the Minister for Urban Services, upon notice, on 1 July 2004:

(1) How many (a) parking and (b) speeding infringements were issued during (i) 2001-02, (ii) 2002-03 and (c) 2003-04;

(2) What was the total revenue raised in relation to part (1);

(3) How many infringements in relation to part (1) were disputed and (a) withdrawn and (b) not withdrawn;

(4) How many infringements disputed in relation to part (1) resulted in court proceedings;

(5) How many infringements at in relation to part (1) were undisputed but remain unpaid.

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

The following figures were extracted from the motor transport information system on July 26, 2004. The status of infringements may change daily as infringements in the system are paid, disputed or move to a sanctions status. Five years of infringements have been provided.

Parking Infringement Notices

Year	Issued	Collected (See Note 1)	Disputed	With-drawn	Not With-drawn	Court Hearing	Unpaid and Overdue
1999-00	79,511	$5,001,271.02	19,524	7,247	12,277	140	3,925
2000-01	105,911	$6,862,760.26	15,145	9,426	5,719	296	4,824
2001-02	106,238	$6,810,240.40	19,262	9,776	9,486	51	5,230
2002-03	102,743	$6,556,066.95	17,400	8,919	8,481	73	6,969
2003-04	116,088	$7,020,893.06 (See Note 2)	19,896	9,673	10,223	34	10,044 (See Note 2)

Speeding Infringement Notices

Year	Issued	Collected (See Note 1)	Disputed	With-drawn	Not With-drawn	Court Hearing	Overdue
1999-00	22,774	$3,568,323.76	n/a	1,162	n/a	n/a	724
2000-01	51,022	$7,015,001.63	n/a	2,473	n/a	n/a	2,052
2001-02	61,794	$8,223,603.80	n/a	2,458	n/a	n/a	3,449
2002-03	54,853	$7,255,060.20	n/a	2,415	n/a	n/a	3,680
2003-04	45,461	$5,493,838.50 (See Note 2)	n/a (See Note 3)	1,873	n/a (See Note 3)	n/a (See Note 3)	3,259 (See Note 1)

Notes

1. This column shows the amount collected relating to the date each infringement is issued. Some

infringements will be paid in later financial years (see Note 2) which is represented as revenue in output reporting.

2. For 03/04, overdue infringements that remain unpaid at the time of producing this report will decrease and some further revenues will be collected in 04/05, especially for infringements issued in May/June 2004.

3. Figures for speeding infringements that are disputed, not withdrawn or which progress to court proceedings are not recorded individually by the AFP, only as a total of all infringements

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Motor vehicles—inspections (Question No 1636)

Mr Cornwell asked the Minister for Urban Services, upon notice, on 1 July 2004:

(1) How many vehicles were randomly inspected in the A.C.T. during (a) 2001-02, (b) 2002-03 and (c) 2003-04;

(2) How many vehicles referred to in part (1) failed inspection;

(3) What penalties were imposed upon vehicle owners whose vehicles failed inspection;

(4) How often are random inspection stations set up at various locations throughout the A.C.T. annually and what is the average number of cars inspected on each occasion.

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

(1) (a) 2001-02 - 50,702
(b) 2002-03 - 52,326
(c) 2003-04 - 49,341

(2) The following number of vehicles failed inspection and were issued with a defect notice
(a) 2001-02 - 3,902
(b) 2002-03 - 2,711
(c) 2003-04 - 3,240

(3) ACT Vehicle Inspectors issue defect notices to vehicles that fail an inspection. The AFP may impose financial penalties.

(4) Over the past three years, an average of 552 random inspection stations have been set up in the ACT by Urban Services Vehicle Inspectors. On average 92 vehicles are inspected on each occasion.

Blackberry spraying (Question No 1637)

Mr Cornwell asked the Minister for Urban Services, upon notice, on 1 July 2004:

(1) Have Canberra Urban Parks and Places undertaken any blackberry spraying during (a) 2002-03 and (b) 2003-04; if so, in which areas;

(2) What impact have both the drought and the impact of the 2003 bushfires had on blackberry control;

(3) What was the cost of blackberry spraying undertaken during (a) 2002-03 and (b) 2003-04;

(4) If no blackberry spraying has been undertaken during 2002-03 and 2003-04, why not.

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

(1) In 2002-03 and 2003-04 blackberry spraying was undertaken across all of the urban area of Canberra in the following areas:

- Parkland areas
- Road verges
- Riparian zones
- Bushfire affected areas

(2) Drought and subsequent lack of moisture stresses Blackberry to the point that chemical uptake may be inefficient and may not kill the plant.

Fire can affect the ability of blackberry plants to absorb herbicide by reducing the ratio of leaf area to root area. Ideal conditions for poisoning would be large leaf mass and small root mass, but fire tends to reverse this, leading to the inefficient uptake of herbicide.

The combined effects of both fire and drought are a lack of the growth necessary for the plant to uptake herbicide.

Countering this though is an increase in the areas vulnerable to blackberry infestation as a result of the January 2003 fire. Thus even with the reduced rate of growth, this is occurring over a much larger area, resulting in a large increase in the amount of spraying being done over the two years.

(3) (a) $5,000 (b) $18,000

(4) Spraying was undertaken in both years.

Waste disposal (Question No 1638)

Mr Cornwell asked the Minister for Urban Services, upon notice, on 1 July 2004:

(1) What is the cost of waste disposal at the Mugga Way Landfill site as at 30 June 2003 for (a) non-commercial and (b) commercial waste;

(2) How much revenue was collected during 2002-03 and 2003-04 for each category referred to in part (1);

(3) Will the cost of waste disposal change for 2003-04; if so, (a) by how much and (b) why.

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

(1) Non-commercial waste was charged at $50 per tonne and by the size of the load: small $7, medium $14 and large $21.

Commercial waste was charged at $55 per tonne (GST inclusive) and a range of Special Waste Charges applied. See the ACT NOWaste Webpage at www.nowaste.act.gov.au for details.

(2) Total Non-commercial revenue was $1.560m in 2002/03 and $1.522m in 2003/04.

Total Commercial revenue was $4.947m in 2002/03 and $6.050m in 2003/04.

(3) (a) Non-commercial charges remain unchanged after 1 July 2004 to reward householders for successfully using alternatives to disposal and reducing privately delivered waste to landfill.

(b) Since 1 July 2004, commercial charges increased to $66.00 per tonne to encourage greater separation and recycling of waste. Commercial waste to landfill has continued to increase because disposal charges were still not high enough to provide a strong incentive to encourage resource recovery and recycling.

This increase in the commercial charge is consistent with the Government's Waste Pricing Strategy, announced in July 2002, which is designed to provide increased incentives to waste generators to divert more material to recycling alternatives and is gradually moving towards "user-pays" charging for waste disposal.

Roads—traffic accidents (Question No 1639)

Mr Cornwell asked the Minister for Urban Services, upon notice, on 1 July 2004:

How many traffic accidents were recorded at the curved tee intersection at the corner of Dalrymple and Goyder Streets in Narrabundah during 2002-03 and 2003-04.

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

2002-03 - 9 Property damage crashes

2003-04 - 3 Property damage crashes

Waste disposal (Question No 1640)

Mr Cornwell asked the Minister for Urban Services, upon notice, on 1 July 2004:

(1) On how many occasions during 2003-04 did rubbish collection fail to occur on the scheduled date and in what suburbs did this occur.

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

(1) 1656 instances occurred over 2003-04 where waste and recycling collection to individual residences did not occur.

July 03	142
August 03	70
September 03	155
October 03	140
November 03	136
December 03	191
January 04	154
February 04	115
March 04	138
April 04	117
May 04	136
June 04	162

These instances occurred over all suburbs for the following reasons;

- Bin not presented to kerbside by resident
- bins incorrectly presented;
- collection driver failing to provide the service; or,
- bins contaminated with unacceptable waste.

This is an average of 124 per month for 2003/04 (under the new domestic collection contract) compared with an average of 254 per month over the previous 2 years (under the previous collection contracts and the 2 month period of transition to the new contract during May and June 2003.)

Libraries—overdue items (Question No 1641)

Mr Cornwell asked the Minister for Urban Services, upon notice, on 1 July 2004:

(1) In relation to the A.C.T. Public Librarys' long term overdue items of more than two years, as at the end of (a) 2003-04, (b) 2002-03, (c) 2001-02 how many such outstanding items were recorded;

(2) What is the total value of late fees owed as a result of these outstanding items for each of the years in part (1);

(3) How many outstanding items were written off, after 7 years overdue, at the end of each of the years listed in part (1);

(4) What was the value of the outstanding items written of in part (3) for each of the years listed in part (1).

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

(1) (a) 03/04 - 20293 items
(b) 02/03 - 21605 items
(c) 01/02 - 19394 items

(2) The value of outstanding fines is recorded against the borrower, not against the item. We are unable to provide a value of the fines outstanding against the outstanding items.

(3) As part of the migration to the new library management system, all items overdue seven years or more, were written off in August 2002. This equated to approximately 28,000 items.

(4) $16,800.

Roads—speed cameras (Question No 1642)

Mr Cornwell asked the Minister for Urban Services, upon notice, on 1 July 2004:

(1) In relation to fixed red light and speed cameras installed and operating in the A.C.T. and further to Question on notice No 557, (a) how many of these cameras were installed and operational during (i) 2002-03 and (ii) 2003-04 and (b) in what locations were these cameras situated;

(2) What was the total revenue collected from fines issued by these cameras during (a) 2002-2003 and (b) 2003-04;

(3) How many offences does the figure referred to in part (2) represent;

(4) What revenue did the Northbourne Avenue/Barry Drive camera collect during (a) 2002-03 and (b) 2003-04.

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

(1) There are 9 fixed red light and speed cameras operating in the ACT. One was installed in 2000, five were installed in 2001, three were installed in 2002, and one was re-located in 2003. The locations and date installed are as follows:

- Intersection of Northbourne Avenue and Barry Drive – Commissioned December 2000.
- Intersection of Southern Cross Drive and Coulter Drive – Commissioned January 2001 – De-commissioned 14 May 2003. Re-located to Hindmarsh Drive and Yamba Drive.
- Intersection of Drakeford Drive and Marconi Crescent – Commissioned January 2001.
- Intersection of Ginninderra Drive and Aikman Drive – Commissioned Dec 2001.
- Ginninderra Drive and Coulter Drive – Commissioned December 2001.
- Intersection of Barry Drive and Marcus Clarke Street – Commissioned December 2001.
- Intersection of Northbourne Avenue and London Circuit – Commissioned March 2002.
- Intersection of Northbourne Avenue and Antill Street – Commissioned March 2002.

