



DEBATES  
OF THE  
LEGISLATIVE ASSEMBLY  
FOR THE  
AUSTRALIAN CAPITAL TERRITORY  
SIXTH ASSEMBLY  
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2005

**Thursday, 17 March 2005**

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## Thursday, 17 March 2005

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

### Visitors

**MR SPEAKER:** I welcome the students from Phillip College who are in the gallery.

### Tree Protection Bill 2005

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

Title read by Clerk.

**MR STANHOPE** (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (10.34): I move:

That this bill be agreed to in principle.

Mr Speaker, it is with a great deal of satisfaction that I bring to the Assembly today a bill for permanent tree protection for urban Canberra. You may recall that in May 2004 I tabled the Tree Protection Bill 2004. However, the election of October 2004 precluded Assembly debate.

The government has taken the opportunity to re-examine the provisions of the bill. As a consequence, some amendments have been incorporated to provide greater certainty about decision-making processes, improve the integration of tree protection considerations in planning processes, and provide a smoother transition to new tree protection arrangements.

The objectives of the bill are unchanged. The government remains committed to providing strong and effective legislation that strikes the right balance between protecting the cultural and natural heritage of Canberra and not impinging unduly on the expectations and rights of property owners with trees on their property.

Every Canberran enjoys the benefits of living in one of Australia's best urban forests. The urban forest provides us with economic, environmental and aesthetic benefits, as well as playing an important role in the realisation of Walter Burley Griffin's vision of a garden city. The development and maintenance of a healthy urban forest is an important step towards creating a sustainable city.

This bill will replace the Tree Protection (Interim Scheme) Act 2001 with legislation that will significantly improve the protection of outstanding trees throughout the city and will ensure the benefits of the urban forest can be enjoyed long into the future.

In October 2002, the government released a discussion paper—*Tree protection for the ACT: the next steps*—which canvassed a range of issues that arose during the

administration of the interim scheme. The community response to the discussion paper and subsequent consultation was strongly supportive of tree protection. However, there was concern at the sometimes onerous and unnecessarily intrusive nature of the current interim scheme.

It is apparent that the broad scale, scattergun approach of the current scheme is not appropriate and impacts unduly upon the activities of the very people that helped create Canberra's garden city image. However, the interim scheme has been valuable in preventing the unnecessary removal of trees and wholesale block clearing in redevelopment projects and has been a major factor in making architects and developers consider trees in the planning process.

There are many individual trees and groups of trees throughout this city that the community values highly. Some of the old remnant eucalypts, for example, provide an important link to our past. Some trees are valuable for ecological or botanical reasons, or simply for their outstanding contribution to the landscape of the city. Under the bill, these trees would be listed on an ACT tree register and provided with a high level of protection.

Once this legislation is in place, Canberra's tree owners will notice immediate benefits. Lessees will benefit from the streamlined one-stop-shop approach for development applications involving trees as well as quicker responses to routine requests for approval to remove a tree. Further benefits will be apparent once the transition to the permanent scheme is complete. The government has developed a strategy for this transition involving a comprehensive survey of the city undertaken to identify trees of high importance.

I have run into some difficulty with the rest of my speech, Mr Speaker, so I commend this bill to the Assembly.

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

## **Statute Law Amendment Bill 2005**

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

Title read by Clerk.

**MR STANHOPE** (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (10.38): I move:

That this bill be agreed to in principle.

This bill makes statute law revision amendments to ACT legislation under guidelines for the technical amendments program approved by the government. The bill makes amendments that are minor or technical, and non-controversial. They are generally insufficiently important to justify the presentation of separate legislation in each case and inappropriate to make as editorial amendments in the process of republishing legislation under the Legislation Act 2001.

However, the bill serves the important purpose of improving the overall quality of the ACT statute book so that our laws are kept up-to-date and are easier to find, read and understand. A well-maintained statute book significantly enhances access to ACT legislation and it is a very practical measure to give effect to the principle that members of the community have a right to know the laws that they are required to obey.

The enhancement of the ACT statute book through the technical amendments program is also a process of modernisation. For example, laws need to be kept up-to-date to reflect ongoing technological and societal change. Also, as the ACT statute book has been created from various jurisdictional sources over a long period, it reflects the various drafting practices, language usage, printing formats and styles throughout the years. It is important to maintain a minimum level of consistency in presentation and cohesion between legislation coming from different sources at different times so that better access to, and understanding of, the law is achieved.

Statute law amendment bills deal with four kinds of matters. Schedule 1 provides for minor, non-controversial amendments proposed by government agencies. Schedule 2 contains amendments of the Legislation Act 2001 proposed by the parliamentary counsel to ensure the overall structure of the statute book is cohesive and consistent and is developed to reflect best practice. Schedule 3 contains technical amendments proposed by the parliamentary counsel to correct minor typographical or clerical errors, improve grammar or syntax, omit redundant provisions, include explanatory notes or otherwise update or improve the form of the legislation. Schedule 4 repeals redundant legislation. However, this bill does not include such a schedule.

The bill contains a large number of minor amendments with detailed explanatory notes, so it is not useful for me to go through them now. However, I would like to briefly mention several matters. Schedule 1 includes amendments of the Dangerous Substances Act 2004 and the Occupational Health and Safety Act 1989 to narrow the grounds on which prohibition notices can be issued.

I should add that the Dangerous Substances Act amendments include one new element that may, at first blush, seem to be an extension of the power to issue a prohibition notice. However, new section 109 (2) (a), which provides for a prohibition notice to be issued for a contravention or likely contravention of an improvement notice, has a considerably narrower scope than existing section 109 (a), which provides for a prohibition notice to be issued for any contravention of the act.

Other amendments in schedule 1 include amendments of the University of Canberra Act 1989 that will assist the university to qualify for increased financial assistance under the commonwealth's Higher Education Support Act 2003 by giving effect to certain of the national governance protocols under the act.

The amendments of the Legislation Act in schedule 2 reflect the ongoing view by the parliamentary counsel of the act's operation and the improvement of its usefulness. For example, the legal effectiveness of a registrable instrument that is notified at the request of a person who is not authorised to make the request will be preserved by amendments of section 61. The amendments do not affect the power to make registrable instruments nor the people who can make registrable instruments. Also, chapter 10, which deals with



how laws are referred to, and chapter 17, which deals with how entities and positions are referred to, are being simplified and their scope clarified.

In addition to the explanatory notes in the bill, parliamentary counsel is available to provide any further explanation or information that members would like about any of the amendments made by the bill. The bill, while minor and technical in nature, is another important building block in the development of a modernised and accessible ACT statute book that is second to none in Australia. Despite the nature of the amendments, their cumulative number has created a substantially sized bill on this occasion. Mr Speaker, I commend the bill to the Assembly.

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

## **Animal Diseases Bill 2005**

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

Title read by Clerk.

**MR STANHOPE** (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (10.44): I move:

That this bill be agreed to in principle.

I am very pleased today to present the Animal Diseases Bill 2005. I will also be presenting the Stock Bill 2005 and I will speak to the two bills together. These two bills will have a positive impact on urban and rural environment management, particularly in terms of national standards for the management of animal diseases.

The Animal Diseases Bill 2005 will repeal the Animal Diseases Act 1993 to take account of developments in animal health issues such as the national livestock identification system, banning the feeding of swill to livestock and a number of administrative reforms. The Animal Diseases Bill will provide for the introduction of a national livestock identification system which is a permanent whole-of-life identification system operated through a national database that enables individual animals to be tracked from property of birth to slaughter. This is an important provision, especially in the face of increasing global concern about diseases such as mad cow disease, that have public health and international trade implications. A whole-of-life traceability is essential for locating all cattle related to a case.

The amendments will also provide for the banning of swill feeding to livestock. This has already been agreed on a national basis as a public health measure to control the transmission of infected animal products in animal food. The ACT is the only jurisdiction yet to implement such a ban. There was no need to implement a ban directly until recently as pig keeping was not possible in the ACT.

The amendments also provide for a minimum 72-hour stock standstill. This measure has been agreed in principle by jurisdictions as an important initial emergency response. The amendment will place an obligation on owners or controllers of stock to stop movement

of stock for a defined period. This control can be used, for example, on the diagnosis of foot and mouth disease anywhere in Australia or as a precautionary measure if a foot and mouth disease infection was strongly suspected. It would reduce the vectors of transmission of the disease while the source and likely areas of infection were identified.

The Animal Diseases Bill will provide for the prevention and control of exotic and endemic diseases by installing appropriate disease management practices. For example, a person who has reasonable grounds for believing that an animal is infected with an exotic disease or endemic disease commits an offence if they sell, move, dispose, bury, hide or otherwise attempt to suppress evidence of the animal. This will be in line with similar provisions in the New South Wales Stock Diseases Act and will ensure that animal diseases are disclosed to maximise the opportunity to deal with the disease and prevent losses to the wider community through the spread of the disease.

Finally, a few administrative amendments will ensure that the definition of “tags” and “infected” is updated to take account of new technology and new diseases. The amendments will also provide for a system of compulsory vendor declaration that requires those selling stock to indicate chemicals and antibiotics used on the animals prior to sale and to provide a statement as to the health of animals to be sold. This is very important for disease control.

The amendments will also adjust the compensation provisions to more closely conform to national cost-sharing arrangements and to treat endemic and exotic diseases in the same way. The restrictions on feeding meat products to ruminants will be moved from the Stock Act to the Animal Diseases Act. Additional controls are provided to ensure that compounded stock feed is appropriately labelled to ensure that components with health or disease implications are appropriately identified.

A related matter is the Stock Bill 2005, which, as I have indicated, I will also be tabling today. The Stock Bill will replace the Stock Act 1991 by updating it and including key parts of the Pounds Act 1928. The amendments will allow the government to take effective action to deal with straying stock. They will remove the ambiguities associated with what to do with straying stock and how to handle stock that trespass onto public or private land. They will also allow for the recovery of costs associated with the management of straying stock. Processes for authorising the movement of travelling stock and the registration of marks also will be updated to ensure that appropriate records are maintained for disease tracking purposes.

In March 2000 the Animal Diseases Act, the Stock Act and the Pounds Act were assessed under the national competition policy review. This review found that the legislation served a benefit to the community that outweighed any impacts arising from the restriction on competition. The review also considered the potential for reforms to improve the operation of these acts and the two bills that I am introducing today address those matters.

Mr Speaker, I commend the Animal Diseases Bill 2005 to the Assembly.

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

## **Stock Bill 2005**

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

Title read by Clerk.

**MR STANHOPE** (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (10.50): I move:

That this bill be agreed to in principle

Mr Speaker, I am pleased to present the Stock Bill 2005. As I mentioned in the presentation speech on the Animal Diseases Bill just tabled, this bill will allow the government to take effective action to deal with straying stock and recover the costs associated with the management of straying stock.

It will also complement the Animal Diseases Bill by updating the procedures required to move stock and use marks so that appropriate records are maintained for disease tracking purposes. Mr Speaker, I commend the Stock Bill 2005 to the Assembly.

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

## **Pest Plants and Animals Bill 2005**

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

Title read by Clerk.

**MR STANHOPE** (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (10.51): I move:

That this bill be agreed to in principle.

Mr Speaker, I bring to the Assembly today a bill for the regulation of pest plants and animals in the ACT. Pest plants and animals harm the natural environment and have a significant economic impact on natural resource management and agricultural activities. The extent of pest plant and animal infestation in the ACT and the potential for the introduction of new invasive species are of growing concern.

Each year, the ACT government expends in excess of \$1.5 million to control environmental weeds and pest animals on publicly managed lands. Considerable effort and expenditure is also made by rural lessees to reduce the economic loss and environmental damage caused by invasive species.

In May 2001 a discussion paper on existing weed and animal pests legislation was released for public consultation. The paper canvassed views on a number of key proposals to more effectively manage pest problems in the territory. Community

response to the discussion paper was supportive of reforming our existing pest regulation and administration regime—in particular, the development of separate pest legislation as well as the prohibition of the sale of pests and pest contaminated material.

The bill proposes to repeal and replace the existing provisions in the Land (Planning and Environment) Act 1991. The measures required to effectively address pest issues go significantly beyond what is currently provided for in the land act. This separate legislation is proposed as it strengthens the basis for management measures for pest plants and animals.

The bill establishes a system for declarations of pest plants and pest animals that are based on their threat to agriculture, the environment and the community. It provides for the development of management plans setting out how the threat will be managed and includes enhanced enforcement provisions for issuing directions to landholders to eradicate or control pest plants or pest animals.

A key element of the bill is prohibiting the supply of certain declared pest plants or pest animals, or material contaminated with these. This provision builds on the existing bush friendly nursery scheme whereby nurseries have voluntarily agreed not to supply pest plants and have been recommending non-invasive alternatives to their customers. Consumers should not be disadvantaged by this provision as there is a wide variety of other plants available and a pest plant may have detrimental impacts on their own property. Community awareness campaigns on pest plants to guide consumers will continue to occur.

The proposed legislation will provide enhanced support for the implementation of the ACT weeds strategy and the ACT vertebrate pest management strategy. The issues associated with pest plants and animals in the ACT are experienced nationally, although the species of concern may vary. The Australian Weeds Committee has developed nationally agreed legislative principles to ensure a coordinated approach to reducing the spread of weeds across borders. The proposed legislation incorporates these principles, both directly and indirectly. The government will continue to seek the assistance of all land managers in the ACT, both public and private, as well as our regional neighbours for the management of pests in the ACT.

This bill represents a more comprehensive and targeted approach to regulating pest plants and animals in the ACT. I commend the bill to the Assembly.

Debate (on motion by **Dr Foskey**) adjourned to the next sitting.

## **Insurance Authority Bill 2005**

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

Title read by Clerk.

**MR QUINLAN** (Molonglo—Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming) (10.56): I move:

That this bill be agreed to in principle.

This bill provides a necessary overhaul of the Insurance Authority Act 2000 arising from several factors. First, the insurance crisis has revealed a need to make adjustments to the act to provide the ACT Insurance Authority with a more robust, yet flexible, administrative platform. Secondly, the act contains a series of anomalies and inconsistencies that need to be removed. Thirdly, the 2003 bushfire outcomes provided useful evidence of the need to strengthen the authority's access to agency data and other information with respect to claims management.

The changes that have been included in this bill provide for the authority's administrative structure to be more aligned with Treasury, similar to the central financing unit and the superannuation unit. The authority is an important element of the territory's fiscal tools and better alignment will enable more effective control from a broader territory perspective.

The ACT Insurance Authority commenced operation in April 2001. The authority is a captive insurer; it provides insurance cover to ACT government entities only and it secures reinsurance from global underwriters. The functions of the insurance authority are set out in its legislation and these will not change as a result of the bill presented here.

These functions are to carry out the business of insurer of territory risks, which includes taking out reinsurance, satisfying the settling of claims and any other action necessary to protect the territory's interests; and to develop and promote best practice risk management with the objective of reducing losses by the territory. In my view, the authority has performed these functions admirably during the short period of its existence, especially when one considers that it has had to deal with one of the most significant catastrophes to affect this or any other community in this country—the 2003 bushfire.

Putting the bushfire aside, the authority has taken on significant additional responsibilities since its inception, including a centralised role in claims notification and general claims management in lieu of previous mechanisms, which included agencies, the Government Solicitor and a web-based provider. In addition, the authority has taken on new clients, such as Calvary Hospital and ACTTAB. Additional exposures include medical malpractice claims against VMOs, the incorporation of Totalcare's assets and operations, and the management of runoff cover in relation to Totalcare claims.

Most significantly, the authority is responsible for the implementation of the government's enterprise-wide risk management framework, the first such scheme in Australia to apply a consistent, standardised risk management infrastructure across the whole of government. It will allow all agencies to take a uniform approach to assessing, managing and reporting key risks.

Mr Speaker, everyone here knows that the face of government has changed markedly over the last few decades and that accountability is now a key driver in all our actions. Managing risk is a critical part of our day-to-day responsibilities and is absolutely vital

in a dynamic environment that demands innovative outcomes and outputs, often with fewer resources. Risk management is good management.

The government's enterprise-wide risk management framework represents best practice not only for the ACT government but also for public administration in Australia and the world. Importantly, it will enable us to manage risk under one structure so decision makers at all levels understand all the key issues that need to be managed, not just one aspect of their operation. It will provide community assurance that we have a systematic regime to identify and treat risk and that it is being followed in accordance with stakeholder expectations.

Turning back to the bill, members will observe that the key difference between the existing legislation and that proposed by the bill lies in the structure of the ACT Insurance Authority, its management and governance. The previous legislation established the authority as a non-commercial government entity with a governance structure that mirrored more commercially focused businesses. This gave rise to the potential for a divergence in views between Treasury and the board. The potential for divergence arose due to a natural inclination of the board to take a very conservative risk position from the sole point of view of the authority's balance sheet and operating result, whereas Treasury required a whole-of-government view of acceptable insurance risk.

This situation was managed through the Treasurer and the Department of Treasury providing the board with guiding parameters within which it could operate. However, the board was unclear as to its role and responsibilities and considered itself to be more akin to an advisory board than a governing board. The revised governance arrangements included in this bill remove the potential for a divergence in views. By shifting responsibility from an independent board, the bill does not require the references to ministerial directions to the authority that existed under the old act.

Insurance, and its accompanying policies, is an essential tool of fiscal management. As such, it should be managed in the context of broader fiscal strategies rather than by an independent board with narrow fiscal responsibilities and accountabilities. Notwithstanding that, one aspect of the previous board's contribution should be preserved. It is proposed that an advisory board be established to provide technical and market advice to ensure that dealings with the reinsurance market provide the best outcomes, and to assist in the development of best practice risk management strategies.

Finally, and from a technical perspective, legal advice to the government indicated that the existing legislation has an internal inconsistency concerning the employment status of the general manager of the authority and the authority's staff. This bill removes that inconsistency.

Mr Speaker, in summary, this bill provides for a more cohesive management mechanism to accommodate the authority's expanded role. As to internal governance, the authority will be more closely aligned with the Department of Treasury, and an advisory board, similar in generic functions to the investment advisory board, will operate within the new structure. The authority's management will be better able to function within a whole-of-government perspective. I commend the bill to the Assembly.

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

## Health—Standing Committee Report 9—government response

Debate resumed from 15 February 2005, on motion by **Mr Hargreaves**:

That the Assembly takes note of the paper.

**DR FOSKEY** (Molonglo) (11.04): I am pleased to have the opportunity to speak today on the government's response to the report of the Legislative Assembly Standing Committee on Health into the allied health care needs of people in residential aged care.

This was a report of the health committee of the last Assembly chaired by Kerrie Tucker. It was conducted in a very tight time frame leading into last year's election and was tabled in the Assembly in August 2004. The report recognises the need for further investigation of the matters raised in the report before appropriate responses can be developed. In particular, it recommends that the government investigate the occurrence of retribution in aged care facilities; and, undertake a comprehensive survey of all aged care providers to determine what allied health services are provided, by whom, and at what cost. The government's responses to these two recommendations in their tabling statement were to note the first and to agree in principle to the second.

Since that time, however, the Chief Minister in this Assembly on 16 February, in answer to a question without notice that I asked, confirmed that the government would be pursuing the investigation of retribution in aged care facilities. He said that the Office for Ageing in the Chief Minister's Department had been holding discussions with interested persons and developing, at his request, "terms of reference for the nature and scope of an inquiry which we can involve ourselves in accepting". The Greens are delighted to see that the ACT government is now taking seriously the very important issues impacting on the safety and wellbeing of people in aged care facilities. We await with interest an announcement of the terms of reference for the inquiry and call on government to ensure that the inquiry makes it a priority to talk directly with residents of aged care facilities and the family and friends who visit with them. Any inquiry into retribution could at the same time give consideration to the consumer protection complaints mechanisms and advocacy services available for people in aged care facilities, as recommended by the Assembly committee.

Before I move on to other aspects of the report, I would like to give you a taste of what retribution might look and feel like to a person living in an aged care facility. Firstly, you need to imagine that you are unable to get out of bed to go to the toilet or have a meal without assistance, that you may, if you are lucky, be visited by a family member about once a week, that the only people you see regularly are staff and other residents of the facility and that many of them have at least as many limitations as you, that much of your body aches most of the time and that you have given up your home and most of your possessions and have been separated from or lost your partner. That is a snapshot of the average person in an aged care facility.

In this incredibly vulnerable and stressful position even seemingly small actions by staff can be incredibly threatening. Retribution may take the form of psychological abuse, for example, being advised to look elsewhere for a place when you know that none is

available, being embarrassed and humiliated in front of other people, being shouted at or abused by staff and having personal items removed for occupational health and safety reasons. It could be in the form of physical abuse and neglect such as being left sitting on the toilet for up to 90 minutes, being left in urine-soaked bedding for hours, having your walking frame kicked out from under you, pinching, being left in bed until last, on a regular basis. Institutions breed institutional behaviour and create power structures that leave people incredibly vulnerable. If we are going to have institutional care, we must ensure that the culture in our institutions is one of respect for all. The elderly and frail in our community deserve to live out their lives in an environment which values them as individuals and pays due regard to their needs and desires.

In relation to the recommendation of the committee to conduct a survey of all aged care providers in relation to the allied health care needs of residents, the government in its tabling statement agreed in principle to do this but went on to say:

The conduct of a comprehensive survey would entail a significant investment in time, energy and resources from aged care providers and their cooperation would be essential if the survey was to be effective.

The interest among aged care providers in participating in a survey is unclear and there may be other ways to identify gaps in service access, the ACT government will approach aged care providers to discuss interest in a possible survey and to consider other approaches to identifying responding to gaps.

While I accept that a comprehensive survey may require some work for service providers, those who are interested in the wellbeing of their residents will undoubtedly be happy to be involved if they can be assured that the results will lead to better and more comprehensive access to allied health care for their residents. The difficulty that service providers have with answering surveys is that surveys often become an end in themselves. Governments are good at developing and analysing the results of surveys, but they are poor at the remedial action that should flow from the results, particularly if it involves money.

In this case, the government, while it has agreed in principle to conduct the survey, has merely noted the recommendation that calls for the development of an older person's health action plan and at improving the accessibility of allied health care services. While ever this part of the health committee's recommendation remains merely noted, I can fully understand the reluctance of aged care providers to participate in the survey. Unless and until the government is prepared to commit itself to follow-up action in the form of an action plan service providers would rightly regard the survey as a waste of precious time which could be better spent elsewhere.

When it comes to addressing the allied health care needs of persons in residential aged care, a clear commitment from government that this issue is important is needed. The Legislative Assembly health committee in its report has detailed very clearly why allied health care is so important to elderly people. As people age, their need/our need, for assistance to maintain their/our health and comfort levels increases. Without adequate access to allied health care services they/we are more likely to develop acute problems requiring hospitalisation. They/we are also likely to suffer from depression.



I fully endorse the comments of Kerry Tucker, who was the chair of the health committee when she said in the preface to the report:

As a community we have a responsibility to ensure that our most vulnerable are protected. We also have a responsibility to see intelligent public policy that takes into account the obvious benefits of prevention and intervention. Access to allied health care services for people in receipt of aged care packages should be a high priority in any public health strategy.

I urge the government to follow through on the recommendations of the report and demonstrate to the community that elderly people living amongst us are respected and valued, that their health and wellbeing is important to us all and that abuse, bullying and neglect will not be tolerated.

**MS MacDONALD** (Brindabella) (11.13): I was on the Standing Committee on Health in the Fifth Assembly and this was the last report the committee did. The government response takes note of the recommendations made by the committee. Dr Foskey mentioned a number of issues that have come up in the last month or so. It is my understanding that the government takes the recommendations of the report quite seriously and that that is reflected in the government's response.

The issue that Dr Foskey raises about threats against residents in aged care facilities is, of course, very serious, and it is one that the government does not seek to shirk. It should be acknowledged that this is very much an issue of federal government jurisdiction. But, having said that, the Stanhope government is interested in making sure that the welfare of all of its citizens is looked after. I know comments have been made in the press that the government intends to look into this issue to see what they can do to assist in making sure that, in cases where there have been threats made against residents in aged care facilities, they have access to complaints mechanisms, as provided for by the federal government.

With respect to the rest of the report, the government has agreed in principle or noted the comments that were made by the committee. I think the government's response deals with the issues that were raised by the report brought down at the end of the last Assembly.

**MR SMYTH** (Brindabella—Leader of the Opposition) (11.16): Mr Speaker, happy St Patrick's Day to you and to all members. In talking about aged care today, it is appropriate to look at what the government has said in its response to that report. Recommendation 1, which is only noted by the government, states:

The Committee recommends that the Government investigate the occurrence of retribution in aged care facilities.

The Committee further recommends that policies relating to consumer protection advocacy and complaints in aged care facilities ensure that residents are able to make complaints safely.

I guess we get to the old question here of "you can't respond to something that you don't know about." When this allegation came up in the paper a couple of weeks ago, the

government, quite rightly, said, "Well, okay. If you have got something for us to investigate, please come forward". Somebody in the industry supposedly saying that certain things were being done makes it very hard for any authority to investigate. I have gone out and spoken to a number of the providers of both large and small organisations or premises, and they have assured me that it does not happen in their facilities.

Canberra is a fairly tight-knit community and, in general, word gets around. In the aged care organisations, it is an even tighter and smaller community. The general impression I got was that most people did not believe this was going on. Having a report that says it is going on, without clear examples to back it up, makes it hard for the authorities, whether they be commonwealth or ACT, to investigate. If people have examples or occurrences of retribution going on, I think it is important they come forward so that the appropriate authority can then respond.

As the government report quite rightly points out, the aged care complaints resolution scheme is in place. Perhaps more could be done to acquaint residents of these facilities and all Canberrans with the scheme so that people are aware of the service and know how to contact it. When you are getting on, it can be a bit difficult and almost tedious to do this but I think it is important to make sure that older Canberrans and their families know that the service exists and that there are acts that cover them and protect them. It is important that we get the evidence brought forward so that we can assure people that, where there are acts of retribution occurring in the community, they are stamped out, as they should be.

The second recommendation was that the government undertake a comprehensive survey of all aged care providers. As Dr Foskey points out, the government's comment is that it would entail a significant investment in time and energy from aged care providers, but I would be fairly certain that most aged care providers already know exactly what it is they are doing. We are not asking them to provide an essay of what they are doing. We are just saying, "Which are the services that you provide and which are the services that you don't provide?" In some ways, it could almost be a multiple-choice form where you tick: "Do you provide podiatry?" "Yes or no". "Where do you get your podiatry services from?"

I am not convinced by the government's argument that it may take a lot of time and effort from the point of the providers. I have spoken to a lot of the providers and they are very concerned about lack of access for some of their patients to services such as seeing their doctor. How do we get older Canberrans, particularly the frail and infirm and those who are not as mobile as the rest of us, to visit to their GP? Over the years many of the facilities have had good local doctors who have been able to visit, but the number who do that now seems to be declining. So access to a doctor, to a dentist, to simple services like that, gets to be more and more difficult. I think the interest among aged care providers in participating in the survey would be pretty high, because they are already telling us that there are gaps. The gaps are getting bigger and they are not convinced that, in the future, they will be able to provide the services that these people absolutely deserve. As you get older, you need more and more access.

The government's response notes that there is the health action plan. We might have even passed the third anniversary of the health forum, which spawned the health action plan. It is interesting that the government notes what the priorities of the health action

plan are because, basically, it is not an action plan. It is the “actionless” plan because it lacks targets. It lacks time frames and it lacks direct actions to deliver these things. We can talk until we are blue in the face about the need to ensure that hospitals have sufficient capacity but when will the government actually do something about it?

I would like to highlight the step-down facility that the previous government started work on in March 2001. It was announced in March 2001 that, because of bed block, some 20 to 30 older patients, nursing home type patients, were in the hospital system and not getting what they needed, which was a step-down facility, a nursing home type facility. We put money in the budget in May 2001 for that, but that it would be more than five years before the facility was completed. The last time we asked the minister about this it was due to be opened in October 2006. So that will be more than 5½ years from the start of the project. It is all well and good having a health action plan. It is all well and good to respond to recommendations from the committee that something is being done by saying; “We’ve got a health action plan”. But the health action plan has got to deliver something. The same as the Canberra social plan sets the improvement of the health and wellbeing of the ACT community as a priority area. Well, yes. So? We all know it has to be a priority area. What we do not get in the Canberra social plan is an indication that the government has got any way at all of delivering because, again, there are no targets, no time frames and no actions.

It is interesting that, of the recommendations, two are noted and one is agreed in principle. That is fairly standard fare from this government. It is the path they think will appease the committee and possibly the community. It gets them off the hook without actually doing anything. That being said, there are a number of initiatives that parts of the government are working on and they need to be commended, but I think, overall, the minister responsible for ageing has really neglected this part of his portfolio. I think that is a shame. What we need to do is make sure that the allied health care needs of people in the residential aged care community are looked after. The government’s response to the report does not give me a great deal of hope that one, they are being taken seriously or, two, that much will change.

Question resolved in the affirmative.

## **Health and Disability—Standing Committee Statement by chair**

**MS MacDONALD** (Brindabella): I seek leave to make a statement concerning a new inquiry.

Leave granted.

**MS MacDONALD**: The Standing Committee on Health and Disability has resolved to conduct an inquiry into and report on the current levels of access to safe, secure and affordable housing for people with mental illness, with particular reference to:

1. the flexibility of criteria for gaining access to public housing;
2. support mechanisms for people who currently live in public housing;
3. opportunities to involve non-Government stakeholders in the provision of appropriate housing;

4. the feasibility of alternate support-based housing models; and
5. any other related matter.

