DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

FIFTH ASSEMBLY

WEEKLY HANSARD

19 AUGUST

2004

Thursday, 19 August 2004

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Thursday, 19 August 2004

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 Amendment Bill 2004 (No 3)

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) (10.34): I move:

> That this bill be agreed to in principle.

Mr Speaker, our democracy is supported by three fundamental pillars: executive government, the legislature and the judiciary. These three institutions ensure that laws are made and applied in a manner that is not beholden to any individual or any group within our community.

Each institution is inevitably accountable to the public and open to public scrutiny. Everyone has the right to be recognised as a person before the law. Conversely, the law has an obligation to treat everyone equally and impartially. The judiciary is the institution that applies the law equally, impartially and openly.

As the Assembly would know, last year I asked my department to establish a high level committee to examine the intersection of criminal law and mental health. A strategy to solve a variety of problems was recommended and is now in action. There are long-term issues on which the government needs to gather evidence and make careful decisions and there are medium-term solutions that we are acting on now to better prepare us for the future.

The bill I present today will solve an outstanding problem with the territory's criminal justice system. This bill will empower the judiciary as the institution that determines an accused person's mental fitness to plead. The Australian tradition of criminal law presumes that a person accused of a crime is mentally fit to plead to a charge. Mental fitness is essential to the procedural fairness of a trial and to test the culpability of the accused person.

A fundamental rule of law is that an accused person understands what they are being charged with and that they are mentally capable of mounting a defence to the charge. The issue of fitness to plead is explicitly about the person's mental fitness at the time of the hearing. There are two fundamental elements to proving a criminal offence: the physical element of the offence, namely, the result, conduct or circumstance caused by

the act; and the fault element of the offence, namely, the intention, knowledge, recklessness or other attribute of the mind.

If a person is not mentally fit at the time of the hearing, a court cannot thoroughly test the fault element of the offence. It is possible that the accused person was mentally fit at the time of the offence and that they subsequently became unfit during the trial. Testing an accused person's fitness to plead is not a test of their mental capacity at the time of the offence; it deals with the person's capacity at the time of the hearing.

If the issue of mental unfitness is raised in a criminal trial, then it needs to be tested before the substance of the offence itself and the culpability of the accused person are tested. Presently in the ACT, this process of testing mental fitness is usually not open in the Mental Health Tribunal, although there are mechanisms to enable open hearings, and the evidence is not tested according to the standards of a criminal trial.

In the early 1990s, states and territories round Australia modernised mental health law. These reforms addressed the need to respect the rights of people who receive medical treatment for their condition. In the main, these major national reforms were about involuntary medical treatment and assessment of mental health.

The ACT adopted its own Mental Health (Treatment and Care) Act in 1994. The Mental Health (Treatment and Care) Act 1994 established a tribunal to impartially assess people for mental impairment and, if necessary, make orders for their treatment. The Mental Health Tribunal was also allocated the task of assessing the mental fitness of people accused of crimes if the issue of mental fitness was raised during a trial. The purpose of the assessment was to ascertain if the accused person was mentally capable of pleading in the prosecution of the allegation against them.

On the face of it, the decision to include fitness to plead in the tribunal's workload made sense. Yet there is a contradiction that must be resolved. The Mental Health Tribunal was established for therapeutic reasons, that is, to assist and treat people in need when they could not make reasoned decisions for themselves. The text and form of the Mental Health Act is clearly about the treatment of mentally impaired people and the protection of their rights.

The methods used by the Mental Health Tribunal to hear cases are consistent with therapeutic care, yet inconsistent with a criminal trial. The Mental Health Act does not require the prosecution or defence to make representations to the tribunal when an accused person's mental fitness is tested. Expert witnesses before the tribunal are not subject to the test of cross-examination; nor can the prosecution or defence call witnesses to testify on the issue of an accused person's fitness to plead.

The tribunal's hearings and deliberations are to be in private except in certain circumstances. The outcome of the hearing is transmitted to the court hearing the criminal trial, but the proceedings are not transparent. The fact that proceedings are closed is the right process for people in need of treatment. It is the wrong process to determine mental fitness to plead in a criminal trial.

Whatever anyone in our community might say about the merits of particular judicial decisions, I believe that nearly everyone in our community has confidence in the

impartiality of our magistrates and judges. The judiciary's impartiality is there for all to see because the trial process is open. My government is of the view that the question of fitness to plead is a question of fact that should be tested pursuant to the normal legal procedures followed in a criminal case. The bill I present puts things right.

The bill will amend the Crimes Act 1900 to restore the adjudication of a person's mental fitness to plead to its rightful place in the court. If a person's mental health is impaired to the extent that they cannot understand the nature of the charge, enter a plea, instruct their lawyer, or engage in a number of other important procedural decisions, then they are not fit to plead.

The bill will ensure that if a fitness to plead issue is raised by the defence, prosecution or the judge, then a judge or magistrate will adjudicate on the issue. The bill does not affect the special hearing provisions currently in place to hear matters involving a person who is not fit to plead. If a person is found fit to plead, then they will be tried by a court, as anyone else would be. I would like to note that this change does not devalue the important work carried out over the past 10 years by the tribunal. The tribunal has done exactly what the Assembly asked of it under the relevant legislation that governs the tribunal's functions and responsibilities.

This bill will help to mark a clear division between dispensing criminal justice and therapeutic treatment. By no means, however, will it mean that people convicted of an offence will not receive appropriate treatment if they also have a mental impairment. I commend the Crimes Amendment Bill 2004 (No 3) to the Assembly.

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

Health—Standing Committee
Report 9

MS TUCKER (10.41): I present the following report:

> Health—Standing Committee—Report 9—*The allied health care needs of people in residential aged care*, dated 13 August 2004, together with a copy of the extracts of the relevant minutes of proceedings.

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

Leave granted.

MS TUCKER: I move:

> That the report be authorised for publication.

Question resolved in the affirmative.

MS TUCKER: I move:

> That the report be noted.

The Standing Committee on Health decided to look at the needs of residents of aged care facilities after hearing reports that some of these residents were unable to access allied health care that would otherwise prolong, and enhance the quality of, life.

Regular allied health care services become more essential for the aged. For example, speech pathology can help prevent aspiration pneumonia, regular dental treatment can pre-empt emergencies and reduce suffering, regular podiatry treatment can increase mobility, and so the list goes on. Simple things like a regular visit to the dentist or podiatrist, which most of us take for granted, become increasingly difficult for residents of aged care facilities or those receiving care at home.

Not only are allied health care services often prohibitively expensive for elderly people on a fixed low income, but also for those people with any form of mobility restriction the cost and the time consideration of transport further limits access to services. One submission reported residents spending over $80 to attend hospital appointments. For those needing regular services, such as dialysis, there is a need to rely on family and friends. For carers seeking respite, the lack of a coordinated transport scheme means that any benefit of respite is lessened as they continue to provide this care.

The committee heard that residents might have no more than $30 in disposable income after meeting ordinary living expenses. It is unreasonable to expect that this should then be spent on essential allied health care or transport. It is clearly not adequate for those expenses anyway. The committee was also concerned about the reports of retribution in aged care facilities and has recommended that this is a matter for the government to investigate as a matter of priority.

There is a fundamental lack of communication and coordination of available services. The majority of submissions to this inquiry expressed the same issues—older people receiving care cannot afford to pay for allied health services and, even when they can, the lack of transport is the prohibitive factor.

The committee was concerned about the brevity of the government's submission to this inquiry. I know that we did not have a lot of time. It was not so much the brevity that was of concern; it was really the fact that the submission lacked a comprehensive analysis of the issues so that the committee could have an understanding of the perspective of government on these issues, and the health care needs of older people is obviously a really important issue.

Therefore, while there were a number of recommendations the committee could have made, it is of the opinion that the government needs to undertake considerable work itself in this area. The committee has recommended, first, that the government undertake a survey to determine what allied health care services are available and, second, that the government develop an older persons health action plan aimed at improving the accessibility of allied health care services. The current availability of services is clearly not adequate and more work needs to be undertaken in this area.

The report is fairly short and to the point because we did not have time, as I said, to go into a broad, wide-ranging inquiry and take many submissions, et cetera, but submissions came in of a very high quality from groups in the community which have an

understanding of the situation. So I am very confident about the quality of this report. It signals to the government that it needs to look at this issue. I know that we are all really interested in and concerned about ensuring that the allied health care needs of people in residential aged care are met.

MRS BURKE (10.47): I do not want to say too much. I concur with many of the comments Ms Tucker made. One of the major things brought to my attention was the transportation of many of our aged residents. I believe that it will be an issue for whomever is in government in the next Assembly. I think that it seriously impacts on people receiving allied health services.

The submission points out under residential aged care on page 2 at paragraph 1.12 that the lack of allied health care seriously impacts on the longevity and comfort of those in residential aged care. Members can read the report for themselves. I agree with Ms Tucker that, while we did not have face-to-face consultations and meetings with people, the reports sent in were well thought out and we appreciate and thank people for that. I thank the secretary of the committee, Siobhan Leyne, and Judy Moutia for their help and assistance in this regard.

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

Suspension of standing and temporary orders

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

> That so much of the standing and temporary orders be suspended as would prevent order of the day No 1, Assembly business, relating to the rejection of variation No 225 to the Territory Plan, being called on forthwith.

Territory plan—variation No 225

MRS DUNNE (10.49): I move:

> That this Assembly, in accordance with section 29 of the Land (Planning and Environment) Act 1991, rejects variation No 225 to the Territory Plan—Narrabundah, Section 129 and part Section 34.

I thank the Assembly for its indulgence on this matter. This is a matter of nearly 2½ years standing and I appreciate that the Assembly has allowed me to bring forward this motion for the disallowance of variation 225 to the territory plan in the hope that my motion will not succeed, thereby finalising the variation to the territory plan. This is a form of the house that allows us to bring some certainty into the matter. This matter could sit on the notice paper and formally come into effect next Thursday, but I think that it is important, because of the nature of the territory plan, that the Assembly finalise the business that it started in April 2002.

In April 2002 the Assembly passed a motion, which was moved by me in relation to a block of land leased by a company whose principals at that stage ran a company called Animals Afloat. They had been in touch with members of this place in an attempt to find a means of allowing them to operate their business on the lease that they ran in an

effective way, which would have meant allowing them to build a residence so that they could be close to the animals that they kept and maintained for a variety of purposes in relation to their business, which was essentially a petting nursery which, before it essentially went under, used to travel from place to place—to fetes, to hospitals, to fundraisers and things like that—and introduce city kids to country concepts.

One of the really essential parts of this business was the animals as therapy side of it. Animals Afloat had established a very strong reputation with a number of children's welfare organisations and children's services for the services that it provided to children—often children in need, often children who had terminal illnesses—that gave a spark of joy and a spark of interaction that otherwise those children would not experience, that brought meaning and fulfilment into lives which were often very precarious. Much has been said about the usefulness and the effectiveness of pets and animals as therapy. This was part of that link, part of that process.

As a result of the obvious need that arose in the case of Animals Afloat, this Assembly in its wisdom passed a motion in April 2002 requiring the planning authorities and the minister to institute a variation to the territory plan that would change the use for the land that Animals Afloat currently occupied from urban open space to broadacre to allow them to be issued with a lease which would allow them to build a house on the site so that they could live in proximity to the animals they maintained.

Earlier in the week, I touched on the sorry story of what has happened since then and the absolutely minimal compliance by the minister in this matter that caused it to drag out for 2½ years. Only in the dying days of this Assembly are we seeing this matter come to fruition. I know that the government and the minister did not like the motion and I think that since then the government—the minister in particular—has learnt more about how, if the Assembly says it wants something, it really means it. On subsequent occasions, the minister has been censured for his minimal compliance or lack of compliance with motions of the Assembly.

But that is all behind us now. We now have the draft variation. It has been ticked off by the planning and environment committee. The government has brought in its response in which it agrees that it should make the variation. By voting down my disallowance motion today, this Assembly will be saying that it wants this variation to take place. I am encouraging members to vote against my motion—I will be voting against it—so that we can finalise the matter and the piece of land occupied or leased by the owners of the former business Animals Afloat can gain a change to the territory plan.

That is where the really interesting stuff starts, because it means that the government will be able to issue a meaningful lease over this piece of land. As I touched on the other day, I still have concerns about the way in which this government might treat the leaseholders of this block of land. I want to put on the record—I hope that other members of this place who are interested in this matter will emulate me—the view, which is also expressed in the report of the planning and environment committee, that the government should deal fairly and openly and take into consideration the needs of the current leaseholders, that we should not have any more argy-bargy about who does and does not have a lease, because there is a lease, and that when a new lease is made available the current leaseholders should be given first option on that lease, as is the longstanding practice in this territory in relation to rural leases.

When that lease is offered, as I said the other day, it needs to be a meaningful lease—a lease that gives the people who take it up, whether it is the current leaseholders or, if they pass it over, someone else, an opportunity to make a go of the block of land. That means that it has to be of sufficient longevity that, if someone wants to go out and borrow money using that lease as security, a bank will take them seriously. As I said in this place the other day, I had discussions with staff in Mr Quinlan's office who were thinking that, if a lease were given, 99 years would be too long. They were thinking about one for 20 years. I put on the record that 20 years is not long enough, that 20 years almost certainly would prohibit someone from taking out a mortgage. Whilst I do not particularly want to prescribe a period, I think we should be looking at something more substantial.

I do not have a problem with a 99-year lease. We have a means of putting in withdrawal clauses. If you give someone a 99-year lease and you write the lease in the right way, you have to want to take it back, you have to have a really good use for it. Mr Quinlan's staff said that it was a very valuable block of land as it was in a prime position. Come on! I think that Mr Quinlan's staff and Mr Quinlan need to visit the block of land. It is a very constrained block of land. It is on the corner of Hindmarsh Drive and the Monaro Highway. It has the potential for an electricity substation being put on it, which would block most of the access and egress to the block. It is very constrained. I cannot see people wanting to build nice suburban villas down by the substation next to the disused velodrome.

I cannot imagine in what alternative universe this block of land would be valuable to anybody other than someone who wanted to run a smallholding broadacre. I think that, on the basis of that, this government should be looking at a generous lease term, not 20 years, and that the government must treat the current leaseholders appropriately and deal with them first in an open and fair way. That is my message to the government. I will be watching this matter very closely to ensure that the government does that. This is not the time or the place to move a substantive motion, but I will be watching it and, if I am back here after the October election and this government is still occupying those benches, I will be ensuring that the families involved are treated appropriately and fairly. That is my commitment to this place. I encourage members to consider the substance of what I have said and to vote against my motion.

MR CORBELL (Minister for Health and Minister for Planning) (10.59): Mr Speaker, the government obviously will be supporting this draft variation and opposing the motion of Mrs Dunne. I note that the Standing Committee on Planning and Environment in its report of August this year recommended that the draft variation proceed. The government obviously agrees with that recommendation and will not be supporting a disallowance of this draft variation this morning.

MS DUNDAS (10.59): I stand to speak on what I hope will be the last chapter of this Assembly's dealings in relation to this block of land in Narrabundah. As has already been noted, our debates in this place started in April 2002, when this Assembly recommended that a draft variation take place with this block of land so that the current lessees of the land would be able to expand their business, look after their animals and put up some dwellings on that site.

Despite that motion going through in April 2002, the planning and environment committee and the government had to look at this issue in record time. I thank the government for the speed with which it was able to respond to the committee's report and for the brief but considered answers it gave to the recommendations that the committee put forward.

I need to make clear that we are supportive of the variation to the territory plan that we are debating today and will be opposing the motion put forward about not following through with this variation. However, I do remain concerned about the possible inclusion of an Actew substation on the site and the impact that that would have on the current lease and the impact that that might have in the future on the use of the land that we are talking about today.

I recognise that other studies are taking place in relation to the Actew substation; but, as the committee recognised in its report, there are concerns about the inclusion of an Actew substation in the variation and the impact that that would have on the current lessees in relation to the disposal of the land. Recognising that the disposal of land or the renewal of leases is separate from the planning imperatives contained in the variation to the territory plan, I think it is an important part of this issue and one that the government cannot ignore.

The government has indicated in its response that it will be looking at the rights and obligations of current leaseholders. I hope that it will proceed in good faith and that an Actew substation will not become a reason not to proceed in good faith or not to allow the current leaseholders the access that they are looking for to the current site. I recognise the renewed desire to deal with this issue quickly and I thank members of this Assembly for being able to deal with this motion in a quite speedy manner, considering the amount of time that it has been around. I wish Animals Afloat all the best in the future as this variation to the territory plan becomes law.

MRS CROSS (11.03): Mr Speaker, I echo the sentiments of my Assembly colleagues, Mrs Dunne and Ms Dundas. This matter has been nothing short of a David and Goliath type of situation. Mrs Dunne raised this issue more than two years ago in this Assembly and it is a travesty that it has taken so long for it to be dealt with.

Briefly, I will be supporting Mrs Dunne's request that we vote against her motion. I agree that the Animals Afloat issue must be dealt with first. The lease should be for a period longer than 20 years. Given that my colleagues have already raised in more detail what has been involved in addressing this issue and given that the planning and environment committee was given this matter to deal with only very recently, which seems to be more the norm than the exception, I will read an email that I have the permission of the Animals Afloat people to read to the Assembly this morning.

I have met these people on a number of occasions and I have to say that they represent the grassroots electorate. They represent people in the electorate who come to us with concerns and quite often are outnumbered because of the powerful bureaucracy that is there making decisions that, more often than not, go against the grassroots people, which is not the way things should occur. We are here to represent the community. We are here to represent the community's interests. We are not here to allow the bureaucracy to make

decisions at the expense of good, hardworking business people and families who are just trying to earn an honest living. The email reads:

> Dear Helen
>
> Chris and I would like to thank you and your committee for handling the variation the way you did. We appreciate your 4 recommendations made in your report. We have been fighting this for so long now that we just want to get it over with. Recommendation 4 says the government should decide on the substation before the disposal. If the government decides to issue us with a further lease we would like to take up that offer ASAP. We can argue about the substation when it happens. If we have to wait for PAs to be done we could be waiting another year. We understand the substation would be a public purpose and we would have withdrawal clauses in place on our lease. We don't want the substation but it isn't an issue for us at this time, we feel it won't go there anyway. Thank you for all you have done for us.
>
> Christine and Alan.

The committee was quite vigilant in the work that it did on this issue. Given that we did not have much time to work on this issue, it is important to note that individual members of this Assembly outside of this committee waited for a very long time for the government to address this matter. I say once again that it is a travesty that it has been more than two years since Mrs Dunne raised this vital motion. It think it was in April 2002 that Mrs Dunne raised this motion in the Assembly. It is a travesty that this honest, hardworking family has had to wait so long for this matter to be addressed.

We have a duty of care and a responsibility to look out for the people who put us in this place. Every one of us, no matter whether they voted for us or not, has a duty of care and we are the ones that should be deciding that what is happening is in the interests of the community, not bureaucrats who are empire building. I support Mrs Dunne's request to vote against her motion. I agree with the sentiment that if a lease is issued it should be for a period far longer than 20 years. I think that we need to put these people out of their misery as soon as possible.

Question resolved in the negative.

Administration and Procedure—Standing committee
Report 7

MR SPEAKER: I present the following report:

> Administration and Procedure—Standing Committee—Report 7—Person referred to in Assembly—Mr L Burke, including a dissenting report, dated 19 August.

MR HARGREAVES (11.08): I seek leave to move a motion authorising the report for publication.

Leave granted.

MR HARGREAVES: I move:

> That the report be authorised for publication.

Question resolved in the affirmative.

MR HARGREAVES: I move:

> That the recommendation be agreed to.

I feel that I am obliged to speak on this because of the dissenting report attached to the report. There are not very many members in the chamber. Members listening in on the TV, who might be interested in the subject, will see that this is a very brief report, largely because the procedures contained in the resolution agreed by the Assembly relating to a citizen's right of reply, particularly No 5, prevent the committee, in matters such as this, from publishing submissions as we do in normal committees in reporting to the Assembly. In the procedures it says that:

> The Committee shall not publish a submission referred to it under this resolution or its proceedings in relation to such a submission, but may present minutes of its proceedings and all or part of such submission to the Assembly.

The Assembly is advised that no such motion was put to the administration and procedure committee; hence the absence of any and all papers behind that. I am probably a bit close to revealing parts of the procedure, but I really say that by way of indicating to the Assembly that the committee has complied with this part of the resolution on a citizen's right of reply. The detail contained in the dissenting report makes it very difficult to argue the case for the committee's decision without referring to the detail of the submissions we received contained therein. To a large degree the Assembly is being asked to consider, on faith, the recommendations of the committee because individual members of the committee are constrained in putting forward reasons for their decisions. I shall not take up any more of the Assembly's time. I will conclude my remarks in closing the debate.

MRS DUNNE (11.12): I move:

> Omit all words after "That", substitute: "the Assembly reject the majority report of the Standing Committee on Administration and Procedure and the Committee reconsider Mr Burke's application and commence negotiations in accordance with paragraph (3) of the Citizens Rights of Reply motion agreed to by the Assembly in May 1995.".

My dissenting comments on this report are essentially about procedural justice. I suppose it can be put down in those terms. Before I address my comments to the substantive issue, I need to touch on some of the things mentioned by Mr Hargreaves. I felt very constrained in what I could and could not say because of the very stringent terms of the standing orders in relation to the motion agreed to in May 1995 in relation to a citizen's right of reply.

If members care to refresh their memories—and the report does the courtesy of putting the terms of the standing orders there—they are very prescriptive indeed. I have sought advice from the Clerk and I understand I can say more here than in the report. I would

like to address the issues. I will try and be as precise as possible, because I feel that my dissenting comments are a bit circumlocutory because of the constraints of the standing orders. So I will try and put the facts and then comment on them.

On 5 August, in this place, Mr Hargreaves asked a question without notice of the Minister for Industrial Relations. It was what in the trade is called a "dorothy dixer". We are coming up to an election; the government was hurting over a couple of issues and it was decided to ask a question that would be embarrassing to a member of the opposition. That is politics. I think the member concerned—Mrs Burke—understands that and she is smart enough and tough enough to take these things on her own shoulders. Comments were made—most of which were made only indirectly about Mrs Burke—which related to her husband.

We need to be frank. We are talking about the husband of a member here. Some of the comments made—and people may like to refresh their memories by going back to *Hansard*—were pretty much "below the belt". It was ironic that, just before the question was asked, the Chief Minister sat down, saying, "I will not get into the gutter" and yet the next thing was that we had Mr Hargreaves and the minister right down in the gutter saying things like—and I think this is the choice bit, "Some people who speak Greek have informed me that 'Endoxos'—the name of Mr Burke's former company—"translates roughly as 'glorious and honourable'." I noticed at the time that Mrs Cross said, "Er." I wonder if she was questioning that in her mind with her knowledge of Greek. She might like to enlighten us. "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."

What the Minister for Industrial Relations was saying was that the former directors, or directors, of this company were both inglorious and dishonourable. As a result of comments like this and other comments, Mr Burke wrote to the Speaker making application for the exercise of a citizen's right of reply. As both Mr Hargreaves and I have said, the standing orders are very constrained and are very constraining about what we do.

Let us work this out. The Speaker could decide that this was frivolous and not take it to the Standing Committee on Administration and Procedure; he did not decide it was frivolous. The Standing Committee on Administration and Procedure could decide it was frivolous and not proceed any further; it did not. Without going into what Mr Burke said in his letter, Mr Burke provided at least enough documentary evidence to make us think he had a case that could be put forward.

There were some things Mr Burke did not say in his letter but perhaps should have said. One of those things was that the comments made by the minister about him were then retailed in the electronic media. We often say things in here and nobody gives a damn because nobody ever hears them. But, if they are retailed in the media we have aided and abetted in telling the community that an individual is dishonourable and inglorious, among other things. Mr Burke contends that some of the things said were untrue.

Mr Hargreaves: Mr Speaker, I wish to raise a point of order. May I seek your guidance? I am really hoping to assist Mrs Dunne here. The last thing she said was that Mr Burke contended something. She indicates that it may probably have been within evidence.

I would like you to rule on it. I would hate to see something flow out of this as a result of that. I do not want to interrupt Mrs Dunne's position, but I think she is running very close to breaching standing orders in the resolution of this. I would just like to give her a reasonable and well-intentioned piece of advice.

MR SPEAKER: The standing orders are clear. I refer to the resolution of the continuing effect, passed on 4 May 1995. At paragraph 5 it goes on to say:

> …shall not publish a submission referred to under this resolution or its proceedings in relation to such a submission, but it may present minutes of its proceedings and all or part of such submission to the Assembly.

As chair of the committee, there was no decision to publish all or part of the submission in the Assembly. It would be inappropriate for a committee member to, in some way, publish the submission by various references to the submission by the person. Mrs Dunne, I would warn you that we are all constrained by that particular clause in the resolution. If means were used, however well-calculated, to expose the extent of the submission I think the Speaker would have to consider it a breach of clause 5 if the submission is in some way exposed, unless the committee had made such a decision; and it has not.

MRS DUNNE (11.20): Thank you, Mr Speaker. I understand that, and I will be guided by you. If you feel that I have overstepped the mark, feel free to jump in. I think I referred to some of the things that Mr Burke did not say in his submission. Does saying what is not there draw attention to what is there?

MR SPEAKER: No.

Mr Hargreaves: On the point of order: to assist Mrs Dunne, why I leapt to my feet was that she used the phrase, "Mr Burke contended that". That is just to clear up the point.

MR SPEAKER: Thank you.

MRS DUNNE: Thank you, Mr Hargreaves. I should rephrase that. Mr Burke could contend that those words implied that he was inglorious and dishonourable. It does not matter who this person was; it was the mere fact that it was a member of the public. I am sure it would be easier for us all if none of us knew the person who made an application, but we have to put that aside. That is why in my comments I have drawn attention to the fact that most—I am sure that all of the members in this place know who Mr Burke is—of the members of the committee have some interest in Mr Burke and Mr Burke's past business enterprises. We do not have to say that we have a conflict of interest, but we have to state the interest out there so people know where we are coming from.