- Intersection of Hindmarsh Drive and Tuggeranong Parkway Overpass – Commissioned March 2002.
- Intersection of Hindmarsh Drive and Yambah Drive – Commissioned June 2003 (re-located from intersection of Southern Cross Drive and Coulter Drive).

(2) Total revenue collected in respect of infringement notices resulting from the use of these cameras was;

(a)	2002-2003	$4.67 Million
(b)	2003-2004	$3.41 Million

(3) Number of offences detected by the fixed site cameras are as follows;

(a) 2002-2003 = 33 882 infringements issued, and
(b) 2003-2004 = 24 706 infringements issued.

(4) Estimated revenue collected in respect of infringement notices resulting from the use of the Northbourne Avenue/Barry Drive camera was;

(a)	2002 – 2003	$781,360
(b)	2003 – 2004	$513,500

Number of offences for the fixed Northbourne Avenue/Barry Drive camera was;

(a) 2002-2003 = 5 662 infringements issued, and
(b) 2003-2004 = 3 721 infringements issued.

Fixed camera site revenue is averaged at $138.00 per infringement.

Animals—abandoned (Question No 1643)

Mr Cornwell asked the Minister for Urban Services, upon notice, on 1 July 2004:

(1) How many stray or abandoned (a) dogs, (b) cats and (c) other animals were impounded at Domestic Animals Services during 2002-03 and 2003-04;

(2) How many animals in each of the categories above were (a) returned to owners, (b) re-homed with new owners, (c) destroyed and (d) micro-chipped or had some other form of identification;

(3) How many animals in each of the categories above (a) with or (b) without identification were able to be returned to their owners.

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

(1) Domestic Animal Services (DAS) facilities only cater for dogs. Cats and other animals would, generally be dealt with by the RSPCA.

2002/03 - 1939 dogs were impounded
2003/04 - 1716 dogs were impounded

(2) (a) 2002/03 - 1075 were returned to their owners.
2003/04 - 1012 were returned to their owners.

(b) 2002/03 - 525 dogs were re-homed through DAS.
2003/04 - 482 dogs were re-homed through DAS.

(c) 2002/03 - 210 dogs were euthanaised.
2003/04 - 165 dogs were euthanaised.

(d) Approximately 25% of dogs that enter the pound carry some form of identification.

(3) Of the animals returned to their owners approximately 40% had some form of identification.

Motor vehicles—stolen number plates (Question No 1644)

Mr Cornwell asked the Minister for Urban Services, upon notice, on 1 July 2004:

(1) Further to Question on notice No 876, how many reports of stolen number plates from registered vehicles were reported from 1 July 2003 to 30 June 2004.

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

(1) The information requested is not available. The ACT Road Transport Authority database records vehicle registrations and replacement number plates. It does not store information on the reason for the issue of replacement number plates. Reasons may include stolen, lost, damaged or destroyed.

Bicycle paths (Question No 1645)

Mr Cornwell asked the Minister for Urban Services, upon notice, on 1 July 2004:

(1) In relation to bicycle and footpath maintenance and further to Question on notice No 1232, have each of the following works scheduled as part of the 2003-04 budget capital works program been completed; (a) grinding trip hazards on concrete paths across Canberra, (b) repairs to Manuka Oval asphalt path, (c) repairs and improvements to create the Narrabundah Heart Foundation Walk and (d) repairs to concrete path joints in the City and Dickson;

(2) If not, (a) which works are yet to be completed and (b) when will this be done.

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

(1) (a) Completed
(b) Completed
(c) Completed
(d) Not completed

In relation to (a), (b) and (c), "completion" relates to identified works, clearly further deficiencies can emerge over time.

(2) Work in the City and Dickson will be completed in the 2004/05 financial year.

Roads—speed cameras (Question No 1646)

Mr Cornwell asked the Minister for Urban Services, upon notice, on 1 July 2004:

(1) Further to Question on notice No 1232, have there been continued assaults on mobile van speed camera operators in 2004;

(2) If so, (a) how many such assaults occurred and (b) how many convictions have been recorded from 1 January 2004 to 30 June 2004;

(3) Are security guards still being employed to protect mobile van speed camera operators; if so, (a) how many, (b) when and (c) at what cost.

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

(1) There have been no actual assaults on mobile van speed camera operators but there has been inappropriate behaviour against mobile speed camera operators and or/equipment, such as vehicles swerving towards vans.

(2) N/A

(3) Since March 2004 the evening mobile camera service (1600 to 2330) has been contracted to Chubb Security. Chubb has established its own arrangements for the security and protection of its employees and Territory assets. These arrangements include support from roving security patrols.

Alcohol (Question No 1649)

Mr Stefaniak asked the Chief Minister, upon notice, on 1 July 2004:

(1) What is the number of prosecutions taken out against licensed premises for breaches of the Liquor Act for the period 1 July 2003 to 30 June 2004;

(2) Can the Minister list details of any charges (a) laid and (b) proven and the penalty imposed.

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

(1) The Liquor licensing Board dealt with a total of 15 liquor licensees (one premise on two occasions) for offences under the *Liquor Act 1975* in the 2003/2004 financial year.

(2) Below is a list of the licensed premises dealt with by the board, the matter or matters that were referred and the board's penalty.

B Bar – Kingston – three minors in bar room unaccompanied by an adult – monetary penalty of $750.

Holy Grail – Kingston – exceed outside occupancy loading - monetary penalty of $2,000 suspended for six months if no further matters are proven within that period.

Kingston Hotel – Kingston – security not wearing identification – reprimand.

Club Habana – Manuka – failure to comply with direction of board - suspension for 14 days.

ICBM – Civic – a minor in the bar room unaccompanied by an adult - monetary penalty of $500.

Echo Bar – Civic – two minors in a bar room unaccompanied by an adult - monetary penalty of $750 and a direction in relation to security practices.

Mooseheads – Civic - one minor in bar room unaccompanied by an adult - monetary penalty of $1,500.

Toast – Civic – selling liquor for consumption off the premises – reprimand.

Tosolini's – Civic – unauthorised alterations - monetary penalty of $1,000 and a direction to have staff trained in responsible service of alcohol.

Trinity Bar – Dickson – non-availability of food when bar room open for sale of liquor - monetary penalty of $1,000 with $250 suspended for six months if no further matters are proven within that period.

Stylus Lounge and Bar – Civic – one minor in bar room unaccompanied by an adult - monetary penalty of $500 with a direction concerning the licensees security operations.

Candamber – Belconnen – sale of liquor to intoxicated person – suspended for 14 days with 11 days suspended for six months and a direction to have staff trained in the responsible service of alcohol.

Lot 33 – Kingston – security not wearing identification and no maintaining security incident book - monetary penalty of $500.

Murphy's Shooter's Pub and Nightclub – Civic – exceed occupancy loading - monetary penalty of $750 with $250 suspended for six months if no further matters are proven in that period.

Stylus Lounge and Bar – Civic – failure to comply with direction of board – suspension for 14 days or until such time as previous direction is complied with and a monetary penalty of $5,000.

Crime—statistics (Question No 1650)

Mr Stefaniak asked the Attorney-General, upon notice, on 1 July 2004:

(1) In relation to persons found guilty by the Supreme Court of the Australian Capital Territory from 1 July 2003 to 30 June 2004, how many persons were convicted of (a) sexual assault offences including rape, (b) supplying illegal drugs to others and (c) the offence of armed robbery;

(2) As a result of being convicted of these offences how many were (a) sentenced to a term of imprisonment, (b) sentenced to periodic detention and (c) given a non-custodial sentence.

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

(1)	(a)	13
	(b)	7
	(c)	7
(2)	(a)	15
	(b)	2
	(c)	10

Courts and tribunals—sentences (Question No 1651)

Mr Stefaniak asked the Attorney-General, upon notice, on 1 July 2004:

(1) In relation to persons found guilty by the Supreme Court between 1 July 2003 and 30 June 2004 how many were sentenced to a (a) period of imprisonment and (b) period of imprisonment that included a non-parole period (i) greater than 10 years, (ii) greater than five years, (iii) greater than two years, (iv) greater than one year and (v) less than one year;

(2) Can the Minister list what the offences were in each of the above.

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

(1)	(a)	50	
	(b)	This information is not available as considerable resources would be required to extract these details from each file.	
(2)	(a)	Acts intended to cause injury	8
		Sexual assault and related offences	7
		Aggravated robbery	6
		Burglary, break and enter	3
		Theft and related offences	11
		Theft – possession	9
		Fraud	1
		Forgery, false instrument	1
		Illicit drug offences, possession use	1
		Deal/traffic/supply/possess	1
		Property damage, pollution, arson	2
	(b)	See 1(b)	

Youth—alcohol
(Question No 1652)

Mr Stefaniak asked the Attorney-General, upon notice, on 1 July 2004:

(1) How many young persons were caught for underage drinking between 1 July 2003 and 30 June 2004;

(2) What action was taken against these young persons;

(3) How many of these young persons were actually charged and taken to court;

(4) What action was taken against those who were not taken to court;

(5) Can the Minister (a) detail any incidents of licensed premises and other persons being prosecuted in relation to supplying alcohol to underage persons, (b) indicate how many licensees and other persons supplying alcohol to underage persons were charged and convicted by a court and (c) indicate the penalties that were imposed and what other actions, if any, were taken against those persons not charged.

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

(1) 19.

(2) All persons cautioned received a caution by a sergeant of police in the company of a parent or guardian.

(3) Nil. The cautioning system replaces court prosecutions for minors who are caught contravening a provision of the *Liquor Act 1975*. If the minor commits a second offence within 12 months of being cautioned then prosecution action is taken.

(4) See answer to question 2.

(5) (a) Nil.
(b) Nil for offences arising in 2003/2004.
(c) There were no persons identified as having sold or supplied liquor to underage person who were not charged with the offence.

Crime—statistics
(Question No 1653)

Mr Stefaniak asked the Attorney-General, upon notice, on 1 July 2004:

(1) In relation to persons found guilty by the Supreme Court of the Australian Capital Territory from 1 July 2003 to 30 June 2004, how many persons were convicted of assault related offences;

(2) As a result of being convicted of the offences, how many were (a) sentenced to a term of imprisonment, (b) sentenced to Home Detention, (c) sentenced to a periodic detention and (d) given a non-custodial sentence.

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

(1) 20

(2) (a) 8
(b) 0
(c) 2
(d) 10

Crime—statistics (Question No 1654)

Mr Stefaniak asked the Attorney-General, upon notice, on 1 July 2004:

(1) How many criminal matters were commenced before the Supreme Court from 1 July 2003 to 30 June 2004;

(2) How many criminal matters were finalised during the period above;

(3) How many persons were found not guilty in relation to the matters brought before the Court during the period above;

(4) How many persons were found guilty by the Court during the above period;

(5) Of the persons found guilty, how many of these were as a result of (a) a jury trial, (b) a trial by Judge alone and (c) pleas of guilty being entered.