## **Standing orders—suspension**

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

That so much of the standing orders be suspended as would prevent notices Nos 7 and 8, Private Members' business, being called on forthwith.

## **Declaration of members' private interests**

**MRS DUNNE** (Ginninderra) (11.25): I move:

That the resolution of the Assembly of 7 April 1992, as amended 27 August 1998, relating to the Declaration of Private Interests of Members, be amended by omitting the words in paragraph (1) "in the form as presented to the Assembly this day" and substituting "in the form as presented to the Assembly on 17 March 2005."

This is one of a number of small items that were discussed by the Standing Committee on Administration and Procedure and relate to the workings and mechanics of the Assembly. This one refers to minor changes to the declaration of private interests of members form and covers issues such as the removal on page 3 of a reference to the Companies Act and replaces it with Corporations Law, in keeping with the House of Representatives explanatory note.

It also includes an explanatory note for section 3 that members are not required to list the address of their principal place of residence, which is in accordance with the Speaker's statement of May 1992. Further to that, it amends a new pro forma at the end of the statement on page 10 for the notification of alteration of members' interests, along with noting a provision for Assembly accrued frequent flyer points. There is currently no pro forma to allow for this alteration and we all, from time to time, acquire frequent flyer points as a result of our work in the Assembly, and they should be noted. I commend the motion to the Assembly.

Question resolved in the affirmative.

## **Broadcasting guidelines**

**MRS DUNNE** (Ginninderra) (11.28): I move:

That the resolution of the Assembly of 7 March 2002 relating to Broadcasting guidelines be amended by omitting section (A) paragraphs (1) to (3) and substituting the following:

- (A) Pursuant to section 5 (2) of the *Legislative Assembly (Broadcasting) Act 2001*, the Legislative Assembly agrees to the following guidelines for the broadcasting of Assembly and committee proceedings.

**Guidelines for Broadcasting the Public Proceedings of the Legislative Assembly and its Committees**

These guidelines apply to the broadcasting of Legislative Assembly and committee proceedings to the public by radio, television, landline, the internet or any other electronic means.

The broadcasting of proceedings is only permitted subject to the conditions outlined below. Permission to broadcast proceedings shall be on the basis of an undertaking to observe these conditions: *(See also Legislative Assembly (Broadcasting) Act 2001)*

- (1) Persons or organisations intending to record for broadcast proceedings in the Legislative Assembly chamber must seek the approval of the Speaker in writing giving reasonable notice.
- (2) Persons or organisations intending to record for broadcast committee proceedings will be able to do so, unless a member of the committee or a witness objects.
- (3) A witness at a public hearing of a committee shall be advised in advance of appearing that the proceedings may be recorded for broadcast. A witness shall be given reasonable opportunity to object and to state the ground of the objection.
- (4) A person who has been granted access to record for broadcast the proceedings shall observe the following conditions:
  - (a) as a general principle, cameras should focus on the Member or witness with the call;
  - (b) reaction shots of a Member are only permitted:
    - (i) if the Member is referred to in debate;
    - (ii) if the Member has sought information which is being supplied by a Member having the call;
  - (c) coverage of the Galleries is not permitted;
  - (d) recording of protests or demonstrations is not permitted;
  - (e) panning along the Benches is not permitted;
  - (f) close-up shots of Members' or witnesses' papers are not permitted;
  - (g) camera positioning is not to interfere with the proceedings of the Assembly; or of the conduct of a public hearing of a committee of the Legislative Assembly;
  - (h) the use of flash, other sources of additional light and motor driven cameras is not permitted;

- (i) any instruction from the Speaker/Presiding Member or their delegate is to be observed.
- (5) Recording of public proceedings should be a fair and accurate record of events and must not be used for:
  - (a) the purpose of satire or ridicule;
  - (b) advertising for or by political parties or electioneering; or
  - (c) commercial advertising or sponsorship.

The Standing Committee on Administration and Procedure has considered the broadcast guidelines and tried to streamline them in a way that makes it appropriate for all people concerned. The principal changes in this guideline relate to the broadcasting of committee proceedings. Until now, a media outlet wanting to film or take photographs of a committee proceeding had to notify the committee in writing giving reasonable notice of wanting to do so. It was usually 15 minutes.

That has now been changed so that persons or organisations intending to broadcast committee proceedings will be able to do so, unless a member of the committee or a witness objects. There are still the usual provisions for ensuring that the propriety of proceedings is upheld and that no photographs or images are taken of what is happening in the gallery or recording of protests or demonstrations. This is a streamlining matter. It will mean that committee chairs, in particular, will have to have their wits about them and be sensitive to the needs of people who are witnesses before a committee. In all, I think it will streamline things for us and I commend the motion to the Assembly.

Question resolved in the affirmative.

## **Executive business—precedence**

*Ordered that executive business be called on.*

## **Domestic Violence and Protection Orders Amendment Bill 2005**

Debate resumed from 17 February 2005, on motion by **Mr Stanhope**:

That this bill be agreed to in principle.

**MR STEFANIAK** (Ginninderra) (11.30): Mr Speaker, the opposition will be supporting this bill. We will be moving one amendment, and I ask for it to be circulated. Some members might have it already. I will speak to the amendment at a later stage. A number of points in this bill and around the whole issue are of some concern to the opposition. Mrs Dunne also will be speaking to this motion in relation to some of those matters.

Mr Speaker, a lot has been done over the years in relation to highlighting the need for proper protection against domestic violence and for other protection-related measures. Over the years, probably going back to the 1980s, some very significant, very strong and, indeed, very necessary legislation has been introduced. There are, of course, concerns

and there always will be concerns in relation to just how far such legislation should go, because there are significant issues involved, as report 4 of the scrutiny of bills committee brings out. We now have a human rights act and a majority government and the report raises some very significant issues concerning that act.

I draw members' attention to page 1 of report 4 of the scrutiny of bills committee. I will just make comments in relation to the boxed areas, if members would like to go to them. The report states:

This is a Bill to amend the Protection Orders Act 2001, in the first place to rename it the Domestic Violence and Protection Orders Act 2001, and then to make a number of amendments. The amendments do not alter the character of the law, but extend and modify its operation in various ways. In particular, the bill would: expand the definition of domestic violence and of "relative"; in relation to domestic violence orders, expand the definition of personal injury to include "nervous shock"; and increase the punishment for a breach of an order.

The opposition has an amendment in relation to the personal injury part. I will not waste the time of members by going through it now. The scrutiny report talks on page 2 and the first half on page 3 about how human rights are affected and how, when one looks at the situation from the perspective of a victim, those rights actually come into play. I think that it is important to make that point, because if we enact criminal law, and this is a criminal law, the rights of victims are very much of paramount consideration.

The Human Rights Act does have a number of sections which, quite clearly, justify the doing of things in relation to victims. Indeed, the domestic violence legislation takes it to a far greater plane than any other area of the criminal law. In fact, the Chief Minister referred to it as a higher level of protective response. Some parts of the law that has come out of domestic violence legislation could, in some instances, be applied to toughen up the law in relation to ordinary, non-domestic violence criminals as well.

The report goes on to state:

There are, then, several lines of justification for a domestic violence law. This is not in question. But when attention is paid to the precise detail of a domestic violence law, and in particular to the ways in which such a law bears upon the respondent to an order made under such a law, other rights may come into focus. The law may operate to impose significant limitations on the right to property, or the liberty of movement of a respondent, or to authorise a deprivation of liberty. A respondent might argue that her or his privacy, or their right to be part of a family is adversely affected.

This is far from a complete rights framework for an analysis of a domestic violence law, but it shows, as is commonly the case, that here rights are in conflict one with another.

That is very much the case. Perhaps that was a situation where the Chief Minister might have said that the elements of this rule were not necessarily consistent with the Human Rights Act but, nevertheless, should be enacted because they are needed in the community interest. The scrutiny report goes on to say:

Of course, where a conflict between the Bill and any right is perceived, the question would then become whether the derogation was justifiable under HRA—

Human Rights Act—

section 28, which permits of reasonable limitation to rights.

The committee commented on four issues, and I will highlight those. I think that it is important for members to do so. The first is the concept of personal injury. I will speak about that later, but I will say that in the box you will see the words, “Is the concept of ‘personal injury’ appropriately defined?” We say that that is a problem. Page 4 of the report, referring to the concept of a person’s relative, asks whether the concept of “relative” is appropriately explained in the example. There is then comment in relation to a restriction on the publicity attending a legal proceeding. The summation on that reads:

An issue arises as to whether proposed section 100 of the Act (see clause 33 of the Bill) is compatible with the “fair and public hearing” aspect of a fair trial, as that requirement is stated in HRA section 21. There may be a freedom of expression component in section 21; in any event it may be based on section 16 (2).

The qualifications in HRA section 21 (2) include recognition of “the interest of the private lives of the parties”, and this may be a basis to avoid any findings of incompatibility between proposed section 100 of the Act and HRA section 21.

Finally:

Proposed section 100 might on its face be incompatible with HRA section 21 (3). If so, the question would be whether that incompatibility was a reasonable limit that is demonstrably justifiable in a free and democratic society: HRA section 28.

Those points were raised by the scrutiny of bills committee report into this piece of legislation. I intend to go through a number of specific sections of the act which are significant and make some comments on those. Commencing with the definition of “relative”, page 2 of the explanatory statement says:

The Bill expands the definition of domestic violence to include threats to, or acts against pets and animals; burglary; and destroying and damaging property; and the definition of “relative” to take into account the kinship and cultural ties of Aboriginal People and Torres Strait Islanders, members of communities with non-English speaking backgrounds and people with particular religious beliefs.

The Bill also expands the definition of “relevant person” to include relationships with similar dynamics to “domestic relationships”.

It also states:

Clause 8 expands the definition of “domestic violence” to include threats to, or acts against pets and animals; burglary; and destroying and damaging property.

I can say, having had some practical experience in these issues as a family lawyer and also a criminal lawyer, that that is probably a sensible addition. We will see how it pans



out. Indeed, there are often threats made in relation to loved pets and animals, in relation to burglary, and in relation to damaging and destroying property. In Australia, sadly, about 40 to 50 per cent of all marriages end in divorce, and some of those divorces are quite acrimonious in relation to both parties. Indeed, a number of domestic violence issues arise in relation to divorce.

Clause 8 also recognises that a person's behaviour will be domestic violence if it causes personal injury, not just physical injury, to someone. That brings in the element of mental injury. We have an amendment to that and I will speak more about it at that point in time.

Clause 16 is another clause that may be a problem. Clause 16 outlines the steps required of a respondent seeking amendment or revocation of a protection order. It inserts a new step in the process in the use of a preliminary ex parte hearing to determine the merits of an application to amend or revoke an order. The intention behind this provision is to prevent a respondent from bringing repeated and unmeritorious applications before the court and reduce the exposure of an aggrieved person to unnecessary distressing hearings.

These matters are distressing to all concerned. A preliminary ex parte hearing may well assist, may well be a good thing, just like I think that the addition of threats to property, pets, et cetera, is most likely a good thing because, from my experience, that does happen. A problem that has been pointed out to the opposition is the potential there, apart from the ex parte hearing, to restrict the rights of a respondent to go back before a court. I suppose we will need to see how that pans out.

It is interesting to look at clause 20, which is the penalty provision, and reflect upon the seriousness of contravening a protection order. Yes, it is a serious matter. The clause provides that a person commits an offence if the person engages in conduct that contravenes a condition of a protection order. The penalty is to go up to 500 penalty units or imprisonment for five years, or both. Currently, the penalty for a first offence is 50 penalty units or, I think, two years imprisonment and it is 50 penalty units or five years imprisonment for a second offence, so the increase is significant. It does reflect the gravity of these offences.

It is interesting that, with this provision, the government is proposing a penalty of 500 penalty units and/or five years imprisonment for breaching a protection order and such a breach now might well be someone threatening to kill Fluffy the family dog, having a protection order taken out against them and going back and killing the family dog. That person would then be liable to a penalty of 500 penalty units or imprisonment for five years, or both. Under the Animal Welfare Act, the maximum penalty at present is only 100 penalty units and one year's imprisonment for a similar act. Members will have an opportunity later to rectify this anomaly, should they wish, in relation to a bill before the Assembly. I will not anticipate debate on that, but I do make that point in relation to the penalties here.

There is concern in some circles about clause 21, which imposes a requirement on the court where the original order is a DV order, on application, to amend that order by extending it for a stated period, unless satisfied that it is no longer necessary to protect the aggrieved person. Currently, the order would last for one year, and this provision

extends it. There is concern that it could go on forever. I do, however, note that the extension is to be for a stated period. If that were adhered to, there would not necessarily be any need for most of these orders to go on forever. That may be a sensible amendment, but we do need to watch it because some groups have expressed concern that it might go on forever.

Mr Speaker, it has been of some concern to the opposition and, indeed, to a number of other people that in this act, as with some other acts, there are not any provisions or penalties for a person who makes a malicious or wilfully wrong application against another person. We do feel that the government should look at the making of false, malicious, wrongful, unfounded allegations against another person, because we are dealing with serious stuff. We are dealing with people being thrown out of their homes and having orders made against them seeing their children. If the other party is simply being malicious because of a family breakdown or divorce proceedings, that causes the innocent party, the aggrieved party who then becomes the real victim, a great deal of angst, a great deal of difficulty, in actually redressing that situation. People need to be deterred from doing that.

I have said a similar thing before in this place in terms of the lack of any provision to deal with malicious complaints against the police. Complaints against the police are terribly serious and they need to be taken seriously. Indeed, I have seen police officers in various jurisdictions sacked, and rightly so, for wrongful acts. But there needs also to be that protection to stop malicious complaints. That is another instance in which there should be some provisions to stop spurious acts. Anybody who has practised in the family law jurisdiction for any length of time will tell you that often these types of acts are used just to gain an advantage in a Family Court proceeding.

I had a client once who was involved in a pretty straightforward divorce, if there is such a thing. A young air force man, he and his wife had been married for three years when his wife took out a domestic violence order against him ex parte on the basis that he had made threats to her. He told me that that might have happened, but she had done the same to him and they had had a few verbal altercations. I told him to go down to the court and get his own, which he did, and we had the rather ridiculous situation of both people having orders against them, which basically cancelled out each other, when there was no objective likelihood of them actually doing damage of any sort to each other. I am well aware, having heard quite often and seen quite often, that acts such as that are being used as a tactic. Probably, steps need to be taken to ensure that this legislation is used for proper purposes.

Mr Speaker, I understand that there was meant to be a fair bit of consultation on this legislation. I was told that a paper went out and various groups were invited to make comments on it. It has been brought to my attention that the Lone Fathers Association sent in, I think, 104 pages of comment. They contacted me recently and said that they did not think that any of their comments had been taken on board.

I have a short note from them in relation to their concerns. I am not going to read all of it, but some of their concerns seem on the surface to be worthy of putting on the record. They state that the new legislation will interfere with civil liberties. They also state that mental injury could be anything you want it to be and say it is. They also say that cases of domestic violence require a higher level of protection, but the bill fails to make the

balancing point that these cases also need a higher level of awareness of the family interdependencies involved. They make the point that the DVOs are currently used as a device for procuring separations on favourable terms to the applicant and that magistrates in New South Wales and Queensland have said that this happens often. I must say that a few in the ACT also have said that.

The association comments that the provisions relating to mediation appear to be not much more than a token gesture and suggests that the provisions relating to mediation need significant strengthening. The letter says that the breaches do not say anything about breaches by the DVO applicant, which in some cases can be flagrant. The association mentioned to me that, whilst often there is an order that the respondent cannot contact the applicant, and for very good reasons, some applicants feel that that does not apply to them and they feel free to contact the respondent. Perhaps some steps need to be taken there. Obviously, if one party is not meant to contact the other party, the other party should not contact or attempt to contact the first party as well.

The association had a question about the provision for five years imprisonment and asked whether the provision that the final DVO hearing will not be allowed to happen in less than three weeks is to allow time for the applicant to change locks, move children, organise child support and destroy the respondent's papers, et cetera. The letter indicates that the legislation wants to make DVOs, effectively, eternal. The provision there is still for a set period, but the association, obviously, have a concern with that. They fear that, if they go on for too long, the relationship with children might be destroyed and they feel that changed circumstances are very difficult to actually prove, which may be a problem. They fear that emergency orders will be too easy to make on flimsy grounds and self-serving allegations.

Those are some of the association's concerns. It is a vexed area. People need protection. Victims, be they domestic violence victims or victims of other types of crime, need protection. But we do need to ensure that our legislation works well and that the legislation is not abused. That is certainly something we ask the government to look at. It is certainly something of which we are very mindful and we will be keeping a very close eye on that and doing work ourselves in relation to it.

Mr Speaker, with those comments, I indicate our support for this legislation. It is crucially important to ensure that we minimise acts of domestic violence in our community. It is a most serious crime and is deserving of most serious consideration in legislation, but we do need to keep a constant eye on just how effective that legislation is in relation to all parties involved in it.

**MS MacDONALD** (Brindabella) (11.49): Mr Speaker, I am pleased to be able to speak to this bill today. The Domestic Violence and Protection Orders Amendment Bill 2005 is an important piece of legislation and is the end product of an extensive review of the current domestic violence and protection orders legislation.

This bill provides a single consistent process for dealing with both domestic violence and protection orders. Domestic and gender-based violence rates remain high in our society. During the February sitting period, this Assembly recognised that by passing a motion regarding the elimination of violence against women which I had put forward. The motion highlighted the fact that in the ACT overwhelmingly the majority of victims of

sexual assault and domestic, family and cultural violence are women. Statistics show that one in three women over the age of 45 had experienced domestic violence, and that 89 per cent of all reported sexual assaults during 2003 were perpetrated against women.

This motion recognised that the ending of gender-based and domestic violence required the dedication and assistance of all members of the community. Violent acts occur daily across Australia and the world and will only stop through the cooperation and the combined efforts of the entire world community. Mr Speaker, I think it is worth noting that the motion was passed unanimously, showing the commitment of the members of this Assembly to assisting in the elimination of violence against women.

This bill highlights the ACT government's commitment to protecting vulnerable members of our community from domestic violence and injury. I would like to highlight the important definitional changes that the bill makes in regard to domestic violence, consistent with the definitions in the United Nations Declaration on the Elimination of Violence Against Women. Clause 8 of the bill significantly expands the definition of domestic violence to include threats to, or acts against, pets and animals, burglary and destroying and damaging property.

Threats against, or abuse of, pets and animals are terrifying. Also, power tools sometimes can be used by abusers to inflict fear and harm upon their victims. A victim could feel helpless in regard to protecting a pet, often a loved member of the family, against violence. A victim may feel that it is necessary to remain in a violent situation to ensure the protection of an animal. The expansion of the definition of domestic violence to include threats to animals and abuse offers greater protection to victims and provides an avenue for convicting abusers, should such threats or abuse occur.

Including burglary and destroying and damaging property in the definition of domestic violence also provides further protection to victims. It may be very difficult for a victim to leave a violent relationship if all the victim's property has been stolen or destroyed. Abusers often recognise that and destroy clothes, accessories, children's toys, furniture and other personal effects, thus leaving victims with little more than the clothes on their backs. That is a manipulative and intimidating action, and one that can lead to mental injury and distress.

In fact, only in the last six months I came across a relationship breakdown in which, while there was no physical violence against the woman, there was certainly a great deal of psychological intimidation going on. I know that the husband in that relationship was refusing to allow his wife to take any of her belonging out of the home, claiming that they all belonged to him. No-one has the right to destroy another's property. This clause further protects the rights of the victim.

Clause 8 of the bill also recognises that a person's behaviour will be classified as domestic violence if it causes personal injury, not just physical injury, to someone. While physical scars heal, mental scars often remain for years after the mental abuse takes place. Many abusers use mental intimidation as a way of degrading their victims, to make them feel worthless. Abusers strip victims of their confidence and make them believe that they are nothing, that they would not survive without the abusers. This manipulation and abuse makes victims believe that they have to stay in the violent relationship as they are not capable of living without the abuser. The recognition of a

wider range of harm, including psychological violence, identifies that mental abuse is just as unacceptable in our community as physical violence.

Another important definitional change is the expansion of “relative” to include anyone else who could reasonably be considered to be a relative of the original person. This expansion reflects that for some members of the community the concept of relative is wider than ordinarily understood. This takes into account the kinship and cultural ties of Aboriginal people and Torres Strait Islanders, members of communities with non-English speaking backgrounds and people with particular religious beliefs. Canberra has a diverse community and this definition goes towards ensuring that all members of the community are protected. The expansion of the definition of “relevant person” also provides greater scope for the application of the domestic violence provisions of the act.

Mr Speaker, I would like briefly to highlight the importance of the provision in the bill relating to personal protection orders in respect of a workplace. As Mr Stanhope explained in his tabling statement in February, employers and employees of kindergartens, childcare centres, schools and other similar organisations will now be able to take out a workplace order against people that they believe pose a risk to the children in their care. Employers and employees of paediatric wards, child protection offices and other similar facilities will be able to access these orders.

It is a sad fact that some people in our community do wish to cause harm to children. If these people do pose a risk in some way to the children in care, protection can be afforded to those children. This amendment also offers greater protection to the staff of these centres and organisations who sometimes have anger or frustration directed personally at them while they are just doing their job.

To reiterate, Mr Speaker, this is an important piece of legislation. Violence in any form is not acceptable and all members of the community need to work together to put an end to abuse and intimidation. This bill is another step in addressing violence and providing protection to vulnerable members of the community.

I note Mr Stefaniak’s comments in regard to the concept of personal injury. I do not think he has formally moved his amendments yet; he will probably do so in the detail stage. I do not want to anticipate debate, but I believe that the Attorney-General will be addressing the issues raised by Mr Stefaniak. Nervous shock was raised by the scrutiny of bills committee as an issue, but Mr Stanhope has stated in his reply to the committee that he does not believe that there is any issue with the concept of personal shock and the definition of personal injury in the bill. I will allow Mr Stanhope, as Attorney-General, to address those issues more fully. Mr Speaker, I commend the bill.

**MRS DUNNE** (Ginninderra) (11.57): Mr Speaker, as Mr Stefaniak has said, the opposition will be supporting this bill. Many of the innovations in regard to domestic violence and protection orders were instituted by the previous government and these amendments bring up to date in some sense the legislation instituted by the previous government.

Mr Stefaniak has touched on some issues which are of concern to us. I think that after the operation of this act for three or four years, as has been the case, and of the previous Domestic Violence Act, which dates back to 1989, there is some scope for us to be a

little wary about some of the provisions. Mr Stefaniak spoke eloquently about the conflict of rights that appear in this legislation. He quoted the Chief Minister as saying that this legislation is a higher level of protective response. That sounds good in theory, but, when you have such a high level of protective response, you actually have in many cases a lower standard of proof than would be normally accepted under the criminal law, which creates considerable tensions that do bring rights into conflict.

I would flag with you, Mr Speaker, the provisions of proposed section 9 (1) (e). These provisions have been in existence for a long time. They have been in existence, essentially, since the act which this bill is replacing has been in existence. I would like to reflect upon the operation of these provisions. Proposed section 9 (1) (e) says that conduct is domestic violence if it is harassing or offensive to a relevant person. A relevant person is defined as a domestic partner of the original person, a relative of the original person, a child of a domestic partner, or someone who normally lives or normally lived in the same household as the original person.

That seems, on the surface, to be fairly inoffensive. It is about harassing and offensive actions and the standard we set in these circumstances is very low. Normally speaking, under tort law and elsewhere in the statute book, something which is harassing or offensive would need to pass a reasonable person test. That would mean that it would be an objective, not a subjective, test. In tort law, for instance, a reasonable person is actually referred to as a person of reasonable fortitude. What we have in this provision is a situation where there is the propensity to abuse the domestic violence and protection orders provision for a whole lot of ulterior motives. That is not to say that there are not people in the community who are violent towards people that they live with and that those people should not be dealt with.

But when you have a test which is so lax that it opens up many opportunities for abuse, you need to consider the implications of having a domestic violence order taken out against you. If you have a domestic violence order taken out, an order under this act or an order under its preceding acts, there is a whole lot of things that you cannot do. For instance, you cannot obtain a firearms licence. But the thing that I am most concerned about is the impact that it has on the operation of the Family Law Act. Section 68F of the Family Law Act, which is about how a court determines what is in a child's best interest when we are looking at custody, says that, subject to subsection (3), in determining what is in a child's best interest the court must consider a set of matters, one of which is any violence order that applies to the child or a member of the child's family.

Mr Speaker, the evidence is legion—Mr Stefaniak touched lightly on the issues—of people taking out domestic violence orders as a means of getting even in family law matters. When it comes to custody it is often the case, and it is definitely the experience of, particularly, the lone fathers' groups, that domestic violence orders are taken out as a means of circumventing custody orders in favour of fathers. That is something that I am particularly concerned about and that all of us should be concerned about. We should be looking very carefully at the operation of this act. I am concerned that, over the course of the years, there has been no tightening up of this provision that allows for the potential for misuse of the act.

We know from our personal experiences in representing people that anyone who has had any experience in representing people or dealing with people who are struggling with the

Family Law Act will be able to point to examples where one spouse has taken out a domestic violence order against another spouse which has then been used against that spouse in custody battles. I think that we should be setting the bar a little higher than we currently are. The Liberal opposition has resolved that it will be reviewing this provision and others with a view to introducing legislation which will try to rebalance the rights of people on both sides to ensure that this important piece of legislation, this important protective mechanism, is not used mischievously, is not misused.

I note, Mr Speaker, that in this legislation there are no penalties for misuse of the act. There are quite high penalties for people who breach domestic violence orders, and there should be. The domestic violence order process could be used to stymie someone in another area—someone who is attempting to join the police force, for instance. A vengeful partner may take out a domestic violence order which would stop them from doing so. You could stymie someone's career very easily in a whole lot of areas where people work in public safety or work with children by the simple application of this act. While people who are subject to domestic violence must have protection, the general community must be protected from the misuse of the legislation. I would like to see in the future that there are penalties similar to the penalties for breaching orders for those who misuse the provisions of the act.

**DR FOSKEY** (Molonglo) (12.04): Mr Speaker, this bill is the second attempt at bringing up to date with contemporary concerns the legislation that covers protection and domestic violence orders. I know that the government and its staff would like to feel confident that they have done the right thing, but it is worth going over the point that protection orders and domestic violence orders are different things and those people who do their work dealing with and supporting people on the receiving end of domestic and family violence are fairly united in their wish to see the legislation separated. I note that Tasmania and Western Australia are heading towards separate acts, with those qualifications. It is about recognition of the seriousness of the injury or the circumstances.

I think it is interesting that the whole notion of victims of crime compensation came unstuck around the issue of victims of domestic violence. The special deal of Liberal Attorney-General Gary Humphries with the independent MLAs paid special regard to victims of sexual assault and police officers but not to victims of domestic violence, despite the many arguments put. When the Labor government tried last year to remove those provisions as a step towards equity, the issue of restitution and acknowledgment for those who suffer from domestic violence as well as victims of sexual assault was raised once again.

I think that there are particular issues to do with the institutionalised brutality of domestic violence and our society's incapacity or unpreparedness to acknowledge its impact and pervasiveness. In that context, then, I think it is understandable that people concerned with domestic violence and the law argue the need for separate legislation. Domestic violence is a criminal matter, whereas protection orders are mostly a matter of neighbourhood or workplace disputes in civil jurisdictions. I think that this is something that we need to watch, but I concede that we are not going to see the legislation recast so fundamentally at this stage.

I think that it is important to note that this bill has been fairly significantly redrafted since it was first proposed by the ACT government shortly before the election last year. By the time the bill was brought forward, I presume that the government argued it had done the necessary consultation. There were some fairly emphatic responses to the bill when tabled, however, and it was not debated. I note that there was a fairly extensive round of discussion with pertinent community-based agencies before this bill was tabled and, as a result, I do believe that we have a much improved product. The point here is that, while consultation cycles can seem to go on and on and be quite irritating to government at times, the outcomes are greatly improved if all parties persist.

The changes and improvements that we can see in this legislation include a more sophisticated definition of “relative”, allowing the term to reflect Aboriginal and Torres Strait Islander kinships and other cultural groupings. We can see that the notion of an intimate relationship has been included, taking account of the fact that women can be vulnerable to domestic violence even when the relationship is a fairly recent development, that is, even in fairly new relationships that do not yet fit the definition of de facto relationships.

The recognition of harassment as a potential form of domestic violence and the use of psychological violence extending to violence and abuse of pets, which is recognised now as a way in which partners can get at other partners, are important refinements. I have some reservations about the severity of the penalties in this bill in relation to crimes against pets as against the existing penalties for crimes against persons, but I concede that I am currently too naive in my understanding of these matters for me to pursue them today.

The definition of who is a relevant person has been improved. It can include a domestic partner, a relative, a child of the partner, or a parent or child of the accused person. One concern of ours which is perhaps not appreciated by government is with the capacity of the registrar to recommend mediation to the parties—proposed new section 18A. It is clear that the mediation is only recommended, but people who work with victims of domestic violence would argue that those women can be in a vulnerable state, severely lacking in confidence, might not see that they had a choice in the face of such a recommendation and may find themselves pushed backwards into danger or distress by the process. By the same token, the Women’s Legal Centre has done a lot of work with chief mediators such as Relationships Australia and the Conflict Resolution Service, advising that mediation is not appropriate in a domestic violence context. We must hope that, even if such recommendations are made, the mediators will screen out people with issues of domestic violence.