Before Mr Hargreaves took the point of order I was making the point that many of the comments made by the minister on that occasion reflected very badly upon a member of the public. There are a variety of ways by which members of the public can seek redress. Mrs Burke could have stood up here and defended herself in this place. That might have been one way of doing it but, by doing that, Mrs Burke is not in a position to defend Mr Burke, who is an individual in his own right. As an individual in his own right, irrespective of his relationship with a member of this place, he is entitled to the

privileges of a citizen in this place. The privileges of a citizen of the ACT in relation to this Assembly are very narrow, and they are very constrained by the resolution of May 1995.

I am concerned because, after both the Speaker and the standing committee had decided that this was not a frivolous or vexatious matter and the sort of thing that we could rule on out of hand—without divulging what was said—we discussed this for a very long time. That made it perfectly clear to me, and to any common observer, that this was a serious matter—a matter of sufficient import to take up well over an hour of the time of the Standing Committee on Administration and Procedure.

That is one measure of the importance of the matter. The real issue here is: what role does the Assembly play in infringing the rights of the citizens of the ACT? Much of what we do, in one way or another, infringes the rights of people in the ACT. When a citizen comes and says, "Hey, hey! Enough is enough. I think I deserve my day in court!" I think we need to listen very carefully. We have huge privileges accorded to us in this place.

Once we are inside this place we are just about unconstrained in what we can say about people out there. Their only formal comeback is the citizen's right of reply. I think one of the really important things we need to take into account when considering the citizen's right of reply is the part of the standing orders that says that the members of the committee—and therefore, in a sense, the members of this Assembly—are not required to establish the veracity of what is being said.

I am not here today saying that what the Minister for Industrial Relations said was untrue or true; I am just saying that she said it. What I am asking by my motion today is that Mr Burke be given the opportunity to put his side of the case. It will be his side of the case. We will not make a judgment as to whether what he says is true or not. Those two statements will stand side by side. That will allow members of this place, and members of the wider community, to make up their own minds.

That is what my motion would do today. My motion today says, "Please do not accept the majority recommendation of this report." I have never done this before. I have never dissented from a report in the time that I have been here, and I have never moved a motion like this; but this is about people's access to a fair go. If we exercise our privilege to slag off at people, we need to be big enough to allow the people whom we have slagged off—that is what happened—to at least put their side of it, so that they can stand side by side.

This is about procedural justice and procedural fairness. What I ask members to do today is not to make any judgment about what Mr Burke said; not to make any judgment at all; but to ask the Standing Committee on Administration and Procedure to open negotiations with Mr Burke so that his citizen's right of reply can be entered into *Hansard*, so that members here and members of the community can compare what the minister said about him and what he says in reply. Let them make up their own minds. This is about allowing people to make up their own minds.

MS DUNDAS (11.27): This is a very difficult issue to debate because of the constraints of the standing orders on us. Normally I do not like processes that constrain us in this

way. It is unfortunate that we have had to have this discussion at all, for a number of reasons. I recognise the sovereignty of the standing orders in this instance, and I will try to limit my discussions to follow the standing orders.

Mrs Dunne just asked us to support this amendment, to look at the evidence before us and to reconsider. The Assembly cannot make such a judgment because they cannot see the evidence that was put to the administration and procedure committee. That is quite clearly what the standing orders stipulate, so we are constrained, as an Assembly, by the information provided in the administration and procedures committee report.

I hope I do not stray from the standing orders but, for my part on that committee, I do not think enough evidence has been provided for me to change my support for the majority report as put down this morning. We cannot put words into people's mouths. However, as I understand the standing orders, and from my understanding of the processes in this place, this is not necessarily the end of the matter: if a person so aggrieved wishes to approach the Speaker and the Assembly again, then they are free to do so. But I do not turn from my support for the majority report of the standing committee.

MS TUCKER (11.29): As someone who has just been listening to this debate, I want to say that I would find this a very difficult thing to vote on, for the reasons Ms Dundas has given. You have a majority committee report; you have constraints on what other people outside that process can look at; and you have a minority report from Mrs Dunne asking me to support her in overturning a majority report of a committee—and I cannot even look at the evidence, basically. I want to make the point that this is putting people not involved in this process in a very difficult situation. Mrs Dunne has taken a highly unusual step. If you want to pursue calling a vote on this, I would ask someone to adjourn it to a later time this day so I can seek advice from the Clerk.

Debate (on motion by **Mr Smyth)** adjourned to a later hour.

Public Accounts—Standing committee
Statement by chair

MR SMYTH (Leader of the Opposition) (11.31): Pursuant to standing order 246A relating to inquiries about certain Auditor-General's reports currently before the Standing Committee on Public Accounts, the committee has resolved not to provide further comment in relation to the following Auditor-General's reports:

(1) Auditor-General's Report No 12 of 2001: The Freedom of Information Act.
(2) Auditor-General's Report No 2 of 2002: Operations of the Public Access to Government Contracts Act.
(3) Auditor-General's Report No 5 of 2002: Car Races in Canberra—Costs and Benefits.
(4) Auditor-General's Report No 2 of 2003: Belconnen Indoor Aquatic Leisure Centre; and
(5) Auditor-General's Report No. 3 of 2003—Emergency Services.

The reason for this is simply that we are coming to the end of this term of this Assembly. These are reports that the committee has not been able to get to. To clear the sheets for the next Assembly, we have decided not to follow them.

Partnership (Venture Capital Funds) Amendment Bill 2004

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

> That this bill be agreed to in principle.

MR SMYTH (Leader of the Opposition) (11.32): Mr Speaker, the Liberal Party will be supporting the Partnership (Venture Capital Funds) Amendment Bill 2004. The purpose of this bill is to implement a new form of partnership. This new type of business entity is intended to facilitate raising venture capital.

This bill will establish the framework for the registration and regulation of what are to be called "incorporated limited partnerships". These partnerships will be incorporated but they will be a legal entity separate from the partners in it and they will be able to be used as vehicles for accumulating and managing venture capital. This bill will bring the ACT into line with New South Wales and Victoria. What is being proposed is also part of a national scheme being put in place by the federal government and the states and territories to enhance access to venture capital.

This legislation demonstrates an essential feature of the approach that the Liberal Party believes should be adopted to encourage economic activity in the ACT—that is, to get the policy environment right. The market can work within a good policy framework to deliver economic benefits. Under this bill, people with local innovations and new businesses will be able to seek capital to fund their businesses. A considerable pool of funds exists in any community. The key issue is how to mobilise these funds. New forms of entities, such as incorporated limited partnerships, will assist in raising much needed development capital.

These new forms of partnership will also provide benefits such as flowthrough tax benefits and the benefit of limited liability for the "limited partners". It is a valuable new approach to accumulating capital venture. This initiative will underpin things like Creative Canberra and will encourage economic prosperity, increased employment opportunities and enhanced community benefits.

MS DUNDAS (11.34): After much consideration, I am willing to support this legislation because I agree that more investment in local start-up businesses would be of great benefit to the territory. Venture capital is an essential catalyst for new industries, for jobs, for a healthy economy, and for dynamic wealth creation. Venture capital includes start-up and seed capital, expansion stage capital, later stage development capital, and finance for management buyouts and buy-ins of established businesses.

The Democrats have previously advocated a mandated 1 per cent investment of super fund portfolios into risk or venture capital. Venture capital in Australia has helped small enterprises start up and grow, with some notable examples being Energy Development Ltd, Austal Ships Ltd, LookSmart, and ResMed.

While venture capital is available regardless of legislative incentives, it increases enormously if such incentives exist. The Commonwealth Taxation Laws Amendment (Venture Capital) Act 2002 created such incentives, and I can appreciate why the ACT

government wants to make sure that venture capitalists operating in the territory can access those tax breaks. I understand that registered VCLPs and AFOFs are able to get their gains on the sale of eligible venture capital investments taxed as capital gains rather than as income, and partners are able to get flowthrough tax treatment of income, profits, gains and losses.

The federal government made the taxation changes partly to improve incentives for foreign investment in the venture capital sector. Economic analysis undertaken by Econotech for the Australian Venture Capital Association estimated that the limited partnerships and tax changes would attract an addition $1 billion in foreign capital, and I expect that most of us would be glad to see at least some of this investment flowing into the ACT.

My main concern with this legislation is the provision that limited partners of venture capital vehicles get a complete exemption for any liabilities that the partnership incurs. Just last sitting, this Assembly passed a law to impose personal liability for taxes on directors of corporations, including corporations formed and operating for non-profit purposes. Yet this bill gives corporations providing venture capital a complete exemption from liability for debts to the territory or debts to other parties, such as employees or creditors.

I am not trying to argue that venture capital is not important. I agree that we should be encouraging this type of investment. However, I cannot see why it is more important than essential community and charitable work done by non-profit corporations, and why we should not be giving people willing to work for their community the same level of encouragement. It does not seem right to me that venture capitalists get immunity from personal liability for debts while people giving up their time to serve the community run the risk of their personal assets being seized.

The argument that has been advanced for the different treatment is that incorporated partners in venture capital partnerships do not, and in fact must not, under this legislation have any management control over the business. I appreciate that directors of community boards are exercising, or are supposed to be exercising, some form of management control. However, there are many different models of how community organisation boards work. Some actually encourage the board to have less management control than you would see in some commercial operations—management control rests directly with the executive director of that organisation and the board provides policy oversight.

Of course, many people who volunteer to take on roles in community organisation boards already contribute in many other ways to their community, so their time is stretched and it is quite likely that they are not intimately familiar with the day-to-day operations of the organisation. As I said, in some cases they are encouraged not to make those day-to-day decisions. If we required a very high level of control we would not be able to fill many of those directorship positions. I have strong concerns that current law ignores these realities. So I have ongoing issues with clause 67 (1) of this bill.

I recognise that this legislation is supported by the majority of the Assembly and will go through as it stands. However, I wish to state my disappointment that business is once again being put ahead of the community. I hope that we can find a better way of putting

community and business on a more equal footing as opposed to always favouring one over the other.

MS TUCKER (11.39): This bill puts in place a scheme that reflects arrangements in New South Wales and Victoria and is consistent with and works with the Commonwealth Venture Capital Act. It is purportedly contemporary international practice to support venture capital in this way.

What the bill does in essence is provide a structure for partners to operate a venture capital scheme with any number of additional "limited partners" providing the capital. The structure of the bill ensures that the liability of those limited partners is limited to their investments—they can lose their money and that is it. The more extensive liability and responsibility will rest with the general partners, from two to 20, who in essence carry the real business responsibilities of the operation.

Regulation of this scheme will be through the Office of Fair Trading and the Commissioner for Fair Trading has the power to wind up partnerships if they fail to meet the activity or governance requirements laid down in the act. The bill then is aimed at facilitating venture capital investment in the ACT. Given the wealth of research and expertise in the natural sciences, renewable energy, water and waste management, biotechnology and the social sciences in the ACT, enterprise development ought to be a feature of our economy. I have not, however, discovered any real evidence that it is for the lack of these kinds of partnership structures that venture capital is a bit hard to find in the ACT. So while I will be supporting this legislation, I am not expecting a lot from it.

The key ingredient for enterprise development really is the initial investment in time and money by the individuals putting their work on the line. Venture capital and other investment come further down the line.

In discussions over this bill it was raised with my office that the key impediment to getting a business going rests in broader areas such as Australian tax law. It was not long ago that you could set up a business with your own risk capital by lending it money. At a later time your business could pay you back as and when it could afford to do so and when you needed it. Now if you make a loan to your company, it can only repay you from its profits rather than loans or as operating costs. And so the business would have to earn the money as a profit, pay tax on it, and only then pay back the principal. While such a protection is understandable on a larger scale in order to prevent company directors from rorting loans, it actually works against individuals or small teams setting up a business to give their work a future.

Another related problem in this crucial area of micro-business development is the 80:20 rule, which takes anyone earning more than 80 per cent of their income in any period from one contract as in essence earning personal rather than business income. It increases the pressure on such business to get external finance, often at too early a stage.

The reality is that a micro business with only one or two employees might often earn 80 per cent of the income through a single contract or consultancy over a period of time and would need to invest a considerable amount back into the business, and maintain the business operation, over that time. The 80:20 rule basically pins micro-business people to the ground, paying personal income tax in income that the business needs to reinvest

in its operations. If this government wants to really promote itself as small business friendly then it might advocate with the Commonwealth and the states for an analysis of the impact of some of the compliance and tax rules on micro businesses in their start-up period and possible modifications to those rules.

Venture capital is much easier to attract—through partnership schemes or not—once the first stage of development is a success. The ACT government might like to now focus its "whole-of-government attention" on how that first stage can be supported—here and right around the country.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (11.43), in reply: Mr Speaker, I am very happy with the support that the bill has received. The bill, which amends the Partnership Act 1963, provides a framework for the formation of a new legal entity as a vehicle for venture capital investments. I understand that the Australian venture capital industry, which lobbied the state and territory governments to provide a corporate limited partnership structure for venture capital investment, is very happy with this bill.

Incorporated limited partnerships provided in the bill will be legal entities separate from the partners in them. The Commissioner for Fair Trading will administer the scheme proposed in the bill. Venture capital is essential for companies that engage in innovative industries or otherwise require long-term capital.

It is noted in the economic white paper that the ACT has a high standard of technological infrastructure and many of its industries are technologically sophisticated and highly committed to innovation. Venture capital investment will greatly assist the ACT to build on these resources and to broaden its economic base. I am confident that the structure the bill provides will attract overseas and interstate investors, in addition to ACT residents who want to invest in venture capital initiatives. No doubt we will have to compete with larger jurisdictions to attract those investors.

Venture capital investment involves a high risk of loss of investment where the invested companies fail. Investors need certainty as to the extent of their liability. Incorporation of a limited partnership ensures that liability of investors is limited to the capital or property they contributed to the partnership. The proposed legislation will be recognised in other jurisdictions as the law of the place of incorporation and applied to determine the status of the limited partners. Investors in the entity under the bill will also be eligible to have the benefits that flow through taxation, including exemptions from capital gains tax under the federal taxation laws.

There is no limit to the number of limited partners an incorporated limited partnership could have. The partnership must also have at least one general partner but not more than 20. It is general partners who manage the business of an incorporated limited partnership. As in the case of partners in a normal partnership, their liability for the debts, obligations and other liabilities of the incorporated limited partnership is unlimited.

The bill ensures that the entity still remains a partnership even though it is incorporated. This also ensures that the interest of the creditors of a partnership is not prejudiced by the corporate status of that partnership. In this regard, the bill complements the Commonwealth Venture Capital Act 2002.

This bill will be a signal to the venture capital industry that the ACT is keen to invite its participation in the ACT's economy. It is my expectation that the partnerships to be registered under the bill will make significant contributions to the vision of the Canberra plan and the vision that it seeks to implement, particularly the dynamic, innovative and growth-oriented economy we all want.

As I indicated previously, I am very pleased with the support this bill has received from the Assembly. It is a piece of legislation that specifically is not necessarily of particular interest to a large number of Canberrans but it will certainly have a real effect and a real impact on our capacity to continue to ensure that the economic base of the ACT continues to expand and continues to meet our broader needs. So I am very pleased that this important piece of legislation will be passed today.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Utilities Amendment Bill 2004

Debate resumed from 5 August 2004, on motion by **Mr Quinlan**:

> That this bill be agreed to in principle.

MR SMYTH (Leader of the Opposition) (11.48): Mr Speaker, the opposition will support this bill. At the national level and at the local level the regulation of utility services is undergoing substantial reform to reflect emerging community attitudes and concerns about the provision of energy and water and the sustainability of the environment. The essential question is how to ensure that the community is provided with high quality and reliable electricity, gas and water on a sustainable basis, all at a price which achieves the optimum balance between affordability for consumers and the generation of adequate funds to invest in future supply.

The Independent Competition and Regulatory Commission plays a key role in regulating utilities in the ACT, including price. The purpose of this bill is to provide for new functions given to the ICRC under the national reform agenda to be included in its determination of licence fees. This is to ensure that the ICRC can recover reasonable costs from the utilities industry for the detailed work that it is required to perform under national codes for the energy and water markets.

The amendments are commonsense. If society wants regulation of utilities, which it does, then the cost of the necessary research and analysis and publication of these results must be recovered. This bill provides for those costs to be met from licence fees, which are ultimately borne by people who use electricity, gas and water. So, in the end, the user pays.

MS DUNDAS (11.49): Mr Speaker, the ACT Democrats are also supporting this piece of legislation. It is a relatively simple bill ensuring that the ICRC can be remunerated for the work that it does. The current act is apparently not clear in specifying that the ICRC can charge for work completed as part of an industry reference under the ICRC act or for work that is completed by the ICRC under another act.

The Democrats initially had concerns with this bill as it is retrospective. We are always very cautious about retrospective legislation and believe it should not be used except where there is an important public interest issue at stake or we can be assured that individual rights will be unaffected.

My understanding is that this bill will apply only to work done by the ICRC for ActewAGL and is in response to an auditor's opinion that the current law does not require payment by Actew. I have been informed by the government that both Actew and the ICRC are happy for the payment to be made, and the legislation is only required for the transaction to proceed. Without this legislation the ICRC would potentially be put under severe financial strain, which is obviously not in the interests of the territory or the proper regulation of industries under its province.

MS TUCKER (11.51): This bill, which follows the gas access review, will enable the Independent Competition and Regulatory Commission to recover costs from gas providers in the ACT. I understand that this has arisen unexpectedly and thus there is an urgent need to pass this amendment bill before the review of the Utilities Act has been completed.

The Greens support the principle that utilities pay for the costs of regulation in what effectively is a monopoly for some utility providers. The fees set by the ICRC reflect the costs of regulation that each licensee imposes and, where appropriate, market share.

The Greens are interested in the ongoing relationship between the cost of regulation, how much these costs may get passed on to consumers through the utilities and the link to setting price direction. I also note that there is a retrospective element to the bill so that the bill applies to the start of the 2004-05 financial year. I understand that all parties that may be affected are aware of the bill and what it means.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, and Minister for Sport, Racing and Gaming) (11.52), in reply: I thank members for their support.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Small Business Commissioner Bill 2004

Debate resumed from 5 August 2004, on motion by **Mr Quinlan**:

> That this bill be agreed to in principle.

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

Sitting suspended from 11.53 to 2.30 pm.

Questions without notice

Rehabilitation Independent Living Unit

MR SMYTH: Mr Speaker, my question without notice is to the Minister for Health. Welcome back, Minister. This Assembly passed a motion supporting the Rehabilitation Independent Living Unit (RILU). The final paragraph of the motion stated:

> This Assembly directs the Minister for Health to maintain RILU in its current location and maintain, at the very least, its current level of operation.

However, Professor Don Aitkin of the NRMA-ACT Road Safety Trust wrote an article in the *Canberra Times* strenuously opposing proposals to shut down RILU. Professor Aitkin said:

> I understand that the proposal continues to be a live one and that is demoralising to the staff and most worrying to the patients.

Minister, what actions has the government taken to comply with the Assembly's directions since that sitting?

MR CORBELL: I thank the Leader of the Opposition for his question. Mr Speaker, the government has been considering the options in relation to the transitional care facility. Obviously it is important that we resolve the future of that facility as well as the future of RILU itself. The government is very conscious of the Assembly's motion, and I expect some final advice to me very shortly.

MR SMYTH: Minister, has the government consulted with the NRMA-ACT Road Safety Trust about the future of the unit that it helped to establish?

MR CORBELL: Mr Speaker, I understand that in my absence the acting minister, Mr Wood, met with the chairman of the Road Safety Trust and spoke with him.

Mental health

MRS CROSS: My question is directed to the Minister for Health. A constituent has recently contacted my office and brought to my attention the fact that his daughter suffered from schizophrenia and that he and his wife had to look after his daughter for a substantial period. Whilst this constituent had nothing but positive comments about

Canberra and Calvary hospitals, he was concerned at the lack of human resources available to help in his daughter's care.

Of particular concern was the apparent lack of case managers and mental health case workers available in the ACT. Case workers and managers are extremely important in providing some respite to families, and this constituent spoke very positively about the impact the case manager had on himself, his daughter and his family, when he eventually received one.

Minister, can you inform the Assembly how many mental health case workers/managers there are in the ACT? How many clients, on average, does each of these case workers/managers have? What is the government doing to increase the number of human resources in the area of mental health in the ACT?

MR CORBELL: Since coming to office, the government has significantly increased its level of investment that we, as a community, make in mental health services. Indeed, the level of funding now is the highest it has ever been. It is up from the $80-odd per head of population that the Liberals spent on mental health to about $117 now. I am happy to take on notice the detailed elements of Mrs Cross's question and provide that information to her.

MRS CROSS: Mr Speaker, I have a supplementary question. Can the minister inform the Assembly what services are currently available to help provide respite for families that need to care for mentally ill relatives?

MR CORBELL: Again, I am happy to take the question on notice. A range of services is available. I will get the details of those for Mrs Cross.

Canberra Hospital—patient treatment

MRS DUNNE: My question is to the Minister for Health. A constituent has raised with me serious concerns about the treatment of her daughter who has had a kidney stone since late June but who has not been scheduled for surgery until 6 October. On 7 July a urologist inserted a stent, hopefully to reduce the pain until the operation, and on 23 July she was added to the category one list. The minister would be aware that patients on the category one waiting list should receive surgery within 30 days. On 12 August Canberra Hospital advised the patient's mother that the patient would not receive surgery until 6 October. In the meantime, her daughter is suffering from excruciating pain—as someone who as suffered from kidney stones I know just how excruciating that is—and she is worried about her traineeship and the future of her employment. Why does this patient have to wait three months to have her kidney stone removed when she has been classified as a category one patient, which means that she should receive treatment within 30 days because she is an urgent case?

MR CORBELL: I thank Mrs Dunne for her question. If Mrs Dunne, outside this chamber, is able to provide my office or me with details about this person—for example, her name and her consulting doctor—I would be happy to inquire into the circumstances of her case and provide that information to Mrs Dunne.

MRS DUNNE: I ask a supplementary question. Minister, are you happy that hospital management has failed this patient in that she is not receiving treatment within the specified period of 30 days?

MR CORBELL: Without knowing the details of the person's case, the circumstances and the consulting doctor, it would be a little pre-emptive of me to speculate on the circumstances of the treatment of this person. I emphasise the fact that if members have any concerns about a particular constituent, my office would be more than willing to investigate those issues. If the member provides me with the name and the details of the person involved I will follow up that issue and ensure that all the facts are known. In that way I can obtain a good outcome for them.

Department of Justice and Community Safety—premises

MR STEFANIAK: My question is to the Attorney-General. I refer to the transfer of the Department of Justice and Community Safety from its previous premises to its new premises in Moore Street, Civic. I understand there has been a significant blow out, in excess of $1 million, as a result of that move, and there is no exit clause in the contract. Why did that blow out occur and why did you not have an exit clause?

MR STANHOPE: I do not have the details of the management of that contract available to me. I am more than happy to take the question on notice.

MR STEFANIAK: My supplementary question is: will the Attorney table the contact in the Assembly by close of business today?

MR STANHOPE: No.

Kaleen horse paddocks

MS DUNDAS: Mr Speaker, my question is to the Minister for Environment. Minister, back in February, I asked questions about the management of the impact of the Gungahlin Drive extension on the Kaleen horse paddocks. I questioned Mr Wood on the subject and was told that decisions had not been made on temporary or permanent arrangements for agisting the horses which were then held at Kaleen, and it was indicated that Environment ACT was managing this issue.

I understand that a decision has still not been made. I have had further communication with the horse owners, who are quite upset about how this issue has been handled. Can you tell us when a decision will be made about where the horses at Kaleen will be moved to, not only during construction of the Gungahlin Drive extension in that area but also after the road is completed? If such a decision has been made, what is that decision?

MR STANHOPE: As members would be aware, the Gungahlin Drive extension passes through a significant part of the Kaleen horse paddocks, but that is a very extensive area at Kaleen and much of it will not be affected by the road. As I understand it, contracts have been let for the fencing and exclusion of those parts of the Kaleen horse paddocks that will be excised for the purpose of the construction of the road. Indeed, the majority

of the land that constitutes the Kaleen horse paddocks will continue to be used for that purpose.

I understand that the contractors who have been engaged by the Department of Urban Services to begin the preliminary work on the Gungahlin Drive extension have now commenced work within the Kaleen horse paddocks part of the Gungahlin Drive extension route. It may be the case that, as a result of the excision of some land to accommodate the Gungahlin Drive extension, the area of land available for the grazing of horses will be diminished and that there will be an extension of horse park areas as a consequence. I am not aware of the detail of that, but I am more than happy to make inquiries.

MS DUNDAS: Minister, I understand there has been some discussion about alternative agistment paddocks, such as a site on Bellenden Road, that would be dominated by exotic species. Will Environment ACT be looking to move the horses there, rather than to sites dominated by less nourishing and more ecologically sensitive native grasses?

MR STANHOPE: Environment ACT will, at all times, ensure that our natural environment is protected to the greatest extent possible. As I say, I don't know of any decisions that have been made or are contemplated at this stage in relation to expansion of space to allow for the agistment of horses that might be displaced from the Kaleen horse paddocks, but it certainly will not be into areas of significant ecological value.

Totalcare Industries

MRS BURKE: My question is to the Minister for Education and Training. Yesterday, you told the Assembly that you had not received any information about impropriety and malpractice in relation to Totalcare Industries. You also said, "Nothing has come to my office. Nothing at all, Mrs Burke." Minister, did the CPSU have discussions with your office between May and July of this year about this issue? Did your office make a promise to the CPSU to call the person who was seeking to disclose information about the relationship between Totalcare and your department? Has your office called that person, as promised? Did you provide false information to the Assembly by saying that neither your nor your office had received any information about this matter, as it is clear that your office had received such information from the union?

MS GALLAGHER: I have been advised that there was a phone call from the CPSU alerting my office to the fact that there was a person making allegations about a number of issues to do with the matter that we now know is subject to public interest disclosure and that that information had been given to the opposition. They were letting us know that. As to whether a promise had been made, I am not of the understanding that a promise was made. Certainly, my office contacted the department to raise the issues that had been raised with us over the phone via the CPSU organiser. My department then generated the brief to me to which I referred yesterday, dated 26 July, advising me that there was a public interest disclosure matter and that the advice that they had been given was that I could not be briefed on that matter, in accordance with the act. I stand by the comments.

MRS BURKE: I have a supplementary question. Minister, why did you say yesterday that nothing had come to your office when you at least knew that that information had come from the CPSU?