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

(1) 245

(2) 198

(3) 13

(4) 88

(5) (a) Jury trial – 4

(b) Judge alone – 2 guilty, 2 submit to jurisdiction of Mental Health Tribunal

(c) Plea of guilty – 80

Courts and tribunals—civil matters (Question No 1655)

Mr Stefaniak asked the Attorney-General, upon notice, on 1 July 2004:

(1) How many civil matters (a) were filed in the Supreme Court, (b) were finalised by the Supreme Court and (c) had not been dealt with by the Supreme Court between 1 July 2003 and 30 June 2004;

(2) Of the civil matters completed during 1 July 2003 and 30 June 2004, how many (a) were settled before the hearing and (b) went to a full hearing and were decided during this period by the Court.

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

(1) (a) 928
(b) 1014
(c) 1491 (total civil pending caseload at 30 June 2004)

(2) (a) 168 of the 247 matters set down for hearing were settled on or before the hearing date. Not all finalised matters were set down for hearing.

(b) Judgment was delivered in 17 matters after a hearing.

Water—sporting ovals (Question No 1657)

Mr Stefaniak asked the Minister for Urban Services, upon notice, on 1 July 2004:

(1) What ovals have had watering ceased as a result of the Government's decision in August/September 2003 to stop watering a number of sporting ovals;

(2) Which of the above ovals were used for junior sport and what sporting clubs used the ovals prior to them ceasing to be watered;

(3) Is there any intention by the Government to resume watering these ovals; if not, why not;

(4) Do any sporting groups currently use any of these ovals; if so, (a) which ovals are being used and (b) which sporting groups use them.

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

(1) In order to comply with Actew/AGL level two water restrictions the following ovals have had watering ceased:

Campbell NHO	Charnwood NHO	Chisholm
Evatt NHO	Farrer NHO	Florey NHO
Gilmore	Isabella	Kaleen South
Lyneham	Macgregor	Mawson
Melba	Monash	Ngunnawal
Richardson	Spence	Theodore
Watson	Jerrabomberra	Majura DPF (part)
Bonython NHO	Holt DPF 2 (part)	Melba DPF (part)
Stirling DPF 4		

(NHO = Neighbourhood Oval, DPF = District Playing Fields)

(2) Of the above ovals, those that were used for junior sport and the sporting groups who used them are as follows:

Oval	Junior Use Y/N	Season S/W	Sporting Groups
Campbell NHO	Y	Summer Winter	ACT Junior Cricket Association (ACTJCA) Majura Junior Soccer Club
Charnwood NHO	Y	S	ACTJCA
Chisholm NHO	Y	S	ACTJCA
Evatt NHO	Y	S	ACTJCA
Farrer NHO	Y	S	ACTJCA
Florey NHO	Y	S	ACTJCA
Gilmore NHO	Y	S	ACTJCA
Isabella NHO	Y	W	AFL Canberra
Kaleen South NHO	Y	S	ACTJCA
Lyneham NHO	Y	S	ACTJCA
Macgregor NHO	Y	S	ACTJCA
Mawson NHO	Y	S	ACTJCA
Melba NHO	Y	S	ACTJCA
Monash NHO	Y	S	ACTJCA
Ngunnawal NHO	Y	S	ACTJCA
Richardson NHO	Y	S	ACTJCA
Theodore NHO	N		Nil
Watson NHO	N		Nil
Jerrabomberra NHO	Y	SW	ACTJCA, Hockey Canberra-Minkey, Soccer Canberra Junior League
Majura DPF (part)	Y	SW	ACTJCA Hockey Canberra Minkey
Bonython NHO	Y	W	ACTJCA
Holt DPF 2 (part)	N		Nil
Melba DPF (part0	Y	SW	ACTJCA ACTJRU, Soccer Canberra Junior League
Stirling DPF 4	Y	W	AFL Canberra-Junior

(3) Watering to all of these ovals will be resumed as soon as water restrictions are lifted

(4) There is ongoing monitoring and assessment of these grounds to ensure that they are only made available for hire if they are safe for use.

There has been ongoing consultation with ACTSPORT to keep the sporting community informed of any relevant decisions made as a result of water restrictions.

All winter sports were able to go ahead at these grounds as level 3 restrictions reverted to level 2 restrictions and maintenance to grounds was undertaken in March 2004

As cricket is the main summer sport on these grounds, regular meetings have been held with the Executive Director of the ACT Cricket Association to jointly develop strategies to deal with the possible loss of grounds for this coming season. Such options as playing junior games on grade grounds on Saturday mornings using a specially mown strip, as well as scheduling twilight competitions on weekdays, have been considered.

There will be a meeting with all of the summer sporting associations on 3 August 20004 for the annual grounds allocation meeting, where groups will be provided with an update on the situation. It is anticipated that the needs of all clubs will be accommodated on alternative locations.

Water—sporting ovals (Question No 1658)

Mr Stefaniak asked the Minister for Urban Services, upon notice, on 1 July 2004:

(1) What ovals are currently being watered and allocated to sporting groups;

(2) Are any of these ovals ear-marked for lower maintenance, including the Government ceasing to water them;

(3) If any ovals are not going to be watered, why has this decision been made;

(4) What arrangements are being made for the sporting groups that use those ovals.

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

(1) The following ovals are currently being watered and are allocated to sporting groups:

Enclosed Ovals	District Playing Fields	Neighbourhood Ovals
Majura	Calwell	Forestry
Kaleen	Dickson	Chapman
Ballpark	Deakin	Cook
O'Connor	Waramanga (part)	Banks
Phillip	Wanniassa	Yarralumla
Stirling No.1	Reid	Conder
Tuggeranong	Chisholm	Nicholls
	Griffith	Rivett
	Mawson	Page
	Aranda	Kaleen North
	Gordon/Conder	Scullin
	Holt 1	Latham
	Kambah 2	Downer
	Amaroo	Duffy
	Kambah 3	Torrens
	Charnwood	Hall
	Kaleen	South Curtin
	Hawker 1	Pearce
	North Curtin	
	Majura (part)	
	Hawker 2	
	Kambah 1	
	Stirling 2	
	Melba (part)	
	Southwell Park	
	Narrabundah	

	Nicholls	
	O'Connor	
	Phillip	
	Girilang	
	Kambah 1	
	Gowrie	
	Deakin	
	Holt	

(2) No

(3) N/A

(4) N/A

Ministerial functions (Question No 1659)

Mr Smyth asked the Chief Minister, upon notice, on 1 July 2004:

(1) How many functions were held by each Minister, by portfolio, in the period 1 March 2004 to 30 June 2004 that have been paid for through the Executive Budget, including private functions;

(2) For each function, what was the (a) purpose, (b) date, (c) cost, (d) number of guests attending, (e) venue used and (f) entertainment hired.

Mr Stanhope: The answer to the member's question is outlined in the attached spreadsheet.

Functions held by Chief Minister/Minister in the period of 1 March 2004 to 30 June 2004.

Name/Function	Date	Cost	No of Guests	Venue	Entertainment Hired
Chief Minister Canberra's B'Day Celebrations	12 March	$1,956.00	76	Reception Room	Rachel Thorne - Musician
Community Cabinet afternoon tea	27 April	$452.27	50	Woden Quality Inn Hotel	N/A
Reception for Council of Youth Courts	28 April	$479.85	21	Reception Room	N/A
Host Reception for Rotary Delegates	14 May	$4,000.00	350-400	National Archives	N/A
Freedom of Entry – RMC Band	14 May	$1,990.91	100	Reception Room	N/A
Lunch West Rugby Club. Purchased at Charity Auction Dinner	26 May	$426.36	10-12	West Rugby Club	N/A

Minister Quinlan **Minister for Sport, Racing & Gaming Treasurer**					
Brumbies Civic Reception	27 May 04	$2,635.00	Open to public	Civic Square	The Gig Connection
Post Budget Drinks	4 May 04	$575.00	25	Cabinet Room	N/A
Minister Wood **Minister for Police & Emergency Services**					
On behalf of CM ACT Scouts Dinner	26 March	$2,216.36	48	Lamberts Vineyard	N/A
On behalf of CM – Reception for Swim around Australia	19 April	$445.00	60	Reception Room	N/A
Afternoon tea to thank staff of ESA and the Parliamentary Counsel for work on the Emergency Services Bill	1 June 04	$77.73	10	Minister's Office	N/A
Minister Corbell	*NIL*				
Minister Gallagher	*NIL*				

Prisons and prisoners (Question No 1660)

Mr Smyth asked the Attorney-General, upon notice, on 1 July 2004:

(1) What was the total cost to the A.C.T. of (a) transporting and (b) housing prisoners interstate in 2003-04;

(2) Which interstate facilities were used to house A.C.T. prisoners in 2003-04;

(3) What was the average number of remandees held at (a) Belconnen Remand Centre (BRC) and (b) Symonston Temporary Remand Centre (STRC), on a monthly basis in 2003-04;

(4) What was the cost of holding remandees at the STRC in 2003-04 and is this figure under or over budget for 2003-04;

(5) What was the breakdown of remandees at (a) BRC and (b) STRC in 2003-04 in terms of (i) males, (ii) females and (iii) Aboriginal and Torres Strait Islanders;

(6) How many mental health clients from the A.C.T. were held in forensic facilities interstate in 2003-04 and in which facilities were they held.

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

(1) The total cost to the ACT for:

(a) transporting prisoners interstate in 2003-04 was $150,000 (approximately 15% of total direct Court Transport Unit costs for 2003-04); and

(b) housing prisoners interstate in 2003-04 was $7, 860,000.

(2) The interstate facilities that were used to house ACT prisoners in New South Wales are the following:

1.	Bathurst	7.	Goulburn	13.	Malabar	19.	Windsor
2.	Berrima	8.	Grafton	14.	Mannus		
3.	Cessnock	9.	Ivanhoe	15.	Mulawa		
4.	Cooma	10.	Junee	16.	Oberon		
5.	Dubbo	11.	Kirconnell	17.	Parramatta		
6.	Emu Plains	12.	Lithgow	18.	Silverwater		

(3) Average number of remandees held at BRC and STRC on a monthly basis are:

	BRC	**STRC**
July 2003	39.26	12.35
August 2003	51.58	15.90
September 2003	49.20	16.87
October 2003	48.74	16.39
November 2003	48.60	16.20
December 2003	36.48	16.39
January 2004	37.35	16.32
February 2004	52.66	17.24
March 2004	52.84	12.39
April 2004	48.63	16.30
May 2004	50.52	17.65
June 2004	58.47	18.37
Total	**47.80**	**16.01**

(4) The cost of holding remandees at the STRC in 2003-04 was $2,300,000 and this figure was under the projected budget for 2003-04, which was $2,395,000.