I agree with Mr Stefaniak and Mrs Dunne that we all need to watch how this legislation works in practice, but the issue that we need to look for is whether the legislation does protect the weaker parties. This criterion is crucial. Of course, as some have mentioned, there is often debate as well as to who are the weaker parties. Changing the law is one method of working to reduce domestic violence, but it is a rough and approximate tool that is constantly being refined to reflect the mores of society of the time. Changing the culture in which domestic violence is seen by some sections of our community as normal is equally important. We still live in a society where violence is tolerated by some



sections of the community and some of those sections of the community are likely to see any legislation as a threat to their interests.

Mr Stefaniak referred to the report of the scrutiny of bills committee. One of the real difficulties with taking a human rights approach to anything is that there are competing rights and the interaction between human rights is complex, especially when it comes to the impact of the law on women. We have to remember that when the earlier codes of human rights were devised it was assumed that the citizen was a he and that a whole new convention for the elimination of discrimination against women had to be written in order to have women included in references to human rights.

I just wanted to add those little nuances there. I will be supporting this bill and, like the opposition, I will be watching it in operation, but perhaps I will be looking at different things.

**MR STANHOPE** (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (12.13), in reply: Mr Speaker, this bill is concerned with the safety and protection of people who experience domestic and personal violence. The bill recognises that domestic violence can take the form of physical, sexual, verbal, emotional, psychological, economic and social types of abuse and requires a higher level of protective response.

This recognition of a wider range of harm associated with domestic violence is consistent with the definition in the United Nations Declaration on the Elimination of Violence Against Women, which includes psychological violence. In supporting this principle, the bill extends the definition of domestic violence to include threats to, or acts against, pets and animals, burglary and destroying and damaging property. It recognises that a person's behaviour will be domestic violence if it causes personal injury, not just physical injury, to someone.

The bill recognises that domestic violence offences are serious interpersonal offences that transcend cultures and communities. The definition of "relevant person" as a person who can apply for a domestic violence order has been expanded to include relationships with similar dynamics to domestic relationships. The definition of "relative" as a person who can apply for a domestic violence order has been expanded to take into account the kinship and cultural ties of Aboriginal people and Torres Strait Islanders, members of communities with non-English speaking backgrounds and people with particular religious beliefs. These definitions reflect the importance given to the protection of the family under section 11 of the territory's Human Rights Act 2004 and the broad meaning given to "family" under the International Covenant on Civil and Political Rights.

The Standing Committee on Legal Affairs, in report 56 of the scrutiny of bills committee, has raised for the Assembly the question whether this bill unduly trespasses on rights and liberties. The committee makes the point that, in the case of domestic violence law, rights such as the right of a person to be free from arbitrary interference with his or her family are in conflict with one another. Domestic violence law, by its very nature, will inevitably clash with the civil liberties of an individual.

However, in including a series of proposals designed to ensure the safety and protection of people from violence, harassment and intimidation, the legislation contains safeguards

to ensure that it does not unduly interfere with the rights and liberties of an individual. Both domestic violence and personal protection orders require the Magistrates Court, the registrar or another judicial officer to take into account before making an order any hardship that may be caused to the respondent by the making of the order.

In considering the expansion of the definition of domestic violence and the recognition that a person's behaviour will be domestic violence if it causes personal injury, not just physical injury, to someone, the committee expressed its reticence over the inclusion of nervous shock as a form of personal injury. The committee was also concerned with the question of how a court could determine whether the victim had suffered nervous shock.

The inclusion of personal injury as domestic violence is consistent with other ACT legislation. The Victims of Crime (Financial Assistance) Act 1933 defines "injury" as physical or mental injury and includes mental shock or nervous shock. It would be inconsistent to recognise mental injury as one of the potential outcomes of crime but not to recognise it as sufficient basis for a domestic violence order, which is an order intended to prevent the commission of a crime. The concept of nervous shock is not a new legal concept. The same sorts of rules will apply in the determination of personal injury as currently apply in the determination of physical injury in relation to an applicant seeking a personal protection or domestic violence order.

The final concern of the committee was in relation to clause 19 of the bill. This clause provides that a person commits an offence if the person engages in conduct that contravenes the condition of a protection order, the penalty being 50 penalty units or imprisonment for five years, or both. The committee questioned whether a maximum of five years is appropriate for contravening a protection order.

In addressing the committee's concerns in relation to clause 19, I would like to stress that this provision is simply a restructuring of the current tiered provision where the penalty units for the first offence are the same as for a second or subsequent offence. Also, this provision is a maximum penalty, not a minimum, with the courts retaining the discretion to impose a just and appropriate sentence having regard to the unique circumstances of the case. In determining a sentence, the court is required to have regard to a range of matters specified in section 342 of the Crimes Act, including prior convictions.

Mr Speaker, considerable care and attention was given to the amendments outlined in this bill. Discussion was undertaken with agencies and groups that deal with domestic and personal violence issues on a day-to-day basis and there was an extensive public consultation period with the release of a discussion paper on the proposed changes. The bill was supported in full by the Human Rights Office, which held that the right to protection from cruel, inhuman or degrading treatment in section 10 of the Human Rights Act requires effective legislative measures against domestic and personal violence.

This bill gives paramount consideration to the need to ensure that an aggrieved person is protected from personal and domestic violence and that a child at risk of exposure to domestic violence is protected from that violence. I thank members of the Assembly for their support of this bill. I note that the shadow attorney has foreshadowed an amendment, which the government will not be supporting. I will speak to that when the

shadow attorney moves his amendment, but I have indicated in the speech I have just given the bases on which we support the extension of the legislation to cover personal injury and the extension of the definition of “personal injury” to cover psychological harm. I think the case is well made.

I note also from comments made by Mrs Dunne in the debate that the Liberal Party is expressing concern about the process or the mechanism by which a protection or domestic violence order is obtained and has expressed concern that there are opportunities for unscrupulous people to seek through that process a domestic violence or protection order, restraining orders broadly, and the potential for abuse of that system.

I know that it is a broad area, that domestic relationships, particularly when they do involve a breakdown in the relationship, do from time to time spawn responses that are perhaps inappropriate and that there is from time to time in failed domestic relationships a desire to hurt or to harm one’s partner or past partner. The issue is, of course, and has always been in the minds of those that have seen to ensure that our domestic violence and our protection orders legislation or regime is balanced and appropriate. In my opinion, this is a balanced and appropriate response to that most insidious of crimes, domestic or family violence.

It is a difficult balancing act. At the end of the day, however, I think it behoves legislators to put in place a regime to ensure that there is a range of appropriate checks and balances. It is my contention that this legislation, with the amendments being pursued today, does create a regime in which those checks and balances will be there which, at their heart, are fundamentally designed to protect family members from violence. There is an overarching responsibility on government and on communities to protect all members of the community from violence.

It is a fact, and it is not being sexist to assert it, that it is women and children that suffer in the majority of cases from family violence. It is important, having regard to the nature of the distribution of power within relationships, that governments acknowledge that. This is legislation designed in the main to protect women, girls and children. Whilst one might from time to time have a private concern or express a concern that the legislation in relation to domestic violence orders or restraining orders is used for an inappropriate purpose, designed more for some tactical advantage in a family court matter, as explained by Mrs Dunne when she foreshadowed Liberal amendments to the domestic violence and protection orders regime, there is a requirement that orders must be sought in a court of law, that the issue be tested and that the potential for a response be provided.

It seems to me that, with the arrangement that is involved, the need for the order to be supported and granted by a magistrate essentially involves a check and a balance or a regime that ensures that we meet our fundamental responsibility to protect people within this community from violence whilst at the same time ensuring procedural fairness for those that might be the subject of such an order or at least an application. I thank members for their support of the legislation.

Question resolved in the affirmative.

Bill agreed to in principle.

## Detail stage

Bill, by leave, taken as a whole.

**MR STEFANIAK** (Ginninderra) (12.23): I seek leave to move together amendments Nos 1 and 2 circulated in my name.

Leave granted.

**MR STEFANIAK**: I move amendments Nos 1 and 2 circulated in my name [*see schedule 1 at page 1225*].

The first amendment is about the removal from clause 8, which relates to proposed new section 9 (1) (a), of the words “or personal” from the reference to causing physical or personal injury to a relevant person. The second amendment deletes the provision that personal injury includes nervous shock.

Mr Speaker, in speaking to the amendments, I heard with interest and noted what the Attorney-General said in his speech in reply. Currently, domestic violence is defined in the Protection Orders Act as follows:

- (1) For this Act, a person’s behaviour is domestic violence if it—
  - (a) causes physical injury to a relevant person; or
  - (b) causes damage to the property of a relevant person; or
  - (c) is directed at a relevant person and is a domestic violence offence; or
  - (d) is a threat, made to a relevant person, to do anything in relation to the relevant person or another relevant person that, if done, would fall under paragraph (a), (b) or (c); or
  - (e) is harassing or offensive towards a relevant person.

Clause 8 changes that by adding “or personal injury”, which is defined as including nervous shock, and two new provisions, paragraphs (f) and (g), which we have absolutely no problem with, in relation to threats directed at a pet of a relevant person and threatening violence against animals.

The scrutiny of bills committee stated in its report:

The basic element of the scheme is found in section 8 (1) of the Protection Orders Act 2001:

A person may apply under this Act for an order to protect an aggrieved person from domestic violence or personal violence by someone else (the respondent).

In clause 8, the Bill aims to broaden the scope of application of the scheme by amendment to certain key definitions. The Explanatory Statement states in relation to clause 8:

Clause 8 ... recognises that a person’s behaviour will be domestic violence if it causes personal injury, and not just physical injury, to someone. This provision reflects the realisation of mental injury as a domestic violence crime. The recognition of a wider range of harm associated with domestic violence is

consistent with the definition in the United Nations Declaration on the Elimination of Violence Against Women, which includes psychological violence.

The committee's report goes on to state:

The notion of "domestic violence" is currently defined to include conduct which causes physical or personal injury to a relevant person, and which is a threat of such injury. By proposed section 9 (3), personal injury would now include "nervous shock".

The Explanatory Statement equates the notion of "nervous shock" to "psychological violence". Whether this is correct will be a matter of interpretation. Nervous shock is generally regarded as an "identifiable mental injury, capable of being recognised in medical terms as genuine 'psychiatric illness'" (Balkin and Davis, *The Law of Torts*, 2nd ed, 1996, 243). It is a misnomer to speak of "shock", in that a person might be recognised in law as having suffered the condition even though they were not shocked by anything.

I hear what the attorney says but, as a result of the committee's report, we have some concerns about this matter; hence the amendment. I think that this is an important area. This is an extension of the act and I think that it is important to make absolutely certain that it will do as the attorney has indicated he intends it to do, that it is consistent with other laws, and it does mitigate and negate the potential for abuse or the potential perhaps for a subjective test as to what exactly is nervous shock, what exactly is personal injury. We would submit, as a result of the scrutiny report, that this provision needs to be better defined. It is something that we would want the attorney to take away and maybe bring back if it is important to have it in there.

I do note that this bill basically rehashes what is there already with the addition of the reference to threats against animals and personal injury. Indeed, paragraph (e), which relates to an act being harassing or offensive to a relevant person, is pretty broad and is capable of picking up quite a lot of the problems in the domestic violence area which would, quite rightly, cause actions to be a domestic violence offence which would not necessarily be physical in any way.

There are several issues there which do need a better look at and there is, I am submitting, a potential for consequences here which would not be fair in the circumstances, a potential for a very broad interpretation of what personal injury actually was, including nervous shock. My submission to the Assembly is that it should support these amendments. Indeed, we feel that the matter does need further explanation and we would welcome the attorney taking it away and coming back with something that alleviates the issues raised in the scrutiny report.

**MR STANHOPE** (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (12.30): As I indicated, the government does not propose to support the amendment. The removal of personal injury, as proposed by Mr Stefaniak's amendment, would result in the status quo being maintained. This would mean that where a victim has suffered mental distress but has not been subject to physical violence, the court would only be able to

make a personal protection order, not a domestic violence order, in respect of that person.

The removal of personal injury from the amendments would result in an inconsistency between the definition of domestic violence and personal violence and other ACT legislation, including, as I indicated, the definition of injury in the Victims of Crime (Financial Assistance) Act 1983. That act defines injury as physical or mental injury and includes mental shock or nervous shock. The removal of personal injury from the amendments would result in an inconsistency in the recognition of mental injury as one of the potential outcomes of crime, as personal injury would not be recognised as a sufficient basis for a domestic violence order, which is an order intended to prevent the commission of a crime.

The removal of personal injury from the amendments would result in victims of domestic violence who have suffered verbal abuse, taunting or threats and who are suffering from mental distress not being able to obtain a domestic violence order. The recognition of a wider range of harm and the inclusion of personal violence as a form of domestic violence are consistent with the definition of domestic violence in the United Nations Declaration on the Elimination of Violence Against Women, which includes psychological violence. It is for those reasons, Mr Speaker, that the government will not support the amendments.

Amendments negatived.

Bill, as a whole agreed to.

Bill agreed to.

**Sitting suspended from 12.32 to 2.30 pm.**

## **Questions without notice**

### **Health—radiation oncology**

**MR SMYTH:** My question is directed to the Minister for Health. In July 2002 an estimates committee inquiry was told by the then director of medical services at the Canberra Hospital, in relation to some funding provided under the appropriation bill of December 2001, that:

We hope that by the end of this year we will have state-of-the-art equipment in most of the areas of radiation oncology. In particular, we now have a planning system that is one of the best you can get. It's a three-dimensional system and it enormously improves our ability to plan the radiation therapy of our patients.

Minister, was this system ever installed? If so, when was it installed?

**MR CORBELL:** I am happy to take the question on notice.

**MR SMYTH:** Mr Speaker, I have a supplementary question. I find it absolutely inconceivable that, after three days of questioning, the minister knows nothing about this subject. Minister, why then did you tell the Assembly on Tuesday that you were

introducing a new planning system, when in reality it has been gathering dust for at least the last three years?

**MR CORBELL:** As I have indicated to Mr Smyth, I am happy to answer the details of his original substantive question once I receive further advice from the department. The comments I made earlier this sitting week were based on advice I received from the department this week. Whether they refer to the same piece of equipment that Mr Smyth is referring to I will take on notice and provide further advice to Mr Smyth.

### **Health—maternity services**

**MRS BURKE:** Mr Speaker, my question, through you, is to the Minister for Health, Mr Corbell, which I hope he will not take on notice. Minister, last May the Assembly health committee tabled the report *A pregnant pause*, on maternity services. The government has so far failed to reply to this report. In the *City Chronicle* of 15 March 2005, you advised that there was no time frame for the response. In fact, the incoming government brief prepared by the relevant public servants states that the government response was, in fact, due in August last year.

Minister, why has the government failed to respond in a timely manner to this important Assembly report delivered in May last year? Why did you advise the *City Chronicle* that there was no time frame for a response when documents prepared by your department show, indeed, that a response was due last August?

**MR CORBELL:** Those documents were prepared for you, not for me—I have not seen them—in the unlikely event that, as the Chief Minister indicated yesterday, you are actually ever elected to government. As Mr Stanhope indicated yesterday, incoming government briefs for the opposition are not something that I am made privy to. I am not made privy to them.

Mr Speaker, it is the convention that governments normally respond within three months of a report being handed down. I am sure I could point out a few examples of the former Liberal government not responding within that time frame.

*Opposition members interjecting—*

**MR SPEAKER:** Members of the opposition, I would like you all to take a look at standing order 39.

**MR CORBELL:** The simple fact is that the government is considering its response. In particular, I am considering what I recommend to government as to what should be the response to that report. A range of issues within that report suggests fairly fundamental change to the way in which family services are delivered in the ACT. These are matters that I want to fully consider.

I treat the report seriously. I have met with the Maternity Coalition and the Australian College of Midwives to discuss this matter. I have indicated to them that it is a matter that I take seriously and that I will be considering it fully in developing a formal response that I will then put to my colleagues in cabinet before then, hopefully, being in a position to provide the response to the Assembly.

**MRS BURKE:** Thank you, minister, for the response. Given your commitment to this report, would you please indicate your time lines for tabling your response to the report? Why has the government given maternity services such a low priority, as indicated by its failure to respond to this report to date?

**MR CORBELL:** The government has increased funding for maternity services since coming to office. In particular, we have increased the capacity of the Canberra community midwife program and the Canberra birthing centre at the Canberra Hospital—two excellent facilities.

**MRS BURKE:** On a point of order, Mr Speaker: relevance. I asked the minister: when will the government finally table its response to this report?

**MR SPEAKER:** The minister is answering the question.

**MR CORBELL:** Mrs Burke also asked: where is the government's commitment to maternity services? I am just showing her how we have demonstrated that commitment.

These are two excellent programs run through the Canberra Hospital. Personally, both of my children were born under those programs. So I am very aware of the excellent service they provide free of charge to people in the Canberra community, providing a level of care that I think is second to none.

The government, as I have indicated, takes these matters seriously and I want to consider fully the recommendations that are outlined in that report because, as I indicated in my previous answer, it does involve, if they are fully adopted, a fairly significant change—in fact, a very significant change—to the way maternity services are delivered in the ACT.

I am conscious also of developments in other jurisdictions, particularly in the Northern Territory, and I have had some discussions with my counterpart in the Northern Territory because he has been looking at similar issues to the ones that the committee raised with this government.

I will put those recommendations to cabinet and then provide a response in this Assembly in due course.

### **Corrective services—prison project**

**MR STEFANIAK:** My question is to the Chief Minister. According to the web site that has been established for the ACT prison project, the construction cost of the proposed prison is \$110 million. In the introduction to this web site, you are quoted as follows:

My government has fully funded the establishment of an ACT prison with an allocation of \$110 million in the 2004-05 budget.

Three days ago, a spokesperson for you was quoted as saying that the estimated cost of \$110 million is in March 2003 dollars, and you agreed with that approach yesterday. Chief Minister, if your government agreed in March 2003 that the cost of the ACT prison



would be \$110 million, why did the 2004-05 budget show the cost of the prison at \$110 million, that is, as at May 2004 dollars.

**MR STANHOPE:** Mr Stefaniak, this was a matter, as you know, that was the subject of questioning by you, in estimates a week or so ago, of departmental officers, including the director of the prison project, the head of Corrections ACT, the head of the department of justice and, indeed, the finance officer of the department of justice. During that estimates hearing, all of these issues were canvassed. You asked the questions and they were responded to by my officials. A very clear, unequivocal and unambiguous statement of the cost of the prison project and the basis on which the costs were made and undertaken was given to you. That was that, at the time the cabinet took a decision to take the step of agreeing to fund the prison project, it agreed to fund it to the tune of \$110 million, acknowledging that that costing was as of March-April 2003. Nothing has changed.

It has always been the position of the government that there would be an escalation in that cost as a result of costs rises in relation to inflation and indexation. Not only is that normal; that was the basis of the decision that was taken by the cabinet and, as you were advised in estimates, ACT Corrections or the department of justice is currently in consultation with ACT Treasury in relation to what an appropriate indexation or cost escalator for the prison project might be. That has not yet been resolved. I think there are other projects in relation to which that particular issue has not been resolved; I think the GDE is one of them. On all of our major capital works projects that were costed some time ago, there is of course an indexation factor that will have to be taken into account in determining an ultimate or final cost. That applies to the GDE, it applies to the prison and it applies to other major capital works projects that the government undertakes. It is the case in relation to the prison.

The position in relation to the prison is today as it has always been: it is a \$110 million project, acknowledging that the \$110 million was costed as at March-April 2003. There will be an escalator and it will be funded or, subject of course to what is ultimately decided in the consultations between Treasury and ACT Corrections or the department of justice, we will take a decision, as I indicated in estimates, Mr Stefaniak. If it is decided that there is some outrageous indexation, escalator or increase in cost, the government will of course have to look at whether or not it needs to cut its cloth to meet the final result, and that is the decision we will take. We will either fund it or we will reduce the scope of the project.

**MR STEFANIAK:** I thank the Chief Minister for that answer and have a supplementary question: Chief Minister, can you tell us what is the estimated cost to construct the prison project in March 2005 dollar terms?

**MR STANHOPE:** One wonders why we have an estimates process.

**MR STEFANIAK:** Can you give us a figure or not? If you can't, just say so.

**Mr Quinlan:** They can't think of another question; that's all.

**MR STANHOPE:** Has it come to this? We have all the officials of the ACT government available to respond to finite and minute questioning on issues of costs and cost estimates and the questions are asked. Perhaps Mr Stefaniak was not exactly fast enough

on his feet—the old tumblers were not turning fast enough as he had the officials and the minister before him—and he went away and reflected on it, or he cannot remember.

**Mr Smyth:** On a point of order, Mr Speaker: under standing order 118B, the minister is not allowed to debate the subject, which he is doing. The question is quite specific: what is the 2005 March dollar figure of the cost of the prison, not what happened in estimates last week.

**MR SPEAKER:** And Mr Stanhope is drawing attention to some similar questions that were asked in estimates last week. I think that is consistent with the question that was asked, Mr Smyth.

**Mr Smyth:** No, no, it's not.

**MR SPEAKER:** Just sit down for a moment. We get these constant calls on points of order about how ministers are answering questions, because, quite obviously, the answers do not suit the questioner. But it has never been the case that the questioner can demand a certain style of answer from a minister. Ministers resolve to give the answer that suits the question so far as they are concerned. There is always an element of politics in these matters. That has been the convention of question time.

**MR STANHOPE:** Thank you, Mr Speaker. Heaven forbid that I have been political in my response, though! Having said that, it does need to be remembered that the \$110 million in March 2003 terms that this government has appropriated and committed to the prison project is exactly \$110 million more than the Liberal Party was prepared to dedicate to this project, despite campaigning on the fact that they supported a prison. We have appropriated \$110 million more than the Liberal Party was ever prepared to appropriate for a—

**Mr Smyth:** I raise a point of order, Mr Speaker. I will read standing order 118B: ministers shall not debate the subject to which the question refers. Mr Stefaniak did not ask about Liberal Party commitments. He asked what was the 2005 dollar value for a prison. If the minister cannot answer, he should sit down or he should just say that he cannot answer.

**MR SPEAKER:** Come to the point of the question.

**MR STANHOPE:** Of course, this is the \$110 million that was at the heart of the Liberal Party campaign to “vote as if your life depends on it”—a message that the people of Canberra took very seriously and voted—

**Mr Smyth:** Mr Speaker—

**MR SPEAKER:** You asked the question. Mind you, Mr Stefaniak is not protesting about the answer. The question was asked about the cost of the prison and the Chief Minister is entitled to put it in context—historical context even—for a full five minutes. If you do not like his answer at the end of it, the resources of the parliament are open to you.

**MR STANHOPE:** The prison has been funded. Ten million dollars has been appropriated. The government has always been open about the fact that the prison was costed in 2003 terms.

**Mr Smyth:** So you don't know the answer?

**MR STANHOPE:** I just said, as I said at estimates, that the department of justice is currently negotiating with Treasury about an appropriate escalator. We have not started construction yet. We have now let the contract for design. What I do know is that the press release released by Mr Stefaniak after estimates—it may have been written actually before estimates; I do not think he was particularly interested in the answer or the explanation—goes to the incoming government brief, the brief of course that the Liberal Party never received, as I was explaining yesterday, a brief that was never received by the Liberal Party because they did not actually win the election. I hesitate to suggest that I apologise to the public service, but I have always had this sneaking suspicion—

**Mrs Burke:** An apology! Very good. I hope the public servants heard that.

**MR STANHOPE:** I do apologise to the public service for the suggestion yesterday that—it might even be the incoming brief from the election before—I think they took the odds to the fact that they were not going to need an incoming government brief for the Liberal Party. I think they knew, as we all did, despite, of course—

**Mr Smyth:** So you are accusing them of being negligent?

**MR STANHOPE:** You forget that ACT public servants, knowing particularly Mr Mulcahy's view that they are overpaid, voted as if their lives depended on it, along with everybody else, because they know what you think about them. They know you think they are overpaid. They know you will cut their wages and their work conditions if you get the chance.

### **Bushfires—coronial inquest**

**MR SESELJA:** Mr Speaker, my question is to the Attorney-General. Attorney, did you seek advice about the possible scope of a coronial inquest into the bushfires before considering your options for inquiries into the 2003 bushfires? If so, did any of the agencies advising you about the legal requirements of the coroner's inquest into the 2003 bushfires advise you that the coroner might not have the legal power to inquire into issues beyond the cause and origin of the bushfires?

**MR STANHOPE:** I would have to check whether or not I received formal advice. I know I engaged in conversations and consultations with officers and officials in relation to the inquest. They have been referred to in this place before and have been the subject of questions and answers in the Assembly. I have absolutely no recollection; I am sure it is the case that at no stage was I advised that the coroner would be constrained in her capacity to inquire into all aspects of the disaster that befell Canberra on 18 January.

It was always the government's expectation and intention that it be a broad, full and free-ranging inquiry into all aspects of the fire. As Mrs Kate Carnell indicated this

morning on ABC radio, within the territory we have a history and culture in relation to coronial inquests that they are full and free ranging, and that there is no aspect of the matter that a coroner would not, through the coronial process, inquire into. Mrs Carnell indicated this morning, in relation to the hospital implosion, that the Coroner's Court inquired in such detail, even to the extent of the colour of their socks. I think that was the expression Mrs Carnell used this morning on the basis, most particularly, of the memory of the hospital implosion. This government had absolutely no belief or expectation that the scope of the inquiry pursued by the Coroner's Court in relation to the fire would not be the same as the scope, extent or nature of the inquiry that was pursued in relation to the hospital inquest.

Mrs Carnell expressed I think very clearly and bluntly this morning that there was simply no aspect of any matter relating to the hospital implosion that was not before the coroner and was not accepted by all parties represented before that particular inquest as something that would not be covered. That was our expectation in relation to this inquest. It is the practice and custom of the Coroner's Court in this place to reach very broadly, to take a wide view of the power or jurisdiction of the court, and to exercise that jurisdiction. It is what we expected and it is consistent with past practice. As I say, Mrs Carnell expressed it absolutely, and I am in full agreement with her. There was no aspect of the hospital implosion that was not covered by the coroner, and our expectation was that the inquest into the fire would be pursued in exactly the same way.

That is our position; we stand by it. Those are the submissions the ACT government is making to the Supreme Court. I have no reason to expect that the Supreme Court will not accept the submissions of all counsel presenting before it in relation to the question of the extent of the jurisdiction of the Coroner's Court. I also make the point, as I have made it before, that we have in Ron Cahill a Chief Coroner I think unsurpassed in terms of longevity and experience. As Chief Coroner for 20 years, he has been responsible for the carriage of probably hundreds of coronial inquests.

It would surprise me if the Chief Coroner of the ACT, particularly one of such experience and longevity, did not know the extent of his powers and the powers of his courts. At no stage have I had reason to doubt. There has been no suggestion to me, that I am aware of, that the coroner's powers were in any way constrained to the extent that aspects obviously relevant to the fire could not be included within the ambit of the inquiry or the inquest.

**MR SESELJA:** Mr Speaker, I have a supplementary question. Attorney, will you provide information on the advice sought and received to the Assembly today?

**MR STANHOPE:** I will not do it today, no.

### **Student unions—legislation**

**MR GENTLEMAN:** My question is the minister for education. Minister, yesterday the federal minister for education introduced anti-student organisation legislation into the House of Representatives. Could you tell the Assembly what impact this legislation will have on university services and student representation, if it is passed by the federal parliament?

**Ms MacDonald:** I raise a point of order, Mr Speaker. In spite of your constant reminders to the other side, they continue to flout standing order 39. Would you once again draw their attention to standing order 39?

**MR SPEAKER:** There are too many conversations going on.

**MS GALLAGHER:** I thank Mr Gentleman for the question. Yesterday the federal government introduced a new bill into the House of Representatives titled the Higher Education Support Amendment (Abolition of Compulsory Up-front Student Union Fees) Bill 2005.

The bill is designed to ban student organisations from university campuses across the country and to penalise any university that attempts to allow any student union or student association to operate with its support. This is a reprehensible attack on the conditions of students at university campuses, here and nationally. It is an ideological attack on the principle that students should have control over their own affairs through democratically elected bodies.

As usual, the federal government, rather than trying to build a case against an organisation on its merits, has targeted its legislation directly at the funding of student unions, aiming to cut off their access to funding through general services fees and the like. The government has thrown out a lot of scurrilous points about the general services fee, but I would like to make a few points about the situation in Canberra.

The general services fee for student services at ANU is currently \$220 per student each year. Only a small proportion, around 20 per cent, of this fee goes to student political representation at the ANU. Around 37 per cent of the fee goes to student sporting facilities and food and recreation services. Whether the students or a university administration maintains these services, these services will have to be provided.

**Mrs Dunne:** I raise a point of order. I know that the minister has responsibility for the University of Canberra Act. It might be appropriate for the minister to reflect on the impact of voluntary student unionism at the University of Canberra, but is it appropriate for her to reflect the ANU, which is covered by federal legislation?

**MS GALLAGHER:** Sit down. She is just wasting my time, Mr Speaker.

**MR SPEAKER:** This is a matter around education. She is the minister for education.

**Mrs Dunne:** The minister does not have responsibility, except in the most obscure way, for the administration of the University of Canberra.

**MR SPEAKER:** She is the minister.

**Mrs Dunne:** Generally speaking, this is federal policy.

**Mr Corbell:** On the point of order, Mr Speaker: Ms Gallagher is also minister for children and young people. Clearly, she has responsibility for commenting on issues as they relate to the impact of federal policy on young people in the ACT.

**MR SPEAKER:** Continue, Ms Gallagher.

**MS GALLAGHER:** Thank you, Mr Speaker. We all know what Mrs Dunne thinks about student unions. We have heard quite a lot about her performance at ANU recently. You have been quite clear, Mrs Dunne, about your feelings about student unions. From what I understand, they were offensive. It is no wonder you do not want to hear the answer to the question. You want to waste my time.