MS GALLAGHER: I did not know. The CPSU contacted my office to say that there was someone out there alleging a whole range of things about matters to do with education and repairs and maintenance within their budget. Nothing that Mrs Burke was referring to yesterday when she read out the details that she had and that she referred to again in the adjournment debate and alleged had my name on it, saying that it had come to my office, has come to my office. I have checked. None of that material has come to my office. There was a phone call from the CPSU to an adviser in my office. The adviser contacted the department to say that we had been told that these allegations were being made—a number of allegations; there weren't specific allegations—and the department advised me that I could not be briefed on it. I have been very clear on this matter and I stand by the comments I have made.

WorkCover

MR PRATT: Mr Speaker, my question without notice is to the Minister for Industrial Relations. I understand that there is a great deal of discontent amongst WorkCover staff about a restructure that has reclassified a number of positions to lower levels, without consultation. Indeed, I understand that the level of discontent amongst the staff is so high that WorkCover employees are considering picketing the Assembly. Why have you restructured WorkCover without consultation, resulting in so much discontent amongst workers?

MS GALLAGHER: As usual, the opposition have got one side of a story, accepted it as the truth and raised a whole range of allegations about my involvement with that. WorkCover is currently going through enterprise bargaining negotiations for schedule 2 of the template agreement. During those negotiations, there has been some robust discussion between the Occupational Health and Safety Commissioner and the WorkCover work force.

I met with the unions on Friday. They raised their concerns about what was going on in WorkCover. We had a discussion with the Occupational Health and Safety Commissioner and have supported further discussions on the matters that are being raised through the negotiation process. It is part of a negotiation process.

I have not imposed a restructure on WorkCover. I have not reclassified any positions. You have got to understand that there are negotiations under way for a certified agreement, and those negotiations have not finished. In the normal course of negotiations, there is a bit of turbulence about what everybody wants. We have seen that in every negotiation in the territory. It is quite normal. Those negotiations will continue. There is nothing more sinister behind it than that open, robust negotiation process.

MR PRATT: Minister, why are you downgrading in this sensitive area?

MS GALLAGHER: I have answered the question.

Mr Pratt: You have not.

MS GALLAGHER: I did. We're not. I have not downgraded positions.

Indigenous youth—alcohol and drug education

MS TUCKER: My question is to Mr Stanhope as the minister responsible for Aboriginal and Torres Strait issues. This morning I was at the launch of the *Hanging in, not hanging out* DVD, which is, as I think you are probably aware, a peer education program for indigenous youth, dealing with alcohol and drugs. A concern came up this morning and which I wonder whether you can address. I wonder whether you are aware of the situation of their accommodation at the moment—that is, that they have some temporary space at the Griffin Centre—and, if so, whether you intend to pursue other accommodation options for them.

MR STANHOPE: I am not aware of a brief or advice or request that has been made to me in relation to the accommodation needs of that group. Certainly, having regard to your representation and question, I will take an interest in the matter and have myself briefed. I will be more than happy to respond to you. It is not an issue I am aware of at this time.

MS TUCKER: I ask a supplementary question. Also coming out of the meeting this morning was the question of how the government will be communicating with cannabis users in the community the fact that due to changes to the law passed this week some of them will now be liable to criminal prosecution, whereas last week they were not. Bearing in mind that this group may not read the *Canberra Times* and watch news every night, what is your communication strategy to inform drug users in our community of these changes?

MR STANHOPE: I take the issue you have raised very seriously. I am very conscience that with a change in the SCON arrangement, through the reduction in the number of cannabis plants from five to two, certainly the legal regime in relation to the implications or consequences of now being found to be growing more than two cannabis plants for personal use are very different. We will most certainly ensure that that change in the law and the consequences of that change are widely and broadly communicated. It is a very significant change. I will be seeking and will receive assurances that we engage as broad as possible an education and information campaign in relation to the new regime about personal use of cannabis and the change to the SCON system.

I take absolutely the importance of informing those people within the community that have to date sought and received some comfort from the fact that while the growing or possession of marijuana is a criminal offence, the process of prosecution for that offence under the law is affected by whether the amount of cannabis in one's possession is of a certain quantity or whether one had less than five plants that one was growing for one's personal use. It needs to be remembered, and it is one of the issues we faced in relation to the use and possession of cannabis, that it always has been and remains a criminal offence to possess cannabis in any quantity.

The simple cannabis offence notice scheme simply applies to the consequences of that, as we discussed during the debate. A criminal penalty still applies to the possession of any amount of cannabis. It is just that one can avoid court, or avoid the full weight of the criminal process, by paying the fine that applies for the possession of that personal amount or personal supply within a 60-day period. If the fine is not paid within 60 days, the full weight of the criminal process is brought to bear. So, to that extent, nothing changes.

If one is found by the police today in possession of cannabis, essentially the consequence is exactly the same as it was three days ago. It is still a criminal offence. The penalty is still the same, and the payment requirements in relation to penalty are still the same. The consequences of not making the payment within the designated period remain the same. So, almost all of the consequences of the possession of cannabis remain exactly as they were. That has not changed. It is just that the upper limit of the amount that is relevant has changed, and the consequences of that are particularly significant. So, of course, we will ensure that there is a transition period, and we will ensure that we communicate as broadly as possible that the nature of the offence in relation to cannabis has changed through the reduction from five to two plants.

Totalcare Industries

MR CORNWELL: My question is directed to the minister for education. Mr Quinlan announced in this morning's paper that the department of education has commissioned an independent investigator, Quality Management Solutions, to investigate serious allegations of impropriety in the department of education. The whistleblower first made his PID disclosure on January 19, but your department has waited months until now before you acted. Why is this? Why has there been such a delay?

MS GALLAGHER: It is difficult to answer the question because this matter is under investigation and I am not able to be briefed on it. We are taking advice as to whether I can now be briefed—considering the fact that it is basically public—and whether that has compromised the public interest disclosure legislation. It appears that it may have been and that I may now be briefed on the subject.

My understanding—and I have been briefed only on how the matter gets handled, not the substance of the allegations—is that, on receipt of the public interest disclosure, there were a number of allegations, apparently not made in a coherent way. It has taken some time—

Mr Smyth: Discredit the witness.

MS GALLAGHER: Look, you want the answer; I am giving you the advice I have been given. If you want it, listen to it. The advice I was given was that it was not written in a way that allowed for an easy process to be commenced straight away; that a fair bit of work went into making that process easier to happen; and that the engagement of the independent investigator occurred in July this year. It was not a matter of sitting around and not doing anything, but more about making sure that the process embarked upon was the proper process; that everyone understood what needed to be investigated; and that it was handled smoothly.

Of course, in the last week or so that has been severely hampered and tampered with, and there are now questions about how that process will continue considering the fact that some very public statements have been made and there has been some media scrutiny. We are taking legal advice on that. I have answered your question, Mr Cornwell. That was the information I was given.

MR CORNWELL: Mr Speaker, I have a supplementary question. Why did Mr Quinlan make this announcement about an appointment by your department of an investigator to look into serious allegations of impropriety by your department? Whether or not you had been briefed on the matter, why did Mr Quinlan make the announcement?

MS GALLAGHER: My understanding is that he was asked a question. Today the *Australian* said that the department had commenced an investigation following the revelations in the *Australian*. The article is completely incorrect. The investigation has been under way for some time. I understand that Mr Quinlan was asked the question. He is the minister responsible for procurement solutions, and it does cover procurement solutions as well as the department of education. There is no conspiracy; Mr Quinlan just answered a question.

Emergency Services Authority—CAD system

MR HARGREAVES: My question is to the Minister for Police and Emergency Services. I noticed that yesterday you launched a new computer-aided dispatch or CAD system at the Emergency Services Authority. What does that mean for emergency services in the ACT?

MR WOOD: It means a lot for emergency services but it means a lot more for the people of the ACT. They can now be assured of a much better response time when any sort of emergency arises, whether it be a call for an ambulance or a fire engine for bushfire or emergency services.

Mr Pratt: It is three years too late, Minister.

MR WOOD: This is something that the former government never thought about or did anything about. This government has put this system in place.

Mr Stanhope: Seven years of neglect.

Mr Smyth: It is not even in the budget.

MR WOOD: This government has had to pick up a number of things in the emergency services area because the former government did practically nothing.

MR SPEAKER: Order! Mr Wood has the call.

MR WOOD: Mr Pratt, by way of interjection, asked a stupid question but he got a very good answer.

Mr Pratt: I did not ask the question; Mr Hargreaves did.

MR SPEAKER: Order! Mr Pratt will cease interjecting.

MR WOOD: This has been a major project of this government, which is interested in looking after the people of this city. In early 2003, after an exhaustive evaluation of tenders from around the world, the government selected Fujitsu to introduce this state-of-the-art system, which has a budget of just over $2.5 million. Last Monday the system went live for the first time. This system is similar to the systems that are presently being used by some 50 fire and ambulance services in the United Kingdom.

An earlier version of the system has been in place in the New South Wales fire brigades for six years. This is the first time that this system has been implemented in a multi-service environment—the four arms of the Emergency Services Authority—and that is what makes it so unique. Another thing that makes the ACT system so unique is its advanced mapping capability, which will enable communication centre operators to view the ACT region across a range of scales in a vast degree of detail. Using the highest satellite imagery now available, the new CAD is able to provide images of individual properties, allowing operators to view detail such as adjacent exposures to a structure fire.

The new CAD system is the first in Australia to incorporate the newly developed geo-coded national address file system, which enables it to physically pinpoint over 237,000 residential and rural addresses inside the ACT and surrounding New South Wales. The mobile data system will now ensure that calls of emergency are responded to by the nearest suitable unit in the shortest possible time. Callers seeking help on the phone may not notice a difference but the data stored in the new CAD system will help to ensure that they get faster service from better-informed crews who are ready to hit the ground running. The new CAD system will also help the Emergency Services Authority to set priorities and allocate resources more effectively. In order to ensure that Mr Pratt does not continue to ask silly questions, I invite him and any of his colleagues—I am sure Mr Smyth would be interested—to view this fine system.

Schools—capital works and repairs and maintenance programs

MS MacDONALD: Mr Speaker, my question, through you, is to Ms Gallagher, the Minister for Education and Training. Over the past couple of days there has been significant interest from various media outlets about the capital works and repairs and maintenance budget for the Department of Education and Training. Minister, can you please inform the Assembly of the current capital works program being implemented within the department for the benefit of school communities?

MS GALLAGHER: I thank Ms MacDonald for the question. The government is investing significant funds in providing new and improved education facilities as part of our capital works program. In 2003-04 this amounted to over $9.6 million for new works in schools, in addition to financing continuing projects from prior years totalling more than $20 million.

The government is committed to ensuring that the high-quality education provided in ACT schools is matched by the quality of our education facilities. To do this, we are not

only maintaining and improving established facilities but also looking to the emerging needs of the Canberra community.

The new primary school in Amaroo—a total project, with the high school, of over $34 million—opened in January 2004. The high school will open in January 2005. They are essential facilities for the Gungahlin community. Amaroo school has been designed to meet the needs of students and teachers, with flexible learning spaces and a range of specialist facilities such as computing, drama, music and science. The school also features innovative, environmentally sustainable design elements such as underground rain water storage tanks, hydronic in-slab heating and the proposed wind turbine at the high school.

The evolving needs of the community have been addressed through the provision of transportable classrooms, with nearly $4 million in funds for additional classrooms facilities at Gold Creek senior campus, eight classrooms; Palmerston primary school, four classrooms; Ngunnawal primary school, two classrooms; Garran primary school, two classrooms; and a special facility at Cranleigh school.

This government is also investing in Canberra's older schools, with $7.8 million in approved funds through the older schools upgrade program. This initiative provides major refurbishment of older schools to ensure that building fabric is restored and major engineering services and systems are fully operational and improved to current standards. Programs currently approved or under way include Lyneham high school, Dickson college, Turner primary school, Red Hill primary school, Majura primary school and Lyneham primary school.

Maintaining and upgrading older school buildings is not only a question of improving functions, it is an important part of creating conditions for effective teaching and learning. Our investment in school capital works reflects the value we place on education and the work of teachers and students.

We have a state-of-the-art facility at the Centre for Teaching and Learning, another important investment for the Canberra community. With the relocation of the Centre for Teaching and Learning to upgraded premises at the old Stirling college, this state-of-the-art facility provides our teachers with high-quality, professional learning and a comprehensive library. It is available to teachers in both government and non-government sectors.

Over $2.1 million has been appropriated for Birrigai for the rebuilding and expansion of the outdoor education centre following the bushfires. Since the bushfires Birrigai has been providing outdoor education from various sites around Canberra, such as the original Paddys River site, Dairy Flat, Jerrabomberra Wetlands, Botanic Gardens and individual schools.

With regard to safety, the government is ensuring our schools are safe places for our students, staff and the community, with $3.3 million in approved funds for the ongoing safety improvement program. The program targets items such as the replacement of non-compliant glass, the provision of new softfall material in playgrounds, roof access and safe working harness and anchor systems and ladder safety points.

Another program to be completed over two years will improve access to schools for students with disabilities. A major program has commenced at Melrose high school, including the provision of a lift and improved access in support of a student entering the school in 2005.

The government has approved $1 million to upgrade science facilities at Telopea Park school, Stromlo high school and Erindale college. Also at Telopea Park school, a budget of $1.5 million will see a significant upgrade to the library. Funds were also provided in the recent budget for the construction of a purpose-built gymnasium at Melrose high school and for an upgrade to the multipurpose hall/gymnasium at Belconnen high school. In 2004 a new carpark was provided to support staff at Lake Tuggeranong college.

We have also increased funding under the minor new works program to $3.2 million in 2004-05, up from $1.5 million in 2002-03. Projects under the minor new works program support a broad range of school needs from canteen upgrades to administration refurbishment and classroom upgrades.

Mr Speaker, the government is investing in the Canberra community through our investment in our educational facilities. ACT schools are among the best in the country and are vital to the continuing development of a strong community that values learning and innovation.

MS MacDONALD: I have a supplementary question, Mr Speaker. I thank the minister for that very extensive answer. Minister, with regard to the first part about media comment, are you concerned with some of the media comment surrounding the capital works program of the Department of Education and Training?

MS GALLAGHER: Yes, I am concerned with some of the commentary that has been made in the last couple of days. I believe that it will severely jeopardise the public interest disclosure investigation.

Mr Cornwell: I take a point of order, Mr Speaker. Is the question asking for an opinion? If so, it is in contravention of standing order 117 (c).

MR SPEAKER: Please repeat the supplementary question.

MS MacDONALD: I asked whether the minister was concerned about the media comment surrounding the Department of Education and Training.

MR SPEAKER: Asking whether the minister was concerned is hardly asking for an opinion.

MS GALLAGHER: The *Australian* has run a story on the subject for the last two days, with several inaccuracies in both articles. The subject was also raised on the Chris Uhlmann show yesterday morning, with Mrs Burke participating in the interview. Mr Uhlmann came back on radio this morning and provided a more comprehensive look at what has been going on. He said:

> … in the last 24 hours I've been unable to come across anyone in the building industry who can verify any of the claims that have been made and we do do our best on this program to try and get the best possible information we can.

He went on to say:

> In fact, I would have to say the calls I have put out so far have turned up the opposite from people involved in the tendering process from the government side now, are actually doing a better job than they were perceived to be doing a couple of years ago.

He also said:

> … in the government's defence … there were some claims made yesterday about the Ministers limited knowledge about things. The whistleblowers legislation is designed to stop Ministers from finding out about the details of the case and an independent investigator is appointed. So it's not unreasonable for a Minister to say, I genuinely don't know what's going on, because if they did, they would be in breach of the Act.

He had David Dawes on following 8.30 am and David Dawes also commented on how well the Procurement Solutions process works and how they are satisfied with the regime that is in place.

Also, in the *Australian* article, Graham Shaw of GE Shaw and Associates was named as a person who had suffered at the hands of work being given out to Totalcare. Graham Shaw had a conversation with my office today and he was very unhappy with the comments that had been put in the *Australian*. He mentioned that he had had a chat with Jacqui Burke last week. He is happy to be quoted as saying that he is happy with the procurement regime which operates in the ACT and that he has no fault with Procurement Solutions, an agency that is noted for its professionalism, is well run and is above board in its conduct and behaviour towards tenderers.

GE Shaw has competed with Totalcare in a competitive environment and has won some and has lost some, but he knows of no evidence that Totalcare has benefited from any favouritism in the bidding process. Graham Shaw also knows of no allegations of preferential treatment of Totalcare by the government. He informed my office that he was unimpressed by the overture made by Jacqui Burke and is now very angry about the imputations alleged in the media, particularly in the *Australian* article of 19 August 2004.

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

Paper

Mr Quinlan presented the following paper:

> ACT Government Ministerial Delegation to USA and Canada—3 June to 16 June 2004—Report.

Disability ACT
Papers 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 papers:

Disability ACT—

Future directions: A framework for the ACT 2004-2008, dated August 2004.

Challenge 2014—A ten year vision for disability in the ACT, dated August 2004.

I seek leave to make a statement.

Leave granted.

MR WOOD: Today, I am pleased to table the documents entitled *Future directions: A framework for the ACT 2004-2008* and *Challenge 2014—A ten year vision for disability in the ACT*. The government recognises the right of every individual to participate in and contribute to all aspects of life in the ACT. In particular, the government is committed to supporting and encouraging people with disabilities to participate in the community and reach their potential.

On 26 September 2002, I tabled the government's response to the recommendations of the board of inquiry into disability services. Since April 2003, I have tabled in the Assembly six-monthly reports from Disability ACT outlining the progress made against the government's response to the board of inquiry's recommendations. In implementing many of the recommendations, there is now a greater emphasis on involving people with disabilities, their families and carers in the development and delivery of policy, programs and services.

In 2001, the Disability Reform Group was established to provide advice to the government in developing its responses. Amongst the key work undertaken by the Disability Reform Group was the development of a vision and values statement in consultation with the community and government sectors. The statement, which articulates a set of overarching values, was noted by the government in September and released in October 2002.

In developing the vision and values statement, participants highlighted the need to develop a framework that put their aspirations into meaning and gave them practical relevance. The result is the aspirational document entitled *Challenge 2014—A ten year vision for disability in the ACT*. In effect, the statement is a challenge to everyone in the community, including government and community sectors, to take responsibility for change and meet the expectations identified by people with disabilities.

Challenge 2014 incorporates aspirations to which everyone in the community can relate. They include equality, equity, freedom of access, self-determination, safety, inclusion, and representation. The government is committed to the values outlined in Challenge 2014, a joint community-government initiative that forms part of the ongoing journey towards improving the lives of people with disabilities in Canberra.

The ACT government has responded to Challenge 2014 through its strategic plan *Future directions: A framework for the ACT 2004-2008*. The Disability Advisory Council has endorsed Challenge 2014 and will provide me with feedback. This policy framework will form the basis of a more collaborative, coordinated and holistic approach to supporting people with disabilities and assisting them to realise their visions and rights.

Improving the lives of people with disabilities requires individuals, people with disabilities, government, community, service providers, carers and families united in a shared vision for disability services. That is why the government consulted extensively with key stakeholders to develop its future directions plan. That document encompasses not only a statement of the government's commitment to addressing the support and needs that have been identified but also includes a series of specific actions that are being undertaken.

The plan outlines our vision for disability services over the next four years. It focuses on four strategic directions: to influence policy and culture to promote an inclusive society; to strengthen the capacity of people with disabilities, their families and carers to maximise control over their lives; to improve planning and use of available funding to meet the needs of people requiring ongoing support; and, in partnership with the community sector, to strengthen the sustainability and responsiveness of the service delivery sector.

The government is committed to implementing the strategic plan and maintaining consultation with everyone. Ongoing monitoring and assessment will determine the success of the plan and future priorities. This government is committed to supporting people with disabilities to realise their visions. That commitment can only be successful if we have the involvement of the whole community. I believe that we are off to a good start with the future directions plan. I commend these documents to the Assembly and to the wider community.

School crossings and traffic issues at school, childcare and older persons' facilities

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

> Review of school crossings and traffic issues at schools, child care and older persons' facilities—Government response, pursuant to the resolution of the Assembly of 11 February 2004, as amended 1 July 2004, dated July 2004.

I seek leave to make a statement.

Leave granted.

MR WOOD: On Wednesday, 11 February, at the request of the Assembly, I undertook to provide to the Assembly the findings of a review of school crossings and traffic management around schools, together with a review of the traffic issues around childcare centres and older persons' facilities and the feasibility of introducing 40-kilometre zones in those areas. A traffic consultant was engaged to undertake the review. I have now tabled that report. The review included surveying all schools in the ACT and referencing interstate practices for school zones, childcare centres and older persons' facilities.

The ACT is performing better than most other jurisdictions in regard to pedestrian road accident trauma. We have one of the lowest pedestrian accident rates in the world, based on measures of either population or registered vehicles. However, increasing numbers of parents are driving their children to schools, particularly in the mornings, and that has created greater potential for conflicts around schools between motorists and pedestrians. The specific concerns raised by schools in the survey responses will be followed up and assessed in more detail. Any traffic measures identified as necessary will be implemented as part of the capital works item of the Department of Urban Services covering traffic management at schools.

In addition, I note that the government will extend the 40-kilometre zone policy to include colleges. A comparison with other state and territory practices for school zones shows that the ACT is reasonably consistent with Australian standards and speed limit practices. Nevertheless, there are two inconsistencies with other jurisdictions in relation to traffic management outside schools. Firstly, the hours of operation of school zones are longer in the ACT than they are in all other states and territories. I believe that provides greater safety for our children, so this government will not change that policy.

The other inconsistency is the use of crossing monitors at primary school crossings. As a result of the review, there is no proposal for the ACT to adopt monitors. However, this issue will be reviewed, if required. The ACT road hierarchy ensures that schools are not located on highways or major arterial roads, as occurs in many other places. The department is reviewing the need for pedestrian traffic light facilities at all existing intersections with traffic lights and it will be implementing necessary works through maintenance programs.

The possibility of installing 40-kilometre speed limits on roads adjacent to centre-based childcare and older persons' facilities has also been reviewed as part of the work of the consultant. The review concluded that pedestrian behaviour at those facilities is different from pedestrian behaviour at schools and that the clusters of arrivals and departures are very small. Consequently, if the government provided 40-kilometre speed limits outside these centres it would create the potential for confusion amongst the general driving population and reduce the effectiveness of the part-time 40-kilometre zones outside schools.

In keeping with the practices of other Australian jurisdictions and Australian standards and in view of our excellent pedestrian safety, there is no basis for applying 40-kilometre

speed limits for centre-based childcare and older persons' facilities as a general policy. Traffic management arrangements for these facilities will, however, continue to be assessed on a case-by-case basis using the department's traffic warrant system. I commend the report to the Assembly. I move:

That the Assembly take note of the paper.

Question resolved in the affirmative.

Subordinate legislation

Mr Wood presented the following papers:

Legislation Act, pursuant to section 64—

Intoxicated Persons (Care and Protection) Act—Intoxicated Persons (Care and Protection) Standard 2004 (No 1)—Disallowable Instrument DI2004-177 (LR, 16 August 2004).

Mental Health (Treatment and Care) Act—Mental Health (Treatment and Care) Amendment Regulations 2004 (No 1)—Subordinate Law SL2004-33 (LR, 16 August 2004).

Road Transport (General) Act—Road Transport (General) (Application of Road Transport Legislation) Declaration 2004 (No 8)—Disallowable Instrument DI2004-176 (LR, 12 August 2004).

Indigenous education
Paper and statement by minister

MS GALLAGHER (Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations): I present the following paper:

Indigenous Education—Eighth Six Monthly report to 29 February 2004.

I seek leave to make a statement.

Leave granted.

MS GALLAGHER: I am pleased to present the eighth report on performance in indigenous education, which covers the half-year period to 29 February 2004. The Labor Party initiated reporting on this important aspect in 2000. Seven biennial reports have now been tabled. The government is pleased to continue this reporting and brings to members the latest available information about indigenous education in ACT government schools.

In recent months we have all read the strategic areas for action identified in the report of the Productivity Commission entitled *Overcoming Indigenous Disadvantage* and we have seen the resulting emphasis on indigenous initiatives in the ACT government's *Building Our Community—the Canberra Social Plan*. Based on this research and

national and local planning, the government is continuing to expand its services to improve educational outcomes for indigenous students through the implementation of the social plan and *Within Reach Of Us All, Services to Indigenous People Action Plan 2002-04*.

This government's vision is of all people reaching their potential, making a contribution and sharing the benefits of our society. We are working towards addressing disadvantage and social exclusion and making gains over time with indigenous children, young people and their families. The progress discussed throughout this eighth report shows the significant efforts and commitment of an increasing array of contributors. Clearly, our schools and preschools regard as priorities early educational intervention and improved outcomes for indigenous students. This is demonstrated through the increased support given in these areas and reflected through evidence collected such as enrolment figures, academic assessment data and results of targeted programs.

The recently enhanced indigenous home-school liaison program continues to strengthen as staff members gain better skills in developing productive partnerships with students, schools and families. In many areas it is apparent that progress has been made, yet it is recognised that still more needs to be done. The government will not deviate from its commitment to maintaining a focus on indigenous issues, as is reflected through the social plan. Performance in indigenous education plays a vital role in ensuring that goals can be met and improved outcomes achieved. It is especially pleasing to note the variety of ways in which support services are more actively involved in working with indigenous students in schools, community groups and families to improve indigenous outcomes.

This report is set against the four commitments in the services to indigenous people action plan. The major commitments of that plan centre on valuing diversity, forming community partnerships, creating culturally inclusive environments and improving educational outcomes for indigenous students. I would like to draw to the attention of members several significant points relating to these commitments. In the six-month period that this report covers all new school administration officers and building services officers received induction training in inclusive approaches when interacting with indigenous students.

Targeted funding has been directed to professional learning programs for teachers designated as contact persons for indigenous students in schools. Twenty-four contact teachers attended a series of sessions devoted to improving their competence in cross-cultural communication and inclusivity in teaching, as well as receiving information about accessing indigenous assistance programs and strategies for using local indigenous resources. Indigenous representation on school committees is reported, with data collected about indigenous membership of school boards, Aboriginal student support and parent awareness committees and parents and citizens associations.