(5) The following is a breakdown of the average daily remandee numbers by male, female and Aboriginal and Torres Strait Islanders (ATSI).

(a) BRC:
- (i) Male - 43.37
- (ii) Female - 4.43
- (iii) ATSI - 5.44

(b) STRC:
- (i) Male - 16.01
- (ii) Female - No females are housed in the STRC
- (iii) ATSI male - 2.01

(6) Mental Health ACT had arranged placement of two male mental health clients from the ACT to be placed in a forensic mental health facility in NSW for part or all of 2003-04. These placements were in the Kestrel Unit in Morrisett Hospital and were arranged by the Chief Psychiatrist of Mental Health ACT.

Prisons and prisoners
(Question No 1661)

Mr Smyth asked the Attorney-General, upon notice, on 1 July 2004:

(1) How many (a) public service corrections staff and (b) custodial officers in corrective services have (i) resigned and (ii) taken stress leave in 2003-04;

(2) Have any reasons for resignation or stress leave been offered; if so, what are those reasons;

(3) Does the Minister have any concerns about staffing in corrective services; if so, in what areas;

(4) Have any concerns about staffing been raised with the Minister at all during 2003-04; if so, what (a) concerns have been raised and (b) did the Minister do to ease or fix those concerns.

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

(1) (i) During 2003-04, nine officers in corrective services resigned. Of these, (a) five were public service corrections staff and (b) four were custodial staff.

(ii) During 2003-04, five workers' compensation claims were lodged, where the absence from work was attributed to mental stress and subsequent psychological injuries. Of these, (a) two were public service corrections staff and (b) three were custodial officers.

(2) In the case of each of the five public service corrections staff, the reason given for their resignation was that they were taking up other employment.

Of the custodial officers, two indicated that they were taking up other employment. The other two were custodial officer trainees, who were found not suitable and left during the training course.

(3) I have no concern about staffing in Corrective Services.

(4) The responsibility for management of staff lies with the Chief Executive and his delegates.

Consultants
(Question Nos 1662-1665)

Mr Smyth asked the Chief Minister, upon notice, on 1 July 2004:

(1) In relation to contracts for the financial year 2003-04, for each agency the Minister is responsible, what is the (a) number of contracts, (b) number of consultants, (c) number of contractors, (d) number of labour hire firms, (e) number of contracts containing labour hire component, (f) number of contracts with no labour hire component, (g) types of services provided, (h) number of contracts needing extension after 2003: (i) numbers of each type of contract used, in the following categories: (i) standard, (ii) schedule of fees, (iii) quote/lump sum, (iv) invoice and (v) other, (j) number of services outsourced in the

following categories (i) whole, (ii) in part or (iii) unidentified, (k) number of contracts directing appropriate award usage, (l) number of contracts where there is subcontracting occurring, (m) number of contracts with permission or non-permission clause for subcontracting and (n) number of contracts requiring award usage for subcontractors.

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

Much of this information is being prepared for the annual report of the respective agencies, and will be available in line with the Government's guidelines and timetable for production of those reports.

In relation to the residual information, the Government is not prepared to invest the significant time required to address such questions.

Consultants
(Question No 1666)

Mr Smyth asked the Treasurer, upon notice, on 1 July 2004:

(1) In relation to contracts for the financial year 2003-04, for each agency the Minister is responsible, what is the

(a) number of contracts,
(b) number of consultants,
(c) number of contractors,
(d) number of labour hire firms,
(e) number of contracts containing labour hire component,
(f) number of contracts with no labour hire component,
(g) types of services provided,
(h) number of contracts needing extension after 2003,
(i) numbers of each type of contract used, in the following categories:(i) standard,(ii) schedule of fees, (iii) quote/lump sum, (iv) invoice and (v) other,
(j) number of services outsourced in the following categories: (i) whole, (ii) in part, or (iii) unidentified,
(k) number of contracts directing appropriate award usage,
(l) number of contracts where there is subcontracting occurring,
(m) number of contracts with permission or non-permission clause for subcontracting and
(n) number of contracts requiring award usage for subcontractors.

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

The majority of this information is being prepared for the Department of Treasury's Annual Report and will be available in line with the Government's guidelines and timetable for production of that report.

Consultants
(Question Nos 1667-1668)

Mr Smyth asked the Minister for Economic Development, Business and Tourism, upon notice, on 1 July 2004:

(1) In relation to contracts for the financial year 2003-04, for each agency the Minister is responsible, what is the (a) number of contracts, (b) number of consultants, (c) number of contractors, (d) number of labour hire firms, (e) number of contracts containing labour hire component, (f) number of contracts with no labour hire component, (g) types of services provided, (h) number of contracts needing extension after 2003: (i) numbers of each type of contract used, in the following categories: (i) standard, (ii) schedule of fees, (iii) quote/lump sum, (iv) invoice and (v) other, (j) number of services outsourced in the following categories (i) whole, (ii) in part or (iii) unidentified, (k) number of contracts directing appropriate award usage, (l) number of contracts where there is subcontracting occurring, (m) number of contracts with permission or non-permission clause for subcontracting and (n) number of contracts requiring award usage for subcontractors.

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

Much of this information is being prepared for the Annual Reports and will be available in line with the Government's guidelines and timetable for production of those reports.

Consultants (Question No 1669)

Mr Smyth asked the Minister for Disability, Housing and Community Services, upon notice, on 1 July 2004:

(1) In relation to contracts for the financial year 2003-04, for each agency the Minister is responsible, what is the (a) number of contracts, (b) number of consultants, (c) number of contractors, (d) number of labour hire firms, (e) number of contracts containing labour hire component, (f) number of contracts with no labour hire component, (g) types of services provided, (h) number of contracts needing extension after 2003: (i) numbers of each type of contract used, in the following categories: (i) standard, (ii) schedule of fees, (iii) quote/lump sum, (iv) invoice and (v) other, (j) number of services outsourced in the following categories (i) whole, (ii) in part or (iii) unidentified, (k) number of contracts directing appropriate award usage, (l) number of contracts where there is subcontracting occurring, (m) number of contracts with permission or non-permission clause for subcontracting and (n) number of contracts requiring award usage for subcontractors.

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

Much of this information is being prepared for the annual report of the Department of Disability, Housing and Community Services, and will be available in line with the Government's guidelines and timetable for production of that report.

Consultants (Question No 1670)

Mr Smyth asked the Minister for Urban Services, upon notice, on 1 July 2004:

(1) In relation to contracts for the financial year 2003-04, for each agency the Minister is responsible, what is the (a) number of contracts, (b) number of consultants, (c) number of contractors, (d) number of labour hire firms, (e) number of contracts containing labour hire component, (f) number of contracts with no labour hire component, (g) types of

services provided, (h) number of contracts needing extension after 2003: (i) numbers of each type of contract used, in the following categories: (i) standard, (ii) schedule of fees, (iii) quote/lump sum, (iv) invoice and (v) other, (j) number of services outsourced in the following categories (i) whole, (ii) in part or (iii) unidentified, (k) number of contracts directing appropriate award usage, (l) number of contracts where there is subcontracting occurring, (m) number of contracts with permission or non-permission clause for subcontracting and (n) number of contracts requiring award usage for subcontractors.

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

(1) Much of this information is being prepared for the annual report of the Department of Urban Services and will be available in line with the Government's guidelines and timetable for production of that report.

Consultants (Question No 1671)

Mr Smyth asked the Minister for Police and Emergency Services, upon notice, on 1 July 2004:

(1) In relation to contracts for the financial year 2003-04, for each agency the Minister is responsible, what is the (a) number of contracts, (b) number of consultants, (c) number of contractors, (d) number of labour hire firms, (e) number of contracts containing labour hire component, (f) number of contracts with no labour hire component, (g) types of services provided, (h) number of contracts needing extension after 2003: (i) numbers of each type of contract used, in the following categories: (i) standard, (ii) schedule of fees, (iii) quote/lump sum, (iv) invoice and (v) other, (j) number of services outsourced in the following categories (i) whole, (ii) in part or (iii) unidentified, (k) number of contracts directing appropriate award usage, (l) number of contracts where there is subcontracting occurring, (m) number of contracts with permission or non-permission clause for subcontracting and (n) number of contracts requiring award usage for subcontractors.

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

(1) Much of this information is being prepared for the annual report of the Department of Justice and Community Safety, and its agencies and will be available in line with the government's guidelines and timetable for production of that report.

Consultants (Question No 1672)

Mr Smyth asked the Minister for Arts and Heritage, upon notice, on 1 July 2004:

(1) In relation to contracts for the financial year 2003-04, for each agency the Minister is responsible, what is the (a) number of contracts, (b) number of consultants, (c) number of contractors, (d) number of labour hire firms, (e) number of contracts containing labour hire component, (f) number of contracts with no labour hire component, (g) types of services provided, (h) number of contracts needing extension after 2003: (i) numbers of each type of contract used, in the following categories: (i) standard, (ii) schedule of fees, (iii) quote/lump sum, (iv) invoice and (v) other, (j) number of services outsourced in the following categories (i) whole, (ii) in part or (iii) unidentified, (k) number of contracts

directing appropriate award usage, (l) number of contracts where there is subcontracting occurring, (m) number of contracts with permission or non-permission clause for subcontracting and (n) number of contracts requiring award usage for subcontractors.

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

(1) Much of this information is being prepared for the annual report of the Department of Urban Services and will be available in line with the Government's guidelines and timetable for production of that report.

Consultants (Question No 1673)

Mr Smyth asked the Acting Minister for Health, upon notice, on 1 July 2004:

(1) In relation to contracts for the financial year 2003-04, for each agency the Minister is responsible, what is the (a) number of contracts, (b) number of consultants, (c) number of contractors, (d) number of labour hire firms, (e) number of contracts containing labour hire component, (f) number of contracts with no labour hire component, (g) types of services provided, (h) number of contracts needing extension after 2003: (i) numbers of each type of contract used, in the following categories: (i) standard, (ii) schedule of fees, (iii) quote/lump sum, (iv) invoice and (v) other, (j) number of services outsourced in the following categories (i) whole, (ii) in part or (iii) unidentified, (k) number of contracts directing appropriate award usage, (l) number of contracts where there is subcontracting occurring, (m) number of contracts with permission or non-permission clause for subcontracting and (n) number of contracts requiring award usage for subcontractors.

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

Much of this information is being prepared for the annual report, and will be available in line with the Government's guidelines and timetable for production of those reports.

In relation to the residual information, the Government is not prepared to invest the significant time required to address such questions.