The types of programs under threat because of voluntary student union legislation include:

- access to assistance with academic appeals;
- advocacy against imposition of fees and charges by university administrations;
- welfare services;
- cost of textbooks and second-hand textbook sales;
- employment services;
- free legal advice;
- sports facilities, such as gym membership and university games.

I know that Mr Pratt and Mr Stefaniak could not possibly support games. They support compulsory physical education. Other programs under threat include:

- support for equity and anti-discrimination services;
- subsidised food;
- support for student clubs and societies;
- cultural events like campus o-weeks, band nights and festivals; and
- funding for international student support and cultural events.

The vice-chancellors are saying that this attack on student unions threatens the \$6 billion international student industry in Australia. I know that Mr Mulcahy will be trotting up to Parliament House to argue against that aspect of this legislation.

Dr Nelson has used the Western Australian experience. He says, “Look, this happened in WA and everything was all right.” Last night, on the *7.30 Report*, he said, “The experience in Western Australia, where voluntary student unionism like this was introduced in 1994, was that these services not only survived, in many cases they actually flourished.”

If we look at Curtin University, Edith Cowan University, Murdoch University and the University of Western Australia, every aspect of their student services was reduced or discontinued. These services included a program of cultural events, women’s rooms, weekly campus newsletters, a women’s department, an environment department—surely Mrs Dunne would not support the scrapping of an environment department—a disabled students department—I know that is close to Mrs Burke’s heart; she would not support that—and a sexuality department. We all know those opposite would be supportive of seeing a sexuality department continue. Other services to go included sport, library, subsidised catering on campus—

**MR SPEAKER:** The minister’s time has expired.

**MR GENTLEMAN:** I ask a supplementary question. Minister, can you tell the Assembly about the reaction of stakeholders to this announcement?

**MS GALLAGHER:** We know that one stakeholder who is trying to make herself relevant in this debate is Mrs Dunne. We know what her views are. We heard them in the house last week.

On the Western Australian situation, Dr Nelson said that services flourished. In fact, services that went include: the guild services centre, cultural events programs, women's departments, environment departments, student emergency loans, orientation camps, sports libraries and the sexual assault referral service. I know that those opposite would support a sexual assault referral service on campus.

This appalling situation will bring Australian universities to a new low level. Everyone but the federal government is opposed to this legislation. Every single person involved in higher education is opposed to it. Last month the Chief Executive of University Sport wrote to me, to the federal minister for sport and the federal minister for health outlining its concerns. The letter states:

The direct impact of non-compulsory student amenities fees on the university sport sector is the immediate rationalisation of the provision and maintenance of funding support for athletes studying at university, provision of community facilities for organised sport—

I know that Mr Pratt is very interested in organised sport. He should listen to this—

employment, the ability of universities to promote themselves internationally and the quality of the university experience offered within our national institutions.

The Australian Vice-Chancellors Committee has stated:

This legislation, if passed, will have the potential to reduce university students' convenient and affordable access to various support services and amenities ... It's a bit like council rates—not everybody uses all the services, but the rates in a community are compulsory.

Why, considering all the debate around compulsory education around the country in the last few weeks, particularly in relation to skills shortages, does this federal government rank as its number one priority the abolition of student unions? Why would that be the number one issue for the federal government?

I will conclude by quoting some comments by the Group of Eight, vice-chancellors from eight of Australia's leading universities. They say:

A compulsory student fee should be seen in the same way that rates and taxes contribute to the community life of every Australian. These taxes fund the infrastructure that supports our society including the state and federal parliaments and elected politicians. So too at our universities a compulsory fee ensures that child care, health services, sporting clubs, debating societies and many other campus-based organisations can survive ...

Given the strong support of Australian vice-chancellors for a compulsory service fee the Group of Eight notes its disappointment that the Minister and the government have chosen to ignore this advice ...

Penalising universities that seek to levy a compulsory fee for health services, for example, will be a watershed in the history of higher education and may forever change the sense of campus community that has a long and proud tradition in this country.

Week after week Australians are starting to see the true agenda of this federal government. It is a narrow-sighted, divisive, ideologically driven agenda without any foundation in good public policy or good outcomes for everyday Australians.

### **Law reform—drugs**

**DR FOSKEY:** My question is to the Attorney-General. I refer to two related articles in today's newspaper, one calling for an evaluation of the new drug laws that came into effect at the beginning of this month and the other concerning the apprehension of a couple growing 30 plants hydroponically in their home, which is supposedly the kind of situation that the new laws were put into place to address. Applying Mr McConnell's analysis would indicate that the earlier legislation would have been just as effective in dealing with these growers.

With that in mind, could the Attorney-General please inform the Assembly whether he, or the government, intends to, first, monitor and report to the Assembly on the impact of the new laws to assess whether they decrease the availability of cannabis in our community and reduce its use, particularly by young people; and, second, assess the impact of the laws on the involvement of users with the criminal system.

**MR STANHOPE:** I am very aware of the views of Mr McConnell and the Families and Friends for Drug Law Reform in relation particularly to the decision to toughen some of the penalties that apply to the growing, possession or distribution of cannabis. I am also aware of the views of Families and Friends for Drug Law Reform in relation to the decision to reduce, in the context of the SCON scheme, the number of plants from five to two.

I have said before, and I said it at the time of the coming into effect of the new arrangements on, I think, 9 March, that many of the decisions made by government—I am sure that this applies to all governments—in relation to the criminal law and the impact of the criminal law would be, I think, amongst the hardest decisions that politicians make. For me, many of them are.

I did have difficulty in coming to the conclusion I came to that it was appropriate, on the basis of advice from ACT Policing, that we reduce the number of plants from five to two. I am aware of the arguments for and against. I believe that the police made a compelling argument in relation to the infiltration of the Canberra drug scene or market by organised crime, the implications in relation to the capacity to grow hydroponically marijuana plants of a size or order that I would think even five or 10 years ago was essentially unimaginable, and the fact that organised crime will go to enormous lengths to subvert the law and subvert schemes put into place designed, in this sense, to



ameliorate the effect of the criminal law on young people who do, as part of their lifestyle, use marijuana.

I think that it is difficult. I think that one could ask—it is a classic question: how long is a piece of string?—whether, having determined to reduce the number of plants that would be available before the scheme operated that allowed, essentially, an on-the-spot fine as opposed to having to appear in court, we should have reduced it from five to four, from five to three, from five to two or, to be consistent with Western Australia, five to one. These are matters for judgment. It is very difficult.

There are only three jurisdictions in Australia with this scheme—the ACT, South Australia and Western Australia. South Australia, I understand, has a two-plant limit. Western Australia has a one-plant limit. We had a five-plant limit and we have now reduced it to two plants; so we are, essentially, consistent with those other jurisdictions.

It may be that, as a result of that, there will be now some people who are growing five plants and are operating within the context of the scheme and the framework that we sought to achieve—growing just for personal use; not using hydroponics; not selling; not supplying; not smoking more than perhaps is good for their health. I am one of those who believe that marijuana is, essentially, a dangerous drug and that we should do everything we can to ensure that people are not attracted to it, and that the romance that I believe has surrounded the drug at different times needs to be dispelled and dissipated.

But it is a difficult question in terms of exactly what the balance was. I am pleased that we retained the scheme. I am happy, to go to the thrust of the question, to ensure that we review it. I think that it is important that we do that. It is a good scheme. It is designed to ensure that particularly younger people do not come into contact with the criminal justice system through an appearance in court, that they do not accumulate convictions against their name, that they have an opportunity through the on-the-spot system, if it is applied at all, and that we give the police the discretion to ensure that young people do not become part of the revolving door of crime and justice.

I am happy to monitor the situation. I have to say, and I will say it here and now, that if in time some of the concerns that have been expressed to the government, particularly by the police, are shown to be perhaps not as real as they now appear, I would be prepared to move back. In relation to some of the other amendments, in relation to the increase in penalties and the decision to ensure that children are not abused in the process of selling, we have another example of where organised crime is ruthless and will exploit any gap in the law. It has done it in relation to children in this jurisdiction as well as elsewhere, recruiting children to sell on the basis of a gap in the law that did not impose a penalty for children as agents of sale—a dreadful abuse.

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

**DR FOSKEY:** I have a supplementary question. Mr Stanhope, could you provide us with a timetable and an outline of the methods by which the government will monitor the impact of the legislation on young people's interactions with the law and report to the Assembly on that?

**MR STANHOPE:** I do not believe that we have put in place any timetable for reviewing or assessing. That is not to say that I do not think that it is important. It is an issue that I would be prepared to pursue, Dr Foskey, and report back to you on. I believe that it is important that we do closely monitor the impact of these changes. But we need to do that in relation to the environment of organised crime. I do not believe that there is a more exploitative criminal than one who traffics in drugs. They are devious, they are calculating, they are vicious and they are a very difficult group of criminals for communities particularly, including police forces, to deal with.

As I say, some of the steps taken in this reform package are designed to deal with gaps in the law which have been identified by criminals and which have been exploited ruthlessly by criminals. They go to the amendments and the changes we made to the law in relation to the accumulation of precursors. It is intriguing the lengths to which drug traffickers and drug sellers will go, piling up thousands of packets of patent medicines and extracting from those patent medicines the precursors used in the manufacture of amphetamines, ecstasy and other drugs.

That was not an offence. We did not have an offence that allowed us to deal with those people whom police discovered had in their garages, in the boots of their cars or in their houses thousands of packets of patent medicine that they bought across the counter. They just went to the chemist or Woolworths and bought it and there was no offence in that. If asked why they had 5,000 packets of a patent medicine, they could say that they just decided to collect 5,000 packets of it. There was no offence in the law for somebody that you knew to be involved or suspected to be involved who just happened to have in their possession thousands upon thousands of packets of patent drugs purchased legally from Woolworths or elsewhere for the obvious intent of extracting drugs that would then be used for the manufacture of, say, amphetamines.

That was a gap that we closed. We will continue to respond in this way to abuse, and I think that that was an abuse. There was that abuse that we closed. There was an abuse in relation to the use of children in the selling of drugs that we sought to close. There was an abuse in relation to the quite deliberate marshalling of numbers of residents to grow in their premises with hydroponic equipment five plants each, because the legislation simply said five plants. It did not say how big, how wide or what weight of marijuana could be grown. It is flawed and it has been seen to be flawed. The police advised us of that. So those decisions were taken.

I am happy to assure you that it is important that we monitor the impact of the law, particularly the impact on young people, but I do not apologise for the steps that we have taken and I do not believe that we will be monitoring some of the other reforms that are part of the package.

### **Rural fire services—radio network**

**MR PRATT:** My question is to the Minister for Police and Emergency Services, Mr Hargreaves. Minister, yesterday in question time, in relation to the white alert call made about the Simpson's Hill fire, you said, "the particular radio channel was not turned off. I repeat: it was not turned off." Why wasn't this call—transmitted as

authorised—heard? Why wasn't it responded to, given that a white alert call indicates there is a new fire?

**MR HARGREAVES:** Mr Speaker, I have received additional advice in relation to the incident last week with a Rural Fire Service officer reporting a fire in Chisholm. The rural fire officer called in using the RFS VHF 1 radio band. The RFS currently uses the VHF band 1 as its primary radio channel. The RFS VHF radio channel worked. The radio call to the communications centre placed on RFS VHF 1 was not heard by comms centre operators, as 47 triple 0 calls about the Chisholm fire were being received at the same time. However, the RFS VHF 1 call was heard by an RFS officer monitoring the channel who immediately advised comms centre. Procedures in the comms centre were reviewed after this incident. It is ESA's normal practice to undertake such a review after any significant event. New procedures were initiated by comms centre staff on Friday 11 March 2005 to further improve the service.

It needs to be said that the response to this small grass fire was excellent. Additionally, while this incident was occurring, ACT Fire Brigade and ACT Ambulance Service personnel were also attending a house fire and other incidents.

**MR PRATT:** Mr Speaker, I have a supplementary question. Minister, as the RFS officer did as he was authorised to do, will you now apologise to him?

**MR HARGREAVES:** No.

### **Emergency services—response protocols**

**MRS DUNNE:** My question is directed to the minister for emergency services. Minister, I refer to your answer in question time yesterday about the ability of members of the parks brigade and volunteer firefighters to respond, with lights and sirens, to bushfires. To use your own words, you displayed “magnificent, shining ignorance of our processes” when you said that firefighters could break the road rules in responding to these fires, when in fact they cannot under any circumstances.

Minister, why have firefighters not been given the training they need to undertake urgent duty driving? When will they receive it? When will they again be in a position to break the road rules in attending fires when safe and reasonable to do so?

**MR HARGREAVES:** I refer Mrs Dunne to my answer to her question yesterday.

**MRS DUNNE:** My Speaker, I have a supplementary question. Is the minister aware of comments made by the deputy commissioner of the Rural Fire Service when he said that rural firefighters would not be breaking the speed limit under any circumstances, even if they have had relevant training? Will you stop allowing bureaucrats to interfere with the ability of emergency services personnel to protect the community?

**MR HARGREAVES:** Yes, and that is a stupid second part of the question.

## Danish royal visit

**MR MULCAHY:** Mr Speaker, my question is to the Chief Minister. I refer to recent remarks you made about Princess Mary of Denmark, a much-welcomed visitor to this city. On ABC radio last week you said:

I see something of a cultural cringe in some of the lavish praise that I don't quite understand that has been laid at the feet of Princess Mary.

According to today's *Canberra Times*, Birgitte Moltke of the Scandinavian Australian Association said:

I think he's missed the point, he hasn't caught on to what the public feels.

Why did you fail to exercise diplomacy in making what many people feel were highly inappropriate remarks about visitors to our city who hold important positions in another country? And will you apologise—that is, say “sorry”—for your undiplomatic remarks?

**MR STANHOPE:** I thank Mr Mulcahy for the question. I welcome it. I have to say that I think it is important, in the context of public debate about any issue, to start at least with the presumption that comment that is made is actually considered, discussed or debated on the basis of the context in which the comment was made.

It needs to be understood that there was a very significant speech delivered on Saturday, Canberra Day, by Mr Sandy Hollway, a notable Australian. The subject that he was asked to dwell on in the Canberra Oration—I think it was the fifth Canberra Oration; it is now an annual oration organised by the ACT Historical Society; I had the privilege of delivering the oration three years ago—was the extent to which Australia had managed, as a nation, to move through that aspect of its identity or position in the world which had, in times past, been described as the cultural cringe.

I think we all accept, as part of our history and as part of the nature of Australia, an issue that has been long debated in Australia—the issue of the extent to which Australians have been beset by, suffered from or felt the need to look up to the rest of the world—is this need to compare ourselves with those from overseas. I think a part, very much, of our convict or colonial heritage is the extent to which, for a century, we were very much a colony, a part of the broader empire, born out of a convict settlement and the extent to which our character or our national personality has been shaped by that. It is a very interesting debate, and it is a debate that I think it is important that we have.

I was asked, in the context of that speech—and I was a rapporteur—to respond, at the invitation of the society, to Mr Hollway's speech. I was invited to do that. In that context, the ABC, knowing that I was responding to, aware of and interested in the oration, asked me, in the context of Sandy Hollway's speech, did I believe that the cultural cringe was an issue that Australia still struggled with. I said no; in fact, we Canberrans are a community that is very sure of its place in the world; Canberrans are sure and confident of the future, of themselves and of our place in the world. We know that we can match it on the basis of any measure you care to mention.

I was then asked could I think of any instances of cultural cringe. I do believe in being honest and I am not afraid to speak my mind. I believe one of the great problems besetting politics in Australia—perhaps an issue that politicians need to dwell on—is their disinclination to say exactly what it is that they feel or think. I think at times it might be described as a want of courage, of moral fibre. It is not something I suffer from. I am prepared to say always what I think.

If I am asked can I think of any instances of cultural cringe still besetting the nation, I do not stop to think, as Mr Mulcahy would now, “Is it politic of me to say this? Is it diplomatic? Will I get into trouble? Will somebody criticise me if I actually say to the people of Canberra, if I say to my constituents, ‘Actually, yes, I can think of a couple of examples of what I regard as a cringe.’” I gave two examples—one, much dwelt on; and the other, ignored.

The first example was that I do believe and do see in the blind, mindless following by John Howard of George Bush—

*Opposition members interjecting—*

**MR STANHOPE:** I gave two examples. And isn’t it interesting that one has been reported, and the other ignored. I do see—and I said this; the ABC ran it; I think others have ignored it—in the blind, mindless following by John Howard of George Bush into Iraq, a cringe. It is a cringe. It is a lack of confidence in ourselves that we have to be ordered into war by others. And I said that I do see, in some of the lavish praise laid at the feet of Princess Mary, a cringe. And I do. That is my view.

**MR MULCAHY:** In the context of the Chief Minister’s much-vaunted commitment to multiculturalism, why did he risk harming the ACT’s capacity to build ties with the Danish and Scandinavian communities by making those remarks, which he has not retracted?

**MR STANHOPE:** It is elevating me and my thoughts to a status that they do not deserve to think that I, in any capacity, could affect tourism from Denmark to Australia by the proffering of an honest view that Australians still do, from time to time, succumb to something of a cultural cringe. We do so from time to time, in some of our need to continue, through some of our activities, our national activities, to be always compared with the best in the world. We are—and I confidently assert it—the best at so many things. We are creative; we are energetic; we are the hardest working people; we do create so much; we have invented so much; we lead the world.

But we do not need, it seems to me, to constantly compare ourselves, to constantly aspire to some little thing that we see being basically held up as an ideal, simply because it is something we don’t have—as if, now that we have our own princess, we have to have the best princess in the world. It is just not good enough that we have a princess, a real princess of our own; all of a sudden she has to be the best of the best princesses in the world. I think it doesn’t hurt us to sit back and have a little bit of a think about that and just ponder what it is that we are reflecting through this particular attitude.

### **Koalas—Tidbinbilla Nature Reserve**

**MS MacDONALD:** Mr Speaker, my question is to the Minister for the Environment. Members will recall that, in the devastating firestorm of January 2003, only one koala—appropriately or inappropriately named Lucky—survived out of the colony at Tidbinbilla Nature Reserve. Minister, can you please tell the Assembly how plans have progressed to reinstate a Koala colony at Tidbinbilla?

**MR STANHOPE:** Thank you, Ms MacDonald. It is, I think, sad that we have lived for the past two years with the knowledge that only one of the Tidbinbilla koalas, Lucky, survived the fire. It was a devastating fire which had an enormous impact on wildlife throughout the whole of Namadgi and Tidbinbilla—indeed, all the areas that were burnt. I think Canberrans have all followed Lucky's progress and rehabilitation. She certainly had become, and continues to be, for Canberrans, a real symbol of survival and recovery, and I know that a vast number of Canberrans have taken Lucky to their hearts.

Recognising the very strong interest of the Canberra community, not just in Tidbinbilla but specifically in koalas and Lucky, as part of the re-establishment of Tidbinbilla, the government has been very keen to re-establish the koala population at Tidbinbilla. We have been negotiating with New South Wales in relation to the prospect or possibility of acquiring some koalas from this particular region, because of issues in relation to the gene line and the gene pool and the relationship between koalas from the southern tablelands and the ACT.

That is a process we are continuing to pursue. It is our hope in the future to indeed acquire koalas from the New South Wales region. However, New South Wales national parks and wildlife are, quite rightly, concerned about the viability of koalas within the wild, and do not permit the taking of koalas from the wild—a decision which we of course accept and respect. They have agreed that it would be reasonable and appropriate for us to take New South Wales koalas that are being rehabilitated to Tidbinbilla, for the purposes of re-establishing a breeding program. These are koalas that were perhaps injured and left on the side of the road and have been cared for over time, and it is now appropriate that they be kept in an enclosure. That is a hope for the future.

I am very pleased that, today, eight koalas from Kangaroo Island will be arriving in the ACT—in fact, I think they have just arrived—and will be at home in Tidbinbilla tonight. I think it is a great boost, at this stage, that we have been able to re-establish a koala population at Tidbinbilla. As I say, the koalas are from Kangaroo Island and they have been sterilised. It is part of a protocol or policy of South Australian parks that koalas from Kangaroo Island are either culled or sterilised. Eight female sterilised koalas will arrive at Tidbinbilla tonight. They will be homed and housed in a specially designed settling-in area to ensure that they do make the transition or adjustment. We have done significant research on the foliage that has regrown in the wet forest koala enclosure to ensure that there is compatibility between the feed the koalas are used to on Kangaroo Island and what they will have here.

As I say, these koalas are not from the same bloodline as koalas from this region. It is for that reason that they would not be used for breeding purposes but we will seek to pursue that through a southern tableland gene pool group of koalas. However, I think this is a

great day for Tidbinbilla. I think it is fantastic that we now have eight companions for Lucky; we now have a koala population of nine, and it is our very firm hope and intention to rebuild to the 25 or 30 that were there prior to the fire.

**MS MacDONALD:** Mr Speaker, I have a supplementary question. Minister, can you tell the Assembly how other restoration work is progressing at Tidbinbilla?

**MR STANHOPE:** Thank you, Ms MacDonald; I can. I am very pleased with the progress that has been made. I think the major breeding program that has been part and parcel of Tidbinbilla for many years, as members would know, was that of the brush-tailed rock wallaby. Indeed those that have been reintroduced and the few that survived the fire—the rock wallaby population was also devastated by the fire—are thriving. The population was reduced to five; there are now 15 and it is hoped that, within a year or so, we will have at least 25 brush-tailed rock wallabies at Tidbinbilla.

The ACT is, and has always been, an active participating member of the national and Victorian recovery teams for the brush-tailed rock wallaby and we work collaboratively with them. Through that arrangement and through the cooperation of the team or the group, we have taken wallabies that were bred at the Adelaide Zoo. They are two young, juvenile wallabies that are not yet ready to breed but will hopefully be doing so by the end of this year. We have received wallabies from Victoria and New Zealand under these cooperative arrangements, and they have now begun to breed. A cross-fostering project with Tamar wallaby foster mothers is now being activated and pursued. It is tremendous that two of the major attractions at Tidbinbilla, in the koalas and the brush-tailed rock wallabies, are now re-established, vital and, in the case of the wallabies, thriving and we hope the same for the koalas.

I will also inform members that the new nature discovery playground is well under way. Design work is about to be finalised. It is a fantastic playground; it will be perhaps one of the most exciting for children in the ACT and will be completed by spring of 2005. We are also expanding the breeding enclosure for the corroboree frogs, which is well under way. That is another very successful breeding program. In addition to that, much of the other infrastructure that was damaged is being re-established in walking tracks, roads and the removal of dead and burnt trees.

All in all, Tidbinbilla is coming along. There is a long way to go; hence the public are invited to visit Tidbinbilla. Visitor numbers are now approaching, if they have not surpassed, pre-fire visitation numbers, which is fantastic for Tidbinbilla. Over Easter, of course, Environment ACT hosts an Easter extravaganza and bushwalk at Tidbinbilla Nature Reserve on Easter Sunday, and all Canberrans are very welcome to attend that.

### **Hire cars**

**MS PORTER:** Can the Minister for Urban Services advise the Assembly of the impending reforms to the hire car industry in Canberra?

**MR HARGREAVES:** Changes to the hire car industry to commence on 1 July 2005 will provide a much needed boost to the hire car industry, which has been ailing for some time. In fact, it has been in a state of uncertainty for well over four years. The method of

licensing hire cars will be changed from complete private ownership of licences to the government's leasing licences to the people who actually operate the services.

In redesigning the regulation of the industry, the government has indicated that its focus is ensuring that the industry meets the community objectives of safety, consumer protection and choice, and transport efficiency, without the constraint of needing to protect licence holders' investments.

For more than 25 years there have been 22 privately owned hire car licences in Canberra. Due to the scarcity of licences, their value has escalated, imposing unnecessary costs on people entering the industry. It is also the case that many people who have no other connection with the industry have acquired licences as investments. Shortly the government will offer to buy back the 22 licences, with about half the licence owners receiving \$100,000 and the remainder receiving up to \$120,000 each.

From July 2005, new hire car licences will be leased on an annual basis, with the government's lease costs at around half what operators are currently required to pay licence owners. Operators will be able to charge less for trips and people entering the industry will not need to make a large investment on top of the cost of the vehicle.

The government wishes to encourage new participants into the industry and has therefore placed no limits on the number of licences that will be available. Service standards will be maintained, as licence applicants must be accredited with the Road Transport Authority.

The hire car industry has been the subject of three reviews, beginning in 2000 with the Freehill's report. I note for the record that the previous Liberal government accepted that report, and then promptly proceeded to gut the industry. I am pleased that an Assembly committee stopped it. The Freehill's report was followed by a previous Assembly committee review and an investigation by the Independent Competition and Regulatory Commission.

A range of proposals has been developed and considered by governments and previous Assemblies. I acknowledge the contribution of Ms Dundas and Mrs Cross on our committee to what I consider to be a good resolution to this. The government is making the most significant change to the regulation of the hire car industry in more than 30 years in a way that balances the needs of taxpayers, consumers and licence holders.

**MS PORTER:** Can the minister please inform the Assembly of the response from the industry to these reports?

**MR HARGREAVES:** Thank you, Ms Porter. Hire car licence owners have faced years of uncertainty about the future of the hire care industry and are relieved that this difficult period is over. I have received emails and telephone calls from operators and they are, at least, relieved that certainty has been returned. The buy-back pricing arrangements have been welcomed by licence owners as fairly and reasonably addressing their need. Naturally, they would like more, but they understand that the price being offered is a fair one.



Several licence owners have indicated to the Department of Urban Services that they consider the introduction of the new licensing arrangements will inject optimism and buoyancy into the industry, with new services providing a wider range of small vehicle, public passenger service options to the public. Hire car operators welcome the significant reduction in the cost of a hire car licence, the availability of additional licences and the scope to enhance and widen their current services. Already, prospective new hire car operators are approaching the department about the new arrangements, including, I might say, several people in the taxi industry.

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

### **Tree Protection Bill 2005**

**MR STANHOPE** (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs): I seek leave to have a revised presentation speech for the Tree Protection Bill 2005 incorporated in *Hansard*.

Leave granted.

*The incorporated document appears at attachment 1 on page 1222 .*

### **Supplementary answers to questions without notice Bushfires—coronial inquest**

**MR QUINLAN:** I was asked by Mr Seselja at question time in February, I think, about whether the legal costs in relation to the appeal against the coroner are covered by insurance. The advice I have received—I will read it verbatim—says, “The legal costs incurred by the territory in the appeal against the decision by the coroner not to disqualify herself on the grounds of apprehended bias are the subject of recovery under the territory’s insurance arrangements.” Should that turn into a brawl or a blue when the claim goes in, we will let you know.

### **Health—radiation oncology**

**MR CORBELL:** In response further to questions asked yesterday by Mr Mulcahy and today by Mr Smyth in relation to radiotherapy planning systems at the Canberra Hospital, I provide the following advice: a new CT simulator was purchased and installed in 2002-03, following funding from the ACT government, and has been fully operational since July 2003. The CT simulator is used to produce CT images for the planning of radiation therapy. The CT simulator is interfaced with the planning computer for this purpose.

The existing radiation therapy planning computer was installed in 2001. Commonwealth health program grants funds are being utilised to upgrade and refurbish this computer system to improve the efficiency of radiation therapy planning by providing faster processing times and an extra workstation for the planners. The amount of this funding from the commonwealth is approximately \$350,000.

## Papers

**Mr Speaker** presented the following paper:

Legislative Assembly for the Australian Capital Territory—Register of Members' Interests—Statement of Registrable Interests—Revised form, dated 17 March 2005, pursuant to the resolution of the Assembly agreed to this day.

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

**MR STANHOPE** (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs): Mr Speaker, for the information of members, I present the following paper:

Trans-Tasman Mutual Recognition Act, pursuant to section 7—Trans-Tasman Mutual Recognition (Commonwealth Regulations) Endorsement 2005 (No 1)—Notifiable Instrument NI2005-117, dated 16 March 2005.

I ask for leave to make a statement in relation to the paper.

Leave granted.

**MR STANHOPE:** As the designated person under section 6A of the ACT's Trans-Tasman Mutual Recognition Act 1997, I have endorsed the proposed regulations of the commonwealth regarding the special exemptions that apply to the commonwealth's trans-Tasman mutual recognition arrangement 1997. The trans-Tasman mutual recognition arrangement is an agreement between the commonwealth, state and territory governments of Australia and the government of New Zealand. The TTMRA allows goods to be traded freely and enhances the freedom of individuals to work in both countries.

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

As required by the text of the TTMRA, the Productivity Commission undertook a joint study of the arrangement and the Australian mutual recognition agreement in 2003. As required by the Council of Australian Governments, officers have prepared a report on the Productivity Commission's study, recommending acceptance of 25 of the study's findings and suggesting that further work be undertaken on the 49 remaining findings.

In order for the report to be completed and considered, the Prime Minister wrote to me on 13 February 2005 asking for my agreement to the rolling over of current special

exemptions until April 2006. The additional time will allow the cooperation groups to address the remaining differences between Australian and New Zealand laws and regulations. The states and territories endorsed the changes to the TTMRA special exemptions by gazetting the regulations in their respective gazettes or, in the ACT, by notifying the instrument on the ACT legislation register.

## Paper

**Mr Stanhope** presented the following paper:

ACT Criminal Justice—Statistical Profile—December quarter 2004.