Primary schools are the most active in this area, with 158 indigenous parents contributing as committee members. During this period, several applications were received from indigenous parents and community members interested in being voluntary members of the Indigenous Education Consultative Body, a 17-member group that advises this government on local indigenous issues. With many members' terms having expired, I look forward to working with this renewed and committed community group and anticipate great interest not only in educational matters but also in the government's

whole interagency approach to making a positive difference to the lives of local indigenous people.

Members will remember the devastating destruction in January 2003 of the Birrigai outdoor school. The indigenous community has been significantly involved in planning for redevelopment of the site at Paddy's River and the extension of its programs to ensure that the needs of indigenous student in the outdoor learning environment are addressed. As a consequence, two more staff members have been employed at Birrigai to work with others in designing and implementing new programs aimed at indigenous student support. This government has increased its support to the work of the Billabong Aboriginal Corporation in west Belconnen and its programs continue to expand to cater for indigenous youth with significant concerns.

Last December I was particularly delighted to launch the product of an exciting indigenous community project that this government has supported. A set of five locally produced indigenous storybooks for the younger age group was published, reflecting a significant effort to bring experiences of indigenous culture to all ACT primary schoolchildren. Primary schools and Koori preschools received multiple sets of the books and the response has been most rewarding. Of special interest is the dare to lead program, an initiative of the Australian Principals Association's Professional Development Council.

More than 60 ACT government schools have signed up to that program in which schools make formal commitments to making a difference to the lives of indigenous students, especially in the areas of literacy and study completion. An update of activities against that program will be provided in future reports to this Assembly. Last year's system assessment in literacy and numeracy revealed a pleasing improvement in the number of indigenous primary school students achieving the benchmark in reading and writing. Over time the indigenous literacy program and other early interventions have made some gains in improving teaching and learning strategies in schools for indigenous students. Our government has learnt from that and recently announced new funding to expand these programs.

Indigenous high school students also showed steady results or improvement across reading, writing and numeracy assessments last year, with advances particularly in reading in years 7 and 9. The results for indigenous students against the national benchmarks are positive but need to be treated with some caution. The small number of indigenous students in each year level means that the movement of one student can significantly change the percentage results.

A significant increase occurred through 2003 in the number of indigenous youngsters attending Koori preschools and mainstream preschools. Enrolments rose from 71 in February to 108 in September, an increase of 52 per cent on the previous year. Considerable attention has been paid to community networking and professional learning for preschool teachers, both of which have contributed to this growth. As there is a continuing trend of increasing indigenous participation in ACT preschools, this government has funded a substantial expansion of the Koori preschool program to begin next year.

Moving on to kindergarten, the progress made last year by many of the 68 indigenous children in their first year of schooling was also pleasing. Nevertheless, results show that early intervention programs are crucial if advances in learning are to be made, with the number of indigenous students identified as in need greater than the number of non-indigenous students.

Early intervention measures are a primary feature of the government's social plan and include a significant number of specific indigenous strategies to assist families and children. The college years still present considerable challenges for indigenous students, with 69 per cent of those who commenced college in 2002 receiving a year 12 certificate at the end of 2003. While that figure can be compared with 90 per cent completion for non-indigenous students, it is a 35 per cent increase on the previous year, which is an excellent improvement. In recognition of this difference, a new indigenous transition program for students in years 10, 11, and 12 commenced during this reporting period to assist indigenous students to move more successfully through their senior secondary years.

To complement this initiative, members will be aware that this government has also provided new funding for the establishment of mentor and leadership programs for senior indigenous students. Another significant achievement to note is the increase in the percentage of indigenous students with a year 12 certificate or a vocational education and training certificate. The expanding nature of youth services for indigenous young people is evident in this report, with funding provided to support closer connections with other community service providers and their programs.

I wish to draw the attention of members to the comparison of some of the important characteristics of indigenous persons in the ACT with those found elsewhere in Australia. This data is from the ABS national Aboriginal and Torres Strait Islander social survey 2002. This comparison shows that the ACT is above the national average in all aspects of education attainment.

The report discusses the outcomes of a number of indigenous educational programs and initiatives. Whilst we acknowledge that sound progress has been made in some areas over the six-month period, more remains to be done. With a concerted whole-of-government approach to indigenous issues, I am confident that greater benefits and results will manifest more clearly over time. I look forward to hearing about continuing gains for indigenous students and their families.

This report and future reports continue to remain of prime importance to the ACT government. We are committed to enhancing through education the lives of and opportunities for the local indigenous community and its young people. We support the national approach of Australian governments working together to address indigenous disadvantage. I commend to members of the Assembly the eighth report on performance in indigenous education.

Bushfire recovery and renewal
Ministerial statement

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and

Minister for Community Affairs) (3.31): I ask for the leave of the Assembly to make a ministerial statement concerning bushfire recovery and renewal.

Leave granted.

MR STANHOPE: On 18 January 2003 we, as a community, faced the worst natural disaster in our 90-year history. In fact, by any measure, it would rank as one of Australia's worst single-day natural disasters. The total financial cost of the fires has been estimated at $350 million. To that must be added the human cost. We will never be able to calculate the real cost of the firestorm. However, I have taken enormous pride in watching how our community—in particular, the people of Weston Creek, Woden, Tuggeranong and our rural areas—has responded. I also take great pride in the part that my government has played in the recovery.

Since that dreadful day, the government has given the highest priority to assisting people directly impacted by the fires with information, services and personal support. The demanding recovery effort continues to be an outstanding example of a true community partnership supported by the skills and expertise of people in the government, the community sector and across the wider Canberra community. I must emphasise that the success of the recovery process has been largely due to the high level of community involvement in both the initial emergency response and the longer-term recovery efforts.

This community involvement is exemplified by the work of the Community and Expert Reference Group. That group has provided advice from the earliest days of recovery and it continues to be a significant source of advice for my government on recovery issues. This partnership approach contributed to the success of the ACT recovery centre, the work of which is continued by the bushfire support unit in the Chief Minister's Department. That unit provides a dedicated point of contact for bushfire-related support services to those still struggling with the emotional impacts of the fires. In addition, Housing ACT has set up a single point of contact, with a dedicated phone line, to assist public housing tenants who are affected by the bushfires. We have continually adapted our services to address the changing needs of affected community members.

On 18 January this year the government organised an anniversary ceremony at Stage 88 in Commonwealth Park. That event gave hundreds of people in the community time to reflect, to come together and grieve, and to gain strength from the sense of a more united community coming out of the disaster. Whilst we have moved forward as a community, we have also learnt many valuable lessons. It is now just over 12 months since Ron McLeod released his report. I am pleased with the progress to date. During 2003-04, we allocated $38 million to implement the recommendations in the report and further support recovery and rebuilding efforts. That was backed up in this year's budget with an additional $34 million, bringing total funding for bushfire recovery to over $122 million by 2007.

This year's budget included $6 million for the massive ongoing clean-up and debris removal program in ACT forests and nature parks; $9 million over four years for pine plantation reestablishment; and $650,000 in this financial year to plant 350,000 native and exotic plants across an area of 700 hectares. Our swift and considered response to the McLeod recommendations has had a significant effect: it has identified and resulted in improvements in our capacity to deal with future emergencies. In essence, this means

more resources, better training, improved communications and equipment, and more responsive systems. Importantly, it has also resulted in the complete overhaul of our emergency services management system and the creation of the Emergency Services Authority.

In short, the ACT is better prepared than ever for the coming bushfire season. A number of measures are now in place to reduce our vulnerability to bushfires. These include: provision for 200 new volunteer firefighters; provision for 36 new staff for the urban fire brigade; improved emergency communication systems, fully compatible with New South Wales; an increased program of fuel reduction; improved specialised training in fire fighting and prescribed burning; a memorandum of understanding with New South Wales to cover training, resource sharing and cross-border support; an extensive bushfire community education program; and eight community fire units with a further 20 to be established this year. I should add that we also stand ready to respond to the findings of the coronial inquiry, which is still under way.

The fires destroyed a total of 401 urban homes in Canberra's affected suburbs. That was a mix of public and private housing. Housing ACT has rebuilt 14 destroyed houses for tenants in Kambah and Duffy and it is working on replacing a further 11 houses in Duffy. The government allocated $7.3 million for the urgent rehousing of 55 rural public housing tenants in urban areas. Some urban householders had a difficult time making their decisions about rebuilding and returning to their suburb or selling and moving on to another home, but it is clear that people are steadily firming up on the right decision for them and they are acting on it.

From a slow start, there is now steady progress: 122 houses are now rebuilt and 100 are in the process of being rebuilt; a further 67 houses have an approved development application; and 145 blocks have been transferred to new owners. Expectations are that around half of the original householders are likely to rebuild, but it is still too early to get a final figure on that. I am sure that I speak for everyone in this Assembly when I express ongoing support for those still wrestling with a final decision on their future. The ACT Planning and Land Authority and our bushfire support unit within the department continue to offer support and advice for those who still need it.

The regreening of our urban and non-urban areas is a key part of the recovery process. The people in the burnt-out suburbs look forward to the day that they can again truly feel a part of the bush capital. The good news is that that day is drawing closer. After close consultation with the community, Canberra Urban Parks and Places has replaced around 8,000 fire-affected plants, including 1,600 trees. That has restored many of the parklands and major road verges in Weston Creek, Woden and Tuggeranong. Environment ACT, in partnership with Greening Australia, has also replaced more than 30,000 plants destroyed on rural properties. In the January 2003 fires, 250 kilometres of rural fences bordering onto territory land were damaged. We recently announced a partnership between the government and affected lessees for the repair and replacement of those fences.

The government has commissioned a major study into the best uses of non-urban areas for the sustainable development of the territory. The final report of that study is now guiding the government's vision for the future of non-urban ACT. That is a significant undertaking to be delivered within a definite and limited timeframe. Although

30 June 2005 is our target date to complete the set up and to move into ongoing management, we are already able to count a number of significant achievements.

The government intends to renew and redevelop the rural villages at Uriarra, Pierces Creek and Stromlo. We are continuing negotiations with the Commonwealth to resolve the Commonwealth-ACT land ownership at Stromlo in order to ensure that Stromlo village can proceed and residents can therefore return as soon as possible. We are also progressing amendments to the national capital plan for Uriarra and Pierces Creek. That will certainly involve further negotiations in relation to Pierces Creek.

In relation to the territory plan, the variations to enable the redevelopment of Uriarra and Stromlo went to public consultation in June. Further work will complete these important processes. I, together with displaced residents, await a speedy resolution. As part of the recovery program the ACT government is creating an international arboretum and gardens to the west of Lake Burley Griffin. Our goal is to create a place of outstanding and breathtaking beauty of international standard and interest, which is welcoming to locals and visitors alike. Excellence in design will help shape the arboretum's future as a major tourist destination, as a popular leisure spot and as a favourite place for civic, community and family functions. It would also be a valued resource and facility for science and education.

The government is also committed to re-establishing, with major enhancements, one of Canberra's best assets—Deeks Forest Park at Stromlo. The Deeks Forest Park recreation area will replace and enhance recreational facilities and any access lost or damaged by the fires. It will respond to the overwhelming feedback from the Canberra community regarding the importance of recreation and non-urban recreational space to the Canberra way of life and the wellbeing of its people.

The government is also committed to the renewal and redevelopment of the Cotter, ensuring that it remains one of Canberra's favourite family locations. We envisage a greatly enhanced visitor experience and propose developments such as commercial facilities, an information centre, an expanded camping ground, restored and extended walking trails, and new adventure recreation facilities. We have also worked hard to complete major restoration work at the Tidbinbilla nature reserve and open much of the natural park to the public.

We have allocated significant resources to environmental works and the removal of hazardous trees. Work is also under way to complete the redevelopment of the wildlife enclosures and repair the Tidbinbilla loop road. The government provided funding in 2004-05 to develop and improve the Tidbinbilla wetlands, construct a major nature discovery playground and a brushtail rock wallaby observation deck, and improve the popular barbecue areas.

Work will also commence this year on the rebuilding of the historic Nil Desperandum homestead and the partial reconstruction of the Rock Valley homestead. Following the significant fire damage to the Birrigai outdoor school near Tidbinbilla, the government moved quickly to ensure that outdoor education opportunities for ACT students were continued and extended. At the Paddy's River site, buildings not destroyed have been repaired. Rebuilding work to the value of $4.7 million is to commence shortly.

In recognition that the January 2003 bushfire was a traumatic event for the whole community, the government has made a commitment to build a memorial to mark that significant milestone in people's lives. The ACT community has said that a bushfire memorial should remember the lives of those who died or were injured in the bushfires, acknowledge the scale, impact and diversity of the loss experienced by the ACT region, honour the courage of those who risked their lives to help others, and express gratitude for the warmth and generosity of the community response.

Our consultation also indicates that it is important to the community for the memorial to celebrate the resilient spirit of our community and acknowledge the beginnings of the regeneration of a much-loved environment. Once a preferred site has been identified, the government will begin a process to commission designs and will announce the selected design on the second anniversary of the fires.

The outpouring of community support and the spirit and character shown by Canberrans following the fires have proved that from this tragedy the ACT community has shown that it is committed to collaboratively building a safer, stronger, and more connected community. At the first anniversary ceremony, Jane Smith poignantly stated:

> Canberra has been called, rather cruelly, "a city without a soul". Now, our community response to the bushfires proves we can put that right behind us. At the time of the fires there were many helpers and many heroes. We are "survivors" rather than victims. We've survived because we have been the beneficiaries of an amazing community response. We could not have imagined the help we would receive in re-establishing our lives and our homes.

The spirit, generosity and desire to join together in building and creating a bright future are among our community's greatest strengths. This strength has led to great progress in the recovery effort, progress that may have seemed impossible when we surveyed the damage in January 2003. I am proud of what we have achieved. Homes have been rebuilt, infrastructure has been repaired, and bold plans have been put in place for the future. Of course, much remains to be done, but the resources are in place and work is well and truly under way. The strong partnerships we have built with the community, along with my government's determination not only to rebuild but also to improve on what we lost, guarantee that the recovery effort will continue to be a great success. I move:

> That the Assembly takes note of the paper.

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

Motor sport
Discussion of public importance

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

> The state of motor sport in the ACT.

MR STEFANIAK (3.44): Mr Speaker, one would have to say that there are some severe problems facing motor sport in the ACT at present and the state of motor sport in the ACT could certainly be a lot healthier than it is. There is a lot more I think this government and this Assembly can do to assist.

Canberra still has some excellent motor sport activities and a marvellous facility in Fairbairn Park. But when you go back to about 20 years ago we had a large number of excellent facilities. We had Fairbairn Park, which still indeed had a lease then; we had Fraser Park, which was still going; and we also had at that stage, I think, the start of the Canberra dragway near the airport. Since then the dragway has closed and of course Fraser Park has closed as well. All we have is Fairbairn Park. I'll deal with that first.

There are a number of issues in relation to Fairbairn Park. It started back in 1975. It had, I understand, a 10-year lease, which expired in 1986. It had a number of tracks. It had the Formula 500 track, which doesn't operate anymore. It had the carts, the bikes and indeed the hill climb. The carts, the bikes and the hill climb remain to this day; in fact, the hill climb was re-established about five years ago and is an excellent track. The Canberra Motor Sports Club—I think that's the correct term—is about 1½ kilometres away towards Fairbairn airport. That, I understand, has a long-term lease and has had for some considerable period of time.

There have been a lot of issues in relation to Fairbairn Park. I think most of them are very unfair to motor sport. I can remember tabling in this place back in 1994 a note from the then CEO of the then Department of Land, Planning and Environment—whatever it was called, whatever the department's name was then—indicating, "Well, we can't please both sides; we may as well please one," being the people who wanted to see Fairbairn Park effectively shut down because of noise issues. It has become quite plain, in fact, over the years since then that it really only has been one person in about the last 10 years who has been complaining about noise issues.

On a slightly positive note: I must say since 1994, when Fairbairn Park's viability was in doubt because of that, some progress has been made. A regime was put in place about three or four years ago. I must say this government has maintained that, and I commend them for that. This indicates that at least some of those concerns have gone away, as they should, because fundamentally they have been a nonsense and indeed have been a nonsense for probably over a decade. There simply are no real issues in relation to noise from Fairbairn Park. More can be done there, but at least the gradual whittling away of noise credits seems to have had a stop put to it over the last five years, and that is something we can be thankful for.

I do have concerns, however, in relation to the lease renewal process. Over the last four or five years there's been a real issue in relation to, and a real need for a long-term lease for, Fairbairn Park. The current lease actually expired in 1986 and they've been operating and indeed paying their rent—due on, I think a three-monthly basis—from month to month. I'm at a little bit of a loss to see why this lease has not been renewed, despite the support, supposedly, from the minister, Mr Quinlan, and indeed, I understand, his colleague the planning minister, Mr Corbell, for the lease to be actually given to the Council of ACT Motor Clubs. I'm not certain if it's actually going to be a 20-year lease,

which is what they want, or indeed a 10-year lease, which is something that's been put up as well. I would certainly hope it would be a 20-year lease.

But Mr Quinlan, I understand, about a month ago in the *Chronicle* said it was virtually all sorted out and they'd actually have something in two weeks. This has been an ongoing saga for a number of years, certainly a couple of years at least in relation to this. With both ministers keen to see this sorted out, what is the hold-up? Is there someone in the department playing silly buggers in relation to this? I don't accept issues such as: "You need a new development application". They're not developing anything; they merely want to continue the site they operate on now, the site they have operated on since 1986 with an expired lease. I would think the Mabo doctrine probably comes in here in terms of their longstanding use of that particular land and occupation of it. It's not exactly as if it's prime real estate or it's going to be used for anything else.

They've been told that actually environment don't have any problems; planning don't have any problems; the lease is actually there to be signed; get on with it. I don't accept the nonsense in relation to DAs. I think there was one done about four or five years ago, at any rate. But given that they're not developing anything, they merely want to continue to use that site with long-term certainly, that should be done.

I'm also concerned to hear that the meeting they were going to have with the minister, the most recent rounds of meetings, has been put back now to a day or two before the caretaker period, and that worries me greatly.

We have had a number of champions come out of Fairbairn Park. Mark Webber, an absolute champion, a world champion, started in the karts there, as did Tim Monty, who's one of the best in his class in Australia; and indeed in the hill climb young Tom Ballard is going great guns in his class in Australia. There have been some magnificent champions who have actually started their career at Fairbairn Park. Thousands of people like motor sport. A lot of people actually come to the territory even to use Fairbairn Park as it is, and I think this government needs to do a lot more than it is doing there rather than trying to put off decisions in relation to that.

I come to the dragway saga. The dragway of course, back in January 1999, effectively closed. Actually I've got a letter here where I made representations to the Minister for Defence asking him to grant a 10-year lease extension rather than the five that his department was offering. No luck there. It ended up in a court case which finished in 2001, unsatisfactorily to the dragway who took both the Commonwealth and the ACT governments to court.

In May 2001, whilst I was still minister, I commissioned a study, which ultimately cost about $77,000, in relation to the environment and a business impact study which quite clearly showed that there'd be significant economic impact—I think 126 jobs, $6.2 million regularly a year—from running a dragway and identified lot 52 Majura as the best site.

There were lots of promises by various members of the ALP in the lead-up to the election, a lot of support for the dragway. The dragway people and the motor sport community generally, I think, had great expectations that this government would deliver a new dragway. Indeed, I see Mr Quinlan shaking his head as to promises. Maybe it was

a bit like the Balfour declaration of 1917, which certainly went off the rails. But at least the Balfour declaration saw quite a few Jewish immigrants get to Palestine. Not much actually has happened since this current government's bleatings in opposition that it was very supportive and would effectively, in the minds of the dragway people, regardless of what Mr Quinlan might say, go ahead and build a dragway.

Having won the election, they lost interest. By 2003 it was painfully obvious that there was very, very little interest indeed. I've asked the minister a number of questions in relation to this. He answered one on notice on 24 April 2003. I think it's pretty indicative. He said that the government remained willing to assist the Canberra International Dragway with the purchase of a suitable site. He went on to say:

> Mr Develin has also been advised through my letter to him and through correspondence from PALM that government assistance in purchasing a lease would also be dependent upon Mr Develin negotiating the transfer of the lease with any existing leaseholders and subject to a business plan that does not rely on government funding for construction or running costs for a new dragway.

In other words, we'll help you get a site but we're not going to do anything to help you construct a dragway or with the running costs. In other words, maybe we might give you a bit of assistance just in buying the land. Very, very different from what the dragway supporters and the motor supporters were led to believe. Around about that time I think there was a bit of angst from the local ALP government here in relation to a bumper sticker put out by the dragway community which basically said "No dragway 2003 equals no dragway 2004" and even complaints have been not properly authorised.

Back in October 2003, on 16 October, the opposition launched its policy and also made a number of other points about not having a dragway and why don't we at least do something to help get the kids off the streets around Braddon, get them off doing drag-racing down at Hume as a temporary measure before a dragway's built; using the police driver training track at Majura. Let the government at least do what it can to see if that can be used.

I think the attitude of the government is summed up pretty well by a letter to the *Canberra Times* on 17 November 2003 from a Tom Maddock who commends me for my efforts to establish a dragway and rid the Canberra streets of illegal street racing. He said:

> Sadly, his efforts are completely contrasted by that of the Labor MLAs. Bill Wood seeks a formal approach, apparently before he is even prepared to think about the issue. And even then, he proposes nothing other than to suggest that an approach should be made from the Commonwealth Government.
>
> On the one hand, we have the local Government complaining about excessive Commonwealth influence in the affairs of the ACT. Yet in this case, they appear to be happy to deflect what is obviously a local issue (rather than one of national significance) to the Feds.

Unfortunately Mr Wood's response in this instance is typical of Labor's attitude towards motor sport since it has been in office: deflect the issue, identify some impediments, regardless of whether they are valid or not, and hope that the issue will go away. Labor

should be reminded that the issue has not gone away. Mr Wood seems to take offence at that, but all it is—and I think this bloke who wrote the letter is right—is typical of Labor's attitude towards motor sport since it's been in office, and that has been to deflect the issue; it has been to identify some impediments, regardless of whether they're valid, and hope the issue will go away. Labor should be reminded the issue hasn't gone away, nor will it.

Mr Speaker, let's now look at the actual issue of the Majura sites. The Majura sites were due actually to be renewed on 31 December 2005. If this government had been serious about helping the dragway, they could have actually not renewed the ideal sites and purchased them for the dragway. Oh, no, what's happened? We find out that actually there are no impediments from the Commonwealth in regard to block 51. That lease was renewed for a further 20 years, I think it was, in April 2003. We found that out in estimates. That lease expired on 31 December 2005. If this government was fair dinkum about building a dragway, all they'd have to do is say, "We're not going to renew the lease," pay out reasonable and just compensation for the improvements made and then go ahead and allow the dragway to be built there.

But what did it do? It renewed the lease in April 2003, over 18 months before it actually needed to. It was around about, interestingly enough, the same time as Mr Quinlan sent that response to my question on notice about the amount of support the government was prepared to give the dragway. If the government says, "Oh, well, they have to renew the lease now; there's a 20-year lease; tut, tut, we can't do anything there," I'd check what Mr Corbell actually said to the Estimates Committee in terms of the conditions of the lease.

Even though you have now renewed the lease, which makes it a little bit harder—it'll cost us more money in terms of getting any of these sites—any leases can be resumed for a public purpose. A public purpose—and even Mr Corbell, I think, conceded this in estimates—would indeed include a dragway, as long as the ACT government still basically owned the land. So there's nothing to stop you doing that, although you have probably put an added impost on the ACT community by your actions in renewing these leases, which you didn't have to. And that's just going to cause more inconvenience to more people concerned.

I'm very concerned the government has put in $8 million—$4 million in 2004-05, $4 million in 2005-06. Funnily enough, that is exactly the same as the opposition put in its policy, in its budget. But we're getting close to the caretaker period. We're getting awfully close to that period and we still see no action. I'm afraid that we are going to see no action. They'll make every excuse they can, suggest all these impediments, real and imagined; it's going to be too hard; we'll be in the caretaker period; and nothing will happen.

I have mentioned these young champions that have been produced. I would hate to see motor sport not supported by either major party in this Assembly. I am very concerned to see the lack of action by this government, the excuses that have been put up and the backing away from a very clear support they gave the motor sport community, especially the dragway community, before the last election.

Mr Speaker, if I may conclude: I think it is important to restate the Liberal Party's policy in relation to motor sport. The highlights of that policy are that we will give one-off funding of $8 million over two years to construct a dragway in the Majura Valley—$4 million in 2004-05, $4 million in 2005-06. I didn't see any policy at all from this Labor Party or anything in the budget for the other areas of motor sport, apart from $200,000 to reseal and upgrade the current hill climb track at Fairbairn Park.

We'll ensure a fair noise credit regime for motor sport. A minimum of 30 credits per year will be provided to the Fairbairn Park complex and a further minimum of 10 credits a year to the track run by the Canberra Motor Sports Club to the west of Fairbairn Park, plus $100,000 for a study of siting a motor racing circuit in the Majura Valley near the dragway. That'll cover economic costs and identify an area. Indeed, the police driver training area would be a good one if we ever get that back. ASIO's a bit of a problem there, I understand.

There's a lot of potential for motor sport in Canberra. This government's really missed the boat in terms of that. I would urge it—it's not too late—to get off its arse and do something and I urge everyone in this Assembly to do the same.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming) (3.59): Can I thank Mr Wood for the contribution which he made to this debate because I think it was very important. Let me expand upon exactly what Mr Wood was referring to.

It was the previous Liberal government that allowed the lease of the dragway to lapse. It was, in fact, the previous Liberal government that set up a noise credit system that allowed for a reduction each year and put motor sport on short-term leases. All the signs were there that the Liberal government wanted to strangle motor sport. You were strangling it with noise credits; you were not assisting it with leases. It was this government—it was Mr Wood and I—who changed the noise credit regime because it was effectively strangling the sport. That's what you left in place.

Just to pick up on a couple of points: you were concerned about the renewal of the lease on section 51. Bill, I think you would know that the leaseholder has rights and you can't resume a lease unless it is being resumed for a public purpose. Unless you were certain that you were going to build some public facility—that government was going to build a public facility; it has to be a public purpose—then that leaseholder has rights. If 51 was to be resumed at a later date, then it just has to be resumed at the evaluation; otherwise that leaseholder—

Mr Stefaniak: And it costs more money.

MR QUINLAN: Of course it would have cost more money. But that leaseholder had rights.