Consultants (Question No 1674)

Mr Smyth asked the Acting Minister for Planning, upon notice, on 1 July 2004:

(1) In relation to contracts for the financial year 2003-04, for each agency the Minister is responsible, what is the (a) number of contracts, (b) number of consultants, (c) number of contractors, (d) number of labour hire firms, (e) number of contracts containing labour hire component, (f) number of contracts with no labour hire component, (g) types of services provided, (h) number of contracts needing extension after 2003: (i) numbers of each type of contract used, in the following categories: (i) standard, (ii) schedule of fees, (iii) quote/lump sum, (iv) invoice and (v) other, (j) number of services outsourced in the following categories (i) whole, (ii) in part or (iii) unidentified, (k) number of contracts directing appropriate award usage, (l) number of contracts where there is subcontracting occurring, (m) number of contracts with permission or non-permission clause for subcontracting and (n) number of contracts requiring award usage for subcontractors.

Mr Stanhope: The answer to the member's question is

> Much of this information is being prepared for the annual report of the ACT Planning and Land Authority, and will be available in line with the Government's guidelines and timetable for the production of that report.
>
> In relation to the residual information, the Government is not prepared to invest the significant time required to address such questions.

Consultants (Question No 1675)

Mr Smyth asked the Minister for Education and Training, upon notice, on 1 July 2004:

> In relation to contracts for the financial year 2003-04, for each agency the Minister is responsible, what is the (a) number of contracts, (b) number of consultants, (c) number of contractors, (d) number of labour hire firms, (e) number of contracts containing labour hire component, (f) number of contracts with no labour hire component, (g) types of services provided, (h) number of contracts needing extension after 2003: (i) numbers of each type of contract used, in the following categories: (i) standard, (ii) schedule of fees, (iii) quote/lump sum, (iv) invoice and (v) other, (j) number of services outsourced in the following categories (i) whole, (ii) in part or (iii) unidentified, (k) number of contracts directing appropriate award usage, (l) number of contracts where there is subcontracting occurring, (m) number of contracts with permission or non-permission clause for subcontracting and (n) number of contracts requiring award usage for subcontractors.

Ms Gallagher: The answer to Mr Smyth'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 purpose of answering the Member's question.

Consultants (Question No 1676)

Mr Smyth asked the Minister for Children, Youth and Family Support, upon notice, on 1 July 2004:

> In relation to contracts for the financial year 2003-04, for each agency the Minister is responsible, what is the
>
> (a) number of contracts,
> (b) number of consultants,
> (c) number of contractors,
> (d) number of labour hire firms,
> (e) number of contracts containing labour hire component,
> (f) number of contracts with no labour hire component,
> (g) types of services provided,

(h) number of contracts needing extension after 2003,
(i) numbers of each type of contract used, in the following categories:
  (i) standard,
  (ii) schedule of fees,
  (iii) quote/lump sum,
  (iv) invoice and
  (v) other,
(j) number of services outsourced in the following categories
  (i) whole,
  (ii) in part or
  (iii) unidentified,
(k) number of contracts directing appropriate award usage,
(l) number of contracts where there is subcontracting occurring,
(m) number of contracts with permission or non-permission clause for subcontracting and
(n) number of contracts requiring award usage for subcontractors.

Ms Gallagher: The answer to Mr Smyth'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.

Consultants
(Question No 1678)

Mr Smyth asked the Minister for Women, upon notice, on 1 July 2004:

(1) In relation to contracts for the financial year 2003-04, for each agency the Minister is responsible, what is the (a) number of contracts, (b) number of consultants, (c) number of contractors, (d) number of labour hire firms, (e) number of contracts containing labour hire component, (f) number of contracts with no labour hire component, (g) types of services provided, (h) number of contracts needing extension after 2003: (i) numbers of each type of contract used, in the following categories: (i) standard, (ii) schedule of fees, (iii) quote/lump sum, (iv) invoice and (v) other, (j) number of services outsourced in the following categories (i) whole, (ii) in part or (iii) unidentified, (k) number of contracts directing appropriate award usage, (l) number of contracts where there is subcontracting occurring, (m) number of contracts with permission or non-permission clause for subcontracting and (n) number of contracts requiring award usage for subcontractors.

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

I have been advised 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.

Consultants
(Question No 1679)

Mr Smyth asked the Minister for Industrial Relations, upon notice, on 1 July 2004:

(1) In relation to contracts for the financial year 2003-04, for each agency the Minister is responsible, what is the (a) number of contracts, (b) number of consultants, (c) number of contractors, (d) number of labour hire firms, (e) number of contracts containing labour hire component, (f) number of contracts with no labour hire component, (g) types of services provided, (h) number of contracts needing extension after 2003: (i) numbers of each type of contract used, in the following categories: (i) standard, (ii) schedule of fees, (iii) quote/lump sum, (iv) invoice and (v) other, (j) number of services outsourced in the following categories (i) whole, (ii) in part or (iii) unidentified, (k) number of contracts directing appropriate award usage, (l) number of contracts where there is subcontracting occurring, (m) number of contracts with permission or non-permission clause for subcontracting and (n) number of contracts requiring award usage for subcontractors.

Ms Gallagher: 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.

Consultants
(Question Nos 1680-1683)

Mr Smyth asked the Chief Minister, upon notice, on 1 July 2004:

(1) What was the total cost of consultancies for your portfolio in the 2003-04;

(2) For each consultant used what was the (a) name of the consultant, (b) address of the consultant, (c) cost of the consultancy, (d) service provided by the consultant/s and (e) reason for the consultancy;

(3) Was a report prepared by the consultant/s; if so where may copies be obtained.

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

Much of this information is being prepared for the annual report of the respective agencies, and will be available in line with the Government's guidelines and timetable for production of those reports.

In relation to the residual information, the Government is not prepared to invest the significant time required to address such questions.

Consultants
(Question No 1684)

Mr Smyth asked the Treasurer, upon notice, on 1 July 2004:

(1) What was the total cost of consultancies for your portfolio in the 2003-04;

(2) For each consultant used what was the (a) name of the consultant, (b) address of the consultant, (c) cost of the consultancy, (d) service provided by the consultant/s and (e) reason for the consultancy;

(3) Was a report prepared by the consultant/s; if so where may copies be obtained.

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

The majority of this information is being prepared for the Department of Treasury's Annual Report and will be available in line with the Government's guidelines and timetable for production of that report. In relation to the residual information, the Government is not prepared to invest the significant time required to address such a question.

Consultants
(Question Nos 1685-1686)

Mr Smyth asked the Minister for Economic Development, Business and Tourism, upon notice, on 1 July 2004:

(1) What was the total cost of consultancies for your portfolio in the 2003-04;

(2) For each consultant used what was the (a) name of the consultant, (b) address of the consultant, (c) cost of the consultancy, (d) service provided by the consultant/s and (e) reason for the consultancy;

(3) Was a report prepared by the consultant/s; if so where may copies be obtained.

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

Much of this information is being prepared for the Annual Reports and will be available in line with the Government's guidelines and timetable for production of those reports.

In relation to the residual information, the Government is not prepared to invest the significant times required to address such a question.

Consultants
(Question No 1687)

Mr Smyth asked the Minister for Disability, Housing and Community Services, upon notice, on 1 July 2004:

(1) What was the total cost of consultancies for your portfolio in the 2003-04;

(2) For each consultant used what was the (a) name of the consultant, (b) address of the consultant, (c) cost of the consultancy, (d) service provided by the consultant/s and (e) reason for the consultancy;

(3) Was a report prepared by the consultant/s; if so where may copies be obtained.

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

Much of this information is being prepared for the annual report of the Department of Disability, Housing and Community Services, and will be available in line with the Government's guidelines and timetable for production of that report.

In relation to the residual information, the Government is not prepared to invest the significant time required to address such a question.

Consultants (Question No 1688)

Mr Smyth asked the Minister for Urban Services, upon notice, on 1 July 2004:

(1) What was the total cost of consultancies for your portfolio in the 2003-04;

(2) For each consultant used what was the (a) name of the consultant, (b) address of the consultant, (c) cost of the consultancy, (d) service provided by the consultant/s and (e) reason for the consultancy;

(3) Was a report prepared by the consultant/s; if so where may copies be obtained.

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

(1-3) Much of this information is being prepared for the annual report of the Department of Urban Services, and will be available in line with the Government's Guidelines and timetable for production of that report.

In relation to the residual information, the Government is not prepared to invest the significant time required to address such a question.

Consultants (Question No 1690)

Mr Smyth asked the Minister for Arts and Heritage, upon notice, on 1 July 2004:

(1) What was the total cost of consultancies for your portfolio in the 2003-04;

(2) For each consultant used what was the (a) name of the consultant, (b) address of the consultant, (c) cost of the consultancy, (d) service provided by the consultant/s and (e) reason for the consultancy;

(3) Was a report prepared by the consultant/s; if so where may copies be obtained.

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

(1-3) Much of this information is being prepared for the annual report of the Department of Urban Services, and will be available in line with the Government's Guidelines and timetable for production of that report.

In relation to the residual information, the Government is not prepared to invest the significant time required to address such a question.

Consultants
(Question No 1691)

Mr Smyth asked the Acting Minister for Health, upon notice, on 1 July 2004:

(1) What was the total cost of consultancies for your portfolio in the 2003-04;

(2) For each consultant used what was the (a) name of the consultant, (b) address of the consultant, (c) cost of the consultancy, (d) service provided by the consultant/s and (e) reason for the consultancy;

(3) Was a report prepared by the consultant/s; if so where may copies be obtained.

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

Much of this information is being prepared for the annual report, and will be available in line with the Government's guidelines and timetable for production of those reports.

In relation to the residual information, the Government is not prepared to invest the significant time required to address such questions.

Consultants
(Question No 1692)

Mr Smyth asked the Acting Minister for Planning, upon notice, on 1 July 2004:

(1) What was the total cost of consultancies for your portfolio in the 2003-04;

(2) For each consultant used what was the (a) name of the consultant, (b) address of the consultant, (c) cost of the consultancy, (d) service provided by the consultant/s and (e) reason for the consultancy;

(3) Was a report prepared by the consultant/s; if so where may copies be obtained.

Mr Stanhope: The answer to the member's question is:

Much of this information is being prepared for the annual report of the ACT Planning and Land Authority, and will be available in line with the Government's guidelines and timetable for the production of that report.

In relation to the residual information, the Government is not prepared to invest the significant time required to address such questions.

Consultants
(Question No 1693)

Mr Smyth asked the Minister for Education and Training, upon notice, on 1 July 2004:

(1) What was the total cost of consultancies for your portfolio in the 2003-04;

(2) For each consultant used what was the (a) name of the consultant, (b) address of the consultant, (c) cost of the consultancy, (d) service provided by the consultant/s and (e) reason for the consultancy;

(3) Was a report prepared by the consultant/s; if so where may copies be obtained.