## Territory plan—variation No 246 Papers and statement by minister

**MR CORBELL** (Molonglo—Minister for Health and Minister for Planning): For the information of members, I present the following papers:

Land (Planning and Environment) Act, pursuant to subsection 29 (1)—Approval of Variation No 246 to the Territory Plan—Changes to Residential Area Specific Policy Overlays—Suburb of Downer, dated 15 March 2005, together with background papers, a copy of the summaries and reports, and a copy of any direction or report required.

I ask for leave to make a statement in relation to the papers.

Leave not granted.

## Standing orders—suspension

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

That so much of the standing orders be suspended as would prevent Mr Corbell making a statement.

**MR SMYTH** (Brindabella—Leader of the Opposition) (3.46): It has been a tradition of this place for the last 15 years or so that, when members seek leave to make a statement, leave is granted. It seems that, since the advent of majority government, Mr Corbell has determined that that leave, that courtesy, shall not be shown to this side of the house. Indeed, the number of occasions in the last couple of weeks—

**MR SPEAKER:** Mr Smyth, come to the point of the motion for the suspension of standing orders which is before us.

**MR SMYTH:** The point is that Mr Corbell seeks leave to make a statement. He made a statement earlier in the week that courtesy should be shown, but that courtesy is not being shown to this side of the house. Both sides of this house have work to do and a large proportion of that work depends on leave that is granted by the house. On the majority of occasions in the past 15 years, the Liberal Party has granted leave to whomever has wanted to make a statement. We have seen a change, particularly since

the house resumed this year, in that Mr Corbell has brought it upon himself to deny leave to all and sundry.

**MR SPEAKER:** Order! You will have to come to the reason the standing orders ought not to be suspended.

**MR SMYTH:** This is an important motion. I believe that we have to have courtesy shown to both sides. That is why the standing orders should not be suspended. We have had a change here in that Mr Corbell thinks he can do whatever he wants. What we need to have in this place instead is courtesy shown so that we can all, members on either side of the house, do the business we have to do. We are trying to say to Mr Corbell that it is about time there was some give and take. Earlier in the week he called for courtesy. I am saying that that courtesy goes both ways. I do not believe that the standing orders should be suspended because such courtesy is not being shown to both sides of the house and, indeed, to the member on the crossbench.

**MR CORBELL** (Molonglo—Minister for Health and Minister for Planning) (3.47), in reply: There is a myth being perpetuated by the other side of the chamber that, whenever an opposition member feels like having something to say, he or she can get leave to say it. I can assure you that in all the time I have been in this place, which has been since 1997, that has certainly not been the case. Certainly, in my time in opposition—I am sure other members on this side of the house would concur—it was not possible simply to stand up whenever you wanted, seek leave and have a go about whatever you thought was important at the time.

**MR SPEAKER:** That said, come to the reason for the suspension of standing orders.

**MR CORBELL:** You used the forms of the house. The reason I have sought to suspend standing orders is that, in contrast with Mr Smyth's argument, it has been the convention—a convention maintained on all sides of this chamber—that, when ministers present documents, they seek leave to explain those documents. I am quite happy just to table the documents and not explain them, but it has always been the convention in this place, continued by this government, that at the conclusion of question time ministers present papers and, where they believe it is appropriate, seek leave to explain those papers.

If Mr Smyth is saying that he does not want these papers explained, that is fine by me. I am quite happy just to table the documents. The government has sought to suspend standing orders because Mr Smyth has decided that, in some way, this is personal between me and the opposition, which is a very childish tactic. I think that the two issues that Mr Smyth is trying to blend together are, in fact, quite separate. It is not the case that members of the opposition can stand up whenever they like and talk about whatever they like by leave. It is the case that, following question time, ministers table documents and then seek leave to explain those documents. If the opposition is saying that it does not want them explained, the government will have to consider how to handle that.

**Mr Stefaniak:** We are saying that it is a matter of courtesy. What is good for the goose is good for the gander

**MR SPEAKER:** No longer! You are not saying it any more. You can come to the point of the question.

**Mr Stefaniak:** All right—and I will come to the point, too. On only 80 times since we have had self-government and this Assembly has been operating has leave not been granted—51 times by Labor; 22 times by the Liberals; three times by the Greens and four times by others.

**MR SPEAKER:** If people want to wander through the history of these matters, they should put forward a particular motion to deal with that. All I am interested in is in hearing a debate. The standing orders call for a debate about the subject matter of the motion. The motion is about suspending the standing orders. I assume that you are arguing in the negative and I would like to hear why the standing orders should not be suspended.

**Mr Stefaniak:** I have indicated, if you want a reason for that, that what is good for the goose is good for the gander. I do not particularly like putting it as crudely as that, because there is a courtesy involved. On most occasions in this place leave has been granted for the suspension of standing orders for the good operation of this parliament. We have seen over the last few months, on a very regular basis, leave not being granted. That, I think, is a very sad state of affairs.

**MR SPEAKER:** Resume your seat, Mr Stefaniak. The Clerk has drawn to my attention that Mr Corbell closed the debate when he rose earlier. Mrs Dunne, if you wish to speak, you will have to do so by leave.

**MRS DUNNE (Ginninderra):** I seek leave to be heard.

Leave granted.

**MRS DUNNE:** We are speaking to the suspension of standing orders today so as to make a point that Mr Corbell, as Manager of Government Business, does not seem to grasp, that is, that what is done in this place is done for the most part by virtue of courtesy. That is why we are speaking to the suspension of standing orders. We have not given leave and are requiring the minister to suspend standing orders so as to reinforce with the minister, who is the Manager of Government Business, the point that, if he wants to run this place in an efficient way, he has to afford a little courtesy, a little give and take.

Mr Corbell needs to realise that not everything that happens in here happens by fiat because he is a member of the Stanhope government; it happens because we do it in a way that creates a good process for operating in this Assembly. We have put Mr Corbell in a situation today where he needs to suspend standing orders to do something so that he understands the implications and understands that the courtesies he requires are a two-way street.

Mr Corbell keeps giving people lectures about courtesy, in the same way as Ms MacDonald likes to give people lessons about discipline. It really is a matter of courtesy here, which Mr Corbell, as Manager of Government Business, has failed

comprehensively to show. He has failed to show courtesy, which is why we opposed his application today for leave. If he wants leave, he will have to work for it in the same as the rest of us.

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

## **Territory plan—Variation No 246**

### **Papers and statement by minister**

**MR CORBELL** (Molonglo—Minister for Health and Minister for Planning): Draft variation No 246 proposes to change the territory plan map to remove the A10 residential core area specific policy overlay from sections 34, 35, 37, 38, 39 and 40 of Downer. It also proposes to add B12—increased density development—area specific policy over section 39 and blocks 36 to 49 of section 34.

The variation was released for public comment on 13 August 2004, with comments closing on 3 September 2004. Five written submissions were received during that period. The issues raised were considered in preparing the final variation. No revisions were made to the variation as a result of the consultation process.

In report 4 of this year, the Standing Committee on Planning and Environment made two recommendations in relation to the draft variation. The committee's first recommendation was that draft variation 246 be agreed to. This recommendation is supported. The committee's second recommendation was that, when the proposed Tree Protection Act has commenced, an assessment take place as to whether Blackett Street should be declared a tree management precinct for the duration of any urban renewal in the area in response to variation 246.

Environment ACT have advised that transitional arrangements will see the progressive lifting of tree management precinct status from all suburbs, except those areas considered to need ongoing protection. Further consultation will be undertaken as part of this process and reaffirmation of this recommendation would then be appropriate.

The report also contained dissenting remarks by Mr Seselja. Mr Seselja's comments related to the application of the A10 residential core area overlay in Downer, specifically the omission of section 34, blocks 1 to 35, with Mr Seselja claiming that this would seem to be inconsistent with the Canberra spatial plan. Mr Seselja suggested that the authority and residents of Downer revisit the issue of the correct zoning as he saw it in this area.

A task of the neighbourhood planning process was to best fit the territory plan's residential core areas. This involved recognising that a neighbourhood may contain features that are highly valued by a significant number of residents. Sometimes modifying the core area is justified to ensure that the broader policy aims can be achieved whilst respecting the local area conditions.

After considerable negotiations with the Downer neighbourhood and key stakeholders, the bed and breakfast accommodation provided by a variety of businesses on Northbourne Avenue was recognised as contributing significantly to the character of the neighbourhood. As a result, the authority agreed to retain and encourage this function.

To achieve this, blocks 1 to 35 of section 34 have been identified as suburban as opposed to residential core areas. I commend the variation to the Assembly.

## Papers

Mr Corbell presented the following papers:

### **Subordinate legislation (including explanatory statements unless otherwise stated)**

Legislation Act, pursuant to section 64—

Drugs of Dependence Act—Drugs of Dependence Regulation 2005—Subordinate Law SL2005-3 (LR, 4 March 2005).

Emergencies Act—Emergencies (Bushfire Council Members) Appointment 2005—Disallowable Instrument DI2005-24 (LR, 7 March 2005).

Health Professions Boards (Procedures) Act—Health Professions Boards (Procedures) Psychologists Board Appointment 2005 (No. 1)—Disallowable Instrument DI2005-14 (LR, 3 March 2005).

Heritage Act—Heritage Regulation 2005—Subordinate Law SL2005-5 (LR, 8 March 2005).

Public Place Names Act—

Public Place Names (Bruce) Determination 2005 (No. 1)—Disallowable Instrument DI2005-23 (LR, 3 March 2005).

Public Place Names (Dunlop) Determination 2005 (No. 1)—Disallowable Instrument DI2005-20 (LR, 3 March 2005).

Public Place Names (Watson) Determination 2005 (No. 1)—Disallowable Instrument DI2005-22 (LR, 3 March 2005).

Road Transport (Driver Licensing) Act, Road Transport (General) Act, Road Transport (Public Passenger Services) Act, Road Transport (Safety and Traffic Management) Act and Road Transport (Vehicle Registration) Act—Road Transport Legislation (Hire Cars) Amendment Regulation 2005 (No. 1)—Subordinate Law SL2005-4 (LR, 7 March 2005).

Road Transport (General) Act—

Road Transport (General) (Application of Road Transport Legislation) Declaration 2005 (No. 3)—Disallowable Instrument DI2005-30 (LR, 7 March 2005).

Road Transport (General) (Application of Road Transport Legislation) Declaration 2005 (No. 4)—Disallowable Instrument DI2005-29 (LR, 4 March 2005).

Road Transport (General) (Public Passenger Services Licence and Accreditation Fees) Determination 2005 (No. 1)—Disallowable Instrument DI2005-27 (LR, 8 March 2005).

Road Transport (General) (Refund and Dishonoured Cheque Fees) Determination 2005—Disallowable Instrument DI2005-25 (LR, 7 March 2005).

Road Transport (Public Passenger Services) Act—Road Transport (Public Passenger Services) Exemption 2005 (No. 1)—Disallowable Instrument DI2005-28 (LR, 8 March 2005).

Small Business Commissioner Act—Small Business Commissioner Appointment 2005 (No. 1)—Disallowable Instrument DI2005-16 (LR, 2 March 2005).

## **Asbestos task force**

### **Ministerial statement**

**MS GALLAGHER** (Molonglo—Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial

Relations) (3.57): I seek leave of the Assembly to make a ministerial statement concerning progress of the ACT asbestos task force.

Leave granted.

**MS GALLAGHER:** I would like to take this opportunity to update you on the progress of the work being undertaken by the asbestos task force to provide safe management of asbestos in our community. Members would by now be well aware of the asbestos awareness campaign “Helping everyone breathe easier”, which can be seen, in advertisements featuring well-known personality Don Burke, on the television and in the print media. The campaign was successfully launched on 28 February. The launch was attended by a range of representatives from the community, industry groups and across government. I was pleased to attend the launch and support the task force in its work. It was encouraging to see the amount of work that has been achieved by the task force in such a short time.

The campaign has been well received and I would like to thank Don Burke for volunteering his time and support to the campaign. I would also like to thank Carol Willey for speaking about her family’s experience and for the support she has given to our campaign. Support has been received from experts in the field of asbestos management, medical professionals, commonwealth agencies and the National Occupational Health and Safety Commission. Information on asbestos awareness and the new laws will be going out to all residential and commercial premises this week. The new web site, [www.asbestos.act.gov.au](http://www.asbestos.act.gov.au), is a central hub of information regarding the safe management of asbestos for our community, providing critical information to residents, commercial owners and tenants, as well as home renovators and tradespeople.

The campaign is about, firstly, educating the community about the safe management of materials containing asbestos and its associated issues and, secondly, informing members of the community of their new obligations through the commencement of section 47J of the Dangerous Substances (Asbestos) Amendment Act 2005, which requires owners or occupiers to tell relevant people, in writing, what they know about asbestos at their premises. The importance of conducting such a campaign is validated by current community attitudes and awareness. A community survey conducted by the task force in January this year has confirmed that people need education about asbestos-containing materials in their homes. In January the survey found that only 10 per cent of respondents were aware that their homes might have asbestos-containing materials in them. By 4 April we hope that this will have increased and will continue to increase throughout the year.

The key messages of the campaign are simple and clear. To recap those messages: asbestos, while a dangerous substance, can be safely managed; asbestos-containing materials are not a threat to health when in a stable condition and left undisturbed; and by raising awareness and educating the general community in the safe management of materials containing asbestos we can reduce the number of future exposures to asbestos fibres.

In the lead-up to 4 April, the task force has been providing targeted briefing sessions to key industry, community and government groups. Groups briefed to date include the Property Council, the Real Estate Institute of the ACT, the Housing Industry



Association, the Tuggeranong and Weston Creek community councils, the ACTCOSS/HACS Network, the Master Builders Association, the Master Plumbers Association, the Queanbeyan City Council, occupational health and safety representatives, school principals, Shelter ACT, and whole-of-government staff.

Major employers and building groups in the main have been very responsive to the campaign. Overall, I believe the task force has made a very positive first step. There are further stages of the project to be completed in time for the task force's report in August and the commencement of the second phase of the legislation in January next year. The next stage is the extent and impact survey, which will be conducted by the task force in late April and throughout May. The survey will cover 500 residential properties and an additional sample of commercial, industrial and other buildings sourced from government records, the private sector and additional surveys.

The government has taken a number of steps to ensure the Assembly is aware of the progress of the project, including briefings on the awareness campaign. I acknowledge the strong support from across the Assembly for this issue in both August 2004 and February this year when it was important to make minor amendments to the legislation. It is very important that this level of bipartisan interest and support is maintained. This is an important issue for the whole of our community and is best addressed without political difference. The community need to be supported in managing asbestos issues in a safe and confident manner, and to avoid any situations of unnecessary alarm.

The initiative of this Assembly in progressing the new asbestos laws has received widespread praise from within and outside Canberra. There has been recognition of the leadership approach that is being adopted and also the quality of its delivery and implementation to date. This initiative is the first of its kind not only nationally but also internationally.

We are paving new ground and over the coming months there will be many issues that arise that will need consideration and cooperation to resolve. A recent example has been the issue of waste management and the dumping of asbestos-containing material. This will not be the only issue that arises, and members should not be under any illusion that all issues have been resolved at this point. From 4 April we can still expect some difficulties as education continues and practices change. It will still be difficult over the next 12 months or so until consistent good practice is fully established and the new laws are bedded down. I would encourage all members to constructively provide feedback about issues and potential problems to the task force, or my office, so that they can be addressed.

The project remains sensitive and will throw up some challenging issues, particularly as the work of the task force in investigating and analysing the extent and impact of asbestos in the ACT needs to be conducted in parallel with public awareness and implementation of stage 1 of the new laws. It is important that we keep moving forward. Mesothelioma cases are predicted to increase up to 2010. If we do not take active steps to reduce future exposure to fibres, the number of cases may continue to rise beyond that.

Take the do-it-yourself home renovators: it is critically important to influence those people in the face of the home renovation culture whereby people may be exposed to asbestos fibres through the demolition and removal of asbestos-containing materials in

their homes. That is why these laws exist and why the task force is working on recommendations to us on the best way forward.

The task force is continuing with international research and evaluation of experiences in other jurisdictions and is testing several models for long-term management of asbestos in preparation for its report, which will be handed to government in August this year. I again thank the Assembly for its support in this process and acknowledge the work of the task force members in progressing the project to this stage.

I present the following paper:

Progress of the ACT Asbestos Taskforce—Ministerial statement, 17 March 2005

I move:

That the Assembly takes note of the paper.

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

## **Economy**

### **Discussion of matter of public importance**

**MR SPEAKER:** I have received letters from Mrs Burke, Mrs Dunne, Dr Foskey, Ms MacDonald, Mr Mulcahy, Mr Pratt, Mr Seselja, Mr Smyth and Mr Stefaniak proposing that matters of public importance be submitted to the Assembly for discussion. In accordance with standing order 79, I have determined that the matter proposed by Mr Mulcahy be submitted to the Assembly, namely:

The state of the ACT economy.

**MR MULCAHY** (Molonglo) (4.05): Some of the matters of public importance raised in my very early days in the Assembly were ones that I would look at and wonder where the importance was attached to them, but I think that it can be said that issues impacting on the economy in the ACT are of significance, of major importance. With the debate that has occurred in recent weeks in relation to commonwealth-territory and commonwealth-state financial relations, how we rate and what outcome we secure in relation to these negotiations become important.

But equally important is the overall management of our economy, the impact of the decisions taken by the government in relation to economic issues, taxation policy and the like, the way fiscal policy is handled and the consequences that will be experienced by the residents of the city in terms of managing to cope with the magnitude of those decisions.

There has been of late major national focus on what has been a relatively small increase in interest rates, which I will discuss a little further. I do not, in making that remark, diminish the importance of interest rate increases. Even when they were forecast, I did express a public view that I thought that the decision by the central bank was ill advised, but we will come to that matter at a later time.

I think most members would be aware of the focus that has been given by the *Canberra Times* in recent weeks to matters of economic management in the ACT. I was particularly taken by a front-page story headed “Horror budget warning”. I am not subscribing to that descriptor in terms of the economy being in a state of chaos or dramas being immediate. My point in raising this matter today is that the time is right to ensure that we take precautions to protect the interests of our territory in a more prudent fashion than I suggest has been happening in recent years.

I was particularly prompted to express these observations when I noted the Auditor-General’s financial audits report. These are not the words of opposition members, but that document speaks of the fact that the territory’s long-term financial position is expected to rapidly decline over the next few years, with the expected shortfall rising by some \$658 million, 70.6 per cent, which, according to my advice, would take the overall shortfalls projected to about \$1.589 million.

I know the view will be that members of the opposition are gloom and doom merchants and that our concerns and cautions may be dismissed, but I have the feeling that in 2007 the concerns that I am expressing at the present time about the way we have been operating, the expenditure pattern over the last few years and the apparent lack of anticipation that anything will change significantly, may be borne out and will be the subject of further debate.

I guess that beneath the surface that view has also got some currency certainly with the Treasurer—and I suspect he has persuaded his Chief Minister to recognise that the ACT economy is headed for tough times. There has been a property slowdown. There are certain signs that the Australian economy is softening, despite our 13 years of buoyant economic growth. I think that they are starting to sense that the concerns that the opposition has made known for some four years, well before I was elected to the Assembly—the warnings that have been provided by the opposition about profligate spending—have, in fact, now started to become much confirmed with what is going on.

There is little evidence that the ACT government has elected to drought-proof the ACT economy during the good times. It is a critical issue for the ACT as to whether or not the elected government is capable of sensibly managing our economy. I do not stand here today and suggest that the Treasurer of this territory is not a person with a deal of competence; that is not my observation. My observation is, however, that, notwithstanding the best advice that he or his department may offer to the government overall, the government cannot restrain itself from a policy of spend, spend and spend, and there is an underlying assumption from those who advocate that position that the revenue from the property boom will just keep happening.

It is also without much credibility for the government to argue that we now face tough times because of a small increase in interest rates and a fall in property-related revenue. Indeed, this government’s own budget analysis has incorporated an increase in interest rates and a reduction in property-related tax revenue into its estimates for 2005-06 and beyond. These issues have not just emerged and become a problem. They certainly were anticipated, at least by our treasury officials. The RBA cash rate was expected to rise to 5.5 per cent in each year and hold at that level through till 2007-08. In the ACT midyear review the interest rate forecast for 2004-05 is 5.5 per cent, which is unchanged from the

budget. This forecast is consistent with the market expectations, which were of a 0.25 percentage point rise in the first half of 2005, and there are projections of a further increase, I believe, of about that magnitude. So the projections clearly were there.

The expertise is obviously there to anticipate the changes that have occurred. So the government certainly cannot go into the media, as the Chief Minister did, and say: "We have had this increase in interest rates, so we have this terrible drama ahead. We are going to have to have a horror budget. You are going to have your taxes raised or your services slashed." The Treasurer has advised his colleagues that this was coming, the treasury officials have clearly advised the Treasurer that this was coming, and catastrophe was not being forecast in terms of the rate coming out of left field.

The Chief Minister said that the end of Canberra's property boom and a slowing of Australia's economy meant that the government needed to increase its revenue or slash expenditure if the 2005-06 budget was to remain in surplus. We had this sort of dramatic weekend forecast put out by the Chief Minister, but there seems to have been, since then, some confusion as to how serious the policy will be in terms of increasing taxes. I have not been able to get a satisfactory definitive response on that issue. Certainly, if there is any talk of slashing expenditure, which is what the Chief Minister alluded to as needing to be done, we are told that it is just the Liberals wanting to cut wages.

I note from the government's latest update that the midyear review of the budget has revenue from property increasing over and above the budget estimate for 2005-06. The government now expects to get more from the property boom next financial year than it forecast a year ago. Conveyancing revenue increases from \$177 million to \$184 million, although I saw reports yesterday that that figure could be as high as \$192 million. I am not sure if that is more current data or from some other source. It has been projected for land tax to increase from \$58 million to \$60 million. So the relevance of the property market in the government's figuring is obviously of importance. It is important, therefore, that the Chief Minister's and the Treasurer's statements are consistent with their own budget forecasts.

In terms of GST, the latest data from the federal government shows that the estimated revenue for the ACT will exceed the forecasts made in the ACT's 2004 budget. As the ACT is a territory, it really should be doing well, and our level of indebtedness and the like do suggest that we are in better shape than some of the other jurisdictions. But the problem is the way in which the territory's affairs are being managed. The government here seem to have a policy of spending the revenue that comes in. There is not a policy of looking for a deteriorating situation, as seems to be the case.

This government's tax policy seems to be almost a non sequitur. It is one of "let's try this but we won't proceed now". An example of that is that they proposed a different rates policy, but then that all got too hard. Then there was going to be a bushfire tax, but then we had the insurance situation suddenly emerge and they changed their mind. Then there was another bright notion that we were going to have a parking space tax. I guess somebody talked to their colleagues in WA. I think they tried that out there and sparked a new civil war. Before long after they had announced this idea in Canberra, we had people in the city—property owners, hotel operators and the like—with near heart failure over the consequence of this measure on their already struggling enterprises.

So they have this sort of tax policy that seems to be a bit ad hoc and a matter of “coming along with the next bright idea till we get some public resistance”. I feel sorry for the Treasurer, because I suspect that the Treasurer struggles to try to manage his high-spending, freewheeling ministers. He is there with the benefit of advice from very able people in the Department of Treasury, and they probably sit back there, hold their heads in their hands and say, “Here we go again.” We have Minister Gallagher, who says, “more increases but no trade-offs, because we are great people here”, and other ministers who would be wanting to spend funds. But we still do not seem to get improvements. We do not get improvements in the hospitals; we just seem to see more and more dramas.

There has been a consistent failure to develop taxation policies properly. On the other hand, the Liberal Party went into the 2004 election with a policy of eliminating high-cost, inefficient transaction taxes in the ACT and there was a range of measures that we put forward. Despite comments that I heard very early after my election—that these were wild, expensive, extravagant promises—they were in fact fully costed. I made it my business, the first day I took my seat in this Assembly, to analyse the costings that my party had prepared, and I certainly have confidence in the thoroughness with which those matters were investigated and analysed by my leader and by his team and our advisers.

We have been told that something will happen on land tax, and then we are told there will not be a review. I know state governments love grabbing the funds from land tax and various other areas. The *Financial Review*, I think, recently came out with a very scathing editorial about the way in which the territories and states have been managing their affairs. It has been echoed by the *Canberra Times*, which ran a significant editorial on 7 March on these matters. I do not agree necessarily with those who want to throw out overnight every tax that exists. I do not think we can afford to do some of the things that we would like to see happen. But we also have to remain competitive as an area of Australia in which to invest.

I understand that the Treasurer expressed the view that the land tax has no bearing on investment. I understand also that the grill people had for breakfast today at the real estate institute was the Treasurer, because I understand that the real estate agents were not particularly thrilled and convinced that the market was travelling terribly well here. These people are not working on macroeconomic positions; they are actually working on how much money they make and how much bread they put on the table.

**Mr Quinlan:** How much money they made last year.

**MR MULCAHY:** Last year is another story, and that is the problem. This government say, “The money lasted well in the past, so why don’t we just keep spending the way it is.” Look at what has happened in the past. They had a blow-out of expenditure in 2001-02 of \$312 million. The next year it went to \$216 million. It went to \$410 million in 2003-04. But, fortunately for all taxpayers and for business people, there has been windfall revenue—a lot of which has come out of the commonwealth-territory financial arrangements—of \$311 million in 2001-02, \$385 million in 2002-03 and \$417 million in 2003-04. Those funds, of course, have meant that the ACT government have not had to be as responsible and as cautious as they might have had to be, had they had to live within their budget.

With that pattern of three years, you would probably say that we can keep doing this, and I am sure that there are people on the opposite side of the Assembly who firmly subscribe to the view that good times will keep rolling on. But I suspect, behind the scenes, that the Treasurer and his advisers are warning that we cannot rely on land sales, we cannot continue to get sources of income that we have counted on in the past, because they know that the economy is slowing down and they know they have taken very few precautions to protect our community from an overspending government and one that really has not protected itself against any sudden changes in the economy.

One has continually to go back to the advice provided by the Auditor-General. We have learnt here that the break-even budgets that have been a part of the pattern—in the words of the Auditor-General—“generate little capacity for capital expenditure and provide no real protection from negative fluctuations in revenue or expenditure or unforeseen adverse consequences of future events that may occur from time to time”. Those words of the Auditor-General, the arbiter in this case, are very clear. Economic management is not the strength of this territory government and it is time we examined that approach.

**MR QUINLAN** (Molonglo—Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport Recreation, and Minister for Racing and Gaming) (4.20): I do not think it is all that bad a tactic at this time of the cycle for the opposition to get up and try to cut off the government at the pass in terms of what it might do with a budget and try to limit its options by making them the subject of debate before the budget comes down. In that regard, I have respect for Mr Mulcahy’s tactics.

You had me there for a while, Mr Mulcahy. I thought, “That’s not bad.” But then you came out and said that you had looked at the costings Mr Smyth put forward before the last election and have confidence in them. That was a giant step backwards, I have to tell you, because they were rubbish. They were not fully costed, they did not add up and they would have sent the territory absolutely broke.

The great concern is that Mr Smyth, who is over there now mumbling about it, possibly does not even know how bad those figures were when they came out. We did the spendometer but we gave up; it burst at the top. It was truly the most amateurish presentation I have ever seen. Even the physical presentation was appalling. Mr Mulcahy lost me a bit further when he used the phrase “drought-proof the economy”—a phrase which I think was invented in Mr Smyth’s office, which was never explained and which meant very little. It was a meaningless statement that had no bones. He did not say what it was about.

Mr Mulcahy made the claim that there were four years of warning by the opposition in relation to, I think it was, three years of profligate spending. That was not so at all. Of course there were occasions when the government might have been spending too much here or there. There were other utterances from the opposition at the time that the government should be spending more money here or there, that the government had all this extra money; it had surpluses, so why was it not spending it.

That demonstrated quite clearly, as we have seen, that there was no strategic approach in what the opposition said. It was, as we still see to this day, the convenient utterance of the moment. It did not fit into any discernible strategic plan that might have arisen out of

some analysis that had been done; in fact, they happened to be glib statements. I think Mr Smyth was using the term against Mr Corbell—I nearly choked at the time—that he was going for the 30-second media grab. Blow me down! If anybody in this place uses the 30-second grab off the top of his head, it has to be Mr Smyth.

There was not in the last Assembly the scenario that Mr Mulcahy set up; not at all. That was not an accurate reflection of the processes that went on in this place, because they were all over the shop. The assessment that anybody could place any confidence in the 2004 pre-election costings is a joke. In fact, I am happy to publicly invite you to come to my office. We will give you five minutes at it and you will see how awful they were. They were delayed until about 48 hours before the election, or a little more than that, because the Liberals were too scared to put them out. They knew that anybody with five minutes to spare could drive a truck through them.

In terms of drought-proofing the economy, if that is an attempt to say that we should have been strengthening our position, I counsel you to look at our balance sheet, which is stronger than it has ever been. I counsel you to look at the last assessment by Standard and Poors. I do not know whether you have ever been through it.

**Mr Mulcahy:** I have, and they have given you a warning in there.

**MR QUINLAN:** They give everybody a warning every year; they have to justify their existence. If you have ever been through it, you will know how stiff and how tough they like to be. But, despite the warnings they put out every year, they also said that the ACT economy is sufficiently strong to permit it to run a series of deficits. I reckon you could pretty well interpret that to say that it has been drought-proofed. That implies—and you must read into it—that the ACT economy, the ACT balance sheet, has the strength to survive a downturn. It is misleading to be saying that the economy has not been drought-proofed, if there were any meaning to that statement other than a quick media grab attempt.

The Chief Minister has posted warnings in relation to the upcoming budget on the concerns the states and territories have not only in relation to GST revenue and whether it will stand up, but also about whether the commonwealth will fulfil its threats. If you read the utterances of the Treasurer, the threats are that the states have to take off a certain amount of taxes, particularly for their constituency—corporate Australia—or face the consequences.