Mr Stefaniak: So why didn't you do it last year if you were fair dinkum?

MR QUINLAN: You would have trammelled those rights, would you, Mr Stefaniak? No, you wouldn't have. I'm sure more sensible people in your party would have made

sure that you didn't trammel those rights, but you can easily say it now because this is the sort of performance today that replicates where you were coming into the last election.

In the last election, having screwed up the process of the dragway, having been integrally involved in the dragway stuff-up, you produce some hush money to give to the dragway people to do an evaluation that would carry them past the election. The taxpayer paid effectively 50 grand or 70 grand to your re-election fund as hush money through the dragway people. That's the sum total, Mr Stefaniak, that you've contributed. You had a strangling regime in place and you've done precious little else.

Let's just focus on the dragway for a moment. You've made a commitment. I challenge you, Mr Stefaniak, to go public on where you will construct the dragway. I challenge you to go public on the proposition of ownership and operation of the dragway, because it's a material question. If you want to resume land for a public purpose, you have to own the dragway.

There will be very shortly some noise evaluation reports coming through. Let me put it on record now that I don't hold a lot of confidence in what those reports are going to allow us to do. But if you come into this place and grandstand, as you did three years ago, and try to curry favour with motor sport enthusiasts by saying, "Bill's going to do all this for you," you'd better be able to back it up. I challenge you to pick the site. If you're going to curry favour with motor sport, then the other side of the coin, Mr Stefaniak, is: you have to delineate those people who will be impacted by the dragway, those people upon whom you will impose the dragway.

Mr Stefaniak: So you're not building one?

MR QUINLAN: Not at this stage, I'm not, Mr Stefaniak. I have said repeatedly that we've put money in the budget but I have grave concern that we are yet to identify a piece of land suitable for a dragway in the ACT. That is a fact. You would find, if you did your homework, that you would be precluded from designating those.

But I challenge you to go public and commit to a site—that's all you have to do—and tell us whether the government going to own it, run it and operate it; what class it's going to be—whether it's going to be international, national, regional; how much money you're going to actually put into it. Get outside and do it. Right? Because you need to face all the people that are going to be affected by it.

A dragway will produce a huge footprint; it will alienate a whole area around it. It won't be a case of just the impact of, say, airport noise. It's going to be a whole different kettle of fish.

Mr Stefaniak: That's why the Majura Valley is the best site for it.

MR QUINLAN: All right. I'll give you a few figures that I'm privy to. They haven't been double-checked; it's still with environment; I'm still trying to wrench the study out of Environment ACT. We have, I think, 27 noise credits. I think a dragway's going to require something like 300, and people that will be impacted will be in Campbell, Hackett and those areas as well—

Mr Stefaniak: You had one before.

MR SPEAKER: Order, Mr Stefaniak! I will warn you if you keep that up.

MR QUINLAN: So you've got to tell those people where you're going to put it and give them the full case of the amount of the noise impact that will occur.

Mr Pratt: On a point of order: perhaps you wouldn't have to ask Mr Stefaniak to stop interjecting if the member was addressing, per standing order 40, his remarks through the chair.

MR SPEAKER: Thanks, Mr Pratt. Direct your comments through the chair. Mr Quinlan.

MR QUINLAN: Certainly, Mr Speaker. My humble apologies, sir. But through you, Mr Speaker, I have challenged Mr Stefaniak to nail his colours to the mast; otherwise you're just going through the same ritual you went through with the hush money you paid in 2001, Mr Stefaniak.

As far as the government is concerned, it does believe that motor sport enthusiasts do have rights to enjoy their sport, as do rugger-buggers and other sporting enthusiasts. However, we have to accept that the facilities and the meets do have environmental problems. Let me say now: this government stands ready; we have $8 million in the budget. If I can't commit that beyond a dragway, we'll be certainly open to discussions with motor sport.

The government has, through time, through various grants, invested money in motor sport and in Fairbairn Park along the way, and we will continue to do so. As I think you even acknowledged, I'm working to try to make sure that the leases become longer-term leases so that various clubs can invest, secure in the knowledge that they won't lose their facility at a later date.

There's not a whole lot more I really want to say, other than to refer back to Mr Stefaniak's quote from a Mr Maddock writing to the paper. He is a regular contributor to the letters to the editor, our Mr Maddock. Mr Maddock of Jerrabomberra, New South Wales, is a regular contributor to the paper. Why Mr Maddock isn't hammering the Queanbeyan City Council or the Yarrowlumla Shire Council for a dragway facility, I don't know. He doesn't live in the ACT but he is a regular critic of this government and quite obviously a dragway fan. That doesn't mean that every dragway fan comes from New South Wales. I just happen to have a stepson that gives me a verbal punch up regarding the dragway every now and then.

I will say that, if a block of land that is suitable by all aspects, by all measures, for a dragway is available, then this government is prepared to put $8 million into the establishment of that dragway tomorrow. Bill, you can't ignore them; you can't go out there and say, "We'll build a dragway at Majura," when the facts may be that there are Australian noise standards that would preclude your doing that. That's the situation you may find yourself in. That's why I'm laying down the challenge to you: go outside; tell

us—not just, "I'll do it; it will all be fixed; Majura is a good place," because Majura is a good place—

Mr Stefaniak: Where there's a will there's a way.

MR QUINLAN: Well, there wasn't last time you were around, Bill. As I said, your contribution last time was $70,000, I think, of taxpayers' money to fob off the dragway push after you'd been involved with them in the fiasco of their previous lease.

MR SPEAKER: Ms Dundas was a bit disappointed that she didn't get the call last time, but I could see that Mr Quinlan had the idea; it was just taking him a bit longer to get to his feet.

MS DUNDAS (4.12): I'm always quite happy to hear from the older members of this place. I respect that it does take longer for some members to get to their feet, considering they're old and have sporting injuries.

MR SPEAKER: Your turn will come.

MS DUNDAS: But I would like to take this opportunity in this matter of public importance to once again put on the record quite clearly that the ACT Democrats remain supportive of building of a multi-purpose motor sport facility and that it should be prioritised for the next government, as it should have been for this one and the last one.

Canberra has not had a motor sport facility since the Tralee raceway closed and it's the only city of its size that does not have a motor sport facility. A number of social problems have, I think, got worse over the last number of years because we do not have such a facility in the ACT.

Because of the limited scope of entertainment activities currently available to Canberrans, we continue to have motor sport enthusiasts sometimes congregating in and around Canberra, causing neighbourhoods around them to claim that they are a nuisance. They are doing burnouts and creating traffic hazards.

So a motor sport facility could give Canberrans another entertainment option as well as bringing tourism and economic development to the ACT. Much of the economic white paper the government is so committed to is dependent on a diversification of employment in the territory and I think that a project such as a motor sport facility would help this much-needed diversification.

We've seen recently reports of a police crackdown on illegal street racing. I'm completely confident that, if we actually had a motor sport facility, then these people who are currently being targeted for their illegal activities would have somewhere to go and participate in their sport. Legally they would have a safe place at which to undertake their sport.

I think all we've seen is a lot of posturing and a budget allocation but that's rather hollow when we can see no action being taken to find a suitable site. The Deputy Chief Minister has just spoken at length about the problems that are being faced in relation to a site, its type and class, who is going to own it, who is going to operate it—all these questions

that need to be answered. I have to put forward my own question, and that is: over the last five years, between successive governments, why haven't these questions actually been answered? Why have we just continued to hear a lot of talk from a lot of boys? I have a feeling that what we will see is just more talking.

Everybody has said—not everybody, but most people in this place—that they are committed to seeing a multi-purpose motor sport facility, or at the least a dragway, being built in the ACT and we are all prepared to commit to it. But we keep finding obstacles in our way that are stopping that commitment taking place. It appears we have a can-not government, not a can-do government. I completely understand the position that the government is currently in. There are a lot of considerations that need to be taken into account, a lot of issues that need to be worked through.

So why are we having this discussion again? I thought it was quite clear at the beginning of this, the Fifth Assembly, that people were willing to work towards a motor sport facility. I thought it was quite clear in the Fourth Assembly that people were quite willing to work this forward. So I lay the question at both of your feet: why has nothing progressed?

The Chief Minister spoke yesterday of Canberra booming along. For a city that is supposedly booming, we are seeing little in the way of developing infrastructure and diverse entertainment options. And when the government comes clean on its commitment to building a motor sport facility, perhaps the government's claim of a booming Canberra will have a greater ring of truth and we will actually see some can-do out of this government.

MR PRATT (4.16): Mr Speaker, I would like to speak to Mr Stefaniak's motion to support a motor sport facility, including a dragway, for the ACT and to get on with committing to that as soon as possible. I mean committing rather than just talking about it. Mr Speaker, as you would know, the Liberal Party supports the development of a dragway and a motor sport facility in the ACT. The Liberals have been unequivocal in these last three years and, unlike the government, we are firmly committed to building a dragway.

Mr Speaker, to build a full motor sport facility, including a dragway, in Majura would allow motor sport enthusiasts and the youth of Canberra to come together in a suitable location and enjoy the facility. And it is the youth issue that I want to particularly address today, relevant to our desire and our commitment to build the dragway. From a youth perspective, there is so much more that needs to be done in the ACT in the shape of interventionist programs to both support and encourage our youth. The dragway could play a major role in this endeavour.

I have issued media releases in the past—and I recall one on 27 August 2003—specifically calling on the government to direct more attention to juvenile crime in the ACT, following a spate of car thefts in the Belconnen area then. I have regularly called for the provision of facilities to divert youth with their cars away from city and suburban streets and away from conducting burnouts and other illegal meets in public places. The police have often commented that the development of amenities to channel the youthful exuberances of those with cars, and all those who are friends of those with cars, away

from public areas would in fact be a strong preventative measure in mitigating juvenile crime and just general rotten behaviour.

Mr Speaker, I believe that the development of the site at Majura for a motor sport facility may contribute to the reduction of juvenile crime in the ACT, as a development anywhere else would. Youth as young as 12 years of age are currently reported to be involved in stealing, joy riding, and vandalising vehicles in Canberra. You certainly don't need to be a licensed teenager to enjoy a motor sport facility. If you're a 12 or a 13-year-old and you're already showing a penchant for cars—hot cars and car-related activities and you don't even own a car—you can still travel to somewhere like the dragway, participate with your older brothers or your older mates in those sorts of activities. Perhaps there's an important release for some of our junior teenagers who tend to be doing quite illegal things in suburbia.

Mr Speaker, through a number of media releases, I've called on the government to look at ways to ramp up crime prevention programs. The community should work together to protect our kids. A motor sport facility for the people of Canberra would provide youths with an alternative to hanging around the streets and at the local shops and would give them a place to spend their time with a range of people who are also interested in motor sport.

We know that motor sport and the love of cars rate very highly among Canberra's young; hence the significant amount of activity around the city on Friday and Saturday nights. These young people love to promenade in a different way; they love to show off their cars visually and through ear-splitting demonstrations of engine power and engine noise. I'm no petrol head, Mr Speaker, but I must say I do marvel at the incredible jobs that a lot of these kids and our young adults do on their very impressive looking cars.

Mr Speaker, the facility of a dragway and its associated motor sport and track facilities would give our youth of Canberra a safe and a suitable place to spend their time. This is what the opposition is proposing; this is our plan. By providing facilities available to youth for casual meets and socialising, the annoying presence of youth in Braddon on Friday and Saturday nights, for example, may reduce, with the facility giving them a place to go to as a group of motor sport enthusiasts.

This means that not only would the development of a motor sport facility in Majura provide an alternative for youths who may otherwise be out on the streets making trouble and breaking the law; it would provide an appropriate place for motor sport enthusiasts to gather instead of around the streets and down in some of the more remote suburbs undertaking burnout activities. It would be a central place to gather that would be supervised by professional and experienced staff and, I would suggest, would be frequently visited and constantly monitored by the police. This would give an opportunity for engagement—proactive engagement as opposed to traditional policing. This would encourage police and community interaction and would ensure that the facility itself was a safe place for parents to send their kids and for the community in general to visit.

Mr Speaker, I use the example of the Wakefield motor sport facility at Goulburn. Apparently, for a fee, groups of youth can spend the day at the track driving their cars into the ground and burning their tyres to the rims if that's what they want to do. They

can really let their hair down, and that is exactly what our youth must be allowed to do—to burn off all that energy and to exercise their creative minds to the extreme, but in safe and supervised environments, safe for them and safe for the general public. A facility at Majura, with safe track arrangements and trained supervisors, with canteen, club and recreational facilities, would be great for our youth and would go a long way to minimising juvenile bad behaviour on our streets.

Five weeks ago it was brought to my attention that at Point Hut Crossing there had been on the previous weekend extensive illegal drag racing down along the stretches and across the weir. Picnic facilities in the area had been vandalised; beer cans were lying all over the place; there had been burnouts; and there was the wreck of a car as well. Quite extreme speeds by those kids were observed in that area.

Mr Speaker, by having a safe place for our kids to go—a facility like this would at least provide that secondary role—we would perhaps at least minimise that behaviour. We'll never eradicate that sort of behaviour, but we would minimise that sort of behaviour. I'm not drawing a long bow when I say that the development of a motor sport complex at Majura would benefit Canberra youth, parents, business, tourism, motor sport enthusiasts and community safety.

I'd again like to say that I do support Mr Stefaniak's proposal and believe it to be advantageous to all for the government to honour its promise to Canberra and the motor sport community and develop the site at Majura without delay. Mr Quinlan raises a good point about noise abatement at Majura, but I think we're fairly confident that the noise problem, because of the flight pattern, is not a major obstacle—not the major obstacle that Mr Quinlan paints.

Mr Speaker, what we're saying here to the government is this: make the commitment and stop making the excuse that the government's been making today. For the good of sport, business and tourism, I call upon the government to commit in very concrete terms to building a dragway, not to break the promises previously made.

Government members interjecting—

MR PRATT: Mr Stefaniak, would you settle down and would you guys stop exploiting him.

MR SPEAKER: Order members! Would you like to direct your comments through the chair.

MR PRATT: Mr Speaker, I call upon the government to commit in very concrete terms to building a dragway, to not break the promises that they have previously made and to stick with that commitment. This commitment, were they to make it, would be most welcomed by youth and social workers. We on this side of the house have a will. We will commit to building that dragway, with motor sport complexes, and we will ensure that the youth of Canberra are given appropriate access to that facility for recreational issues as well as those for which the dragway is primarily built.

MS TUCKER (4.26): I'll just make a very brief contribution. I wasn't going to contribute, but I just heard Mr Pratt then. Just for the interest of members, and certainly

for the government, I've gone to a number of residents meetings of constituents in the inner north—Hackett, Watson and Downer areas, but Hackett in particular—and they've got real concerns about the noise implications if there was a dragway in Majura. They already have concerns about the shooting range over there and they're certainly hearing that. So I think you need to be really clear that there's going to be a lot of community concern about a dragway in Majura unless you are able to show clearly that it's not going to have a detrimental impact on the quality of life in Hackett, in particular.

MRS DUNNE (4.27): Mr Speaker, the matter of public importance today is the state of motor sport in the ACT. My colleagues Mr Stefaniak and Mr Pratt have spoken at length about our commitment to a dragway. While the dragway is important, there's much more to motor sport in the ACT than just a dragway.

It's appropriate that I talk about this; it's not because I'm particularly a motor sport enthusiast, but I think that there should be some balance in this. It's often considered a boys' activity. I don't claim to be a rev head anyway. I did hear Ms Dundas's speech; it did add some balance to it.

I always take a bit of time to talk to my mechanic because he always has lots of useful things to say and gives me a few tips about what's going on around town. There are a couple of really informed but committed people who are really committed to a whole range of motor sport activities in the ACT. There's more than drag racing; there are a whole range of things; there are the people who are involved in car clubs and who run show and shines, the swap meets, the vintage vehicles, the special marques and all of that sort of thing. These are all very important and add to the complex tapestry of what makes Canberra a great place to live.

But one of the things that I'm constantly confronted with when I talk to people is that there's always pretty much a begrudging approach to motorists and motor sport enthusiasts in the ACT, to the extent that my mechanic said to me the other day, "You know, Vicki, it's just not fun to drive around Canberra anymore. I'd really rather not drive around Canberra. There isn't the support for us."

Mr Wood: Well, what do you want to use the streets for—for fun?

MRS DUNNE: Yes. There are, Mr Speaker, a lot of people who take enjoyment from simply driving a nice car. It might be on a Sunday afternoon going somewhere; you don't have to be Juan Fangio; you might be just out to have a nice motoring afternoon. This is not supported in the ACT because of the decline in the quality of the roads, the lack of support for a whole range of activities.

I just draw members' attention to something that serendipitously I picked up in this week's Canberra *City News*:

> Red tape threatens big events
>
> Bureaucracy is threatening the future of festivals and major tourism events in Canberra, according to Summernats Event Director Chic Henry.
>
> Mr Henry said bureaucratic hurdles were strangling tourism opportunities in the ACT, with duplication of resources and complex funding channels.

> "The ACT … needs to take a really good look at the bureaucracy that hampers the staging of major events in Canberra …
>
> "People are turning away from event organisation because of bureaucracy. Canberra is not a big city and there is no reason why we should not be able to get together to find a more simplified process when it comes to organising festivals."

Mr Wood: What's he saying?

MRS DUNNE: Listen, Mr Wood. The article continues:

> He said a lot of the ACT funding avenues could be consolidated under an umbrella, creating more efficient management structure.
>
> "I see so much duplication and waste of public money in this city and I don't think it's right."

It talks about where Mr Henry was making these comments and then it goes on about Summernats:

> The national capital's second biggest tourism event behind Floriade, Summernats 17 attracted a record crowd of 116,000 people last January.
>
> "It brings in about $12 million worth of business to this city, with the benefits spread widely across the retail, food and entertainment sector."

Ask the man who runs McDonald's in Dickson, Mr Speaker. It continues:

> He said the success of Summernats demonstrated that Canberra was more than a cultural city.
>
> "It is too easy to become focused on the arts in terms of festivals and the ACT is more than galleries and national attractions."
>
> Mr Henry said similarities could be drawn between Floriade and Summernats. "Both are about presentation, entertainment and artistic appreciation—all key factors in a successful festival.
>
> "Summernats attracts high energy individuals who appreciate cars, but it is great entertainment as well."

The thing is, Mr Speaker, that there is a great deal of bureaucratic obfuscation in that almost every time we turn around we find that someone—an event organiser like Chick Henry who really should become an ACT treasure because of the changed appreciation that he alone has brought to Canberra—is constantly finding that this government and the bureaucracy under them are getting in his way when it comes to organising events like this. Perhaps it's not highbrow enough for us. Because it isn't taste, because it isn't a particular taste of particular individuals, it doesn't mean that we should rule it out; we shouldn't look down our noses and say, "Oh, it's not a real festival because yobbos go there."

We should get some more commitment to Summernats, we should get more commitment from this government to motor sport and we should have better commitment from this government to a dragway in the ACT, encouraging the clubs and organisations that make Canberra or contribute to making Canberra what it is—a diverse city which is not culturally highbrow. We should not have a culturally highbrow approach to motor sport in this city.

MR WOOD (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for Police and Emergency Services and Minister for Arts and Heritage) (4.33): Whoever suggested we did have a highbrow approach to motor sport? Oh, you did. Oh, yes, you did. That's my speech.

MR SMYTH (Leader of the Opposition) (4.33): Following that very short commentary from Mr Wood on the support for the dragway: Mr Quinlan in his speech was critical of the noise regime at Fairbairn Park. I think, just to correct the record, the noise regime at Fairbairn Park was actually put in place by Mr Corbell in December 1997. He successfully amended a disallowance motion of Mr Moore's in a revision of the noise regime there. So if Mr Quinlan has problems with the noise regime, he might take it up with Mr Corbell.

In regard to the noise: there are two reports that have been done in the last decade. One was started actually in 1994 by a former Deputy Chief Minister, one David Lamont of the Labor Party, which I think was received ultimately in 1996. It basically said that Majura was a place for motor sport activity and the noise levels would be acceptable; they would be within the bounds of the standards at that time. Indeed, the 2001 report that Mr Stefaniak had done came to the same conclusions. So lets not hide behind what effect the noise might have.

There are reports that say that Majura is the ideal site for such facilities in the ACT and we should stop hiding and start committing. That's something we don't expect to get from this government. It is a do-nothing government. It makes promises that it avoids and there are many people out there who feel betrayed by what happened after the last election and the fact that almost three years into the life of this government there still isn't any action on a dragway in the ACT.

Mr Speaker, to back up what Mr Pratt said: I've received a letter from a constituent in Willoughby Crescent, Gilmore. For those who don't know Gilmore, it's up on the hill, up on the rise, behind Rose Cottage Inn. It connects into Louisa Lawson Crescent, which is a main street through a large part of Gilmore. There are a lot of residences in Louisa Lawson Crescent and certainly in the streets that come off it.

The letter reads:

> It takes a really unfortunate incident to cause me to write this letter to you and I hope that you will make representations on our behalf.

So to the residents of Willoughby Crescent in Gilmore, here are the representations in your Assembly. The letter continues:

> Over a period of months we have had to endure some silly and selfish individuals using our streets to do "burnouts" usually late at night or in the early morning hours. This is usually along the section of Louisa Lawson Crescent up the hill past our intersection (Willoughby Crescent) and towards the other side of Gilmore. In addition residents have had letterboxes destroyed and even plants removed from gardens. The reserve between us and the Rose Cottage continues to be a dumping ground for cars and other rubbish as the gate from Isabella Drive is often left unlocked. That has been the subject of phone calls but we have given up reporting the dumped cars.

He then goes on to talk about the incident that really annoyed him. The final paragraph says:

> We have found that reporting incidents to the Police gets us nowhere and we've given up trying. We look to continue to have a problem with louts disturbing our neighbourhood because of the undermanned Police Service. I am aware that an election is coming up in the next few months and regardless of who wins, I am not confident anything will be done. However with the slightest degree of hope, we would appreciate it if the Police Patrol might care to come up around our end of Gilmore in the early morning hours at the weekends, in the hope that the disturbance of our amenity might be reduced.
>
> Sincerely

It is signed by the constituent. Mr Minister for police, you might like to take on board that there are a lot of burnouts and racing being done on Louisa Lawson Crescent. As Mr Pratt has pointed out, it's the sense of exasperation and the lack of consideration that these young people—

Mr Wood: What's that got to do with the dragway?

MR SPEAKER: Order, members! Mr Smyth has the floor; he's struggling to get through here.

MR SMYTH: Thank you for your attention, Mr Speaker. Mr Wood interjects, "What's this got to do with drag racing?" This is the point: it's the sense of exasperation and frustration out there in the community that, three years after promises were given that the Labor Party would build a dragway if they were elected to government, nothing has happened. This is why we're finding events like this occurring on Anzac Parade in the early hours of the morning, at Hume in the early hours of the morning and in the suburb of Gilmore in the early hours of the morning.

We've got a police minister who just sits there going, "Well, what's this got to do with drag racing?" Well, it's got a lot to do with drag racing because what people are saying is that they've got nowhere else to do it; they're willing to go out in the earliest hours of the morning and have their drags on suburban streets. They shouldn't be doing it. They shouldn't be doing it because we should have had a dragway facility by now.

Mr Speaker there is clearly a need for a motor sport facility of this type. The area where it should go has been identified by a number of reports. All it needs is a government with the will to build it, to go ahead and honour the commitments that have been made.

Unfortunately that's not going to happen in the life of this government and, I'm sure if they're re-elected, it won't happen in the life of the next.

As Mr Pratt so well pointed out, cities like Goulburn, which has Wakefield Park, actually take business out of the ACT; they take economic value out of the ACT because their councils have chosen to provide a service that this government chooses not to provide in the ACT. I think that's a shame. The fact that you can hardly get a booking at Wakefield Park—my understanding is it's used almost 100 per cent of the time—indicates the strong growth that there is in this industry. And it is an industry—have no doubt about it. Motor sport is an industry in all its many forms, whether you're buying your family sedan somewhere down there on Melrose Drive or whether you've actually got a hot rod or some sort of vehicle that you love and that you've done up or whether you've gone the whole hog and you've got yourself a drag racer and indulge in your sport in that way. But because we've got a do-nothing government all of that economic growth is going outside the territory.

There are reports on the economic value to the ACT of drag racing and motor sport. Again, this is ignored by the government. It's perhaps for that reason, Mr Speaker, that the ABS report that I referred to this morning reveals that when we left office there were 18,500 small businesses in the ACT. There were 16,100 businesses at 30 June 2003. So in just two short years this government has managed to remove 2,400 businesses from the ACT. The government has driven them away; they've gone; they've shut their doors; they've merged; they've disappeared. So let's not fool ourselves that we've got a government that is interested and, as they claim, unashamedly pro small business. Explain that to the almost 2½ thousand businesses that have ceased to exist under the Labor Party. And some of those businesses are businesses that are associated with motor sports. So let's make sure that we actually realise what the impact of this do-nothing government is on this economy.

Ms Dundas spoke about a motor sport complex. We agree; we think there is a lot of work to be done. It's not just about drag racing. It is about everything from dirt bikes through to hill climbing. There are any number of different sports, Mr Speaker. Some of the older members have your own favourite car that you get out in on the weekends; you polish it up; you drive it around and you gain a great deal of pleasure from that. The Speaker's not going to bite. But what we have locked up in the garages, the back sheds and the garages of so many homes around Canberra is 30 or 40 years of motor sport history, memorabilia, cups, ribbons and medals.

There isn't a place to display them; there isn't a place for those people who are interested in motor sport to actually celebrate those years of history and achievement. Australia, in the broad, has done very well in terms of motor sport. Canberra has its own motor sport and dragway heroes as well.

In terms of the business aspect of motor sport as an industry and a dragway as an industry, there is a lot of history there that becomes a tourist attraction in its own right. So it's not just the events; it's getting people to stay here to enjoy the memorabilia, to get the cars out, to show them off, to re-live the history, to show the films and look at the pictures, to adore some of those vehicles that people clearly adore and for all the efforts that they put into it. I think that's the opportunity that we've missed, Mr Speaker.

The Chief Minister, in the last page of his statement on the bushfire report, attributed to—

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

Land (Planning and Environment) Amendment Bill 2004 (No 2)

Debate resumed from 1 July 2004, on motion by **Mr Quinlan**:

> That this bill be agreed to in principle.