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

Much of this information is being prepared for the 2003-04 annual report of the Department of Education and Training and will be available in line with the Government's guidelines and timetable for production of that report.

In relation to the residual information, the Government is not prepared to invest the significant time required to address such a question.

Consultants
(Question No 1694)

Mr Smyth asked the Minister for Children, Youth and Family Support, upon notice, on 1 July 2004:

(1) What was the total cost of consultancies for your portfolio in the 2003-04;

(2) For each consultant used what was the
(a) name of the consultant,
(b) address of the consultant,
(c) cost of the consultancy,
(d) service provided by the consultant/s and
(e) reason for the consultancy;

(3) Was a report prepared by the consultant/s; if so where may copies be obtained.

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

Much of this information is being prepared for the Annual Reports of the Chief Minister's Department and the Department of Education and Training, and will be available in line with Government's guidelines and timetable for production of those documents.

In relation to the residual information, the Government is not prepared to invest the significant time required to address such a question.

Consultants
(Question No 1695)

Mr Smyth asked the Minister for Women, upon notice, on 1 July 2004:

(1) What was the total cost of consultancies for your portfolio in the 2003-04;

(2) For each consultant used what was the (a) name of the consultant, (b) address of the consultant, (c) cost of the consultancy, (d) service provided by the consultant/s and (e) reason for the consultancy;

(3) Was a report prepared by the consultant/s; if so where may copies be obtained.

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

Much of this information is being prepared for the Annual Report of the Chief Minister's Department, and will be available in line with Government's guidelines and timetable for production of that document.

In relation to the residual information, the Government is not prepared to invest the significant time required to address such a question.

Consultants
(Question No 1696)

Mr Smyth asked the Minister for Industrial Relations, upon notice, on 1 July 2004:

(1) What was the total cost of consultancies for your portfolio in the 2003-04;

(2) For each consultant used what was the (a) name of the consultant, (b) address of the consultant, (c) cost of the consultancy, (d) service provided by the consultant/s and (e) reason for the consultancy;

(3) Was a report prepared by the consultant/s; if so where may copies be obtained.

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

Much of this information is being prepared for the Annual Reports of the Chief Minister's Department and ACT WorkCover, and will be available in line with Government's guidelines and timetable for production of those documents.

In relation to the residual information, the Government is not prepared to invest the significant time required to address such a question.

Works
(Question No 1697)

Mr Smyth asked the Treasurer, upon notice, on 1 July 2004:

(1) What percentage of the capital works budget for 2002-03 was completed in that financial year;

(2) What percentage of funds allocated were (a) spent and (b) not spent and what is the dollar figure for these amounts;

(3) How do you explain any underspend;

(4) What are the main areas of underspend and why;

(5) What projects did you expect to complete but failed to complete.

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

In relation to Questions (1) and (2), please refer to the June 2003 Quarterly report on the Capital Works Program.

In relation to Questions (3) to (5), please refer to:

- the Auditor-General's Report No. 10 2003, which included a chapter on Capital Works expenditure for 2002-03;
- the 2002-03 Agency annual financial statements, which have a section on their capital expenditure; and
- the final Capital Works report for 2002-03.

Finance—knowledge fund (Question No 1698)

Mr Smyth asked the Minister for Economic Development, Business and Tourism, upon notice, on 1 July 2004:

(1) How much money was still in the knowledge fund at the end of the 2003-04 financial year;

(2) Why was the allocation for 2003-04 not spent;

(3) Please list all of the beneficiaries of the knowledge fund in 2003-04;

(4) How much funding will be available through the knowledge fund in 2004-05.

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

(1) The total budgeted amount for the Knowledge Fund in 2003-04 of $3million has been expended.

(2) All the allocation has either been spent or committed in the 2nd Round, which was completed at the end of June 2004.

(3) All the beneficiaries of the Knowledge Fund in 2003-2004 are listed in Attachment A.

(4) The budget for the Knowledge Fund in 2004-05 is $5million.

Attachment A

Organisation

Emax Engineering Pty Ltd
Soltek Pty Ltd
Smart Internet Technology CRC Pty
Water Recycle Group Australia Pty Ltd
Protech Australiasia
Stepsoft Pty Ltd
Mi-Trek Pty Limited
Perpetual Water Pty Ltd
A.C.T Film and Television Council Inc.
Enable Software Pty Ltd
Karley Technologies Pty Ltd
Dca Expro Pty Limited
SoftLaw Corporation Limited
Eaton Partners Pty Ltd
Helen Fraser
Bottles of Australia Pty Limited
Australian National University (10 Projects)
Canberra Institute of Technology
Kinetic Performance Pty Ltd
Video Alert Pty Ltd
Masling Aviation Pty Ltd
ReadRight Systems
eVALUA Pty Ltd
Silicon Spies Pty Ltd
Bottles of Australia
Captell Pty Ltd
Similie Systems
Flixco Pty Ltd
Development Alliance Systems Pty Ltd
Double Jump Games
Sono Ed Pty Ltd
Hatrix Pty Ltd
Wizard Information Services Pty Ltd
Dysanti Pty Ltd
Academy of Interactive Entertainment
Koppers Wood Products Pty Ltd
ZEDmotion

Airlines—government travel (Question No 1699)

Mr Smyth asked the Minister for Economic Development, Business and Tourism, upon notice, on 1 July 2004:

(1) How many airline flights each month did officers in your department or associated agencies undertake on official business between 1 February and 30 June 2004;

(2) How many of these flights were on (a) Qantas, (b) Rex, (c) Virgin Blue or (d) an other airline;

(3) How many airline flights did officers in your departments or associated agencies undertake on official business between Canberra and Sydney or vice versa between 1 February and 30 June 2004;

(4) How many of these flights were on (a) Qantas, (b) Rex or (c) an other airline.

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

(1)

February	**March**	**April**	**May**	**June**
52	25	23	56	42

(2) **QANTAS** – 173;
Rex – 23;
Virgin Blue – 2; and
Other - Nil.

(3) 100.

(4) (a) **QANTAS** – 77;
(b) **Rex** –23; and
(c) **Other** – Nil.

Health—indigenous services (Question No 1700)

Mr Smyth asked the Acting Minister for Health, upon notice, on 1 July 2004:

(1) In relation to aboriginal health services, how many patients did (a) Winnunga Nimmityjah and (b) Gugan Gulwan have on their books in 2003-04;

(2) How does the total figure in relation to part (1) compare to the figures for (a) 2002-03 and (b) 2001-02;

(3) What percentage of the health budget was allocated to indigenous health in 2003-04;

(4) How does the total figure in relation to part (3) compare to the figures for (a) 2002-03 and (b) 2001-02;

(5) What are the primary health issues for indigenous people in the A.C.T. currently.

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

(1) In 2003-04: 6,064 clients accessed Winnunga Nimmityjah; and 3,061 clients accessed Gugan Gulwan.

(2) (a) In 2002-03: 4,823 clients accessed Winnunga Nimmityjah; and 2,612 clients accessed Gugan Gulwan. (b) In 2001-02: 3,998 clients accessed Winnunga Nimmityjah; and 1,079 clients accessed Gugan Gulwan.

(3)&(4) Expenditure on Indigenous Health is calculated every 3 years by the Australian Institute of Health and Welfare. Assistance is provided by the States and Territories, and the figures are published on a comparative national basis. The expenditure figures for 2001-02 are currently under preparation and expected to be released in late 2004. The 1998-99 figures are therefore the latest available.

In the ACT in 1998-99, an estimated 2.7 per cent of the health budget was spent on providing health services to Aboriginal and Torres Strait Islander people. In 1998–99 the Aboriginal and Torres Strait Islander population in the ACT was estimated to be 1.1 per cent of the Territory's total population.

(5) ACT Health is a member of the ACT Aboriginal and Torres Strait Islander Health Forum. The Forum is the agreed joint planning body for health service delivery to Aboriginal and Torres Strait Islander people in the ACT. Forum members nominated the Australian Government representative as the appropriate body to undertake a select tender process to identify a consultant to develop the ACT's new Aboriginal and Torres Strait Islander Health Plan. The Health Plan will identify the primary health issues for Aboriginal people in the ACT.

However, representatives of Winnunga Nimmityjah and Gugan Gulwan have advised ACT Health of the following primary health care issues for Aboriginal and Torres Strait Islander people in the ACT: maternal health; oral health; otitis media (hearing health); social and emotional well-being (drug and alcohol and mental health); diabetes; heart, and kidney disease.

Health—mental (Question No 1701)

Mr Smyth asked the Acting Minister for Health, upon notice, on 1 July 2004:

(1) How many mental health clients (a) suicided or (b) attempted suicide in the 2003-04 financial year;

(2) Are there any concerns or have any concerns been raised about the handling of any of these incidents in the 2003-04 financial year;

(3) How many mental health clients have (a) suicided or (b) attempted suicide each month since 1 December 2001.

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

(1) (a) The number of suspected suicides of active mental health clients for the 2003-04 financial year was fourteen. Of the fourteen suspected suicides, three have been confirmed as suicides through a completed coronial process in the 2003-04 financial year.

(b) The number of attempted suicides by active mental health clients identified by Mental Health ACT during the 2003-04 financial year was three, which were reported to the General Manager of Mental Health ACT.

(2) All adverse clinical incidents are reviewed by the Mental Health ACT Clinical Incident Review Committee (CIRC). Where service issues or improvements to policy or practice are identified in relation to any adverse incident, the issue is addressed and implemented appropriately.

(3) (a) The number of active mental health clients who have had confirmed suicides through a completed coronial process since December 2001 includes:

February 2002: 2
March 2002: 1
April 2002: 3
June 2002: 1
July 2002: 1
October 2002: 2
January 2003: 1
February 2003: 2
May 2003: 2
June 2003: 1
August 2003: 1
December 2003: 1
January 2004: 1

(b) The number of attempted suicides by active mental health clients identified by Mental Health ACT since December 2001 includes:

August 2002: 1
October 2002: 2
December 2002: 1
January 2003: 2
February 2003: 2
April 2003: 4
May 2003: 1
March 2004: 1
April 2004: 1
June 2004: 1

Hospitals—births (Question No 1702)

Mr Smyth asked the Acting Minister for Health, upon notice, on 1 July 2004:

(1) How many babies were born at (a) The Canberra Hospital and (b) Calvary Hospital in 2003-04;

(2) Are any other figures, for example home births, available to show how many babies in total were born in the A.C.T. in 2003-04;

(3) How many of the known births in the A.C.T. in 2003-04 were delivered by caesarean section;

(4) How do the birth numbers for 2003-04 compare to birth numbers for (a) 2002-03, (b) 2001-02 and (c) 2000-01.