We know Mr Costello is, by nature, a bully. You do not have to be tough to be a bully. Usually it is the opposite; bullies are essentially cowards. I have to say that Mr Costello is a bully. You can see that in the way he has treated the ACT and the special revenue assistance it used to get.

**Mr Mulcahy:** Those are corporate regulatory functions.

**MR QUINLAN:** Yes, but it is funding that the other states and territories are still getting.

**Mr Mulcahy:** Where were ours working? I cannot find them anywhere. Where were our corporate regulatory people working?

**MR QUINLAN:** Where were they working?

**Mr Mulcahy:** When did we have that function?

**MR DEPUTY SPEAKER:** Gentlemen, please confine your remarks to statements through the chair. If you have a point of order, Mr Mulcahy, you may raise it.

**Mr Mulcahy:** I am sorry, Mr Deputy Speaker.

**MR QUINLAN:** Sorry, mate. You do not get there often and we should recognise it while you are there. The states and territories ceded their power to collect corporate regulatory fees years ago, much as they have ceded their power to collect some excises, to the commonwealth on the basis that those funds would be repatriated. That is the process that takes place.

That happened to pre-date self-government; so, unfortunately, it was redundant to give the ACT those powers. Technically, we do not have those powers but, in equity, we ought to be getting, and we ought to be treated, the same as any other state or territory.

I would be very happy to hear you go out in the public forum and support Mr Costello in this particular move, because you would be supporting him against your own constituents. Do me that favour and go out and do it. I think you ought to be at least supporting the territory's right to be treated in exactly the same way as other states and territories.

As for the matter of what has happened within the economy, Mr Mulcahy's focus on spending and spending alone probably shows the limitations that exist over there. There was no reference at all in what he said to what needs to be done to boost the economy—the investment that needs to be made and the work that needs to be done to build the enterprise sector in the ACT.

I guess it is marginally counterintuitive that a Labor government should have done a lot more to boost the corporate sector in the ACT than previous Liberal governments have done, but that certainly has been the case. This government has invested in the NICTA centre of excellence. It has invested in commercialisation funds in relation to that and, working with the ANU, built the basis for a \$30 million commercialisation fund. It has granted embryonic businesses R&D funds and start-up funds through the knowledge bank—a facility Mr Smyth has described as a failure. So one presumes that a Smyth Liberal government—that term we heard so often last year—would have abandoned the knowledge bank. I suggest you go and talk to the business sector about that move before you promulgate it any further. It shows, I think, the limited horizon that exists across the way.

In relation to the budget and the Chief Minister's sensible warnings, there are pressures, particularly in health. Do not take my word for it. A couple of weeks ago the federal minister for health, Tony Abbott, announced an increase in health insurance premiums of up to 15 per cent in some insurance schemes. What was the justification? Health costs are going up at a faster rate than normal inflation. It is simple. Had we put that argument to the federal government when looking for grants funds or something to help run our



system, I suppose it would have been dismissed out of hand but, because he was justifying a federal move, Mr Abbott is on record as saying that health costs escalate at a far greater rate than normal escalation.

On top of that, I want to refer to a couple of things that this government has had to absorb in its time. The previous government started out with the Gallop report—inadequacies in the previous Liberal-run disability services implied additional costs. I think we followed the Gallop report. We then had a bushfire. We had in place emergency services structures that had been in place well before we came to government and we have had to handle that pressure. We had the McLeod report following the fire, which also required significant funding.

We now have the report that was done on children at risk, and we find that we have to make further massive investment. This government has picked up on a whole raft of inadequacies in a budget we inherited. I think the last budget of the Liberals was quite scandalously understated. It has picked up on Gallop, it has picked up on McLeod and it has picked up on the report on children at risk. It has absorbed those things as well as building of the services.

There are pressures within the health portfolio. As we all know—unless you do not have your ear to the ground at all; unless all those people who ring Jacqui Burke's office every day or run up to her when she is campaigning are not telling her what is actually going on—there is increasing pressure on disability services and on other services. Right across the spectrum there are increasing expectations within our community for service, whether it be ISPs or disability services. Those things this government will attempt to meet.

**MR SMYTH** (Brindabella—Leader of the Opposition) (4.35): It is a pleasure to speak after the Treasurer when he displays his ignorance in a way that only the Treasurer can. The Treasurer started by saying that the opposition has never sounded a warning about the government's profligate spending. I want to read from page 6 of my speech last year, as leader, in response to the budget. I said:

There are nastier things than the deficit. If we look at the assumptions behind this budget, we see employment growth static, state final demand halved and then static, and predicted investment static. These should send clear warning bells to a prudent government or a prudent treasurer.

I went on to say:

The only louder message these figures could send would be if they were in big, red letters that said, "Big correction coming," but the Treasurer and his government ignore the inevitable.

I then quote from page 96 of budget paper 3, which says:

The estimated outcome continues to remain flat in 2005-06 as expenditure growth outstrips revenue growth, improving in the 2006-07 forward year, as revenue growth driven by taxes, fees and fines, grants and other own source revenue exceeds expenditure growth.

I continued:

Note the grave warning: “expenditure outstrips revenue”. Then it hints—no, suggests—that the government will be baled out by increases in taxes, fees and fines.

What did we hear from the Chief Minister in the last couple of weeks while you were away, Treasurer? We have to put up taxation to cover costs or cut services—and we will not cut services. So what have we got? Tax more, spend more! Mr Quinlan is keen to continue to denigrate the figures we put out in the excellent document put together by my team. They have withstood the incoming briefs of the treasury and other units, which I think has confirmed the accuracy of them. The Treasurer has a short memory—this particular Treasurer always has had.

I want to talk about one line in his budget document—the \$40 million. This is the Treasurer who says that \$5 million plus \$10 million, plus \$12.5 million, plus \$12.5 million equals \$1 million. That is it—the \$39 million hole in Mr Quinlan’s budget. This is the Treasurer who put out a document that says that five plus 10, plus 12.5, plus 12.5 equals one. Whose figures do you trust now? This is the Treasurer from the party that left us Labor’s legacy of an operating loss of \$344 million.

What do we have in the 2003-04 financial audits from the Auditor-General? This is not from us; we did not put this document together. This is from the Auditor-General, the person charged with looking at the figures and the long-term financial position. Remember that Rosemary Follett’s government only managed to rack up a legacy of \$344 million.

I will quote what the Auditor-General is saying on page 20 of the 2003-04 financial audits. She says that the territory’s long-term financial position is expected to rapidly decline over the next few years, with the expected shortfall rising by \$658 million. That will be Ted Quinlan’s legacy at the next election. We will not be talking about Labor’s legacy of a \$344 million operating loss; we will be talking about their legacy of a \$650 million operating loss, courtesy of Treasurer Quinlan. I assume that is in 2007 figures, given that we are talking about escalators now, and escalators out of the problem we have. That is the problem with this government.

The theme of my response to the budget last year was that it was a budget of lost opportunity. We said here, at the top of the cycle, that we had a Treasurer planning for a deficit who did not have his figures right. Our predictions came true that the amount of revenue that was going to come in was way beyond what was forecast. So, one, he does not have a grip on the figures to start with; and, two, it was the lost opportunity of not drought-proofing the economy.

When he does not like something the Treasurer talks about glib lines, throwaway lines, 30-second grabs. This is the master of the 30-second grab. This is the man who is out there spreading this stuff—that everything is okay when even the *Canberra Times* editorial the day after the budget last year was headed “Budget of lost opportunity”. It was headed “Budget of lost opportunity”, Treasurer. You did not do your job; you could

not control your colleagues. That is what is wrong and that is why we are having this MPI today about the state of the ACT economy.

This morning the chamber of commerce released its latest business confidence survey. For the second quarter in a row, confidence is flat. It is not bounding ahead, as the Treasurer would have you believe. It is not building because people are excited by the return of the Labor government. After two quarters, it is flat. The scary figure is that profits are down.

Where does the money come from for the investment the Treasurer was just calling for? He said that investment is needed, but you cannot have investment when there are lower profits. The problem is that the chamber of commerce report this morning said—and Mr Peters made this point—that, even though expectations were high when they were surveyed about the coming quarter, two successive quarters then turned out to have a flat return.

That means that, if there are no profits there is no investment in staff, there is no investment in plant, and there is no investment in buildings—and that means the government's revenue goes down. The Treasurer is standing here saying that investment is needed. Investment is needed, but an environment needs to be created where that investment will come from.

Instead, we have a government that spends more, for which we are getting less in services, and tries to portray our call for accountability on pay increases as being against public service pay rises. Public servants have pay rises like everyone else, but you need to call into account whether, at that time, there would be a dividend for the public. We have seen this money just given over without the government negotiating for better services, or more services, for the people of Canberra.

In the last three years we have seen the budget go from \$2 billion to \$2.6 billion, an increase of approximately 25 to 30 per cent. Has your wage gone up that much? No, it has not. Has inflation gone up 25 to 30 per cent? No, it has not. Inflation is running at about seven per cent across the three years.

We have seen Labor's almost total dependence upon property-based taxes or transaction taxes. This highlights their lack of ideas and this Treasurer's inability to get his colleagues to agree that, instead of spending willy-nilly, we have to spend with a plan for the future. There is no plan for the future in this document. As the Auditor-General says, our long-term financial position is expected to rapidly decline—it is not getting better—with an expected shortfall rising by \$658 million. Worse than that, in the 2003-04 financial year there was 60 cents in financial assets available to cover each dollar of liability—60 cents in the dollar.

By 2007 under this Treasurer, predicted by the Auditor-General, it is expected that there will be only 34 cents in financial assets to cover each dollar of liability. Where have the assets gone? What have they done with this opportunity? They have squandered the opportunity to drought-proof the ACT economy. At the top of the cycle they have had almost ideal opportunities to do great things, and they have done nothing. They wasted three years putting reports together. We have had the failed white paper. That

took millions and millions of dollars worth of consultancies, made lots and lots of promises and has delivered absolutely nothing.

I will give two examples that need to be looked at. The first of these is that, when you get past all the platitudes of this government, it is a government that has abandoned industry. Let us look at the IT industry. In the white paper, at the top of their list of examples of things that they think are good for Canberra, they have IT—information and communication technology. It is not in alphabetical order, so one assumes these are the sectors that will be targeted.

Mr Quinlan talked recently about a centre of excellence. Perhaps he had forgotten about the centre of excellence the taxation office wanted to put together—and it was put together. The project was run out of Canberra. These are people who live in Canberra and who want to see jobs in Canberra, who want to keep them here for their kids into the future, you would assume, but they could not find 100 qualified people to fill those jobs. That is because this government, under this Treasurer, has absolutely abandoned the IT sector.

The Treasurer is also the tourism minister. Look at the shocking tourism figures for the last quarter—down 22 per cent. To quote a survey, tourists have shunned the nation's capital, with about 120,000 overnight domestic visitors turning their backs on the ACT during the December quarter last year. This Treasurer has failed the economy.

**MR DEPUTY SPEAKER:** Order! The Leader of the Opposition's time has expired.

**MR GENTLEMAN** (Brindabella) (4.45): Mr Mulcahy and the Treasurer have both made passing reference to the opposition's approach to financial management in the last election campaign. Their legacy, a litany of unfounded promises, has been mentioned in this place before. But it is worth repeating: years of cost-budget blowouts on the V8 supercar race, set inappropriately in the middle of winter; a commitment to construct a jail at the cost of \$110 million, with no funding provided in the budget; a remand centre in desperate need of replacing; the morale-sapping nurses dispute; the commitment to a Canberra medical school, with the unrealistic expectation that the operating costs could be absorbed within the Department of Health and Community Care; disability services; the state of the Totalcare quarry; the additional capital requirements for TransACT; and the unfounded costs of information technology.

While a number of these projects are very worth while—and this government has proceeded to implement them—what sets this government apart from the previous is its commitment to provide the funding. The funding for these initiatives has been included in our budget. It is a good thing that the ACT community did vote like their life depended on it; it is a good thing the opposition does not have its hand on the tiller now that the national economic cycle is turning and the ACT will come under increasing budgetary pressure. Would we see needless expenditure on imported grass or, in celebrating today's Irish day, some extra spending on green paint?

Mr Deputy Speaker, we have spoken about the extent to which the ACT finances are dependent on the commonwealth government's decisions. The ACT budget is under pressure from the commonwealth's current approach to specific revenue assistance, national competition policy payments and specific purpose payments. The Australian

government's 2004-05 budget cut the ACT special revenue assistance funding of approximately \$13.9 million per annum from the 2005-06 budget.

While the funding components of \$6.3 million for police and \$3.1 million for roads have now been included with the GST pool from 2005 to 2006, the corporate affairs regulation component of \$4.3 million per annum has not. The ACT will bear this cost of approximately \$18 million over the budget in forward years. The outcome is particularly unsatisfactory, given that the ACT has not been treated equitably with the other states. All states and the Northern Territory continue to receive corporate affairs regulation funding through a specific purpose payment.

The ACT also faces the loss of national competition policy payments estimated at \$13 million in 2006-07, which the Australian government will now use to fund the national water initiative—approximately \$14 million over budget in forward years. On a number of fronts the Australian government is demanding greater funding contribution from the ACT regarding specific purpose payments. While the federal government recognises the high growth of costs of service delivery—for example, the recent hike in private medical insurance—it is looking to the state and territory governments to meet the full cost of this high growth.

The mortgage belt in the ACT—those workers struggling to bring up their families and pay the bills—has just been hit with a 0.25 per cent increase. That is from the federal government that said, “Vote for us and we’ll provide lower interest rates.” Under their watch, five months on, interest rates are up. And now they are cutting our funding. I urge the opposition to do the right thing for the people of the ACT and put pressure on their federal Liberal colleagues—we know some of you are close to that, Mr Mulcahy—to treat the territory fairly and maintain appropriate levels of funding to the ACT.

**MR DEPUTY SPEAKER:** I call Mr Seselja.

**Dr Foskey:** Excuse me.

**MR DEPUTY SPEAKER:** Dr Foskey, do you have a point of order?

**Dr Foskey:** Yes, I do have a point of order, Mr Deputy Speaker. I stood up before Mr Seselja. I stood up twice. The time for the debate is ending. The Greens' perspective has not yet been put. I do think it is rather different and needs to be heard.

**Mr Mulcahy:** Mr Deputy Speaker, I do not think there is a point of order. It is a matter of your calling whoever you notice is first to their feet.

**MR DEPUTY SPEAKER:** Mr Seselja was on his feet earlier. Dr Foskey, you do not have a point of order.

**MR SESELJA (Molonglo) (4.51):** Firstly, I would like to commend Mr Mulcahy for bringing forward this matter of obvious public importance today. We have heard some compelling points from this side of the chamber on this issue and we have heard compelling points about some of the real concerns that the opposition has about the economic outlook for the territory. We have heard some interesting points from the other side, which I will get to later.

The pertinent points that Mr Mulcahy and Mr Smyth made about profligate rates of spending and the reliance on GST revenue and the property boom, about the Auditor-General's warnings concerning the government's mismanagement of territory finances and about the Treasurer's lack of ideas were well made. I am going to take a slightly different focus in my speech. I would just like to talk briefly about one of the things that the Treasurer raised.

The Treasurer pointed out that he did not trust the costings the Liberal Party had put forward before the last election and criticised us for releasing them too late. One of my staffers drew my attention to Labor's plan for good government for all. It talks about Labor's commitment in 2001 to develop a charter of budget honesty. We are still waiting for this charter of budget honesty.

We do know, Mr Deputy Speaker, where the charter of budget honesty came from. It came from the federal sphere because of the \$96 billion budget black hole that was inherited by the coalition government in 1996—the \$96 billion budget black hole. We would call upon the government to comply with its election commitment and implement the charter.

I would like now to move on to some of the issues that I see as contributing to the state of the current ACT economy, particularly in the area of planning, in particular as it relates to extensions, building approvals, renovations and investment. The renovation market for the ACT fell by some 40 per cent in the December quarter of 2004—a drop of concern. The HIA have told us why they think that is. They said in a media release of 8 March that the fall pre-dated the 25 basis point interest rate adjustment. However, they went on to say:

Of deeper concern is the continued rise in building costs brought about by skill shortages and increasing compliance costs.

In new housing activity there was a drop in the volume of work performed of four per cent in September 2004. The forward indicators for new housing activity have also been volatile, with dwelling approvals falling from an annual rate of 2,490 in September 2003 to 1,550 at the same time in 2004.

The figures are clearly showing a downturn in the housing market. We have heard Mr Quinlan and Mr Stanhope say in the last couple of weeks how this downturn is now going to lead to declining numbers in the ACT economy. Mr Quinlan has said that revenue from stamp duty, land sales and the like is going to fall. But let us put this in context. The levels of revenue from these areas may well fall. Change of use charges, if the building industry slows, will probably be much less than they have been recently. But this government has been riding the crest of a federally inspired building boom for the last three years and reaping the benefits of increased consumer confidence, increased property sales and increased building renovation levels.

Every year at budget time Mr Quinlan has trotted up and said, "We thought we were going to receive \$X from stamp duty or from land tax." But, with great surprise and much fanfare about the wonderful economic management of this government, he adds, "We have received a greater than expected amount." So our ACT government, whilst

they take the benefits of the federal government's economic management, whilst they reap the GST windfalls they have had for the last three years, whilst they spend as fast as they earn, take the credit. They say, "It is down to us." But as soon as it looks like there will be some doom and gloom, as soon as things get a bit hard and the results are a spend-it-as-quick-as-we-get-it approach, they say, "It could not be our fault; it is nothing to do with us." I would like to suggest that it is the ACT government's fault.

One of the major contributing factors and the problems the ACT economy is going to face is the planning system we have that Mr Corbell is responsible for—the red tape, the holds-up with the approval process—despite the best efforts of Mr Corbell to preside over a planning system which has been described as one of the worst, if not the worst, in Australia. The line-up of ALP figures and others criticising their own mates in this government for their handling of the ACT planning system and the flow impact on the ACT economy is becoming lengthier.

Less than one month ago, we had the former Labor Lord Mayor of Brisbane, Jim Soorley, incidentally also a member of the LDA board, being scathing about the state of the ACT planning system. He went as far as to say that mandatory regulations were more akin to the Industrial Revolution. Is this the climate that we expect vibrant, modern businesses, looking to spend dollars on property and investment in this city, to come to? Do we expect large corporations or cashed-up businesses, modern progressive organisations, to come to a city with planning regulations that are akin to the Industrial Revolution? Mr Corbell, through the planning system, has had a direct impact on the ACT economy. His Labor mates tell us that.

We might normally expect that Mr Corbell would be supported by a body such as the CFMEU or that the CFMEU would not want to give their Labor mates too much of a kick. The *Canberra Times* of 7 October 2003 showed us just what the CFMEU and other bodies thought of the Stanhope government's approach, reporting:

We have been frustrated to the nth degree ... George Wasson said.

That is what the secretary of the CFMEU had to say—an affiliate of the ALP, he was described as, and he highlighted the frustrations, the delays and the obstructions to his organisations looking to invest millions of dollars in our city.

Mr Wasson even went as far as to write to Mr Corbell about the concerns he had back in November 2002. Maybe Mr Corbell could come in for the adjournment debate today and read that letter to us. Mr Wasson was telling the minister why he was not prepared to waste his time investing in the ACT. I will let the Assembly know some of the pertinent points that Mr Wasson made, because I am sure that is one letter Mr Corbell will not be prepared to read out. I think the list of letters he would like to read out is shrinking. He is having to get Labor staffers do it for him. Even his mates in the union movement, he does not want to read their letters.

George Wasson described the planning system as a disgrace and described as outrageous the fact that members of the construction and building industry's superannuation fund, which Mr Wasson was representing, were hesitant to invest large slabs of money in the ACT. Is it any wonder that there might be a downturn in investment in the ACT? Is it

any wonder that business might look elsewhere and invest their funds in other cities? A shortfall of skilled labour could be explained in the same way.

I would like to speak briefly about the skills shortage. The question is: why would skilled builders or tradesmen hang around the ACT if the investment dollars are going interstate? George Wasson was thwarted in his attempts to construct a permanent training centre for construction industry apprentices back in 2003 when the lessee of the premises pulled out of the deal after planning delays. At the time he noted how the delays in the project would mean it was more difficult to train skilled staff. But now the ACT government wants to pass the buck to the federal government yet again.

The ACT chamber of commerce also weighed into the debate at that time, as far back as 2003. They highlighted how our planning system was causing ACT companies to work interstate whilst keeping their headquarters here. They were spending their money elsewhere, and that cannot be good for our economy—spending going interstate, jobs created elsewhere. The chamber of commerce highlighted how it was uneconomic to undertake construction and investment work in the ACT.

So it is not just the opposition highlighting the upcoming problems of the ACT economy; it is the CFMEU; it is a former Labor lord mayor; it is business; it is industry. It seems everyone except this government realises there are problems with the ACT economy. To the government, it may be increased revenue, but Canberrans know that is code for hiking up taxes. We already pay higher vehicle registration costs, among other things, than New South Wales.

We are talking about spending \$150 million—I guess that is March 2005 dollars—on a new bus road. Who knows how much the prison will cost them in dollars that apply when that projects is finished. The government talks about removing the already scarce public parking from the city, which will further cut revenue.

You cannot hide behind interest rates—10 per cent or more lower than when the Labor Party was last in government federally. You cannot hide behind unexpected windfalls to keep the budget in the black and you cannot hide behind the fact that you spend it all, with nothing for a raining day. The economy in the ACT is in trouble, and this government needs to stop shifting the blame.

**DR FOSKEY** (Molonglo) (5.01): Mr Deputy Speaker, all these features have been about the past. I want to hear the economic visions of the government and the opposition. Yes, so much of what Mr Mulcahy says is a matter of fact and is on the record. Our revenue is less than our expenditure. A lot of that expenditure is not necessarily appropriate. There is a fear by this government, and certainly by the alternative government, of imposing new taxes, especially progressive taxes, because that would offend the people with a voice that makes a difference—the voice of the wealthy who certainly have a great influence on the opposition, from the things I have heard today.

Given that ALP state and territory governments are now hooked into a tax that they would never have imposed, or so the federal ALP declared, at a federal level, this tax has become rather like an addiction. The Greens opposed the GST in favour of a carefully developed tax regime that supports outcomes that are good for the environment and good



for social and economic equity. Nonetheless, it is clear that the GST revenue has been a benefit to the ACT and other state and territory treasuries.

It is important to establish what an economy is for. Too often, as the speakers today have done, it is treated as an end in itself. The Greens look upon the economy as a way of managing our assets and liabilities to improve our environment, to deliver sustainability and to deliver good lives to citizens on an equitable basis. There is a necessity to diversify the ACT economy and to make it more resilient. It would be good if all of us could just accept that. It needs to be based on the recognition that the best way to tackle poverty is to increase access to higher quality social services. If everyone, regardless of their income, disability and age, has access to housing, education at all levels, good health and dental services, and affordable recreation and cultural facilities and activities, I would say that our economy is doing its job.

If our environmental management maximises biodiversity and discourages weed and pest proliferation, safeguards our water and provides places for Canberrans and Canberra's visitors to enjoy, then I would say our economy is doing its job. If our commitment to sustainability uses economic measures to reduce our pollution and our energy and water use, then I would say that we are using our economic tools appropriately. The commitment to sustainability requires a different approach to economic management than either Mr Mulcahy or Mr Quinlan has promoted today, though aspects of their speeches do resonate with the Greens.

We cannot brush off the Auditor-General's warnings. This is an expert impartial voice and begs to be heeded. Whichever party is in power will have to tackle that, and I am sure that whichever party is in power would obfuscate. We do have to decrease our reliance on land sales. The commonwealth gave the ACT a precious trust—a leasehold system that we are treating like a freehold system. We have to use our strengths and our aims to build an economy that does what we want it to do—to provide jobs, to develop skills, to be marketable both inside and outside the territory.

Do we want energy efficient houses? We say we do. There is a whole industry waiting to be built on that—and the expertise exists within our territory—but we have to mandate benchmarks for this market development, and neither the opposition nor the government has shown an interest in doing so. Do we want to reduce water use? So does every other state and territory, not just in Australia but also in the world. We have advisers and innovative technologies within our own territory, if only the government would look for them.

There are many revenue-raising initiatives available if we have the political boldness to embrace them. A holistic approach is needed. I feel we are putting off the big economic questions, as we are putting off the big environmental ones. We are failing to grasp the opportunities offered to show the leadership sorely needed in this country.

**MR DEPUTY SPEAKER:** The discussion is concluded.

### **Sitting pattern**

**MR CORBELL** (Molonglo—Minister for Health and Minister for Planning) (5.06):  
I move:

That the resolution of the Assembly of 9 December 2004 relating to the sitting pattern for 2005 be amended by omitting Friday, 18 March 2005.

Mr Deputy Speaker, the government indicated at the beginning of this Assembly that we would want to see an additional sitting morning on Fridays. Given that the legislative program is only now starting to roll and ramp up through the Assembly and given the timeliness with which we have been able to get through business to date, the government is not proposing that the Assembly sit tomorrow. This motion addresses that.

However, I should signal to members that we do anticipate that the program will be well enough developed, with a sufficient range of legislation for debate and for consideration by all members, for subsequent second Fridays to be a regular occurrence. However, as this is the first time that we have hit this point, and given that a fairly substantial bank of legislation has only now been introduced into the Assembly, we would anticipate not utilising a Friday sitting morning until the one that is next scheduled on the sitting calendar.

**MR SMYTH** (Brindabella—Leader of the Opposition) (5.08): There is a real question as to why we are not busy and why we do not need to be sitting tomorrow. We were told that there was no longer a need to have an evening session in the sitting weeks. We were told that the government had a busy agenda and we were told that, as a consequence, we would need to put aside every other Friday morning, as it were, after a sitting fortnight to discuss the government's business.

Mr Deputy Speaker, I would simply put it to you that, rather than Mr Corbell's excuse that it was by timeliness that we got through the debate so quickly, in reality there was just nothing to debate. There were two bills on the government's agenda on Tuesday, and there are two bills on the agenda today. We will clearly get through today's agenda as well.

The problem is that we have simply got a lazy government. They are not doing the work. Last week we were warned that in government business possibly 15 bills would be introduced into the Assembly today. We were then told that it was cut down to eight. Then we were told that it was cut back to six. There is this inability of the government to do its own work, which actually includes the work of the Assembly.

I am happy to put a proposition to the minister. They objected on Tuesday, when we did not want to break for lunch—I think we broke for brunch, because we knocked off at about 11:30—and we on this side proposed that private members' business should be brought on. Given that we have got a morning scheduled for tomorrow—I am sure that none of us has anything in our diaries in anticipation of the heavy workload that the government was going to plough through—if the government has not got any work to do tomorrow, they might like to consider letting private members, who seem to be far more organised and have far more notices on the paper than the government does, do some of our work. We would be happy to do it.

Mr Corbell said we needed to give them warning. Here is a warning, Mr Corbell—in plenty of time—that we might do it tomorrow. If you are really concerned about getting

through work in a timely fashion, then why not extend that courtesy to the crossbencher and the opposition as well.

Clearly the government has got the numbers to make this occur. I think it is a damning indictment of this government's commitment to the Assembly and its processes that, on the very first occasion that we use a Friday morning sitting, they cancel it; they just want to go home. They have got no work to do. I notice there are a number of bills there and if there are not bills that they wish to bring forward there are a number of ministerial statements and portfolio statements that could be brought on from the government's point of view.

There is work there if they want to work. This government just does not want to work. That is the problem. It is about time they took Friday morning off. They have all got free diaries, because they have locked tomorrow away for a sitting day. And this is just an early mark for a government in the lead-up to Easter.

I oppose this change to the sitting pattern. We do not sit that many days in a year. We were told that this half-day would be necessary. If the government cannot fit it in with their business, I think the courteous thing to do would be at least to offer the crossbencher and the opposition an opportunity to do some of their business. With that in mind, we oppose the motion. We are quite happy to do the work, even if the government is not.

**MR CORBELL** (Molonglo—Minister for Health and Minister for Planning) (5.11), in reply: These are more puerile tactics from the Leader of the Opposition. Let me just make it quite clear. As I indicated in the speech, although Mr Smyth did not acknowledge it, the government is ramping up this legislative program. There has been a significant amount of legislation introduced into the Assembly this week. There is further legislation to be introduced into the Assembly in future sitting weeks.

The government is developing a comprehensive legislative program but, as all members would be aware, at the beginning of any Assembly there is a period of time in which legislation is ramped up and introduced. As the years build up in the term of an Assembly, the business of the Assembly builds up as well. There is nothing unusual about that. There is nothing unique about that or about the term of this particular government, to this side of the house. It is always the case, Mr Speaker. And Mr Smyth is chattering away there in the background, like a little parrot. He cannot help himself. He just cannot help but have his little murmur and his little talk from time to time.

The issue here is that the government is getting through its business in a timely way. We are doing a good range of business in this place on every sitting day. We are getting through the debates. I believe we are having more focused debates and more timely debates because members have to focus their arguments to work within the time limits as set down in the standing orders.

I know it is a pretty radical concept that you have got to stick to the standing orders. I know that is a pretty unusual request on the part of the government. But you go to any other parliament in the country and that is what you will see. You work within the standing orders.

The problem the Liberal Party has is that it cannot handle that. They cannot handle the fact they have got to marshal their arguments. They have got to have an argument in the first place and they have got to be able to present it succinctly and coherently. And they have singly failed to do that throughout the term of this Assembly so far, because they just cannot get their heads around the fact that they have got to work within the standing orders. They are going to have to get used to it, because the people of the ACT expect politicians to get on with the job, to talk about the key issues and make a decision.