MRS DUNNE (4.43): The Land (Planning and Environment) Amendment Bill 2004 (No 2) was foreshadowed for some considerable time before it was introduced as a means of preventing, dare I say it, speculation in land. While I understand the sentiments that prompted the minister to introduce this bill, I suppose it is the residual eco rat in me, and the fact that I represent the Liberal Party in this place and not the Labor Party, that first of all I have to ask, on the record, what is essentially wrong with speculation? Speculation is something that people do in all manner of things, in all aspects of society where they trade in things, be it fixed or moveable assets. What they are doing is taking a risk.

The other day I quoted something Charles Landry said when he was in Canberra in May. He said that one of the risks about Canberra was that we may be too risk averse. This legislation finds another means of legislating to prevent people from taking risks. When people speculate in stamps, old bottles of wine, land, anything you like, they take a risk. Sometimes they make money and sometimes they lose. Anyone who plays the stock market or the horses speculates. From time to time they make money, and from time to time they do not.

This government has introduced, through this minister, a piece of legislation that aims to wipe out speculation in land. One of the reasons that we are doing this is that under the regime instituted by this Minister for Planning, the government seeks to become the single land developer in the ACT, the monopoly land developer. The government seeks to make all of the money out of the sale of land and wants to ensure that nobody else does. The government has said that speculation is a bad thing; that speculation in land is the result of a bad land release system, of a bad land management system.

We only really get speculation if the price of land goes up. If the price goes up far enough it might be worth speculating in. That only happens when there is a land shortage, and this has been the case over the past few years. If the government had had a policy of releasing a steady flow of land onto the market, so that there was always an adequate supply, there would not be any motivation for speculation. As I have said before, the government probably does not want to do this, because it wants to make money out of land sales, and the best way to make money out of land sales is to keep the supply artificially low, and thus drive up the prices.

The process of preparing land for sale to the mums and dads of the ACT is a complex one. Whether the government sells the land by auction to a private developer, or takes up the land and develops it itself by handing over the lease to another government agency,

there is somewhere about 12 or 18 months between handing over the holding lease to taking up a crown lease. In that time a whole lot of things have to happen. Roads have to be put in, and people are also trying to get some idea of who is going to buy the land, how much money they are going to make out of the process or whether they are going to do their shirt in the process. As a result, the developer—whether it is the government or a private person—would like to sell the land to as many people as possible.

I am sure from time to time members have walked onto a undeveloped block of land and thought they cannot possibly imagine what this is going to be like by the time the kerbing and guttering is done and by the time the other houses go in, et cetera. It is very difficult for the average person, the mum and dad buyer, the layperson, to get a very strong view of what a raw piece of land will look like, and they become very apprehensive about this. This is one of the principal reasons that we do not have a whole lot of mums and dads, individual people, buying blocks of land. Even when the government provides blocks of land in those ways, not very many mums and dads go out and buy them.

I have been to land ballots. I have seen people in their Ralph Lauren polo shirts and chinos on Saturday morning. Mums and dads looking for their home blocks do not dress like that on a Saturday morning, and usually they have two or three kids in tow. These are real estate agents, and they are the people who are out buying the blocks of land. They will have an idea what it will look like in the end because they are used to the market, and they are used to the system.

As a result of that, no matter how you put the system together, builders or real estate agents tend to end up buying the vast bulk of the land, usually in tranches of 10, 15 or 20 blocks. Even if they buy one ballot piece after another, they end up buying tranches of land. At present, if they do this, and then change their minds—they do not want that particular block of land because it is not a particularly suitable site and they probably should have bought a unit development site instead—there are cumbersome provisions that allow them to transfer the lease to somebody else.

But under this system it is going to become increasingly difficult, because—shock horror—somebody might make money out of that transaction. The problem is that people will in some way get around the system. Instead of policing the current system a little better we will have another set of rules that someone will eventually learn how to break, because we have a very complex system.

At the moment, if a builder has bought a block of land he finds he does not have any use for, he usually sells it to another builder who may take it up. The new system will mean that that builder cannot do that any more. It will probably mean that all land developers, including the ACT government, will have increasing difficulty selling their land in advance. This is advice I have received from people who work in the industry, not people who sit in offices and try to make legislation to make life difficult for people.

There are some good aspects of this bill. The principal one is the improved process whereby the first leaseholder, who is usually a land developer, can transfer his large number of leases to a smaller number of people, usually builders, who will then build house and land packages, spec houses, or enter into a contract with someone to build a house. Under this minister's legislation, that process will be improved substantially and

for that I am grateful. I applaud the minister. I think that is a good step in the direction of making land management more orderly. But what we are really seeing here are a lot of obstacles put in people's way to make reasonable transactions more difficult to take into account.

I asked for information and I am grateful to the minister's office for providing me with an excellent briefing and also some excellent background information. It is true that there are people in this town who speculate on the sale of land. I have been shown examples of blocks of land changing hands more than once on the one day, and in that time the price of those blocks of land had gone up substantially. I hear a block of land in Dunlop that was purchased on 12 September 2003 for $104,000 was sold on the same day for $145,000. That is a profit of $41,000. If you think there is a problem here—and I suspect that there is—part of the problem is that if more land were available, people would not be prepared to pay what looks like silly money for a 12-hour transaction.

One has to ask the question why are people paying what looks like silly money for a 12-hour transaction? It gets back to my original point: people are doing this because of a bad land release system. What we have here is bad law to deal with hard cases—and they are hard cases—but I think some of the amendments I propose to move later in the debate will address some of those hard cases. They will make it easier for people who are going about their normal business and just doing the right thing, but who have changed their minds for a variety of reasons. They will be able to get around the system without being penalised and being treated as if they are part of some Russ Hinze type white shoe brigade.

Most of the people who transact in this way are just ordinary people, ordinary builders. They might not be able to get indemnity insurance for another building job this year and they have to sell the block. As an example, Mr Deputy Speaker, you might buy a block of land to build a nice house just to suit you. You put down your deposit and get the holding lease and you are waiting for the land to be developed. You are talking to your architect and suddenly you see a ready-built house somewhere to die for and you think, why go through all of this effort, and you reassess your plans. If this were New South Wales, you could just sell the land to somebody else. But in the ACT, under these provisions, you cannot. Under these provisions you could hand the lease back at market value or purchase price, whichever is the lower. Alternatively, you will have to build something on that block of land and then sell it.

From time to time people make decisions, which, in changing circumstances, they may regret. They are not hard up. They do not meet any of the hardship requirements, but from time to time they would like a better system. What I am proposing by my amendments is a system that meets the minister's requirements to stop people speculating, but does not penalise the mum and dad who buys a block of land and then thinks better of it. It happens from time to time. When people do this we need to be careful that we do not put so many traps in their way that they do not act in the best interests of the territory or themselves. I am concerned about some of the potential for charges that exist in the legislation. I know they have existed since the outset of the land act, but if we are going to fix these things we should fix that.

Private land developers or the government take up and develop large blocks of land—something like Harrison stage 1, 460 blocks. Then somebody buys 460 blocks and

divvies them up and sells them to 10 or 15 builders or 20 or 30 builders. Under the present regime and under the one proposed in this legislation, each time they take one of those blocks and transfer it to a builder, in addition to having paid for the land, serviced the land and paid the stamp duty on the auction price, they now have to pay a fee of between $200 and $300—I cannot remember the figure—for every one of those transfers. I think the land has been paid for and paid for again. If we are talking about making land affordable and cutting down the barriers, we should be cutting down the fees as well. When a private land developer or the government acquires a large tranche of land and develops it—puts in the services and all those sorts of things—it is part of the deal that they will want to transfer the arising leases to somebody else. We know that from the outset, and they should not be triple charged for the privilege.

There are some good elements in this bill, and the opposition will be supporting it in principle, but we have some amendments. We will not be dealing with them today. I understand we will be adjourning further consideration after the bill is agreed to in principle. The bill is an all right piece of work from the minister and the government. It was talked about for a long time. It was a long time in arriving. It does not address all of the needs of the community. It has been put together by people who obviously do not have any real connection with how house building and development is done in the ACT. The minister would do well to seek advice from the average home builder, and the average solicitor who does conveyancing on these issues, as well as the peak bodies. The peak bodies are very critical. The Property Council and the Housing Industry Association, for instance, are particularly critical of the fees.

The fees that get paid through the process to ACTPLA do mount up. There is $300 here, and when the DA is put in there is more. All of these things have to be signed off by the certifier. They add up to thousands of dollars on every block of land sold in the ACT. The Housing Industry Association nationally has quantified the extent of government charges. We should not be contributing to them if we are serious about housing affordability. If we are serious about putting a stop to land speculation, we should be adopting the amendments proposed by the Liberal opposition because they reflect what happens today in the ACT and reflect the needs of people living today in the ACT. They do not penalise the mum and dad who might regret a decision but who are not hard up to the extent defined in the legislation. They would create a great deal more certainty than is currently the case. I suppose the provisions proposed by the minister do create some certainty: just abandon hope all ye who enter here.

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

MS DUNDAS (5.01): I am delighted to be debating this bill today, and the Democrats are happy to support it. Twelve months ago, I publicly raised the problem of land sharking after learning that land speculators were making profits of up to 43 per cent in just a few months as they bought and sold empty blocks in Gungahlin and Dunlop. So, I am delighted to see that the government has taken action to start work on closing the loophole that has allowed land speculation to go on.

While people on low incomes struggle to save enough for a house deposit, and we are on the cusp of a housing shortage, builders and land speculators have been making huge

capital gains off the back of rocketing land prices. Empty blocks of land have been purchased and then sold for amazing profits with no building taking place and no benefit for those trying to enter the housing market.

Although intending owner-builders have always had a limited time to commence building after buying a block, land prices have risen so fast that huge capital gains have been made before the time limit for building has expired. Some properties changed hands multiple times without a sod being turned, and I suspect that some land buyers never intended to build because they knew they could make more just from the land.

One parcel of land in Amaroo was initially bought for $81,600 in March 2001 and resold a year later for $119,000. This represents a capital gain of 46 per cent. The empty block was then sold again for $170,000, making a total gain of 43 per cent. Another block of land in Ngunnawal sold for $79,000 in 2001, was sold a year later for $104,000—up 32 per cent—and then resold only four months later for $129,000, making a tidy 24 per cent gain. This is real land speculation that is happening in the ACT, and it is not acceptable

The New South Wales government recently introduced a rule that if land is resold within 12 months it can only be resold to the government's land development agency. That immediately put an end to short-term land speculation. New South Wales is also offering up to $6,500 to help with landscaping and fences if the land is built on within 12 months. A requirement to sell an undeveloped block back to the government for its assessed value would have been a preferred approach in the ACT, but, that being said, this bill represents an improvement on the status quo.

Numerous reports show how many people are struggling to take up home ownership. Having blocks of land sold and resold without any building or benefit to the community does not make housing more affordable. So, I commend the government for preparing a bill that will help restore the spirit of our leasehold system. Some important work needs to be done there. I note that Mrs Dunne has foreshadowed some amendments and is giving us more time to consider them. On first brush I do not think enough evidence has been put forward to support these amendments. I am looking forward to more information from Mrs Dunne.

She has put forward the argument about builders selling to builders. I can see where that argument is coming from, and I am glad we have more time to consider it. However, we need to look at what is happening. There should not be a financial incentive for people to hold on to an empty block of land. If we are leaving more loopholes, we are leaving more incentives for people to hold on to an empty block of land and then on-sell it in a couple of months for a greater profit. We need to get more houses built and look at the housing mix in the ACT. This legislation as it stands will be an important step towards that.

MS TUCKER (5.05): This bill creates a mechanism to discourage land speculation in the ACT. It specifically addresses those situations where lessees do not comply with lease requirements of building on their blocks, but sit on them for some time and then sell at higher prices to someone who intends or purports to build. The ACT has a leasehold system, which means that the territory has some power over the transfer of

leases. Section 180 of the Land (Planning and Environment) Act requires the authority to consent to the transfer of leases where certificates of compliance have not been issued.

This bill and the accompanying instrument give the Planning and Land Authority the power to refuse a transfer and, through amendments to section 178 in its instrument, put some limits, and provide reasonable hardship provisions, on the surrender of the lease, if the lessee is unable to meet its requirements. In amending section 180, this bill allows for the authority to consent to the first transfer of an individual lease of undeveloped land. It covers transfers from the remaining private land developers who have holding leases and are responsible for the servicing and subdivision of the land. The building development provisions are not a relevant consideration. This change in process will probably be greeted with more enthusiasm than the rest of the bill combined.

This bill will ensure that windfall gains are not made through the purchase and non-development of housing blocks in Canberra suburbs. In essence, it provides a fairly simple mechanism that allows the authority to refuse a transfer of a lease where the lessee has failed to comply with the building and development requirements and provides a reasonable framework in which to accept the surrender of leases. Of course, the bill reflects the benefits of a leasehold rather than a freehold land tenure regime. Speculative investments in land, currency and commodities very rarely benefit the community. They reflect an ethos that puts individual advantage above social need. We should use all the mechanisms at our disposal to put charges on speculative gains or to rule them out altogether.

MR CORBELL (Minister for Health and Minister for Planning) (5.07): I thank those members who have indicated their support for this small but important piece of legislation. The debate over speculation in land goes back to the early days of Federation. Indeed it was speculation on land that led to the Commonwealth parliament's deciding to ensure that in the Federal Capital Territory, as it was then called, land would be held under leasehold, rather than under a freehold system. So, in many respects, the debate we are having today mirrors that discussion over a century ago.

The issue at stake, and the philosophical issue that Mrs Dunne seeks to address in her comments, is this: is speculation appropriate? In my view, if someone wants to speculate in something they own and which is entirely within the private sphere, there is perhaps an argument for that. But when you are speculating in what is essentially still a public asset, albeit held under lease by a leaseholder, there is not simply the relationship between the owner and the market. There is also the relationship with the community, the people who own the asset in perpetuity. That is what our leasehold system is all about.

For over a century there has been much argument about what is called the unearned increment. That is, the profit made through no result of labour or investment or improvement to the land, but simply because over time the value of that asset has increased. It is an unearned increment. So this amendment to the Land (Planning and Environment) Act is small, but will significantly improve the operation of the consent to lease transfer provisions in the land act. These amendments will ultimately result in the removal of unnecessary pressure on residential land prices by preventing speculative transfers of undeveloped residential land in the ACT.

As I have indicated, the ACT leasehold system has always held that speculating on the sale of undeveloped land should not be allowed. The leasehold system is an important mechanism in assisting in the orderly development of the city. I put it to members that they have to think about what sort of suburbs they want to see developed in the ACT into the future. Do we want to see suburbs where some people simply sit on vacant, raw blocks of land and create an eyesore in the community? More importantly, do we want to penalise those people who develop land, houses and gardens—because that is what improves the value of the land? What improves the value of the land is investment anyway. Development of housing, development of gardens, streetscape, community—that is what increases the value of land. So, why should someone who has not made that investment, who has not invested in the land, seek to make a return out of it, effectively at the expense of those who have chosen to invest and improve the value of the land asset?

That is what this legislation is all about. As Mr Quinlan, as acting minister, advised members in his presentation speech, the current arrangements in section 180 of the land act, which cover transfer or assignment of leases that do not require consent, remain unchanged. This means that the majority of lease transfers undertaken each year, which are residential dwellings, are not affected by this legislation. These amendments are targeted at a small number of lease transfers of undeveloped residential land.

Single dwelling and small multi-unit residential leases are most attractive to land speculators because of the relatively small financial outlay involved to reap potentially large speculative profits. In addressing the issue of land speculation, the opportunity has been taken to ensure that the initial lease transfers that are a result of the subdivision of the holding lease are not affected. So, contrary to the opposition's argument, there is no attempt to place a fee on the initial transfer from the land developer to the builder. That is the very clear intent and substance of this legislation.

Currently, the current provisions of section 180 and the disallowable instrument do not distinguish between this type of transfer and subsequent transfers. This has resulted in a requirement for the developer to provide a range of information, which, for this transaction, is simply not necessary. That is because in these circumstances this first transfer is necessary for the development of the lease to commence. It is therefore not sensible to apply these provisions in those circumstances.

The amendments to the act provide for these types of transfers under a new subsection (2A) of section 180. This is separate from the transfers under subsection (2) to which the new disallowable instrument will apply. This is a sensible streamlining of the current administrative process and will be a benefit to both the developer and the purchaser. As members are aware, the critical information for the operation of these amendments is contained in the disallowable instruments, which have been provided to members for their information. The instrument for subsection (2) of section 180 will enable the ACT Planning and Land Authority to require a range of information from the existing lessee.

While it is important for the authority to be assured that the proposed lessee can comply with the building and development provisions, it is equally important to consider the reasons why the existing lessee is unable to comply with those provisions. These amendments clearly provide for consideration of personal and financial hardship. More

importantly, it will enable the authority to consider the history of lease transfers and other relevant information in relation to both the lessee and proposed lessee.

The amendments to section 178 of the act address an existing deficiency in the provision, which restricted its application to original leases. This section of the act has rarely been used for surrenders because the deficiencies in section 180 mean that consent to transfer is rarely refused. With the proposed amendments to section 180, it is an appropriate opportunity to modify the operation of section 178 and its disallowable instrument. The amendments to section 178 will allow for the payment on surrender or termination of the lease to be determined by regulation and it is extended to include subsequent lessees. The regulations would maintain the current payment for an original lessee of an existing residential lease.

The payment on surrender or termination of a residential lease where the lessee is not the original lessee, will be the lessee's purchase price or the current market price, whichever is the lesser. Without the provision for paying the lesser of the two amounts, a significant drop in land prices may encourage the lessee who bought, say, at a very high price to surrender the lease to the territory in order to minimise financial loss. Likewise, if a lessee bought in a low market and the legislation required the payment of market value on surrender, there would be an incentive to surrender a lease in a high market. Both of these scenarios would make the territory the provider of a guaranteed speculative gain. Clearly, this would be an unacceptable arrangement.

The disallowable instrument for section 178 restricts the payment on surrender to residential leases that allow for three or fewer dwellings. Again, this aligns with the reality that speculative sales occur primarily on single residential dwellings. This is important legislation. As Ms Dundas has pointed out, we have seen a level of land speculation in a very heated market that we have not previously seen. It is important that we protect that unearned increment and, more importantly, protect the orderly development of the city and our residential areas.

In conclusion, I simply say two things. The first is that you simply need to look at the figures publicly available on the types of profits that were being made through land speculation to consider that these were not legitimate transfers of land. For example, land in Amaroo purchased on 15 December 2000 for $137,000, sold less than a week later for $328,000, or a profit $190,000. In Nicholls, a property purchased on 11 October 1999 for $134,000 sold at approximately the end of that month—about two weeks later—for $299,000 or an unearned increment of $165,800.

These are the sorts of speculative, unproductive exchanges of land that do nothing to enhance the value of the suburb in which the land exists, nothing to enhance the residential amenity of the area and nothing to improve the land, but only to make a profit for the person who has held that land. Whilst we accept absolutely that people will make a capital gain on properties that they own or have a mortgage over and which they invest in and improve, they should not be allowed to make these sorts of unearned improvements in value without investing anything in the property itself or improving its value.

So, I thank members for their support. The government has indicated that, given the time in which the opposition's amendments were presented, it is appropriate to consider them

further. I understand there is agreement to adjourn this bill after the agreement in principle. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clause 1.

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

Suspension of standing and temporary orders

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 order of the day, Assembly business, relating to the Standing Committee on Administration and Procedure—Report 7—*Person referred to in Assembly—Mr L Burke*, being called on forthwith.

Administration and Procedure—Standing Committee
Report 7

Debate resumed.

MS TUCKER (5.19): I seek leave to speak again.

Leave granted.

MS TUCKER: I thank members for giving me the opportunity to speak to this matter in more detail. After considering the matter, I will not be supporting Mrs Dunne's amendment, but I do have a lot of sympathy with the points that she raised. I have had a look at the resolution regarding the right of reply. It is not a standing order, as people have been saying this morning. The resolution is basically about a person feeling as though his or her reputation has been the subject of a serious adverse imputation or reflection.

I have looked at what was said in the Assembly and I think that it fits in with being serious or reasonably serious. I have also looked at *Odgers' Australian Senate Practice*, which is often used by us as a guide. On page 436, talking about the question of adverse reflections, it says:

> The rules deal with adverse "reflections", that is, evidence which reflects adversely "on a person" (including an organisation) rather than on the merits or reliability of an argument or opinion. To bring the rules into operation, a reflection on a person must be reasonably serious, for example, of a kind which would, in other circumstances, usually be successfully pursued in an action for defamation. Generally, a reflection of poor performance (for example, that relevant matters have been overlooked) is not likely to be viewed as adverse. On the other hand,

> a statement that a professional person lacks the ability to understand an important conceptual or practical aspect of their profession and, therefore, is not a reliable witness, would be regarded as an adverse reflection. Reflections involving allegations of incompetence, negligence, corruption, deception or prejudice, rather than lesser forms of oversight or inability which are the subject of criticism in general terms, are regarded as adverse reflections. Mere disagreement with another person's views, methodology or premises is not considered as an adverse reflection.

I would say that what was said in the Assembly would fit into an understanding of what was a serious adverse reflection because, basically, it was about not meeting legal requirements and failing arguably to meet social and moral responsibilities as well. The argument, as has been explained with regard to the resolution on the right of reply, is not about determining the truth or otherwise of the matter. It is about a very simple legalistic definition around the potential to adversely affect the reputation of someone.

Having said that, and having looked at *Hansard*, I think it fits in and I am surprised at the committee's response. I also looked at the precedent for the right of reply in the Assembly. I might have been a member of the committee for that. I certainly recall the incident. I have a copy of its report and I can see that I was on the committee, which is probably why I remember it. Mr WJ Curnow had a right of reply at that time about a statement made by Mr Whitecross concerning, in summary, his capacity to represent the community group that he represented, which was involved in cyclists' rights. Mr Whitecross had said that he had not really been lobbied on the issue and this gentleman asked for a right of reply because he had lobbied very hard on the issue.

Really, that was a much lesser offence in some ways. It was of importance to that man, though, because it was about his reputation as a community activist and it was important to him that it was suggested in this place that he had failed in that community role. It was an important issue for that person and that was accepted. That is a precedent that we have for this Assembly.

I have a problem with Mrs Dunne's amendment. I understand why she has proposed it. I understand why she is concerned with the committee's response. Not having been involved at all in the committee proceedings, it is obviously difficult for me to understand why the committee came to that point, but I noted that Ms Dundas said in her presentation—I think that this is a very important point—that she certainly, and I think she meant the committee, would be very open to having another submission put to the committee from the same person applying for the right of reply.

I do not know what that is about, but it is telling me that there is the potential for this gentleman to follow up this process further with the committee. The problem with Mrs Dunne's amendment is that she is sending exactly the same information back to the same committee and I cannot see how that would change the outcome.

It is true that any committee is a creature of this Assembly and that it is ultimately up to this Assembly to determine what action is taken, but the fact is that we are not able to understand what the submission was about because of the very nature of the investigation. Obviously, by allowing the submission to be made public, the right of reply would be had by default. So we are in a quite unusual situation. Normally, with a committee report we can read all the evidence and submissions and make up our own minds.

For that reason, I will not support Mrs Dunne's amendment, but I do put on the record that I think, especially from what Ms Dundas said—I imagine that Mrs Dunne and the Liberals would be supportive of this as well—that this person is entitled under the resolution to put in a submission again. There is obviously in part of the committee a willingness to look at it. I have sympathy with the concerns that have been raised by Mrs Dunne. I think that it does look like there has been a serious imputation. Whether it is true or not is not the point; we are not looking at that. I will not support the amendment, but I wished to make those points.

MR HARGREAVES (5.26): Responding to Ms Tucker's point, the committee must address the specific request put to it. We are prevented from putting forward in the chamber the specific request. Were we able to put forward the specific request and not an interpretation of either an individual member or the committee of something else, that would limit the committee in what it could do.

I suggest to you that perhaps that is what we have seen. The course of action that you are proposing is probably appropriate and would address the situation but without being able to say to you that there was a specific thing that was addressed and that was the reason for the report I cannot go into further detail. But I think one can draw the conclusion, because Mrs Dunne has put all this other material to the Assembly, that perhaps those were not the reasons contained in the specific request. I for one believe that all committees need in their recommendations to address the specific requests.

In speaking further to the amendment, I can say that I have not heard anything that lends support to the amendment or which would change the recommendation of the committee to the Assembly. I am conscious that the details of the submission should not be revealed in this chamber and I am satisfied that in the specific matter of Mr Burke's request the committee took some time and gave careful consideration to ensure that the issue was dealt with fairly. Views were put, definitions challenged and clarification sought. Reference was made to the standing orders and Commonwealth parliamentary practice and a majority conclusion reached.

I do not agree with Mrs Dunne's dissenting report. I do not accept her amendment. Indeed, I have major problems with the content of her dissenting report. Mrs Dunne said in the dissenting report:

> Clearly the Committee did not think the matters could be ruled out under this part of the Standing Orders because of the extensive time they took to deliberate over the matter.

Putting words into the mouth of the committee is no basis for supporting such an assumption. Indeed, the time taken to deliberate over the matter shows how seriously the committee regarded the matter and the level of detail examined by the committee.

It is most unusual for the nature of the deliberations of the committee to be criticised by a member of the committee, particularly over the extent of the deliberations. Apparently, the alternative, according to Mrs Dunne, by extrapolation, is that the committee should only give cursory attention to a claim or a request before the committee, which is something I reject.

Mrs Dunne said on the second page of her dissenting report:

> … the application should only be rejected if the committee has overwhelming evidence that the applicant is mistaken in matters of fact.

That is not so. The committee may also agree not to proceed if the specific request does not, in the committee's opinion, involve serious detrimental effect. I will say that again—if the specific request does not involve serious detrimental effect.

I am concerned that Mrs Dunne may have breached standing orders in the provision of detailed information in her dissenting report. She indicated two issues "which prompted Mr Burke's application". Either she has deduced that from his submission, in which he has revealed the content of the submission, or she has spoken to Mr Burke. The first instance is a breach of standing orders or a breach of the resolution of continuing effect. The second is a breach of committee procedure. In either case, in my opinion, there is prima facie evidence to warrant an approach to the appropriate authority as to whether the matter warrants giving precedence to a motion to convene a privileges committee.