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

(1) The total number of births at TCH for the period July 2003 to May 2004 = 1710. The total number of births at Calvary Public for the period July 2003 to May 2004 = 984. *Data Source Published APCMay0304.*

(2) Total number of births in the ACT for the period July 2003 to May 2004 = 2694. This information is only available for those born at TCH or Calvary or those born elsewhere who were later admitted to TCH or Calvary. Please note that full year figures are unavailable due to incomplete coding of the June 2004 public hospital data. Although ACT private hospitals provide their inpatient statistics to ACT Health on a good-will basis, they are not bound by legislation to do so and as a result the data is not provided within the timeframes adhered to by the public hospitals.
Data Source Published APCMay0304.

(3) The total number of caesarean sections at TCH and Calvary Public Hospital for the period July 2003 to May 2004 = 582.
Data Source Published APCMay0304.

(4) Total known birth numbers for financial years. Includes those born elsewhere who were later admitted. Does not include homebirths, stillbirths or births where the patient remains in hospital. Note private hospital numbers are not available for current year.

	TCH	Calvary Public	John James	Calvary Private	NCPH
(a) 2003/04 (to May 04)	1710	984	Not Available	Not Available	Not Available
(b) 2002/03	1963	1076	1061	597	Not Available
(c) 2001/02	1825	1203	1141	541	Not Available
(d) 2000/01	2168	1152	900	355	Not Available

Data for the 2003/04 year covers the eleven months to 31 May 2004. Earlier years are full year figures. TCH data is coded to 95.8 per cent of 48,339 records and Calvary data is coded to 97.1 per cent of 16,948 records.

Hospitals—elective surgery (Question No 1703)

Mr Smyth asked the Acting Minister for Health, upon notice, on 1 July 2004:

In relation to elective surgery, what is the performance result achieved in 2003-04, measured in cost-weighted separations, in each specialist category at each of the two public hospitals in Canberra.

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

The Member will be aware that it is not possible to provide final cost-weighted activity for the 2003-04 financial year within a week or two of the end of the year.

The process of coding medical records and inputting those records into hospital administration systems can delay final annual figures for some weeks from the end of the year.

This information will be provided to the Member as soon as available.

In preliminary unweighted terms, our hospitals reported the highest elective surgery throughput on record in 2003-04. I am waiting for final validation of numbers before releasing the figures.

I have included information reporting cost weighted activity to the end of April 2004 for the Member's information:

ACT Public Hospitals
Surgical activity – elective status – July 2003 to April 2004

To 30 April 2004	TCH	Calvary	Total
Ophthalmology	61.47	558.88	620.35
Orthopaedics	1483.15	1923.82	3406.97
Urology	675.1	306.74	981.84
ENT	275.47	86.97	362.44
General surgery	1403.41	1083.4	2486.81
Plastic surgery	374.87	97.14	472.01
Other surgery	3395.4	309.89	3705.29
Total	**7668.87**	**4366.84**	**12035.71**

Source: Admitted patient care database
AR-DRG Version 4.2, National Public Weights Round 5
Surgical service related groups

Hospitals—nurses (Question No 1704)

Mr Smyth asked the Acting Minister for Health, upon notice, on 1 July 2004:

In 2003-04, how many (a) nurses have resigned and at what level of qualification were those nurses, (b) nurses have been recruited and at what level did these nurses enter at to work in our hospitals and (c) complaints were received by the (i) Minister and (ii) Department of Health regarding workloads of nurses.

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

With regard to part (a) of your question, the headcount of permanent nurses who resigned from The Canberra Hospital and Calvary Health Care from July 2003 to the end of June 2004 by classification level, was:

Total Resignations* - July 03 to June 04 (Headcount)	176
Enrolled Nurse	19
Registered Nurse Level 1	109
Registered Nurse Level 2	28
Registered Nurse Level 3	16
Registered Nurse Level 4	2
Registered Nurse Level 5	2

* excludes retirements, dismissals and external transfers.

With regard to (b), the headcount of nurses permanently recruited to The Canberra Hospital and Calvary Health Care from July 2003 to the end of June 2004 by classification level, was:

Total Recruitments - July 03 to June 04 (Headcount)	184
Enrolled Nurse	28
Registered Nurse Level 1	107
Registered Nurse Level 2	35
Registered Nurse Level 3	11
Registered Nurse Level 4	2
Registered Nurse Level 5	1

Please note that the Nursing Headcount - including temporary and casual nurses - has increased overall from July 2003 to June 2004, as follows:

	Jul-03	Jun-04	Variance
TOTAL HEADCOUNT	**1,766**	**1,809**	**43**
Enrolled Nurse	239	259	20
Registered Nurse Level 1	994	1,000	6
Registered Nurse Level 2	399	416	17
Registered Nurse Level 3	125	122	-3
Registered Nurse Level 4	3	7	4
Registered Nurse Level 5	6	5	-1

With regard to part (c), the Chief Minister, Mr Jon Stanhope received 91 signed pro-forma postcards from constituents, as part of the ANF Campaign 'FAIR GO' for NURSES FUTURE, in which excessive workload was raised as one of the issues. These were referred on to the Minister for Health, Mr Simon Corbell.

There were also eight written complaints from individuals sent to the Minister, which were passed onto the Department.

No written complaints were received by Dr Tony Sherbon, Chief Executive of the Department.

Education—literacy (Question No 1705)

Mr Pratt asked the Minister for Education and Training, upon notice, on 1 July 2004:

Further to Question on notice No 1548, is it appropriate, given the need to improve literacy standards across the board, that Year 12 students do not have to undertake English studies particularly when English is compulsory for Year 12 students across the border in NSW.

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

The Board of Senior Secondary Studies recognises that students' literacy skills are developed across all subject areas. At the senior secondary level, English has a high literature appreciation focus, and while English is compulsory in some states, in others it is not. The ACT experience is that by giving students a wide subject choice, they generally have more interest in their selected subjects and hence are more likely to stay at school and complete year 12.

Education—indigenous students (Question No 1706)

Mr Pratt asked the Minister for Education and Training, upon notice, on 1 July 2004:

(1) Further to the reply to part (2) of Question on notice No 1551 in which it was indicated that the mobility of the indigenous community makes it difficult to determine when students complete their schooling, is the Department of Education and Training doing anything to ensure we have a better system that tracks indigenous students; if not, why not; if so, what work is being undertaken;

(2) In relation to part (4) (c) of the reply to the question, how does the figure of indigenous students compare to the actual number of indigenous students in the A.C.T. in that year;

(3) Is this a high number of indigenous students to be suspended and what is the Department of Education and Training doing to reduce the incidence of indigenous students being suspended.

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

(1) Work is being undertaken in this area. An Indigenous Students Transitions' Officer was appointed in 2003. This position is responsible for tracking Indigenous students and over time to ensuring Indigenous students achieve successful transition between years 10 and 11, between year 10 and further education/employment, and between year 12 and further education/employment. The process involves direct contact with the students and in so doing the Transitions Officer works closely with the department's Indigenous Home/School Liaison Officers.

(2) A total of 855 Indigenous students were enrolled in years K-12 in 2003. Of these, 109 students were suspended, representing 12.7% of the cohort.

(3) The department is concerned about the number of Indigenous students who were suspended and will undertake an analysis of the reasons given by schools for suspending Indigenous students. The results of the analysis will be used to develop strategies to address this issue.

Education—school based management (Question No 1707)

Mr Pratt asked the Minister for Education and Training, upon notice, on 1 July 2004:

(1) What was the total amount of funds remaining in the school based management (SBM) account for all government schools at the end of the 2003-04 financial year;

(2) What is the breakdown of figures for each government school in the A.C.T.;

(3) What is the percentage increase or decrease of the total amount of funds remaining in 2003-04 on the 2002-03 result;

(4) What is the total amount of expenditure from SBM for all schools in the last quarter of the 2003-04 financial year.

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

(1) The total amount of funds remaining in the school based management (SBM) account for all government schools at the end of the 2003-04 financial year was $15.317m.

(2) A breakdown of the figures for each government school is provided on the attached worksheet.

(3) The decrease from the 2002-03 result is $1.4m, or 8.4%.

(4) Figures for the total amount of expenditure from SBM for the last quarter of the 2003-04 financial year are unavailable as schools submit financial returns on a six monthly basis. Expenditure for the six months to June 2004 was $28.4m.

School	Bank Balance 30/6/2004 ($)
Colleges	
Canberra College	469,253.36
Copland College	310,197.30
Dickson College	645,074.85
Erindale College	283,988.93
Hawker College	240,771.77
Lake Ginninderra College	285,168.61
Narrabundah College	439,128.51
Lake Tuggeranong College	488,373.24
Total Colleges	**3,161,956.57**
High Schools	
Belconnen High	211,387.95
Campbell High	294,200.70
Canberra High	211,606.10
Caroline Chisholm High	384,273.96
Calwell High	108,418.34
Alfred Deakin High	428,406.85
Gold Creek School	268,648.63
Ginninderra District High	22,183.00
Kaleen High	183,529.97
Kambah High	51,504.97
Lanyon High	218,969.60
Lyneham High	305,222.28
Melba High	132,440.09

Melrose High	381,493.84
Stromlo High	255,787.07
Telopea Park School	370,783.45
Wanniassa School	236,973.77
Total High Schools	**4,065,830.57**

Primary Schools	
Ainslie Primary	153,253.42
Amaroo School	39,434.51
Aranda Primary	112,841.16
Arawang Primary	46,301.83
Bonython Primary	131,470.76
Campbell Primary	113,508.42
Chisholm Primary	119,543.82
Chapman Primary	155,445.29
Charnwood Primary	28,601.54
Calwell Primary	62,984.71
Cook Primary	118,828.71
Charles Conder Primary	157,710.97
Co-operative School	78,255.94
Curtin Primary	32,379.94
Duffy Primary	133,913.12
Evatt Primary	50,297.85
Fadden Primary	137,533.27
Flynn Primary	108,379.22
Florey Primary	150,423.83
Forrest Primary	53,858.03
Farrer Primary	59,757.95
Fraser Primary	51,321.51
Gilmore Primary	66,716.62
Giralang Primary	158,901.80
Gowrie Primary	36,300.37
Gordon Primary	71,042.46
Garran Primary	76,095.33
Hall Primary	67,984.19
Higgins Primary	84,226.27
Hughes Primary	37,765.04
Holt Primary	177,337.15
Hawker Primary	88,749.32
Isabella Plains Primary	34,933.65
Jervis Bay Primary	90,187.80
Kaleen Primary	164,962.27
Latham Primary	143,685.52
Lyneham Primary	76,531.48
Lyons Primary	78,525.47
Majura Primary	35,121.47
Macquarie Primary	133,841.72
Mawson Primary	218,892.91
Maribyrnong Primary	74,658.68
Macgregor Primary	137,486.00
Miles Franklin Primary	60,270.57
Melrose Primary	73,427.66
Monash Primary	129,819.40