What they do not expect is for last-minute Dunne and all the others over there to always have the last say and always get the issues out from their perspective, no matter what.

**MR SPEAKER:** Order!

**MR CORBELL:** I am sorry, Mrs Dunne, last-minute Mrs Dunne. That is what Mrs Dunne is like.

**MR SPEAKER:** You will refer to members by their proper name, by their proper title.

**MR CORBELL:** My apologies, Mr Speaker. Mrs Dunne is a particularly bad perpetrator of this. She always has to have the last say. She cannot cope with someone else having the last say. That is why she is so miffed about not getting leave to say whatever she likes whenever she wants to. And other members are like that, too. That is the reality that the Liberal Party has failed to come to grips with so far in this place.

But you look at any coherent organised opposition in any other parliament in the country and they use the standing orders effectively; they do not bitch and whine about not being able to do their job within the standing orders. And that is exactly what this Liberal Party cannot cope with.

This side of the house has been just as disciplined as the other side of the house, Mr Speaker. We have not sought leave to extend our comments. We have not sought leave to speak again. We have been just as disciplined. We are not saying it is one standard for you and one standard for us. This government is doing exactly the same thing. We are sticking by the standing orders; we are creating coherent and reasonable arguments within the time limits as provided by the standing orders; and we are getting on with the job.

So that is the government's perspective on this. It is a reasonable request that you simply do your work in accordance with the rules of this place—nothing more and nothing less. That is exactly the approach the government will continue to take.

In relation to Friday: as I have indicated, there is a range of legislation on the notice paper, much of it only just introduced. We can bring it on for debate if you like. We can bring it on tomorrow if you like. It was introduced but we could bring it on tomorrow if you are really keen to do the work. But, quite clearly, that is not reasonable.

**Mrs Dunne:** Bring it on.

**MR SPEAKER:** Order, Mrs Dunne!

**MR CORBELL:** Members are entitled to consider the legislation. Mrs Dunne is there now talking away. She just cannot help herself.

**MR SPEAKER:** She won't be any more because I have just ordered her to cease.

**MR CORBELL:** Thank you, Mr Speaker. This is a reasonable approach. In future sittings we anticipate that the second Friday morning will be used. The government's legislation program is only now building in terms of the volume of bills and other matters on the notice paper. That is not surprising at the beginning of a sitting term of an Assembly. It is always the case. The government's proposition today is entirely reasonable.

Question put:

That **Mr Corbell's** motion be agreed to.

The Assembly voted—

Ayes 9		Noes 8	
Mr Berry	Ms MacDonald	Mrs Burke	Mr Seselja
Mr Corbell	Ms Porter	Mrs Dunne	Mr Smyth
Ms Gallagher	Mr Quinlan	Dr Foskey	Mr Stefaniak
Mr Gentleman	Mr Stanhope	Mr Mulcahy	
Mr Hargreaves		Mr Pratt	

Question so resolved in the affirmative.

Motion agreed to.

## **Utilities Amendment Bill 2005**

Debate resumed from 17 February 2005, on motion by **Mr Hargreaves**:

That this bill be agreed to in principle.

**MR PRATT** (Brindabella) (5.20): Mr Speaker, the government has stated that this bill merely seeks to allow the same provisions for the maintenance of street lighting and stormwater drainage infrastructure, in terms of access to and authorisation to conduct works on private land, as is currently the case for gas, electricity, water and sewerage utilities.

*Members interjecting—*

**MR PRATT:** Mr Speaker, I can't hear myself.

**MR SPEAKER:** Order, members!

**MR PRATT:** The authorisation for these utilities is covered under the Utilities Bill 2000 and, as this amendment bill seeks to amend that authority to include street lighting and stormwater drainage infrastructures to provide for the same maintenance provisions in respect of private land and other land management arrangements, we will of course be supporting this amendment bill.

The rationale for this amendment bill is understood and agreed. These two utilities deserve the same priority for management as other essential utilities and other essential services. The inappropriate blocking of essential utilities on private land does need to be addressed—for example, the erection of garden sheds that may block stormwater drainage or untended trees on private land that may impede street lighting.

The amendment bill allows for pretty substantive works and potentially quite disruptive works to be carried out on private land. That is as I see it anyway, on examining the bill. However, it appears that subdivisions 14.2.1 and 14.2.2 provide the same full protections to land owners in terms of full restoration of the condition of the property and efforts to minimise disruptions, compensation where restorations cannot be fully completed and the provision of reasonable notice in accordance with the principles governing the existing legislation for gas, electricity, water and sewerage.

It is essentially this aspect of protection of landowners that we will continue to monitor closely. We want to make sure that that is the case. As this bill bites and these new provisions go into play, we want to make sure that there are no disruptions. At this juncture it looks as if the legislation pretty much covers all that. Let us see how things proceed. In that respect, we will support the bill.

**DR FOSKEY (Molonglo) (5.23):** This bill appears to be fairly mechanistic, in order to provide clear and consistent measures to allow access to residential premises to install, repair and maintain stormwater and street lighting infrastructure. The provisions mirror current requirements in the ACT under the Utilities Act 2000, which relate to access for gas, water, sewerage and electricity infrastructure. The core issue is for legitimate access to utilities placed on private land. It continues the normal practice of giving notice to residents and ensuring that such infrastructure work is undertaken in a manner that minimises disruption.

I note that these amendments do not arise out of the broader utilities regulation review that is currently under way and I do wonder why they could not have waited and been considered in that broader context. I hope that this is as straightforward as it appears.

We continue to look forward to the release of the second consultation paper arising from the utilities regulation review so that we have time to consider some of the bigger issues and concerns about the operations of our utilities. I will support these amendments.

**MR HARGREAVES (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services) (5.24),** in reply: I close the debate, Mr Speaker. The street lighting and stormwater networks are important pieces of infrastructure that provide vital services to the community.

The passage of this bill will ensure that there is clear and consistent legal basis for authorised persons to enter on to private land to undertake inspections, maintenance, repair and replacement of street lighting and stormwater drainage equipment. It is important that territory officials and those contracted to provide maintenance services can conduct appropriate inspections, undertake maintenance and enforce requirements to prevent potentially damaging or dangerous interference with the networks.

The bill provides an appropriate level of advanced notification to be given to landholders where installation, maintenance or repair of streetlights or stormwater drainage is to be undertaken. It also clarifies that compensation is to be paid to a person by the territory if damage is done to the person's property in the course of installation, maintenance or repair of streetlights or stormwater drainage.

The bill reinforces that we all have an obligation to ensure that structures and vegetation on our land do not interfere with the networks. For example, we all need to ensure that branches from trees on our property do not reach into cabling, causing the street lights to go out or, worse, a fire, and that tree roots do not block or damage the stormwater pipes, potentially causing flooding.

I appreciate the comments made by Mr Pratt and Dr Foskey. I can only assure members that it is a mechanical bill, but it also ensures that our infrastructure is protected but so too are the rights of the landholders.

Finally, Mr Speaker, I would like to thank members for their support. I would also like to thank Kelly Foster from DUS for her work on the legislation. You have done a great job. Thank you.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **Adjournment**

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

That the Assembly do now adjourn.

**Refugees**

**Defence force**

**Mr Steve Larkham**

**Charnwood carnival**

**Crime**

**MR STEFANIAK** (Ginninderra) (5.25): I want to refer to several matters tonight. Firstly, I was moved by an article in the *Daily Telegraph* about an Iranian man, Christian

Amir Mesrenijad, who has been in detention for about four years. He has been at Villawood for that period. He came to Australia about 10 years ago, and he was told that his bid for asylum had failed.

All is not yet lost for him, but at this stage he is going to be returned to a country where he has not lived for more than a decade and where he was hauled before an Islamic court for the crime of selling a Western history textbook at his Tehran university bookshop. He was told that he would be allowed to resume trading on one condition—that his shop wore a three-metre high slogan declaring him to be an enemy of the state. Shades of Nazi Germany in 1935 and *Juden Verboten!*

He paid people smugglers to come to Australia. His crime is punishable by death in Iran. Unless something occurs, he will be flown back there. At best, he will be detained, interrogated, tortured and jailed. At worst, he could be shot. He has an enviable record at the Villawood detention centre. He is a long-serving detainee. He has a business background and is fluent in Farsi, English and Indonesian. He is a father figure to the others on the inside, helping them prepare documents, arranging legal representation and psychiatric reports and putting them in touch with a network of advocates assisting detainees. He is also a friend of many of the guards and management of Villawood, who rely upon him, on occasions, to defuse hostile situations, most notably the 2003 New Year's Eve riots, which were not actually led by asylum seekers, but by English and Spanish visa overstayers.

He has completed his eighth exam for the preliminary theological certificate at Moore Theological College. I understand that it is a rigorous course that many on the outside have struggled to pass. He has met Anglican Archbishop Peter Jensen, and St Paul's Anglican Church at Carlingford has offered him fully paid ministry work, should he be released. His backers say that he has other skills. In Iran he not only ran a bookshop, but also worked in fisheries management and an import-export business dealing with whitegoods and foods. At a time when Australia agonises over a skill shortage, they reckon it would be madness to let this man leave.

On all the information I have seen, he seems to be just the sort of immigrant we want. He does seem to have a real case in terms of what would happen to him if he went back. Even before he decided to come here, he gave the Australian embassy some information in relation to people smugglers and other Iranian nationals who had criminal links with drug dealers and smugglers. Somehow, according to the article, this has been used against him. I would certainly urge the minister, Amanda Vanstone, who has already been lobbied by Bruce Baird, to use her powers to let what the paper calls—and I would agree—a good man stay. I am happy to write to the minister about this man's case. In an opinion poll published yesterday in the *Daily Telegraph*, 83 per cent of people who phoned in, that is, 226 people, said that he should stay and only 17 per cent, 45 people, said no.

I also read in the *Daily Telegraph* that the Australian navy looks like getting two aircraft carriers by 2010. I think that is a wonderful move. It will significantly enhance our defence capability, and I certainly hope that it will take up the suggestion to acquire 20 fixed-wing aircraft, as mentioned in the article. That would be welcome news for the Australian Defence Force.



Thirdly, I want to speak of a very brave and courageous act, and a very responsible act, by Steve Larkham, Brumbies and Australian five-eighth. Steve had a melanoma on the inside of his knee. He attended to it quickly. He spoke out forthrightly about it. Because he is a public figure, his quick action will be an inspiration to other people to see to these things before cancer can take hold. Well done, Steven Larkham.

Fourthly, I add my congratulations to the Charnwood carnival and its organisers. It was the second Charnwood carnival, an absolutely brilliant event. Unfortunately, I had family business elsewhere and was not able to participate like I did last year when I handed out about a couple of hundred certificates to kids. I thoroughly look forward to participating next year.

Finally, I urge the government to look at the sentences imposed for serious crimes in New South Wales. There has been some concern expressed by victims' relatives that the sentence imposed on Hillier for murder of 18 years, with 13 years to serve, was light. In New South Wales in recent times, 20 years has been the normal non-parole period for similar offences.

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

### **St Patrick's Day**

**MR HARGREAVES** (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services) (5.30): I wish to join with all those Canberrans with an Irish background in celebrating the most significant date in the Irish calendar, St Patrick's Day. St Patrick, the patron saint of Ireland, was born about AD 385. I am not sure of the month, the day of the week or the time of the afternoon, so that is why I say about AD 385.

St Patrick's mission in Ireland lasted for 30 years. He travelled throughout the country establishing monasteries, schools and churches, which assisted in his conversion of the Irish people to Christianity. He died on this day in AD 461. Originally a Catholic holy day, St Patrick's Day has become a secular holiday and Ireland's national day. For those really ancient people here who have ever lived in Melbourne, St Patrick's Day in Melbourne is an absolute buzz. It is a blast. I can remember marching down Bourke Street on St Pat's day with what appeared to be half a million Marist Brothers kids.

A traditional icon of St Patrick's Day is a shamrock. An Irish tale tells how Patrick used a three-leaf shamrock to explain the trinity. He used it in his sermons to represent how the Father, Son and Holy Spirit could all exist as separate elements of the same entity. His followers adopted the custom of wearing a shamrock on his feast day. Today, as we know, people celebrate the day with parades, the wearing of the green and drinking Guinness.

The Irish have made their mark in Canberra and St Patrick's Day in the nation's capital is a significant event that also involves many members of the wider Canberra community. Currently some 1,000 Canberrans can claim direct Irish descent and 42,000 claim Irish ancestry. This Irish influence is pervasive, as indicated by the

membership of the Irish Club at Weston, which numbers some 14,000. Within the ACT, Irish Canberrans tend to belong to or associate with the Irish Club, the Irish embassy, and the Friends of Ireland Society, which was established in 1985 to promote Irish culture and heritage, as well as the National Australian Irish Business Association.

In 1992 the Canberra Celtic Choir, comprising a core group of 40 members under the leadership of Stan Cronin OAM, was set up under the auspices of the Friends of Ireland Society. Stan, as the director of the Irish Musicians Association, performs not only at the Irish Club but also at elderly people's homes and at folk festivals. For this St Patrick's Day, the Canberra Celtic Choir will be releasing their first CD collection of music and songs.

Today the society will also be hosting an ecumenical service at the Centre for Christianity and Culture in Barton. This will consist of special liturgy, with prayers in Irish and English by members of Canberra's Irish organisations and the Irish embassy. The National Australian Irish Business Association has also been active in the Canberra community in arranging visits to Ireland of Canberra business people, with at least two visits taking place in the past few years.

Tonight the Irish ambassador, His Excellency Mr Declan Kelly, will host a major reception at his residence in Canberra for more than 600 guests. This year a special guest will be the Minister for Enterprise, Trade and Employment in Ireland, Mr Michael Martin TD. St Patrick's Day is an occasion to celebrate the contribution the Irish have made to Canberra and to Canberra's multicultural identity. As the Irish say, everyone is welcome to attend any Irish function as there are no strangers, just friends whom you have not yet met. Happy St Patrick's Day to one and all.

### **Women's health**

**DR FOSKEY** (Molonglo) (5.35): Today I want to report on an organisation based in Canberra that works on issues of global consequence. The Australian Reproductive Health Alliance was established in the early 1990s to work with the Australian government on its input to the International Conference on Population Development. The program of action that came out of this conference, held in Cairo, showed up some of the cracks in government approaches to women's rights and to reproductive health.

At that time the Holy See worked with governments in the Philippines and Islamic states in an attempt to derail the efforts of women's organisations and the majority of governments to change global attitudes to population and development issues. The resulting program of action is now at the core of the work of the Australian Reproductive Health Alliance and the United Nations Fund for Population Activities.

Last night I was lucky enough to attend a dinner organised by the Australian Reproductive Health Alliance for Parliamentarians for Population and Development, where I met Dr Soraya Obaid, the executive director of the United Nations population fund and a number of other, primarily federal, Liberal and Labor MPs concerned about the issues. There was a certain irony in the contrast between the quantities of food that were left uneaten from our dinner and the topic of our conversation, which was the direct connection between the poverty of women, their lack of rights and their reproductive health.

These organisations and many others concerned with women's human rights, development and the alleviation of poverty are focusing on the eight millennium goals agreed upon in 2000 by the international community to achieve women's access to their human rights. It is now well understood that, without women's access to their human rights, to health and to lives without violence, we will not achieve the millennium goals. This point will be well made when countries meet later this year to report on their progress towards achieving the millennium goals.

As a postscript, it is interesting to observe that at forums concerned with human rights, such as the recent meeting of the Commission on the Status of Women in New York, the United States is now the only government prepared to challenge women's access to their reproductive rights and reproductive health. Fortunately, at such forums Australia is stronger at defying the US stance than it is over issues such as occupying a country of no threat to us.

I am proud, through activism and through membership of organisations such as Parliamentarians for Population and Development, to work to reduce such global scandals as maternal mortality and the vulnerability of girls and women to HIV/AIDS. Approximately half a million women a year die of pregnancy-related causes and, as everyone knows, AIDS now has a woman's face. I invite other members to join me in this work.

### **World's Greatest Shave 2005**

**MS PORTER** (Ginninderra) (5.40): I rise to join Mr Mulcahy in congratulating those who sacrificed their hair for the worthy cause of leukaemia research during World's Greatest Shave 2005. I, too, was fortunate enough to be invited to a public event highlighting this important cause. While I was not as brave as Mr Mulcahy in putting my own hair up for auction, I did enjoy the sight of seeing the green tinge on the opposition benches last week.

Along with a fellow government MLA, Mr Hargreaves, and federal members of parliament Senator Kate Lundy, Ms Annette Ellis MP and Mr Bob McMullan MP, I was given the opportunity to take the clippers to the heads of ACT Young Labor members in the interests of fundraising for leukaemia. In fact, Mr Hargreaves became a redhead for the day. The ACT Young Labor president, Mr Daniel Hughes, was the chief organiser for this event, which raised over \$2,000 and provided free of charge haircuts to Erika Belmar, Daniel Hughes, Bernard Filbrick, Ben Sacker-Kelly, Albert Ickholzer and a member of my staff, Ryan Hamilton.

I think it is important to recognise groups who take the initiative to help those less fortunate, and I can proudly say that ACT Young Labor is one such group. In addition to those most recent efforts, Young Labor has contributed to numerous causes, including the special children's Christmas party where they raised sufficient funds to be labelled a sponsor for the event. They are currently considering a variety of other ways to support the local community.

Leukaemia is a disease that can develop in anyone, irrelevant of his or her age, and can affect any of Canberra's young people. As Mr Mulcahy informed members in his

reference to the event, leukaemia is one of the most common forms of cancer amongst Australian children. One in six Australians is diagnosed with leukaemia every day. I emphasise this alarming statistic, not to scare members but to urge the Canberra public to contribute to ongoing research efforts and to assist organisations such as the Leukaemia Foundation in any way possible so that they can achieve their overall objective of a leukaemia cure. Thanks to events such as the World's Greatest Shave, this cure is not unattainable.

Leukaemia research has had some very real victories. Twenty-five years ago patients diagnosed with leukaemia had little to no chance of survival. Advancements in medical technology and research mean that those diagnosed have a better chance of survival now. In fact, 40 per cent more adults and 70 per cent more children are surviving this disease than five years ago. Another disastrous aspect of leukaemia is the impact it has on the lives of families of sufferers. The Leukaemia Foundation provides support services that enable those diagnosed to deal with the social impacts in the best way possible by providing long-term accommodation for families that is close to treatment centres.

I commend the Leukaemia Foundation for the great work they are continuing to do in the provision of support services and in their continual quest for a cure. I also congratulate ACT Young Labor for the commitment that they have shown to this and many other vital causes. I look forward to participating in many more such events.

### **Walk against want**

**MR PRATT** (Brindabella) (5.43): Since my Irish protestant and Scottish protestant Celtic components outweigh the Catholic side, I will leave it to others to celebrate St Patrick's Day, but I do want to pass on my best wishes and regards to all the Irish around the place.

I rise to refer briefly to the Oxfam walk against want. Rather than duplicating the good rundown provided by Ms Porter a couple of days ago, I will talk about Oxfam Canberra itself, who they are and why they are so important to this community. I would like to remind members of that. I thank Ms Porter for mentioning that Mr Smyth, with his cane, and I and a few others were hobbling around the lake.

Oxfam Canberra is a very good example of Australian-based international NGOs. It operates effectively and on the smell of an oily rag. We saw that on Sunday. With the exception of one person, the entire force was made up of volunteers. Oxfam is one of those reliable NGOs and we know that any funds raised and provided to Oxfam will be tightly used and wisely spent. I think that illustrates their fair dinkumness. I have seen them in operation in Iraq, Yugoslavia and central Africa. When I was working with Care Australia, they were one of the few international NGOs that we quite happily worked alongside. We could rely on them as being very professional.

Oxfam Canberra should be congratulated. Oxfam Canberra, along with Care Australia and Red Cross Canberra, which is an arm of the International Committee of the Red Cross, are three organisations worth supporting, and we should support them whenever we can.

## Disability services

**MRS BURKE:** (Molonglo) (5.46): Amidst all the celebrations of St Patrick's Day, I find it necessary to continue to keep before members of this house the plight of the disability sector. I ask the minister to reconsider his approach, as presented to us at question time on 16 March. The minister said, "I have absolutely no intention of discussing individual cases in this chamber."

It has come to something. The minister constantly dismisses constituents in this place. We have to talk about issues that are brought before us. It is our responsibility. Often members will use case studies. Mr Hargreaves knows only too well that there are many people who are in a deep plight out there. I thought we were here to serve the public, not fob them off. It is now patently clear, from his glib display of words, that the minister simply is not in charge of his portfolio.

It is extremely disappointing that the minister is glib about people in need in our community. He refuses to discuss certain cases in an effort to find solutions. This is an extremely arrogant approach. I have offered to try to talk to the minister and his predecessor, about whom, incidentally, I have never said a bad word. Mr Hargreaves did take me out of context the other day, but I let it go through to the keeper. I want to work to find solutions for these people.

I want to remind members of a letter in the *Canberra Times* on 5 March 2005: It reads:

When will Stanhope deliver on promises to the disabled?

Just because you say it doesn't make it true. "The policies and funding we have in place are addressing the long-term needs of disability clients," says Disability Services Minister John Hargreaves. (CT, March 3, p4). This is not true.

The long-term needs of people with a disability in the ACT are far from being met, and neither are the short-term needs.

The unmet need for support in a range of areas is overwhelming. There were not 69 applications from people with a disability for Individual Support Packages ... There were 205 applications and only 52 of those were successful in receiving funding, which means that the 153 applicants did not receive any funding at all.

In question time on 16 March, Mr Hargreaves said, "There are a number of people for whom we must provide the funds, and we do. There were 52 of them, if my memory serves me correctly. Of the remaining 206, some people did not satisfy the criteria." I understand that, but do not say that you are funding people when you are not, because 17 people actually missed out. Mr Hargreaves knows only too well the actions those people are taking. I have written to Mr Hargreaves about a couple of cases. He knows that. It is out in the public arena. I really want the minister to have a change of heart, to have this public debate, to bring it out into the open.

I remind the minister that he is charged with the mantle of minister to do just that; not to fob people off. Consider people who have needs, and let us work together. He has never

asked me. I am inviting him. I have said it more than once in this place, and I mean that, but he will not do that. The letter in the *Canberra Times* continues:

Many people did not apply for support because they did not find out about the ISPs, there are culture or language barriers, they were younger than 16, or they had personal reasons, such as privacy issues ...

People with disabilities who apply for an ISP are forced into “competitive misery”.

Mr Hargreaves had a go, I think, at Dr Foskey when she used those words. This is coming from the community, the people who are on the front line, suffering. This minister cannot be so glib any more. Laid back is not good enough. He needs to be up front and get off his hands and work with the community and me. I do not know that I can do much, but I can certainly try to help, if the minister will allow me. The letter concludes:

One of the Labor Party’s pre-election commitments was to improve government and community responses to people with disabilities, their families and carers.

We are waiting.

### **Ulysses motorcycle club**

**MR GENTLEMAN** (Brindabella) (5.50): I rise today to bring to members’ attention an issue raised in the Assembly yesterday that relates to me. Mr Pratt was quoted in *Hansard* as referring to “... Mr Gentleman’s similar, head in the sand, joyful and sanitised celebration of the Ulysses motorcycle club weekend here in the ACT without a dot of a mention that the Ulysses weekend had been under some threat, quite serious sort of intimidation because the Rebels were behaving with impunity in this town.”

My eyewitness account of the state of events is as follows: on Saturday morning, I joined with over 5,000 motorcyclists at Anzac Parade for the Ulysses grand parade—5,000 motorcyclists, and not one Rebel. After all the motorcyclists gathered, we headed off along Anzac Parade and then turned into Limestone Avenue. As we rode along Limestone Avenue, all of the 5,000 motorcyclists were greeted by hundreds of Canberra individuals and children. They cheered and clapped as we rode by—5,000 motorcyclists, and not one Rebel. We then followed on to Majura Avenue. Yet again we were greeted by hundreds of Canberra individuals and children. They clapped and cheered as we rode by—5,000 motorcyclists, and not one Rebel.

With the focus of my eyewitness account being that of the grand parade and the AGM dinner, I am happy to note, yet again, that there was not one Rebel at either of these events. There were, however, a record number of motorcyclists at these events—over 5,000, to be correct, the highest number of attendees at any Ulysses AGM since its inception some 30 years ago.

As we rode as a group of 5,000 motorcyclists along the suburban streets that had been allocated by the AFP for our passage, hundreds of members of the community were waving and clapping and cheering. But, yet again, not one Rebel. We then took up residence at the Dickson playing fields for the welcome speeches. There was hardly enough room for all of the attendees, but I could see no Rebels around. There were

numerous members of the community that were excited by the fact that there were over 5,000 motorcyclists crammed into one area and having fun, laughing, and talking to each other with no trouble from any Rebels.

It was my official duty to deliver the speech on behalf of the Chief Minister. I made my way to the front of the gathering to commence my speech. As I have mentioned before, there were over 5,000 motorcyclists, so it took quite some time. It also gave me the chance to talk to a number of them. All of the members and riders I got to talk to at the end of the grand parade were overjoyed at the fact that Canberra was such a wonderful place to have their AGM. They also commented on how well they were treated by all those they came across.

I continued that day visiting the trade stalls at EPIC that were open to 5,000 motorcyclists, attended by not one Rebel. That evening, I attended the AGM dinner and, as I have mentioned numerous times tonight, there were no Rebels present causing any trouble. Although there were over 5,000 riders at the grand parade that day, there were only 3,000 members at the dinner that night. But, yet again, no Rebels were in sight.

Mr Pratt should not show such ignorance to alternative members of our society. The Rebels wear what they consider to be earned colours, not T-shirts, as Mr Pratt is reported in *Hansard* as saying. If Mr Pratt actually started to take part in some of the community's events and functions, instead of trying to raise a second-hand story from the *Canberra Times*, lying in bed on Sunday morning, he might even get some of the facts correct.

## Ireland

**MR MULCAHY** (Molonglo) (5.53): I was worried today would pass without mention of Ireland's national day, St Patrick's Day. I thank Mr Hargreaves for raising it, because it is an important part of the calendar. As many would know, from early days of European settlement in Australia, Irish men and women have made a significant impact on life in this country. Some were free settlers, some came as convicts and others were political prisoners. Nearly all, whether voluntary or not, were pleased to escape the deprivation of Ireland and seek a new life. There are members of this Assembly, including me, whose family left that terrible period in Ireland during the mid-1800s when so many people lost their lives through starvation.

Many went on to make important contributions to the broader Australian community and to this day continue to make highly valued contributions in various fields, not the least being in politics, where there are many people of Irish descent. One in three Australians has Irish origins and this is reflected in our national character. Humour, the sense of self-mockery, ideals of fair play, the dislike of pomp—which does not extend to discourtesy to visitors—and the celebration of noble failure are all characteristics of both Irish and Australian people. We all enjoy Irish jokes, and the Irish tell them the best. The Irish have been a magnificent group of contributors to the arts, to the classic fields, particularly music, in this country and in other parts of the world.

But today I would like to address the Assembly on a more serious issue, that of the unfortunate and appalling situation that continues to challenge Ireland—the association between the IRA and continuing violence. In February of this year, Irish justice minister,

Michael McDowell, suddenly reversed decades of tradition and publicly named the leaders of the IRA. This followed a long and hesitant involvement in the affairs of the IRA in Northern Ireland and of undermining Sinn Fein's political power in the British held Ulster province.

The Republic of Ireland has had enough of the IRA, and not before time, more than ever since its apparent involvement in a multimillion pound armed robbery of an Australian-owned bank. Whilst minister McDowell has a well-known history of taking tough stances against the IRA, this is not the modern descendant of the rebel organisation. It is not really a descendant; it is an organisation that has been hijacked by those who have brought much of this on.

Following the death of Robert McCartney in January, justice minister McDowell came out and condemned the Provisional IRA's offer to shoot four people whom it believes responsible for the murder of the Belfast man. The republican movement, both the IRA and Sinn Fein, has been in crisis since this father of two was stabbed to death after a row in a Belfast pub—

**MR SPEAKER:** Order! The time for the debate has expired.

**The Assembly adjourned at 5.55 pm until Tuesday, 5 April 2005, at 10.30 am.**



## Incorporated documents

### Attachment 1

#### Document incorporated by the Minister for the Environment

Mr Speaker, it is with a great deal of satisfaction that I bring to the Assembly today a Bill for permanent tree protection for urban Canberra.

You may recall that in May of 2004 I tabled the Tree Protection Bill 2004. However, the elections of October 2004 precluded Assembly debate. The Government has taken the opportunity to re-examine the provisions of the Bill. As a consequence, some amendments have been incorporated to provide greater certainty about decision-making processes, improve integration of tree protection considerations in planning processes and provide a smoother transition to new tree protection arrangements.

The objectives of the Bill are unchanged. The Government remains committed to providing strong and effective legislation that strikes the right balance between protecting the cultural and natural heritage of Canberra without impinging unduly on the expectations and rights of property owners who have trees on their property.

Every Canberran enjoys the benefits of living in one of Australia's best urban forests. The urban forest provides us with economic, environmental and aesthetic benefits as well as playing an important role in the realisation of Walter Burley Griffin's vision of a Garden City. The development and maintenance of a healthy urban forest is an important step towards creating a sustainable city.

This Bill will replace the *Tree Protection (Interim Scheme) Act 2001* with legislation that will significantly improve the protection of outstanding trees throughout the city and will ensure the benefits of the urban forest can be enjoyed long into the future.