Further evidence to support such an approach to the proper authority is this statement on the third page of Mrs Dunne's dissenting report:

> 1. The former directors of Endoxos have also been informed of the board's decision but they have not made any comment.
>
> 2. 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.

She went on to say, and this is the salient point:

> The Committee could not consider the truth of the statements.

Here we go; she said:

> Mr Burke has tendered evidence that the first of these statements is factually incorrect.

That is revealing the content of the submission. Such a privileges committee would need to look at how Mrs Dunne could attest that Mr Burke had tendered evidence.

Mrs Dunne: I take a point of order, Mr Deputy Speaker. I seek your guidance. Mr Hargreaves has mentioned on two or three occasions the possibility of referring this matter to a privileges committee. I seek your guidance. Is it appropriate to do that or should he just put up or shut up? Should he speculate on whether this is a breach of privilege and whether he should write to the Speaker or should he just go about it?

MR DEPUTY SPEAKER: It is perfectly in order for Mr Hargreaves to make reference to that. He does not have to move a substantive motion at this time if he does not wish to

do so. Obviously, he does not wish to do so; he wishes to use it as a debating point, as others may do if they so wish.

MR HARGREAVES: Mr Deputy Speaker, speaking to the point of order, the reasons will become clear later in the song. As I said, such a privileges committee would need to look at how Mrs Dunne can attest that Mr Burke had tendered evidence without revealing what Mr Burke had submitted. My concern is exacerbated by the feeling that Mrs Dunne may have, either deliberately or inadvertently and therefore negligently, effected a right of reply already.

The committee concluded on the basis of the specific request that the right of reply should not proceed. A member of that committee, in the text of the dissenting report, has, in effect, negated the process, compromised the process, and held the committee's majority recommendations in contempt.

In relation to the amendment, nothing new has been advanced. As Ms Tucker indicated, the same members of the administration and procedure committee would reconsider the matter. I cannot agree to this amendment. Mrs Dunne's comments regarding a statement of interest from her, me and the Speaker were unnecessarily insulting and, again, cast aspersions on the integrity of members—a criticism through innuendo, with no evidence to support such an implied conclusion.

Mr Speaker, we have only three more sitting days left. That would leave little time for the convening of a privileges committee, almost no time to investigate the issue and virtually no opportunity for such a committee to report to the Assembly to take action as it saw fit. In other words, there is not enough time left in the life of this Assembly for the creation of such a committee to be considered by the Assembly and to afford Mrs Dunne natural justice through careful consideration.

Mrs Dunne: You just accused me of breaching privilege.

MR HARGREAVES: Mrs Dunne can bleat as much as she likes. I believe that there is prima facie evidence of a breach of standing orders and contempt of the Assembly. *(Extension of time granted.)* Had I not been interrupted by a frivolous point of order, I might have been able to conclude on time.

I reiterate that I believe that there is prima facie evidence to consider the creation of such a committee. Were this the second year of a four-year term or a three-year term, I would have approached the proper authority for such consideration, but we do not have enough time in the life of this parliament to consider it. That is the only reason I do not do so. I concur with the comments made by Ms Tucker and I recommend that the amendment be rejected and that the committee's recommendations be agreed to.

MR STEFANIAK (5.37): Mr Speaker, I support Mrs Dunne's amendment, which refers to paragraph (3) of the citizen's right of reply resolution. It would merely mean that if the committee were to decide to consider a submission under this resolution it may confer with a person or corporation who made the submission and any member who referred in the Assembly to that person or corporation. I think that that is eminently reasonable in this instance.

I point the Assembly to some provisions in the Human Rights Act. There is one section directly relevant to the point here and about three subsections which are also perhaps relevant. I do not think we can ignore this fact when we are considering this particular point dealing with a citizen, even though some of the rules of this Assembly are somewhat different from the rules of a court.

Section 8 (2) states:

> Everyone has the right to enjoy his or her human rights without distinction or discrimination of any kind.

This is a more general point. It could well be argued here that this report indeed discriminates unfairly against Mr Burke. Specifically, section 12 (b) is absolutely directly to the point. It provides that everyone has the right not to have his or her reputation unlawfully attacked. That is one of the main issues here and I think that that really backs up Mrs Dunne's amendment and is a relevant point.

I will also point to two other sections that may well be relevant here. Section 17 (a) provides that every citizen has the right, and is to have the opportunity, to take part in the conduct of public affairs, directly or through freely chosen representatives. In a roundabout sort of way, I think that that reinforces the right of this individual to appear before the committee and give evidence or whatever. Finally, section 21 (1) which, admittedly, relates to court procedures, states the right of a person to an impartial court—

Mrs Dunne: We are a parliament.

MR STEFANIAK: We are a parliament. It says:

> Everyone has the right to have criminal charges—

that is not the case here—

> and rights and obligations recognised by law—

I would certainly say that that would be the case—

> decided by a competent, independent and impartial court or tribunal after a fair and public hearing.

Obviously, we are not a court, but we are not dissimilar. People have said in this place that we are, in fact, the highest court. We make laws that are interpreted by courts and there is a real correlation there. I think the government's Human Rights Act would support what Mrs Dunne is seeking to do with her amendment.

Mrs Dunne: To give somebody a fair hearing, yes.

MR STEFANIAK: To give this man a fair hearing. All it asks us to do is to reconsider his application, commence negotiations and, as paragraph (3) indicates, consider a submission and confer with the person or corporation and any member who referred in

the Assembly to that person. I think that that is eminently reasonable and should be supported.

Mrs Dunne was not having a go at people here in her dissenting report. She was merely stating the obvious, that is, that people in this place do have conflicts of interest. Mr Osborne maintained in the last two Assemblies that he had a conflict of interest in relation to gaming machines because he was employed for a number of year as captain-coach or whatever of the West Belconnen football team—indeed, he participated in a few premierships with them. He used that as a reason for not voting on gaming machine issues. There was a conflict of interest there as he saw it and he was most likely right. The Assembly accepted that.

It is quite clear that these things will arise from time to time. Conflicts of interest occasionally arise in cabinet discussions and for occasional things in this Assembly it is right and proper for people to say, "I am in a bit of a conflict of interest situation. I do not think that I will participate in that debate or vote." On occasions in the past I have seen members other than Mr Osborne deliberately abstain from voting on such issues.

MR SPEAKER: Mr Stefaniak, I call you to order on that. The question of conflict of interest is dealt with under standing order 156. That is a decisions for the Assembly and must be dealt with by a substantive motion. I would not like you to impute anything.

MR STEFANIAK: Yes, I understand that. Mrs Dunne makes a valid point in terms of a jury and associations in relation to this matter. I will just deal with Mrs Dunne's associations, not with the other ones mentioned. Her association is that she is a colleague of the wife of this individual. That is an association and those things can lead to problems, perceived or otherwise. As to whether, if it were a jury trial, certain persons would be eligible, I would submit that a prudent defence and a prudent prosecution would either challenge or stand aside certain individuals from the jury because of their associations. That would be the right thing to do in terms of the individuals involved. That would be just right and proper. I think Mrs Dunne has made a valid point there and I think that that gives further force to her amendment, together with the points I have raised in relation to the government's Human Rights Act. I commend those comments to the Assembly.

MRS CROSS (5.42): Mr Speaker, I am not comfortable with this matter, so I am not going to vote on it at this time. I do suggest that the citizen write to the committee again to have this matter reconsidered. That is my position, Mr Speaker.

MRS DUNNE (5.43): I seek leave to speak again to the amendment.

Leave granted.

MRS DUNNE: Mr Speaker, I sought leave because I feel that I must address a couple of issues raised by Mr Hargreaves. As I think almost everyone who has risen to speak on this matter today has said, this is a very difficult issue. There is no doubt that the actual writing of the dissenting comments was exceedingly difficult and took a considerable amount of thought and a little while. It was done to express my extreme dissatisfaction that a member of the public was not being given a fair go. I think that in this place, in this privileged position, we should give a member of the public a fair go.

I want to address two issues. There is not one word in this dissenting report which is, as far as I can tell, out of place or untoward. I thought very carefully about how all of it would be structured and I sought advice at every turn. When I finished my draft of the report—

MR SPEAKER: Mrs Dunne, you sought leave to comment again on the amendment and you should confine your remarks to the amendment.

MRS DUNNE: I am. I am commenting on the remarks that Mr Hargreaves made to my amendment. In making those comments, he raised the prospect that I was in breach of the standing orders. I would like to address that issue. I would like to address the issue by saying that I was painfully aware of the standing orders and, when I had finished my report, I went to the Clerk and said, "I know that this is very difficult and this is fairly robust. I would like you to advise me on things that you think are inappropriate for the report." I took the Clerk's advice on things in the report that he thought were inappropriate. In fact, the things that I was most concerned about and some of the things that Mr Hargreaves read out were words that, on the advice of the Clerk, I decided to keep in.

The other issue Mr Hargreaves raised was that I was divulging elements of what transpired in Mr Burke's letter. In doing so, Mr Hargreaves read out items which were, in fact, direct lifts from *Hansard* of the question time of the day. I cannot accept that that could be considered as divulging what was said by Mr Burke. The other implication of what Mr Hargreaves said was that I had consulted with Mr Burke. I have not.

In fact, I had to apologise to Mrs Burke last night, after I had finished writing this report, because of what must have appeared to have been enormous rudeness on my part in that, as is our wont on sitting nights, members, staff and some of the spouses went out to dinner on Tuesday night and Mr Burke sat across the table from me and I said, "Hello, Lindsay, how are you?" but I did not utter another word to him. He probably thought that I was a pretty rude cow but, knowing what I knew, I knew the priorities of the situation and I have not had a conversation with Mr Burke since this matter arose on it or any other thing. I need to put that on the record.

Question put:

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

The Assembly voted—

Ayes 5	Noes 9	
Mr Cornwell	Mr Berry	Mr Quinlan
Mrs Dunne	Ms Dundas	Mr Stanhope
Mr Pratt	Ms Gallagher	Ms Tucker
Mr Smyth	Mr Hargreaves	Mr Wood
Mr Stefaniak	Ms MacDonald	

Question so resolved in the negative.

MR HARGREAVES (5.51): I would just like to say that this has been a particularly difficult time. I thank members for giving serious consideration to this matter, which was not about a very pleasant thing. I just think that now is the time to get it over with.

Question resolved in the affirmative.

Adjournment

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

> That the Assembly do now adjourn.

Iraqi-Australian community

MRS CROSS (5.52): A group of 43 Iraqi-Australians has a bone to pick with the 43 retired officials who criticised the government for a lack of honesty, and they have written a letter which was published in the *Australian* of 16 August 2004 to express their opinion. It says:

> We, the undersigned, are Iraqi-Australian citizens very grateful for the freedom we enjoy in this country—our new homeland.
>
> We respect the rights of the 43 former senior figures to freely express their views in their statement to the Australian people last Monday. However, many of us have certain doubts about the timing of their statement since it appears to be politically motivated as there is an election to be held very soon.
>
> Surely it is dangerous for former senior members of the armed forces to appear to become politicised.
>
> Did these 43 people ever consider contacting members of the Iraqi-Australian community in order to assess their opinion?
>
> We consider it would have been courteous and sensible to have done so.
>
> We are in touch with members of our families in Iraq and some of us have visited Iraq recently so we are well aware of the true facts of the situation there today.
>
> Abdul Jabbar Nassir, an Iraqi-Australian who is editor-in-chief of a leading Iraqi newspaper, called *Baghdad*, is adamant: "Any withdrawal of multinational forces would be a disaster at this point; any such action would give the terrorists and insurgent forces a great victory."
>
> Yes, there could be tragic events such as the current turmoil in the south, but we are confident that eventually there will be democracy in Iraq.
>
> We are extremely grateful to the Australian military forces for helping to liberate our former beloved country from the indescribable suffering imposed by the brutal Baathist regime of Saddam Hussein.
>
> The Australians are doing a splendid job over there and we hope the statement by the first group 43 does not undermine their morale. We are particularly grateful to

> the Australians for their superb management of the airport in Baghdad; also for their magnificent efforts at the facilities for training the new Iraqi army in Kirkuk and Mosul.
>
> One of the under-signed, Hadi Kazwini, sent an email to the Australian troops in Iraq thanking them as his fellow-Australians for helping to liberate his country.
>
> The fact that an RAAF Hercules flew the Iraqi Olympic athletes toward their destination in Greece is a source of pride for us all.
>
> We are not attempting to make any political point by writing this statement. Since Iraq is part of the international community currently facing a threat from global terrorism, we would find it morally irresponsible not to be involved in critically analysing the issues the other 43 have raised in their statement.
>
> We were not able to speak or write openly during the build-up to the war and tell our fellow Australians the truth about the disastrous conditions in Iraq because members of our families would have been immediately persecuted by the regime.
>
> As for weapons of mass destruction, is it possible they could have been hastily destroyed or hidden? A very small amount can do a vast amount of damage. The former regime slaughtered 5000 Kurds in Halabja in 1988 by bombing the people with nerve gas in small quantities. Many more atrocities could have been committed if Saddam Hussein had remained in power.

It goes on to say, "We believe Hussein himself was the most dangerous weapon of mass destruction in Iraq—and fortunately he has been found. The regime thumbed its nose at UN Security Council resolutions requiring it to declare all its weapons of mass destruction." The letter continues:

> Nor did Hussein comply with UN resolutions regarding human rights.
>
> Years passed and the resolutions were never completely complied with and the threat remained very strong, as many of our Iraqi friends, who are senior scientists and now living in the West, are well aware.
>
> It was enormously courageous of the allies to go into Iraq. By hesitating any longer and agreeing to the wishes of the UN, perhaps the situation would have become much more hazardous. Some action had to be taken because the former regime took little notice of the UN. Let us remember that there was hesitation before World War II, which led to the deaths of millions.

It goes on to say, "Would the leaders in the United States, Australia and Britain have taken their countries to war unless they thought there was a very serious threat from weapons of mass destruction?" The letter continues:

> They would surely have been aware that if none were found there would have been a huge question mark over their credibility. We express our heartfelt gratitude to the members of the Australian forces and we wish for a safe return to their families and also to all who have supported the liberation of our country of origin.
>
> We sincerely hope that the present conflicts in Najaf and southern Iraq will soon be resolved peacefully so that all Iraqis can live within a new system of law and order.

Human rights

MR CORNWELL (5.57): I rise to refer again to some comments made on Tuesday night by the Chief Minister in relation to a Mr David Hicks. I have here some extracts from the draft *Hansard*. They say, "… Mr Hicks to be guilty of an offence that he hasn't been charged with"; "simply assuming that Mr Hicks is guilty"; "You don't even need to charge Mr Hicks, you can just arrest him"; and, "Mr Hicks wasn't arrested for allegedly anything."

Unfortunately, this is from the spin doctors of the left and I am a bit concerned that Mr Stanhope may have been corrupted by them. To read from those quotes would indicate that Mr Hicks was some sort of tourist wandering around Afghanistan with a *Lonely Planet* book in one hand and a Michelin map in the other when in fact, in the only photograph I have seen, he was not carrying a map or guidebook, he was carrying a rocket-propelled grenade launcher.

I suppose that would lead one to imagine that he was not just a tourist. In fact, one could say, perhaps, that he was a mercenary. Certainly, he appears to have been captured in the fighting in Afghanistan and was, quite properly, treated as a prisoner of war. I see nothing wrong with this but it appears that somehow he is different from anybody else. This country, unfortunately, has a bad habit of getting involved in other people's affairs. I am not just talking about criticising other countries such as Spain and the Philippines for pulling their troops out.

Mrs Cross: And 30 others!

MR CORNWELL: That is a legitimate comment, I suppose. The fact is that it went ahead. Where we do get involved, which I find offensive, we are continually talking about our human rights; we are sanctimonious. Therefore, if some mug decides to smuggle heroin out of Singapore and gets caught—and they know that the penalty is death—the next thing is that this country is jumping up and down demanding, in some sort of neo-colonialist way, that these nasty Singaporians should not give them the penalty that Singapore imposes upon drug traffickers. I see nothing wrong with any of this. Nevertheless, this country, and indeed this Assembly, has a habit of doing it. Unfortunately, our Chief Minister is particularly prone to this sort of thing. He tends to overlook the fact that there is enough to keep us busy here in this city, in this territory.

We have the problems of the bushfires; my colleague Mr Stefaniak referred to the financial blowout in JACS today; there are the police problems; there is health; there are the aged; and there is the look of the city. There are plenty of other things to occupy Mr Stanhope's interest. But no: he chooses to go offshore, so to speak, and ignore a lot of the good work being done overseas—and Mrs Cross referred to it earlier too. He chases after the needs and wants of somebody who most sensible people would regard as a captured terrorist, ignoring the work that Mr Pratt referred to the other night of good people in Afghanistan such as Peter Bunch and Diana Thomas, who are trying to do the right thing in that country.

Mr Quinlan: Talk about neo-colonialists! What were they trying to do? What were they doing?

MR CORNWELL: We do not need the assistance of the Chief Minister—

Mr Quinlan: Missionaries! Get out of here!

MR CORNWELL: Here we go! The good old lefties again, you see—the anti-religious push! In the words of Mr Stanhope, the defence rests. There is nothing further that I need to say.

Human rights

MR HARGREAVES (6.02): I welcome the announcement of Liberal Party corrective services policy from Mr Cornwell—obviously he has been talking to Mr Stefaniak for some time—and I see that the Liberal Party has just announced the reintroduction of the death penalty in the ACT for alleged crimes. The issue Mr Cornwell has raised refers to what Mr Pratt was saying just the other day, or it might have been yesterday—it was so long ago.

You have to put on the record the fact that, prior to the introduction of the Human Rights Act, the presumption of innocence was not a right; it was a convention. The right to a fair trial was not a right; it was a convention. In this town it is now a right. What happened to old Reilly, ace of spies, over here when he was incarcerated without trial? What were people belly-aching about then? Do you know what it was? It was because he was locked away without a fair trial in one country, and he was in fact punished without any guilt being proven.

In his own words, he said last night, "I was not a spy; I was an alleged spy." An alleged spy! An "alleged spy" means that he should therefore get the benefit of natural justice. What was he doing last night? He was denying the same thing to a citizen of this country. Let us have a look at Mr Hicks. He has all the smells of a terrorist about him, and he runs with people who have all the smells of a terrorist about them. So he might be a mercenary—okay, fine. What happened was that he was kidnapped in one country—

Mrs Cross: And he was tortured!

MR QUINLAN: Yes. He was kidnapped in one country by another country occupying that area.

Mr Pratt: Mr Speaker, I wish to raise a point of order. Under standing order 55 I refer, in the body of this august speech, to an imputation that I must have been illegally carrying out spying activities. Spying is a criminal activity. It is an imputation, a slur, a character assassination.

MR SPEAKER: It is a point of debate. If you want to raise the issue, you can.

MR HARGREAVES: Thank you, Mr Speaker. Mr Hicks was kidnapped in one country, which was Afghanistan; he was then taken by a second country, which was America; he was then taken to a third country—to Guantanamo Bay—and promptly tortured. Where was the presumption of innocence? Where was the fair trial? It was nowhere. We heard that sort of sentiment expressed by Mr Cornwell. We all know that Mr Stefaniak is

legendary with that sort of stuff, because of his presumption-against-bail stance; and we have Mr Pratt doing it as well. It seems to be a cancer running right through that lot.

What we are seeing is the policy statement coming out of there that it is okay to kidnap people, take them away, torture and incarcerate them; and then we will have a fair trial and legitimise the whole thing. Three years later, "We will legitimise it." Shame on you! This guy is an Australian citizen. What are you people over there doing to defend those rights? I will tell you what you are doing: you are encouraging the American people to go and kidnap an Australian citizen. Where is it going to happen next? I would like to know about it. It was, in fact, the American army that did that.

Mr Stefaniak: Watch out for the Martians when you leave the building, mate!

MR HARGREAVES: Yes; that is right. All I can say is that Mr Pratt ought to consider what the Australian public felt about it when he was incarcerated and extend the same courtesy to an Australian citizen who has been incarcerated overseas for an awfully long time—with no charges laid, without a trial and without the presumption of innocence. You ought to be ashamed of yourself, Mr Pratt. Mr Speaker, this man ought to be thoroughly ashamed of himself—and so too should those guys over there who would like to bring back the death penalty. I would like to see the *Canberra Times* print that policy statement tomorrow. "The Liberal Party wants to bring back the death penalty!" The people of the ACT are going to introduce a death penalty again on 16 October on you lot. You are going to be dealt with!

Public interest disclosure

MRS BURKE (6.07): For the public record, I would like to state the following facts: on 19 January a public interest disclosure was sent to Mr Michael Bateman—Director of Human Resources, Department of Education, Youth and Family Services—the ACT Auditor-General and the ACT Ombudsman. On 18 February Mr Michael Bateman responded to the PID, stating as follows:

> When you are entitled to draw your concerns to the Minister's attention … Whilst not pre-empting any steps the Minister may take, it is likely that she would refer a public interest disclosure to this office for investigation.

In April 2004 a copy of the PID was sent by mail to the minister's office. The minister now tells us that she never knew of the PID. The Chief Minister stated yesterday that the PID act was a serious one. One would wonder why the minister for education was not aware of the PID sent to the director of human resources. On 3 August 2004 the minister was asked a question about contracts with her department and did not answer the question. Instead she argued that, before she answered the question, she would like to obtain a full briefing.

On 4 August 2004 the minister was asked about the child who went missing from Gowrie Primary School. She argued, "This is the first I have heard of that incident." The minister also said on 4 August 2004 that she was not aware of the incident concerning the autistic child being referred to WorkCover and had not been briefed on the issue; she had not received any complaints; and nor had anyone contacted her office on the issue. Evidence shows that this is not the case. Moreover, the principal of the Gowrie Primary

School indeed sent a letter to the education department complaining about Totalcare's work on this incident. One would have to wonder why the minister was not briefed on a child at an ACT primary school going missing.

On 4 August 2004 the minister in question, regarding her knowledge of the public interest disclosure, said, in relation to the public interest disclosure, "I am not aware of one." We know now that this, of course, is not true. On 4 August 2004 the minister, in question time, highlighted that the opposition knew more about the issues than she did. On 18 August 2004 the first of a couple of articles appeared in the *Australian*. On 19 August 2004 the minister alluded to comments made in the paper by me with regard to G E Shaw and Associates. This was a serious misrepresentation because, at no stage, in any article—either on television or within the print media—have I mentioned G E Shaw and Associates. Again, the statement is not true. The facts are now here for the public record.

Daffodil Day

MS DUNDAS (6.10): I want to use this adjournment debate to remind members that tomorrow is Daffodil Day, the Cancer Council of Australia's major fundraising event. It is a day to support those touched by cancer and to focus on hope for a cancer-free future. We saw the launch of the ACT Cancer Council's contribution to Daffodil Day last Sunday, with the planting of daffodils on the lawns of Parliament House spelling out the word "hope". Those were cardboard daffodils with messages on the back of great significance to a number of people in this community who have been touched by cancer.

At the beginning of the last century people with cancer faced almost certain death. Now, thanks to continuing improvement in research and patient care, more than half of them will be successfully treated. This progress is celebrated on Daffodil Day. The daffodil has been chosen as a symbol of hope for all those touched by cancer because of its reputation as a hardy annual flower, pushing its way through the frozen earth after a long winter to herald the return of spring, new life, vitality and growth.

I urge all members to join in Daffodil Day tomorrow; to make sure they have purchased their flowers of hope and are wearing their pins; to ensure that we are helping to make Daffodil Day one of the most successful fundraising events for cancer control in Australia. The Cancer Council of Australia helps provide $25 million to cancer research every year, and community funds support research into the causes and potential cures of a disease that affects almost one in three Australians.

Support is also provided through a cancer help line; there are programs for patients and families, and education programs aimed at preventing cancer. I thank the ACT Cancer Council for continuing their work in raising money to help find the causes of cancer and help those people touched by cancer. I hope that, tomorrow, we see a lot of yellow daffodils around the town representing the hope that we need to continue the battle against cancer.

Public interest disclosure

MS GALLAGHER (Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (6.12):

In response to the comments by Jacqui Burke, I can confirm again for this Assembly that I have not received a copy of the public interest disclosure. I did not receive it in April; I did not receive it in January; and I did not receive it in February, March, May, June, July or August. I do not know how much clearer I have to be on that.

In response to answers to questions in the Assembly where I said I was not aware of a public interest disclosure, that is true. Those answers are correct. As I have not seen the public interest disclosure, I do not know the details of the allegations it might contain—although, from the fact that the issue is in the public domain, I can assume it is to do with repairs, maintenance and procurement solutions with Totalcare and the department of education. I can assume that.

I am satisfied with the procedures that were put in place at both school and department level in the handling of the incident at Gowrie. I remind members that, at the moment, all allegations remain unsubstantiated. There is a process in place to deal with them. My answers in relation to this public interest disclosure matter have been correct. I have told the truth at all times. If Mrs Burke can prove that I have not done so, then I would call on her to table any information she has received to indicate that I have had a copy of the public interest disclosure—that I have seen it, read it and that it was sent to me in the first place.

Mrs Burke: It must have been the department—not being advised.

MS GALLAGHER: Prove it, Jacqui! You are a dangerous woman.

Mrs Burke: Mr Speaker, I wish to raise a point of order. I would ask the minister to withdraw her statement that I am a dangerous woman.

MS GALLAGHER: I am happy to withdraw it, Mr Speaker.

THE SPEAKER: Thank you, Ms Gallagher.

MS GALLAGHER: It is true, though.

Mr Smyth: On the point of order, Ms Gallagher cannot withdraw it and then say that it is true.

MR SPEAKER: I do not think I can order her to withdraw it, either. I do not know in what context she described her that way, but I cannot order her to withdraw that.

Legislative Assembly—proceedings

MRS DUNNE (6.14): As you know, Mr Speaker, it is my custom from time to time to end the sitting by offering some reflections on the nature of the debate. I have to say that, this week, we reached some new lows. The Chief Minister, in particular, alternated between what I suspect he thinks of as a Clint Eastwood style of monosyllabic frowning and compulsive coprolalia.