Mt Neighbour Primary	87,475.12
Mt Rogers Community School	116,686.29
North Ainslie Primary	132,709.16
Narrabundah Primary	151,967.78
Ngunnawal Primary	197,992.77
Palmerston Primary	144,942.92
Red Hill Primary	131,633.17
Richardson Primary	92,226.59
Rivett Primary	68,095.03
Southern Cross Primary	117,450.91
Taylor Primary	95,043.53
Theodore Primary	169,666.10
Tharwa Primary	48,282.43
Turner Primary	121,939.79
Torrens Primary	246,030.06
Urambi Primary	126,667.90
Village Creek Primary	79,563.23
Wanniassa Hills Primary	170,401.09
Weston Primary	167,846.78
Weetangera Primary	155,437.16
Yarralumla Primary	157,935.60
Total Primary	**7,193,502.36**
Special Schools	
Cranleigh School	128,301.06
Malkara School	82,390.66
The Woden School	264,521.63
Black Mountain School	198,463.71
Total Special Schools	**673,677.06**
Other	
Birrigai	222,444.25
Total Other	**222,444.25**
Total All Schools	**15,317,410.81**

Water—government houses (Question No 1708)

Mrs Dunne asked the Minister for Disability, Housing and Community Services, upon notice, on 1 July 2004:

(1) Is water used by government houses charged for on the same basis as private households;

(2) Who is responsible for paying water rates for government houses;

(3) Are there any incentives for public housing tenants to introduce water-saving measures;

(4) Has any funding been provided for water-saving measures in government houses;

(5) How does the water use in government houses compare with that of private houses of comparable size;

(6) How much is spent annually on (a) replacing plants in the gardens of public housing properties and (b) landscaping new public housing properties;

(7) Are there any programs for developing or modifying gardens in public housing properties or encouraging tenants to do so to reduce water use;

(8) Has any analysis been undertaken of the costs and benefits of actual or possible indoor or outdoor water-saving measures in public housing properties; if so, what was the result.

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

(1) Yes.

(2) Housing and Community Services.

(3) Public housing tenants are able to access the same incentives to reduce water consumption as the general population. For example, tenants are participating in the water tune up program and have access to subsidised water tanks on the same basis as other ACT residents.

(4) Water saving measures are installed as part of general operations when properties undergo a major improvement in wet areas or when showerheads or cisterns are replaced as general repairs. Currently, around 30 per cent of public housing properties have water efficient showerheads and dual flush cisterns as a result of policies on construction, refurbishment and repairs. Over time all properties will progressively receive water efficient showerheads as new ones become necessary and this will enable Housing ACT to take advantage of improvements in the technology as they become available.

In addition to community wide education programs, Housing ACT uses the quarterly Newsletter to Tenants to encourage their participation in appropriate approaches to energy and resource awareness including water restrictions.

(5) Average water usage for residential dwellings in Canberra is not readily available from ACTEWAGL. As a result no formal comparison has been made between average water consumption by public housing tenants and consumption in the wider community. However, comparison of water charges over the recent year indicated that water consumption by public housing tenants during last summer (December 2003 to February 2004) was about 36% below the same period for the summer of 2002-03 (December 2002 to February 2003).

(6) (a) Tenants are generally responsible for maintaining the private gardens of the properties that they reside in, except in the cases of tree limbs over 2.5m where the trees present a health and safety issue. Different arrangements apply to common areas, including gardens, in multi-unit properties which are maintained by Housing ACT. Housing ACT spent over $2.6m in 2003-04 on horticultural maintenance and both hard and soft landscaping of its properties.

(b) The majority of new public housing properties are established dwellings purchased on the open market. In those cases where Housing ACT acquires properties that have been recently constructed, landscaping may be provided by the builder as part of the

construction costs or after settlement by Housing ACT's facility managers. For this reason, a total amount cannot easily be determined. However, as a guide, and depending on the site, landscaping can range inn cost from around $5,000 to $15,000 per dwelling.

(7) Housing ACT undertakes an annual garden competition that as part of the judging takes into consideration water conservation and other water saving measures.

(8) No formal cost-benefit analysis has been undertaken. However, preliminary estimates indicate that an accelerated program to install dual flush cisterns and AAA showerheads where the current fittings are still serviceable would cost in the order of $4m. Installation of rainwater tanks for 75% of houses and 33% of Older Persons Accommodation units is estimated to cost a further $10m. Rainwater tanks for flats have not been included in this analysis.

Water—government schools (Question No 1709)

Mrs Dunne asked the Minister for Education and Training, upon notice, on 1 July 2004:

(1) Is water used by government schools charged for on the same basis as other institutions, for example non-government schools;

(2) Who is responsible for paying water rates for government schools;

(3) Under school-based budgeting, are there any incentives for schools to introduce water-saving measures;

(4) Are there any programs for modifying plantings or watering practices in government schools to reduce water use;

(5) Has any funding been provided for water-saving measures generally in government schools;

(6) Has any analysis been undertaken of the costs and benefits of actual or possible indoor or outdoor water-saving measures in government schools; if so, what was the result.

Ms Gallagher: The answer to Mrs Dunne's question is:

(1) Both government and non-government schools are charged on the same basis for water use. The rates available to schools are lower than those available to most other water users.

(2) Government schools are responsible for paying water rates from funding received under school based management arrangements.

(3) Schools have an incentive to reduce water consumption in that the school retains all savings made from their funding allocation.

(4) The department has been working with schools since the mid-1990s to reduce the amount of irrigated grass areas in schools. With the introduction of water restrictions in December 2002, the department appointed a water project officer for a 6 month period and has provided advice and assistance to schools aimed at reducing water consumption.

During 2003 all school sites were reviewed with a view to reducing water use. This involved consideration of opportunities to make greater use of neighbourhood and district playing fields where these are conveniently located to schools. The review also included consideration of other water saving measures, for example reducing water used in toilet flushing through the use of displacement devices and installation of low flow taps.

(5) The department provided funding of $200,000 in the 2003-04 Minor New Works program to implement water efficiency measures in schools.

(6) It is estimated that approximately 40% of water in schools is used indoors, with 60% being used outdoors. The water savings measures undertaken have contributed to a reduction in water consumption consistent with the water restrictions. In terms of the benefits of this, government schools are taking a lead in the responsible use of water as a valuable resource and the water saving devices installed (such as cistern displacement devices and low flow taps) will assist in long term reductions in water consumption.

A decline in the condition of many irrigated grass areas in school grounds has occurred due to water restrictions. There will be a cost in any remediation work needed to regenerate these areas, or to convert them to an alternative landscape treatment. The department's School Resources Group is monitoring this issue regularly.

Currong apartments (Question No 1710)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 1 July 2004:

(1) How many public housing tenants have been moved out of Currong Apartments;

(2) Were all of those tenants moved out given new accommodation within A.C.T. Housing; if not, why not;

(3) How many public housing tenants are still to be moved out of Currong Apartments;

(4) What is the timeframe in which they will be moved out;

(5) What is the date set for the final removal of public housing tenants from Currong;

(6) How many students are currently utilising Currong Apartments for temporary accommodation;

(7) When will those students be required to move out;

(8) Has a final decision been made regarding the future of the site, for example will the current blocks be demolished and the land sold for private development or perhaps further public housing development;

(9) If so, what is that decision; if not, why not and when will a decision be made.

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

(1) 106, as at 30 June 2004.

(2) As at 30 June 2004, 95 tenants had re-located to other Commissioner for Housing properties, and 11 had moved elsewhere of their own choosing. Tenants have expressed a high level of satisfaction with their new homes.

(3) 78, as at 30 June 2004.

(4) On or by 1 December 2004.

(5) 1 December 2004.

(6) 23, as at 30 June 2004.

(7) On or by 1 December 2004.

(8) No.

(9) The objective is to maximise the value of this site and this depends upon working with ACTPLA to resolve leasing and Territory Plan issues.

Housing—waiting lists (Question No 1711)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 1 July 2004:

(1) What was the total figure for the amount of people on the public housing waiting list at the end of the 2003-04 financial year;

(2) What is the percentage increase or decrease for the result in relation to part (1) on the 2002-03;

(3) What was the total figure for the amount of people in public housing in arrears at the end of the 2003-04 financial year;

(4) What is the total monetary figure of arrears at the end of the 2003-04 financial year;

(5) How many tenants were evicted from public housing in 2003-04 and for what reasons;

(6) By what percentage has the Government increased or reduced public housing stock in the A.C.T. in 2003-04 compared to the result for 2002-03.

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

(1) For the end of 2003-04 financial year there were 3745 applications comprising 7822 persons on the public housing waiting list. Of this figure 1163 applications comprising 2604 people are current public housing tenants awaiting transfer to alternate accommodation.

(2) The overall percentage increase of people on the waiting list from 7408 for 2002-03 to 7822 for 2003-04 is 5.59%.

(3) The number of accounts in rental arrears for 2003-04 is 1741.

(4) The total value of public housing rental arrears is $863,302.

(5) In 2003-04 forty-eight tenants were evicted due to rental arrears.

(6) Since 2002-03 public housing stock in the ACT has increased by 1% to 11,509 properties.

Canberra Institute of Technology (Question No 1714)

Mrs Burke asked the Minister for Education and Training, upon notice, on 1 July 2004:

(1) What information can the Minister provide in relation to current allegations regarding cash-for-awards within the Business and Communication Faculty at the Canberra Institute of Technology;

(2) Can the Minister advise if there are any other faculties currently under investigation for alleged fraudulent activities.

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

(1) As there is no Faculty of Business and Communication within the Canberra Institute of Technology (CIT), I take this question to be referring to the Faculty of Business and Information Technology.

As far as I am aware, there are no allegations regarding the issuing of CIT Awards in return for financial payment (referred to as cash-for-awards in your question) in the Faculty of Business and Information Technology.

CIT has advised me of a past matter, regarding the issuing of documents that give the impression of being CIT Awards, by individual/s in one Faculty of CIT. This issue is the subject of an Australian Federal Police (AFP) investigation and CIT has conducted an internal inquiry into the matter under the terms of the Public Sector Management Act. There are, however, no allegations of any inappropriate financial dealings in this investigation.

(2) No other Faculties within CIT are under investigation. As with any large organisation, however, there may occasionally be issues involving the investigation of individuals and CIT reports on such matters each year in its Annul Report.

CIT's Annual Report 2003 was presented to me on 11 March and tabled in the Legislative Assembly at that time. On pages 84 and 85, two matters are mentioned that are the subject of investigation or inquiry and one where a preliminary investigation is underway. The outcomes of these matters will be reported in detail in the Institute's Annual Report for 2004.

One other matter, finalised in 2003, is also reported in detail on the same pages of its Annual Report for 2003.