Yesterday in question time, apart from a few low-grade personal insults of the standard kind, self-congratulatory references to dulcet droning tones, references to "big eyes"—

which could almost have been a compliment under other circumstances—and a couple of ritual uttered-and-withdrawn-in-one-breath accusations of lying, the Chief Minister was scandalised by the term "bleated"—he found this term offensive. His response to this was, "It's just beyond the pale; it's just personal, vindictive viciousness, is what it is; petty-minded nastiness; a bloody suppurating boil."

MR SPEAKER: Order! At this point, I will let you know that I have been considering the matter, and I will be asking for the withdrawal of that in due course.

MRS DUNNE: Thank you, Mr Speaker. Honestly, if I had not heard it—

MR SPEAKER: I would ask you not to refer to it.

MRS DUNNE: I will try not to. If I had not heard the Chief Minister's outburst, I would have thought it was an unconvincing caricature of a petulant politician, or an example of, "You can dish it out but you cannot take it" political invective—or it could have been a first draft of a John Clarke/Brian Dawe political satire. "Bleating" is considered to be personal and vindictive, but the remarks of the Chief Minister seem to be part of the rich tapestry of political vituperation of the Paul Keating school.

We know that, when the Chief Minister uses the word "personal" he talks about criticism of him and his government. For him, whether a criticism is personal is a matter of whom it is directed to. An attack on a spouse of a member in relation to his business affairs, thrown into question time in response to a dorothy dixer and thus entirely premeditated, is fair enough, but criticism of a minister's actions or duties is a personal attack.

I have observed in the past that this is like Louis XIV's dictum, L'etat, c'est moi"—I am the state—"Anyone who criticises my government criticises me … " It also reminds me of the other famous epithet about the Bourbons—"In four hundred years they have learnt nothing and forgotten nothing." I think we have learnt nothing here from the Chief Minister this week but, sadly, "forgotten nothing" does not seem to apply.

In fact, we saw evidence of a further spread of the epidemic of memory loss from Mr Quinlan in question time yesterday, who did not have a recollection of asking InTACT for Mr Stanhope's phone records. One might ask whether this is the sort of thing one might do and then forget; or not do and not remember that you did not do it. It seems that this is becoming a standard form of words—such as "like" amongst teenagers, or "alleged" amongst crime reporters and politicians.

My favourite case of amnesia was that of the Chief Minister, when he argued the need to ensure that women had the same level of recognition and the same level of support that we provide to male athletes. In his case he evidently achieved that aim, at least in relation to recognition, or surpassed it. Not only has he remembered the names of several female athletes but, as a truly impressive act of positive discrimination, he has forgotten the name of the captain of the ACT Brumbies. Just for the record, it is Sterling Mortlock.

Battle of Long Tan

MR PRATT (6.18): I rise here today to observe the 38th Anniversary of the Battle of Long Tan which was commemorated yesterday. I send my best wishes to those members

of the Sixth Battalion of the Royal Australian Regiment who reside here in Canberra, and to their families. The battalion, which undertook a tour of South Vietnam in 1966, was then 800-strong. It in fact deployed again to that unhappy war zone in 1969.

I joined that battalion a year later as a wet-behind-the-ears second lieutenant. On 18 August 1966, Delta Company, one of the companies of the Sixth Battalion, deployed into the Long Tan rubber plantation in Phuoc Tuy Province, where it was ambushed. It was 80-strong, and was eventually opposed by a force of 2,000. In this rubber plantation, it was raining and it was approaching dusk—in such conditions aircraft should not have been flying—but, in fact, 9 Squadron RAAF did fly in support. The Kiwis and their American allies supported with artillery and a company aboard 3/Cav were able to rescue some men. There were 18 men killed in this battle, and quite a few were wounded. It was a heroic effort. By 1969 these men—and indeed the first Australian taskforce of about 10,000 men and women—had cleansed the province they were responsible for and had commenced substantial humanitarian programs.

There was, of course, in this country an anti-war movement of very substantial proportions, for the most part made up of well-meaning people. It was not a popular war, and there was a split in the Australian community. It is, however, to this nation's eternal shame that the Australian force, and these men, were vilified sometimes as war criminals by the extremities inside that anti-war movement, headed up by some well-known people.

Question resolved in the affirmative.

The Assembly adjourned at 6.21 pm until Tuesday, 24 August 2004, at 10.30 am.

Answers to questions

Bushfires—gas mains
(Question No 1482)

Mr Cornwell asked the Treasurer, upon notice, on 4 May 2004:

When might I receive a reply to my letter of 29 January 2004 concerning the safety of the suburban gas infrastructure, for example, whether or not it could be turned off in an emergency such as a bushfire and the effectiveness of plastic in the mains.

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

The member has been provided with a copy of my response. I apologise for the delay in responding.

However, as the member has been verbally advised by Mr Corbell's office, the delay was in part due to wanting to provide a comprehensive answer which in part depended on gaining further information. My response provides that advice.

Police force—allegations
(Question No 1579)

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 23 June 2004:

(1) How many allegations of police corruption have been received by (a) the Minister's office and (b) ACT Policing from members of the public in (i) 2000-2001, (ii) 2001-2002, (iii) 2002-2003 and (iv) 2003-2004;

(2) What action has been taken regarding these allegations in (a) 2000-2001, (b) 2001-2002, (c) 2002-2003 and (d) 2003-2004;

(3) How many allegations of police corruption have been received by the (a) Minister's office and (b) ACT Policing from members of the AFP or ACT Policing in (i) 2000-2001, (ii) 2001-2002, (iii) 2002-2003 and (iv) 2003-2004;

(4) What action has been taken regarding these allegations in (a) 2000-2001, (b) 2001-2002, (c) 2002-2003 and (d) 2003-2004.

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

Questions (1), (2), (3) and (4) have been dealt with collectively as the substance of this material is heavily interrelated.

(1-4) The Minister's office has not received any complaints of corruption but if it did it would pass the allegations to the Chief Police Officer for investigation.

The AFP maintains one of the strictest police complaints regimes in Australia with complaints being investigated by the AFP Professional Standards area under the scrutiny of the Commonwealth Ombudsman.

All complaints must be referred by law for formal management by the Professional Standards area. Complaints against police are categorised against the specific failure identified in each complaint and the AFP classification could conceivably but not necessarily include reference to corruption as this term is generally regarded as being too broad for detailed management purposes. The AFP classification of complaints covers all categories including elements relating to matters such as assault, fraud and neglect of duty. There is no heading of corruption.

Where complaints are substantiated, action is taken by the AFP which is commensurate with the severity of any inappropriate behaviour exhibited by personnel who have been the subject of a substantiated complaint. The AFP response may vary from minor corrective action to the implementation of significant disciplinary proceedings.

I am happy to offer the member a briefing on the AFP complaints procedures.

Street lighting—rural settlements (Question No 1628)

Mr Cornwell asked the Minister for Planning, upon notice, on 30 June 2004:

(1) Is street lighting also included in the plans for the rebuilding of houses at Stromlo and Uriarra settlements after the January 2003 bushfires;

(2) If so, what type of lighting and in what areas;

(3) If not, why not.

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

Bushfire recovery is a matter which falls within my portfolio.

Appropriate street lighting is included in the redevelopment plans for Uriarra Village and Stromlo Settlement.

When the *Uriarra Village Sustainability Study* was being compiled, the Uriarra residents requested a similar level of street lighting as they had in the village prior to the fires. This was at a lower rate of lighting than in urban areas.

When the *Stromlo Settlement Sustainability Study* was being compiled the Stromlo residents requested that no street lighting be provided. This was the arrangement prior to the fires.

In both locations street lighting arrangements will be similar to those in urban areas except that the intention is to request tenderers to provide innovative and sustainable solutions to infrastructure including street lighting. Such lighting will need to take into account requirements for safety and to enable emergency services to identify houses when their services are needed.

In Stromlo Settlement the lighting arrangements will also need to ensure that they do not affect the operation of the Mt Stromlo Observatory. It is understood this can be achieved through 'down lights'.

Schools—class sizes (Question No 1632)

Mr Pratt asked the Minister for Education and Training, upon notice, on 30 June 2004:

(1) Further to Attachment A to the response to Question on notice No 1522 which indicated that there are around seven primary schools whose class average is still above 25 students, in how many A.C.T. government primary schools is the class average about 25 for (a) kindergarten, (b) Year 1, (c) Year 2 and (d) Year 3;

(2) Can the Minister list those schools who have a class average above 25 for (a) to (d) above.

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

(1) In 2004, the number of ACT government primary schools with a class average above 25 students for

a)	Kindergarten	1
b)	Year 1	0
c)	Year 2	1
d)	Year 3*	1

(2) The list of those schools with a class average over 25 is below.

Kindergarten	Year 1	Year 2	Year 3
Theodore Primary		Ngunnawal Primary	Ngunnawal Primary

- Theodore – The principal reports that additional teaching and special teachers' aide (STA) resources are allocated to Kindergarten classes which exceed the class size limit. The school has met the community request to maintain straight kindergarten classes, rather than move children into a multi-age classroom.
- Ngunnawal – The principal indicates that due to growth above expectations, all teaching spaces are fully utilised at Ngunnawal Primary School. The principal has introduced a number of innovative strategies to ensure that no class is above the class size limit in the key areas of literacy and numeracy. Among these strategies is the allocation of extra teachers to year 3 and 4 literacy and numeracy lessons. The principal also allocates 2 special teacher assistants to work with the year 2 and year 3 class teacher during the remainder of the day. This arrangement has been fully discussed with the Ngunnawal School Board and has received its endorsement.

* Year 3/4 composite classes have been excluded given the different funding arrangements for Year 4 students.

Academy of Sport (Question No 1656)

Mr Stefaniak asked the Minister for Sport, Racing and Gaming, upon notice, on 1 July 2004:

(1) How much was spent by the Government on the Academy of Sport between 1 July 2003 and 30 June 2004;

(2) What other monies did the Academy of Sport receive from other sources; please provide details of those sources;

(3) How many athletes are serviced by the programs at the Academy of Sport;

(4) Can the Minister list details of any programs (a) cut during the period 1 July 2003 and 30 June 2004 and (b) it is intended will be cut from 1 July 2004.

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

(1) The ACT Academy of Sport spent $1,737,699 between 1 July 2003 and 30 June 2004. This figure is exclusive of any corporate costs (eg. leasing of IT equipment).

(2) The ACT Academy of Sport received $158,973 between 1 July 2003 and 30 June 2004. The main sources of this revenue was as follows:

$49,000	Australian Sports Commission
$18,000	Healthpact
$15,000	Australian Paralympic Committee
$6,930	Athletics Australia
$6,259	Miscellaneous revenue for massage services from athletes
$9,314	Miscellaneous revenue for ACTAS Annual Dinner
$9,307	Miscellaneous revenue for commercial activities
$8,362	CITEA

(3) The ACT Academy of Sport serviced 256 athletes in 2003/04 :

(4) No programs were cut from the ACT Academy of Sport between 1 July 2003 and 30 June 2004. As part of a Nationally coordinated approach all State Institute of Sport/State Academy of Sport (SIS/SAS) programs, including the ACT Academy of Sport are seeking applications from state sporting organisations to conduct elite sport programs from 1 January 2005. The application process should be finalised by the 1 September 2004.

Until the assessment of all applications is completed, it will be unknown if any programs will be cut from the ACT Academy of Sport.

Consultants
(Question No 1689)

Mr Smyth asked the Minister for Police and Emergency 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 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. In relation to the residual information, the government is not prepared to invest the significant time required to address such a question.

Housing—occupancy rates (Question No 1712)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 1 July 2004:

(1) What is the current occupancy rate as of 30 June 2004 of (a) Fraser Court and (b) Northbourne Flats;

(2) Can the Minister provide a progress report as of 30 June 2004 on the refurbishment of (a) Fraser Court and (b) Northbourne Flats;

(3) With regard to part (2) in each instance when (a) did the refurbishment process start and (b) is it likely to finish;

(4) With regard to part (2) how is the entire process being managed, for instance, how are or how will people be accommodated during the refurbishment process.

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

(1) (a) Fraser Court was 50% tenanted as at 30 June 2004

(b) Northbourne Flats Braddon was 75% tenanted as at 30 June 2004 whilst units were vacated for refurbishment work

(2) (a) Fraser Court

While the design work for refurbishment of the roof and other works was completed in 2003 at a cost of $30,000, tenders received were well above the pre-tender estimate making the award of a contract unviable. Tenants were advised on this at a community meeting on 30 June 2004. It is now planned to explore various options to revitalise the Court. Regular community meetings are being held to continue consultation with tenants.

(b) Northbourne Flats Braddon

Refurbishment of the first block of 18 units (Block 17) was completed on 25 June 2004 and as at 30 June 2004, 12 tenants had moved in. The remaining tenants, who will be moving from the Currong Apartments, are expected to move in during the next few weeks.

During 2003-04, a total of $984,000 was spent ($681,000 on refurbishment) ($303,000 and fire safety works).

Tenders to refurbish the remainder of the complex and carry out associated fire safety works were received in June 2004 and are expected to be let this month with the works to be progressively completed (block by block) over the balance of the 2004-05 financial year.

(3) (a)
Fraser Court's refurbishment process commenced with the engagement of design consultants to carry out a comprehensive building audit in August 2002.

Northbourne Flats Braddon's refurbishment process commenced with an assessment of units in August 2002. Design documentation commenced in May 2003, but work was later put on hold while the issue of security screen doors and fire safety was resolved.

(b)
Works will not commence at Fraser Court until a revised approach to the revitalisation of Fraser Court has been developed and agreed with the tenants. Once this is resolved, construction work would be expected to span a period of between 18 and 24 months, depending on the agreed scope and nature of the works.

For Northbourne Flats Braddon all work is expected to be completed this financial year (2004-05).

(4) Major refurbishments of multi-unit complexes usually require tenants to vacate the buildings where the work is being carried out. Tenants are offered alternative accommodation for the period where their building is being refurbished with relocation costs being met by the Department.

The general approach is to refurbish block by block which may allow tenants to relocate temporarily to elsewhere on site. Where this is not possible, other accommodation is arranged in a convenient location.

To assist in the management of the relocations, where a refurbishment is imminent, those units which become vacant are retained for use for temporary relocations and where the tenants are in agreement they are offered a once only move.

Housing—smoke detectors (Question No 1713)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 1 July 2004:

(1) With regard to the Fire Protection Appropriation in 2002-03 for fire protection upgrades in multi-unit housing complexes, how much of this money has been spent;

(2) In relation to part (1), what was the money spent on and if not totally spent how much is left over;

(3) With regard to part (2) if money is left over where are these funds now and have they been allocated elsewhere;

(4) How many 'hard wired' smoke detectors have been fitted in multi-unit housing complexes throughout the A.C.T. since the fire protection appropriation monies were allocated;

(5) With regard to part (4) and those hard wired smoke detectors already fitted, how many of those fitted have been inspected as per the mandatory Australian Standards to do so every 12 months; please provide records showing (a) inspections and (b) inspection dates;

(6) How many client services visits have been undertaken in the last 12 months;

(7) What occurs during a client services visit.

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

(1) No fire protection appropriation was made in 2002-03 but $10m was allocated as a Treasurer's Advance late in 2001-02. As at 30 June 2004, $4.225m had been spent, pending any further end of year accruals.

(2) Expenditure has been incurred for review, design and works on the following complexes:

Ainslie Flats	$0.061m
Allawah Court	$0.058m
Bega Court	$0.055m
Booloominbah Court	$0.016m
Braddon Court	$0.037m
Condamine Court	$0.021m
Corryton Gardens	$0.011m
Fraser Court	$0.103m
Gowrie Court	$0.421m
Illawarra Court	$0.064m
Jerilderie Court	$0.061m
Kanangra Court	$0.370m
Malahide Gardens	$0.001m
Northbourne Flats Braddon	$0.341m
Reid Court	$0.403m
Strathgordon Court	$0.023m
Stuart Flats	$1.860m
Windeyer Court	$0.022m

An additional $0.297m has been spent in management fees leaving a total of $5.775m of the $10m to be spent.

(3) The remaining $5.775m remains in the Department's budget and is expected to be expended during 2004-05.

(4) The smoke detector program commenced in 2001 and is not funded from the Treasure's Advance. So far 3352 units within multi unit complexes have had a hard wired smoke detector installed and most properties have now had the smoke detectors installed, with some to be completed as part of other upgrade work.

(5) The Australian Standard for smoke alarms does not specify a mandatory inspection regime. Smoke detectors are not routinely inspected although tenants are encouraged to check them regularly and report any malfunction to the maintenance call centre. There is no separate budget code for inspections of hardwired smoke detectors and it is therefore

impossible to determine the number of inspections and replacements which have been undertaken since 2001. In most of the larger multi storey multi unit complexes, the response to the security screen door issue means that door closers will be linked with the smoke detectors and this may necessitate some changes to the hardware in some cases.

(6) There were 11,093 client service visits undertaken in 2003-04

(7) Client Service Visits entail the following:

- Provide the tenant with an opportunity to raise any issues or concerns they may have in relation to their tenancy or rental rebate.
- Property inspection.
- Identification and arranging rectification of urgent health, safety or security maintenance.
- Identification of tenant responsible maintenance.
- Ensure that both Housing ACT and the tenant are meeting their obligations under the tenancy agreement – payment of rent, arrears management, neighbourhood issues.
- Where appropriate provide advice regarding appropriate community support agencies.
- Provide the tenant with information regarding the asset management strategy.
- Provide an opportunity to discuss issues relating to maintenance of common areas in multi-unit complexes.
- Provide an opportunity to discuss tenant participation program and residents groups.
- Ensure all information on file is up to date.
- Identification of potential tenant of the month.

Agents Board
(Question No 1716)

Mr Cornwell asked the Attorney-General, upon notice, on 2 August 2004:

(1) How much money was held in Trust for the A.C.T. Agents Board in (a) 2002-03 and (b) 2003-04;

(2) How many investments have been undertaken since the commencement of the new *Agents Act 2003*;

(3) What was the percentage return upon investments in (a) 2002-03 and (b) 2003-04.

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

(1) Money held in trust by the ACT Agents Board as at:
(a) 30 June 2003 was $11,446,000; and
(b) 31 October 2003 (when the Act under which the board retained the money was repealed) was $12,050,000 ($2.17 million in the Fidelity Guarantee Fund and $9.88 million in the Statutory Interest Account and Administration Account).

(2) No new investments have been made since the commencement of the *Agents Act 2003* on 1 November 2003. $2.17 million of the funds controlled by the board as at 31 October 2003 were transferred to the Consumer Compensation Fund on 1 November 2003. This fund is the equivalent of the Fidelity Guarantee Fund under the repealed Act and is invested with the ACT Public Trustee. $9.88 million remains in the Department of Justice and Community Safety (JACS) Trust Account. A further transfer of funds from the JACS Trust Account to the Public Trustee for investment purposes is planned in early 2004-05.

(3) The return on investments:
(a) in 2002-03 was 7.32%; and
(b) for the period 1 July 2003 until 31 October 2003 was 1.18% and from 1 November 2003 to 30 June 2004 the return was 5.12% on the funds invested with the Public Trustee and 4.975% on funds held by the Commonwealth Bank.

ActewAGL accounts (Question No 1717)

Mr Cornwell asked the Treasurer, upon notice, on 2 August 2004:

(1) Are ACTEW accounts for gas, water and electricity bills due within six days of each other in the Tuggeranong region;

(2) Is it intended to have these accounts also falling due within six days of each other in other regions of the A.C.T.;

(3) Why has it been decided to require payment within six days of each other for these accounts;

(4) Will steps be taken to stagger these bills in future; if not, why not.

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

(1) Yes.

(2) Yes.

(3) ACTEW has advised me that ActewAGL is aligning meter readings for gas, electricity and water services across the Territory. Previously, meter readings for gas in all areas of Canberra were conducted independently from electricity and water which resulted in customers receiving accounts over varying timeframes depending on where they lived. Some customers received electricity, water and gas on the same day, others up to six weeks apart depending on the reading route they were in.

Aligning meter readings and reducing the number of visits by staff to each premises improves ActewAGL's operating efficiency and reduces costs. As retail billing of these services follows directly from the meter readings, billing is also aligned as a result.

(4) ACTEW has advised that there are no plans to revert to 'staggered' bills in the future.

However, ACTEW has also advised that ActewAGL provides a range of innovative payment options to help its customers manage their account payments. Customers who

use the ActewAGL e-business system via the internet can see their usage and payment history and make payments on a regular basis. Another option is direct debit with the customer specifying the amount and timing of deductions. As an additional benefit, ACTEW has advised that a customer choosing direct debit is entitled a discount on electricity and water accounts, saving the customer about $40 per year depending on individuals' circumstances. I understand that ActewAGL has an active campaign of informing clients of all available payment options.

Motor vehicles—stolen number plates (Question No 1718)

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

(1) Further to Question on notice No 1644 regarding statistics for stolen number plates from registered vehicles in the A.C.T., why is it that the Government cannot provide information on how many number plates were stolen from registered vehicles during 2003-04 when such information was previously provided in the answer to Question on notice No 876 for the years 2000-01, 2001-02 and 2002-03.

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

(1) The figures provided for stolen number plates in previous years were obtained from the Road Transport Authority's TRIPs computer system. This system was replaced in June 2003 with the rego.act system, which was not programmed to report this function. A system enhancement has been raised to rectify this matter.

Crime—racial attacks (Question No 1719)

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 2 August 2004:

How many (a) racial attacks on people or (b) incidents involving racial-related violence have been reported to the police in (i) 2001, (ii) 2002, (iii) 2003 and (iv) 2004 to date.

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

Given the design of the ACT Policing database, it would be too resource intensive and time consuming to provide the statistical data requested by the member. The ACT Policing database does not have a separate data field to record racially related violent incidents. To identify whether an incident was racially motivated would require an individual analysis of each record to ascertain whether the case officer recorded the incident as being racially motivated in the narrative.

Prisons and prisoners (Question No 1727)

Mr Smyth asked the Chief Minister, upon notice, on 4 August 2004:

Further to the response to part (4) of Question on notice No 1661, did the Chief Minister have any concerns about staffing or staff conditions raised with him in 2003-04.

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

Corrective Services at one time expressed concern that there might be a slight possibility of industrial action, arising from a staffing issue. It was considered to be a normal departmental matter.

Health—obesity (Question No 1729)

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

(1) What is the estimated number of Canberrans who are classified obese in the age brackets (a) 1-12, (b) 12-18, (c) 18-25, (d) 25-40 and (e) 40 and above;

(2) What is the Government doing to reduce childhood obesity in the A.C.T.

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

(1) No data is presently available for the specific age groups requested, however we do have available the following data:

Age group	% of ACT population classified as obese
18 to 29 years	5.5
30 to 44 years	13.1
45 to 59 years	16.4
60 to 75 years	12.0

Source: Population Health Division (2003). ACT Chief Health Officer's Report, 2000-2002. ACT Government, Canberra ACT

(2) ACT Health is currently establishing an ACT Government Obesity Leadership Group to coordinate across government healthy weight initiatives, particularly the implementation of initiatives funded in the ACT Budget 2004-05.

In the recent ACT Budget 2004-05, ACT Health was allocated $2 million over four years for Combating Childhood Obesity projects including:

- Monitoring and surveillance;
- Family Weight Management Program;
- Expanding the Tuckatalk in Schools Program;
- Healthpact - Health Promoting Schools Vitality Funding Round; and
- Implementation of the National Obesity Action Plan.

ACT Health will soon be releasing *Eat Well ACT – A Public Health Nutrition Plan for the ACT*. As recommended in this plan, an ACT Health Nutrition Leadership Group will be established to support a coordinated approach to public health nutrition in ACT Health.

Kids at Play is a new initiative of Sport & Recreation ACT, targeting children 0-12 years that will feature trained staff and two equipped play buses that will be available to conduct physical activities in parks, recreation areas, school fetes and after school care programs.

ACT Health, under its *Vitality 'Eat Well, Be Active, Feel Good About Yourself'* Campaign, is developing a fruit and vegetable promotional campaign to target children, young people and the broader community. An intersectoral working group is being established to progress this initiative. ACT Health also provided funding of $15 thousand over three years to the Australian Fruit and Vegetable Coalition towards a national fruit and vegetable campaign.

The ACT Government is supporting the recently announced Australian Government's Package*: Building a Healthy, Active Australia* that aims to tackle childhood obesity through increased physical activity and improved nutrition and healthy eating habits. The package includes four initiatives of:

- Active After-school Communities;
- Active School Curriculum;
- Healthy School Communities; and
- Healthy Eating and Regular Physical Activity — Information for Families.

ACT Health has provided continued funding for expansion of the TravelSmart Schools Walking School Bus Project that is auspiced by the YWCA Canberra.

ACT Health and Medical Researchers Funding provided $50,000 in funding to Dr Jane Dixon at National Centre for Epidemiology and Population Health, ANU. This funding was for Obesity Prevention and Monitoring in the ACT - a collaborative response to assist with the development of a major research proposal for the establishment of a Territory-wide obesity-prevention demonstration project.

Hospitals—radiation oncologists (Question No 1730)

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

Further to the response to Question on notice No 1603 will the Minister provide the figure for how many radiation oncologists are working at or are on the payroll at (a) The Canberra Hospital and (b) Calvary Hospital.

Mr Woods: The answer to the member's question is:

(a) There are three FTE radiation oncologists working at or who are on the payroll at The Canberra Hospital and (b) there are no radiation oncologists working at or who are on the payroll at Calvary Hospital.

ACTION buses—traffic rules (Question No 1752)

Mr Smyth asked the Minister for Planning, upon notice, on 17 August 2004:

(1) Are ACTION bus drivers permitted to run red lights (a) for any reason or (b) if they are running behind schedule;

(2) Has the Minister or ACTION received complaints from motorists who have witnessed buses running red lights;

(3) Has an ACTION bus ever been caught running a (a) red light or (b) red light camera in the last three years;

(4) If an ACTION bus is caught speeding or running a red light by a red light camera, what action is taken by ACTION or are buses exempt from any fines that may be passed on as a result of an infringement.

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

(1) (a) No.
(b) No.

(2) Yes.

(3) (a) Yes.
(b) Yes.

(4) ACTION and its drivers are not exempt from any infringement fines. Road User Services forward the infringement notice to the registered owner, being ACTION. ACTION identifies and meets with the driver and then notifies Road User Services of the driver's name. The infringement notice is reissued in the driver's name. ACTION records the infringement on the driver's overall driving record file and counsels the driver as part of ACTION's discipline procedures.