In October 2002, the Government released a discussion paper 'Tree Protection for the ACT: The Next Steps'. This discussion paper canvassed a range of issues that arose during the administration of the interim scheme.

The community response to the discussion paper and subsequent consultation was strongly supportive of tree protection. However, there was concern at the sometimes onerous and unnecessarily intrusive nature of the current interim scheme. It is apparent that the broad scale, scattergun approach of the current scheme is not appropriate and impacts unduly upon the activities of the very people that helped create Canberra's Garden City image.

However, the interim scheme has been valuable in preventing the unnecessary removal of trees and wholesale block clearing in redevelopment projects and has been a major factor in making architects and developers consider trees in the planning process.

There are many individual trees and groups of trees throughout this city that the community values highly. Some of the old remnant eucalypts, for example, provide an important link to our past. Some trees are valuable for ecological or botanical reasons, or simply for their outstanding contribution to the landscape of the city.

Under this Bill, these trees would be listed on an ACT Tree Register and provided with a high level of protection.

Once this legislation is in place, Canberra's tree owners will notice immediate benefits. Lessees will benefit from the streamlined 'one-stop-shop' approach for Development Applications involving trees as well as quicker responses to routine requests for approval to remove a tree. Further benefits will be apparent once the transition to the permanent scheme is complete.

The Government has developed a strategy for this transition involving a comprehensive survey of the city undertaken to identify trees of high importance. Tree protection measures, improving on the current interim scheme, would apply whilst the work is being undertaken. This arrangement would be progressively lifted from sections of the city once they have been surveyed..

The Bill provides for the declaration of Tree Management Precincts over areas of particular concern in recognition that urban forest values may warrant general protection on the grounds of heritage significance or threat from development activity.

A Tree Management Precinct may be declared in an area where:  
there is an identified risk to the urban forest values due to development activity;  
heritage values require the protection of the landscape; or  
construction activity associated with new estate developments poses a significant risk to trees.

In addition, the Bill establishes a Tree Advisory Panel that will ensure that decisions made about trees and their management requirements will be subject to high calibre technical advice. There will also be improved procedures for review of decisions about trees.

This Bill represents a more strategic and targeted approach to tree protection than the interim scheme currently in place. It focuses tree protection measures on areas and particular trees where it is most needed. Importantly, in the majority of cases it will allow the people of Canberra to manage their own trees without interference.

I commend the Bill to the Assembly and table the explanatory statement.

A number of statutory decisions are associated with the Bill. They will be made in accordance with criteria that are to be developed as notifiable instruments. Although these instruments are still in draft form, I table them for the information of Members.

*17 March 2005*

*Legislative Assembly for the ACT*

## Schedules of Amendments

### Schedule 1

#### Domestic Violence and Protection Orders Amendment Bill 2005

##### Amendments moved by Mr Stefaniak

**1**

**Clause 8**

**Proposed new section 9 (1) (a)**

**Page 4, line 8—**

*omit*

or personal

**2**

**Clause 8**

**Proposed new section 9 (3), definition of *personal injury***

**Page 6, line 3—**

*omit*

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## Answers to questions

### Public service—staff and services (Question Nos 67-70)

**Mr Berry** asked the Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs, upon notice, on 15 February 2005:

For each agency for which the Minister is responsible for the financial year 2003-2004 could the Minister provide the following information:

(1) total number of staff;

(2) number of:

- a) staff expressed as full-time equivalent,
- b) permanent part-time staff,
- c) casual staff,
- d) casual staff employed for one or more years,
- e) casual staff employed for five or more years,
- f) staff employed on AWAs,
- g) staff employed as contractors and consultants,
- h) staff employed for more than three months as contractors and consultants,
- i) labour hire firms,
- j) staff employed through labour hire firms,
- k) staff employed for one or more years through hire firms,
- l) staff employed for five or more years through hire firms,
- m) contracts containing labour hire component,
- n) contracts with no labour hire component,
- o) services outsourced, whole, in part or unidentified,
- p) contracts directing appropriate award usage,
- q) contracts which involve subcontracting,
- r) contracts with permission or non-permission clause for subcontracting,
- s) contracts requiring award usage for subcontractors; and

(3) types of services provided.

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

(1), (2)(a) to (2)(f) this information is available from the Department's Annual Report for relevant years as well as the Commissioner for Public Administration's State of the Service report for relevant years.

(2) (g) to (s) There is currently no information specifically held on the *Basis information system* which can provide the details you require. Nor is the information held in readily accessible form in ACT agencies. It would be necessary to manually extract the information from each of the agencies' files. There is no guarantee the information sought would be on file and any reports compiled would therefore not necessarily be accurate.

- (3) The types of services provided would include: internal audit consultancy, legal work/advice, actuarial work, liquidator, risk management planning, security services, investigation services, records management training, business opportunity advice, web site design, assistance with certified agreement, provision of services by Chair of Shaping our Territory Working Group, project co ordination, environmental site assessments, training, probity advice, competition adviser services, scribe services, psychological services, recruitment services, design work, printing services, occupational health and safety services, research work, facilitation services, home energy advice, project work, editing, advice on various issues, heritage advice, casual and temporary staff hire, surveys, weed spraying, conservation services, revegetation work, tree removal, fencing, road works, water testing, data entry, mapping, literature review, preventative maintenance, lighting upgrade, roofing work, fitout work, mechanical services work, public art commissions, purchase of furniture, events management, preparation of business plan, management of a seniors program, job evaluations, program management, payroll services, HRM reporting system, graduate recruitment services, speech writing, advice re ACT prisons project, management of Canberra Business Promotion centre, signage review, gambling research report.

**Public service—staff and services  
(Question No 75)**

**Mr Berry** asked the Minister for Education and Training, upon notice, on 15 February 2005:

For each agency for which the Minister is responsible for the financial year 2003-2004 could the Minister provide the following information:

- (1) total number of staff;
- (2) number of (a) staff expressed as full-time equivalent, (b) permanent part-time staff, (c) casual staff, (d) casual staff employed for one or more years, (e) casual staff employed for five or more years, (f) staff employed on AWAs, (g) staff employed as contractors and consultants, (h) staff employed for more than three months as contractors and consultants, (i) labour hire farms, (j) staff employed through labour hire firms, (k) staff employed for one or more years through hire firms, (l) staff employed for five or more years through hire firms, (m) contracts containing labour hire component, (n) contracts with no labour hire component, (o) services outsourced, whole, in part or unidentified, (p) contracts directing appropriate award usage, (q) contracts which involve subcontracting, (r) contracts with permission or non-permission clause for subcontracting and (s) contracts requiring award usage for subcontractors; and
- (3) types of services provided.

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

- (1) Details can be found in the *ACT Department of Education and Training Annual Report 2003–2004* on page 207.
- (2) (a) & (b) Details can be found in the *ACT Department of Education and Training Annual Report 2003–2004* on pages 207 – 210.  
(c) 2057 staff were registered for casual work in 2003-04.  
(d) Nil

- (e) Nil
  - (f) Details can be found in the *ACT Department of Education and Training Annual Report 2003–2004* on page 54.
  - (g) The Department of Education and Training does not aggregate data for consultants and contractors under \$15,000. The *ACT Department of Education and Training Annual Report 2003–2004* provides information for contracts and consultancies over \$15,000 on pages 203-206.
  - (h) It is not possible to answer this question for individual staff. Some contractors (e.g. Keirs Canberra Coaches) have a contract to provide services over a number of years. The number of individual staff used by contractors is not known.
  - (i) Question unclear.
  - (j) – (n) See (g) and (h) above.
  - (o) This question cannot be answered without clear definitions of what is meant by ‘services’ and ‘outsourced’. In its current form it could include any service purchased by the department, from taxi trips to IT consultants.
  - (p) All contractors entered into by the department require providers to comply with ACT and Australian legislation. As such all contracts require providers to pay award wages as a minimum.
  - (q) As a standard, contracts entered into by the department require providers to formally apply for permission to sub contract. In 2003-04 no such requests were received or concessions granted. The service level agreement the department has with Department of Urban Services – Facilities Management (DUS-FM) to conduct minor new works and repairs and maintenance projects allows DUS-FM to use sub contractors to perform various tasks. Capital works projects, which are awarded to various consultants, project managers and contractors allow for sub contracting of various works components, consistent with common protocol in the industry.
  - (r) Included in (q).
  - (s) Included in (p).
- (3) Included in 2 (g).

**Public service—staff and services  
(Question No 76)**

**Mr Berry** asked the Minister for Children, Youth and Family Support, upon notice, on 15 February 2005:

For each agency for which the Minister is responsible for the financial year 2003-2004 could the Minister provide the following information:

- (1) total number of staff;
- (2) number of (a) staff expressed as full-time equivalent, (b) permanent part-time staff, (c) casual staff, (d) casual staff employed for one or more years, (e) casual staff employed for five or more years, (f) staff employed on AWAs, (g) staff employed as contractors and consultants, (h) staff employed for more than three months as contractors and consultants, (i) labour hire firms, (j) staff employed through labour hire firms, (k) staff employed for one or more years through hire firms, (l) staff employed for five or more



years through hire firms, (m) contracts containing labour hire component, (n) contracts with no labour hire component, (o) services outsourced, whole, in part or unidentified, (p) contracts directing appropriate award usage, (q) contracts which involve subcontracting, (r) contracts with permission or non-permission clause for subcontracting and (s) contracts requiring award usage for subcontractors; and

(3) types of services provided.

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

- (1) The staffing profile can be obtained from the Office for Children, Youth and Family Support 2003/04 Annual Report.
- (2)
  - a) - c) The staffing profile can be obtained from the Office for Children, Youth and Family Support 2003/04 Annual Report.
  - d) As at 30 June 2004, seven casuals had been engaged for one or more years.
  - e) As at 30 June 2004, Perspect records indicate that no staff had been engaged on a causal basis for five years or more.
  - f) - g) The staffing profile can be obtained from the Office for Children, Youth and Family Support 2003/04 Annual Report.
  - h) - s) The Public Sector Management Group of the Chief Minister's Department advises that there is currently no information specifically held on the Basis Information System which can accurately provide these details. It would be necessary to manually extract the information from files held by the Agency. However there is no guarantee that the information sought would be on file and any reports compiled would therefore not necessarily be accurate.
- (3) The types of services provided through service purchasing contracts can be obtained from the Office for Children, Youth and Family Support 2003/04 Annual Report.

### **Public service—staff and services (Question No 77)**

**Mr Berry** asked the Minister for Women, upon notice, on 15 February 2005:

For each agency for which the Minister is responsible for the financial year 2003-2004 could the Minister provide the following information:

- (1) total number of staff;
- (2) number of (a) staff expressed as full-time equivalent, (b) permanent part-time staff, (c) casual staff, (d) casual staff employed for one or more years, (e) casual staff employed for five or more years, (f) staff employed on AWAs, (g) staff employed as contractors and consultants, (h) staff employed for more than three months as contractors and consultants, (i) labour hire farms, (j) staff employed through labour hire firms, (k) staff employed for one or more years through hire firms, (l) staff employed for five or more years through hire firms, (m) contracts containing labour hire component, (n) contracts

with no labour hire component, (o) services outsourced, whole, in part or unidentified, (p) contacts directing appropriate award usage, (q) contracts which involve subcontracting, (r) contracts with permission or non-permission clause for subcontracting and (s) contracts requiring award usage for subcontractors; and

(3) types of services provided.

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

- (1) This information is available from the Chief Minister's Department Report 2003-04.
- (2) a-f This information is available from the Chief Minister's Department Report 2003-04.
- g-s There is currently no information specifically held on the *Basis information system* which can provide the details you require, nor is the information held in readily accessible form in ACT agencies. It would be necessary to manually extract the information from each of the agencies' files. There is no guarantee the information sought would be on file and any reports compiled would therefore not necessarily be accurate.
- (3) The ACT Office for Women provided advice and support to the Minister for Women, directed and supported across-government policy development, and administered programs including the ACT Women's Register, the ACT International Women's Day Awards and the ACT Office for Women website.

### **Public service—staff and services (Question No 78)**

**Mr Berry** asked the Minister for Industrial Relations, upon notice, on 15 February 2005:

For each agency for which the Minister is responsible for the financial year 2003-2004 could the Minister provide the following information:

- (1) total number of staff;
- (2) number of (a) staff expressed as full-time equivalent, (b) permanent part-time staff, (c) casual staff, (d) casual staff employed for one or more years, (e) casual staff employed for five or more years, (f) staff employed on AWAs, (g) staff employed as contractors and consultants, (h) staff employed for more than three months as contractors and consultants, (i) labour hire farms, (j) staff employed through labour hire firms, (k) staff employed for one or more years through hire firms, (l) staff employed for five or more years through hire firms, (m) contracts containing labour hire component, (n) contracts with no labour hire component, (o) services outsourced, whole, in part or unidentified, (p) contacts directing appropriate award usage, (q) contracts which involve subcontracting, (r) contracts with permission or non-permission clause for subcontracting and (s) contracts requiring award usage for subcontractors; and
- (3) types of services provided.

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

- (1) This information is available from the ACT WorkCover Annual Report 2003-04, as well as from the Commissioner for Public Administration's State of the Service Report.
- (2) a-f This information is available from the ACT WorkCover Annual Report 2003-04, as well as from the Commissioner for Public Administration's State of the Service Report.  
g-s There is currently no information specifically held on the *Basis information system* which can provide the details you require, nor is the information held in readily accessible form in ACT agencies. It would be necessary to manually extract the information from each of the agencies' files. There is no guarantee the information sought would be on file and any reports compiled would therefore not necessarily be accurate.
- (3) The types of services provided include risk management planning and facilitation, legal services, engineering advice, information technology, publications, records management, actuarial advice, explosive and blast plan assessments, security, storage and disposal of fireworks, salary packaging, boiler and pressure vessel inspection, training, printing, recruitment, medical assessment, staff assistance/counselling, case management, temporary employment, organisational survey, vehicle maintenance, process mapping, accommodation fitout, minor maintenance, HR and payroll, signage.

**The information provided in this response relates only to ACT WorkCover. Information relevant to the Office for Industrial Relations is available from the Chief Minister's Department Annual Report 2003-2004.**

### **Public service—staff and services (Question No 79)**

**Mr Berry** asked the Minister for Disability, Housing and Community Services, upon notice, on 15 February 2005:

For each agency for which the Minister is responsible for the financial year 2003-2004 could the Minister provide the following information:

- (1) total number of staff;
- (2) number of (a) staff expressed as full-time equivalent, (b) permanent part-time staff, (c) casual staff, (d) casual staff employed for one or more years, (e) casual staff employed for five or more years, (f) staff employed on AWAs, (g) staff employed as contractors and consultants, (h) staff employed for more than three months as contractors and consultants, (i) labour hire farms, (j) staff employed through labour hire firms, (k) staff employed for one or more years through hire firms, (l) staff employed for five or more years through hire firms, (m) contracts containing labour hire component, (n) contracts with no labour hire component, (o) services outsourced, whole, in part or unidentified, (p) contracts directing appropriate award usage, (q) contracts which involve subcontracting, (r) contracts with permission or non-permission clause for subcontracting and (s) contracts requiring award usage for subcontractors; and

(3) types of services provided.

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

- 1 & 2     a-g)     The staffing profile for the Department of Disability, Housing and Community Services can be obtained from the Department's 2003/04 Annual Report and the State of the Service Report.
- 2            h-s)     Public Sector Management of the Chief Minister's Department, advises that there is currently no information specifically held on the Basis Information System which can accurately provide these details. It would be necessary to manually extract the information from files held by the Agency. However there is no guarantee that the information sought would be on file and any reports compiled would therefore not necessarily be accurate.
- 3                    The types of services provided through service purchasing contracts can be obtained from the Department's 2003/04 Annual Report.

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**Business ACT—office  
(Question No 82)**

**Mr Mulcahy** asked the Minister for Economic Development, upon notice, on 15 February 2005:

- (1) What was the (a) cost of furniture and fittings and (b) lease costs, for the new BusinessACT offices located on Northbourne Avenue;
- (2) What were the reasons for moving the BusinessACT offices to Northbourne Avenue instead of using already leased or owned Government offices.

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

- 1(a) \$381,111 is the cost of furniture and fittings for BusinessACT and associated offices located on Ground Floor, and Levels 4 and 5 of 220 Northbourne Avenue.
- 1(b) the lease for the above office space costs \$395,725 per annum. Costs of out-goings (includes electricity, cleaning and maintenance and general services to the building) will range between \$50,365-\$57,560 per annum.
2. Existing Government leased office space in Civic was at maximum capacity and there was an urgent need to find alternate accommodation for two business groups that were in separate leased accommodation.

A review of accommodation options close to Civic and Belconnen concluded that 220 Northbourne Avenue was the most appropriate option to meet departmental space requirements and to cater for staff car parking.

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**Health—asbestos taskforce  
(Question No 83)**

**Mr Mulcahy** asked the Minister for Industrial Relations, upon notice, on 15 February 2005:

- (1) What processes were involved in selecting a former Minister as the chair of the recently announced 19 member Asbestos Taskforce;
- (2) What are the details of any remuneration or allowances to be paid to the Chair of the Taskforce.

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

- (1) Mr Wood was appointed Chair in accordance with provision 44D of the Dangerous Substances (Asbestos) Amendment Act 2004.

I appointed Mr Bill Wood as Chair of the Asbestos Assessment Taskforce. He has the appropriate skills and experience to undertake this important task. Mr Wood has had a long career in public service and is highly respected in the ACT community.

- (2) The Chair of the Asbestos Assessment Taskforce is paid \$35,000 per annum plus reimbursement of any reasonable and direct costs associated with his appointment.

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**Bushfires—recovery centre  
(Question No 84)**

**Mrs Burke** asked the Chief Minister, upon notice, on 15 February 2005:

- (1) Following the closure of the Community Recovery Centre, what happened to the staff who were providing services and information for Canberrans affected by bushfires in 2003;
- (2) Where are bushfire victims being referred to for ongoing support on continuing issues such as rebuilding physically and mentally;
- (3) What advice have all of the bushfire victims received on how to seek assistance from the ACT Government after the closure of the centre;
- (4) What ongoing support are community organisations receiving to strengthen community development programs;
- (5) How many bushfire victims are still receiving assistance for counselling.

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

- (1) The ACT Recovery Centre at Lyons was staffed by public servants from the ACT and Commonwealth, regional community service organisations, care organisations and private individuals. After the closure of the Recovery Centre, staff returned to their old jobs, moved to new areas or returned to private life. Some staff continued with the Bushfire Support Unit located within Chief Minister's Department.

- (2) Consistent with the Bushfire Recovery Plan, bushfire affected members of the community receive specialist support when appropriate, such as that provided by the Bushfire Support Unit, and are referred to a range of community service providers, including Communities@Work and Woden Community Service, to meet their other support needs. These community organisations are a vital part of the recovery process, supporting individuals, families and communities to rebuild skills and capacity.

The Bushfire Support Unit continues to provide services previously offered through the ACT Recovery Centre (information and referral, practical support, support to rural and urban communities) and partners with the ACT Planning and Land Authority to assist households to work through their housing options.

- (3) Prior to the closure of the ACT Recovery Centre, a letter was sent to every person who was registered with the Centre, advising of the formation of the Bushfire Support Unit. A brochure providing contact details for a wide number of services including counselling, building, government and health was included with the letter and this brochure was also made available to the community through Canberra Connect Shopfronts, ACT Government Libraries and the Bushfire Recovery website. The weekly Bushfire Information advertisements in the Saturday Canberra Times provided information on the Bushfire Support Unit and important contact numbers for the month preceding the April ACT Recovery Centre closure. The *Community Update* Newsletter featured special supplements, which included all the numbers published in the Contacts brochure. An updated Contacts brochure was recently sent to bushfire-affected people still registered with the BSU.
- (4) The Bushfire Support Unit recovery workers are working closely with Communities@Work and Woden Community Service, who are funded to assist the community recovery process for residents of bushfire affected suburbs, including rural areas such as Tharwa, Uriarra, Pierces Creek and Stromlo.

In 2004-05, the ACT Government provided \$61,201 to Communities@Work and \$79,753 to Woden Community Service to provide a range of community development and support activities. These include facilitation of groups and community activities, support to resident's associations, production of newsletters and the provision of personal counselling services to bushfire-affected members of the community.

- (5) A small number of people who were affected by the bushfire are receiving ongoing counselling funded by the ACT Government through a contract arrangement with Relationships Australia. Across the community it is expected people would seek occasional counselling from either private services or through regional community service organisations, Workplace Employee Assistance programs or private practitioners.

### **Aboriginals and Torres Strait Islanders—shared responsibility (Question No 89)**

**Mrs Burke** asked the Minister for Arts, Heritage and Indigenous Affairs, upon notice, on 15 February 2005:

- (1) What progress has been made to date in (a) implementing and (b) addressing the development of the culturally appropriate strategies under the Share Responsibility Agreement;

- (2) What outcomes have been achieved to date under the auspices of the Indigenous Working Group set up under the Shared Responsibility Agreement;
- (3) What progress has the Government made in implementing the priorities and outcomes identified by the Community Leaders Workshop held in 2004.

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

- (1) The Shared Responsibility Agreement is being progressed through the direction of a Steering Committee, using specific working groups as necessary. The process is still in the consultation and research phase.
- (2) The Indigenous Working Group has held consultations with various groups and organisations in the ACT, focused through the four key areas of:
  - assisting people to address trauma, regain confidence, build self-esteem and strengthen cultural identity;
  - addressing the deleterious effects of substance abuse;
  - addressing the many factors contributing to the over representation of Indigenous people in the criminal justice system;
  - addressing the many factors contributing to the disparity between the educational outcomes of Indigenous people (particularly children and youth), with those of the wider society.

The outcomes of these consultations will be further progressed through a community workshop to be held in mid 2005.

- (3) Implementation of the priorities and outcomes identified by the Community Leaders workshop has included:
  - The adoption of COAG Indicators in the reporting and development of policies and programs; and
  - The allocation of \$1.4 million over four years for the establishment of the Aboriginal Justice Centre.

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### **Aboriginals and Torres Strait Islanders—students (Question No 90)**

**Mrs Burke** asked the Minister for Arts, Heritage and Indigenous Affairs, upon notice, on 15 February 2005:

- (1) What is the level of funding allocated to the Aboriginal Students Parents Association (ASPA) from the ACT Government;
- (2) What are the roles and functions of the ASPA;
- (3) What outcomes have been achieved for Indigenous students by the Association over the past three years.

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

The ACT Government does not provide funding to the Aboriginal Students Parents Association (ASPA) and is unaware of its roles, functions and outcomes.

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### **Aboriginals and Torres Strait Islanders—businesses (Question No 91)**

**Mrs Burke** asked the Minister for Arts, Heritage and Indigenous Affairs, upon notice, on 15 February 2005:

- (1) How much of the \$80,000 grant awarded to the Capital Region Enterprise and Employment Development Association was used to assist indigenous businesses and how has the money been expended;
- (2) Who were the individual recipients of the funding and what outcomes did the funding achieve.

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

- (1) CREEDA was paid \$75,000 (funding that had previously been allocated to the defunct Indigenous Business Chamber) in 2003 to provide broad strategic support to establish economic pathways and partnership arrangements that would foster economic development of the local Indigenous community. CREEDA spent \$12,607 in activities related to the project, leaving \$62,393.

At the time CREEDA went into provisional liquidation, BusinessACT was in the process of redefining the outcomes of the program to better reflect the needs of the local Indigenous business community as identified by the Indigenous Business Support Officer. The planned changes include piloting the following forms of assistance:

- the development of e-commerce enabled websites for local Indigenous businesses; and
- the provision of onsite administration and support and training as well as follow-up mentoring for Indigenous business owners.

The ACT Government has been advised that the unspent funds for the CREEDA Indigenous project are still available. Accordingly, as a part of the discussions between the provisional liquidator and the ACT Government, the options to continue the delivery of this program are being investigated.

- (2) The funding identified a number of Indigenous businesses who are now being assisted by BusinessACT's Indigenous Business Support Officer to access business support funding.
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### **Aboriginals and Torres Strait Islanders—programs (Question No 92)**

**Mrs Burke** asked the Minister for Arts, Heritage and Indigenous Affairs, upon notice, on 15 February 2005:

What involvement did Aboriginal elders and parents have in the delivering of the special program conducted by Gugan Gulwan and Birrigai Outdoor Centre for young indigenous students at risk of excluding themselves from schooling.



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

Aboriginal parents were involved during the planning stages of the program through the completion of surveys and during the course of the program, through ongoing communication with Indigenous Home-School Liaison Officers. Representatives from the Narrabundah Aboriginal Student Support and Parental Awareness Committee participated in the program's steering committee.

In November 2004 the Ngunnawal Elders Council endorsed the extended program and agreed to participate by allowing the students to record their oral history.

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### **Development—City West (Question No 93)**

**Mrs Burke** asked the Minister for Planning, upon notice, on 15 February 2005:

- (1) Have plans been formulated in cooperation with the Australian National University to begin construction of the multi-stage student accommodation complex as part of the ACT Government's redevelopment of City West;
- (2) What arrangements are in place to prevent land banking;
- (3) Will this facility be open to applications from all tertiary students attending any tertiary institution in the ACT.

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

- (1) The Australian National University (ANU) has let a tender for the provision of approximately 264 residential units (consisting of a mix of 1, 2, 3 and 5 beds) for student accommodation. The ACT Government is not a partner in this proposal. However, it has cooperated with the ANU in regard to agreeing a site in City West for the development, and in providing planning and urban design advice to the proponent with the view of ensuring the proposal meets the objectives of the City West Master Plan. The proponent forwarded a pre-lodgement submission of the development application to the ACT Planning and Land Authority on 9 February 2005.
  - (2) The ACT Government and the ANU have entered into a Deed of Agreement for the development of the City West Precinct. The issue of land banking by the ANU is addressed in this Deed. Rather than issue a holding lease over the entire Precinct for the duration of the agreement, as was originally proposed by the ANU, leases will only be granted for individual developments within the Precinct as they are proposed. In addition, the Deed requires the ANU to prepare a Precinct Implementation Plan, to identify the sequence and timing of development to be completed over the next ten years (the Deed sets out the terms and conditions by which land in City West will be valued and offered to the ANU for development) and allows the Territory to excise particular sites from the Precinct. The Deed also sets out that management of the Precinct is to be through a Precinct Committee with equal representation by the Territory and the ANU, and chaired by a mutually agreed person.
  - (3) This is an ANU facility and the ACT Government does not have jurisdiction over which students the ANU may choose to accept.
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**ACTION—services  
(Question No 94)**

**Mrs Burke** asked the Minister for Planning, upon notice, on 15 February 2005:

What action is being taken to extend access to ACTION bus services across the entire fleet, paying particular attention to easy access for people with reduced mobility.

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

ACTION is currently finalising its Network05 which will see easy-access, airconditioned buses operating on all Intertown services.

The Government committed \$23.3 million, to the purchase of 62 new wheelchair-accessible buses for ACTION over a four-year period ending in 2005–06. The remaining nine buses will be delivered into the ACTION fleet by the end of this year. ACTION's fleet replacement program will continue in order to meet the Disability Discrimination Act accessibility targets, providing greater accessibility to the Canberra community.

As more of the new accessible buses are added to ACTION's fleet, more routes will be able to be covered exclusively by accessible buses.

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**Disabled persons—recruitment  
(Question No 96)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 15 February 2005:

Have linkages been established between ACT Government departments and local tertiary institutions aiming to encourage recruitment of people with a disability under the A.C.T. Public Service Graduate Recruitment process.

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

Initial consultation has taken place between the Commissioner for Public Administration and the University of Canberra to begin the process of establishing a set number of places within the ACT Public Service Graduate Program for people with a disability, with a view to establishing further linkages with other tertiary institutions across the ACT.

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**Disabled persons—new employees  
(Question No 97)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 15 February 2005:

Are pre-placement work visits in place and operating in ACT Government departments to assist new employees with a disability to settle into a new workplace and identify any work requirements.

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

Yes. Visits commenced in February 2005.

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**Environment and conservation—greenhouse gas emissions  
(Question No 107)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 15 February 2005:

Did the Territory commit to meeting the Greenhouse Gas Reduction target of reducing net greenhouse emissions to 1990 levels by 2008 and reducing them by 20 percent by 2018; if so, what is the current progress of the development and implementation of the program to retrofit public housing to four star energy ratings in the short term, aiming for five stars in the medium term, as agreed by way of a Private Members Motion in the 5th Assembly.

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

The ACT Greenhouse Strategy released in 2000 included the target of reducing net greenhouse emissions to 1990 levels by 2008 and reducing them by 20 percent by 2018. As part of the Government's 2004 election commitments, the Office of Sustainability within the Chief Minister's Department has been made responsible for greenhouse and energy policy. This decision recognizes that ACT greenhouse emissions are largely attributable to energy use, and that a whole of government focus to these issues is required. The Office is developing a comprehensive Energy Policy that will address all economic, social, engineering and environmental issues relevant to energy generation and use in the Territory. The Government is also completing the review of the ACT Greenhouse Strategy commenced during the previous term. These documents will address the achievability of the ACT greenhouse gas reduction target.

As part of its 2004 Election commitments, the Government promised to allocate an additional \$4 million to upgrade public housing to make them more energy efficient and comfortable for tenants. Funding for this project is being examined in the preparation of the 2005-06 Budget. This project will address the retrofit program referred to in the question.

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**Tidbinbilla Nature Reserve  
(Question No 110)**

**Mrs Dunne** asked the Minister for Environment, upon notice, on 15 February 2005:

- (1) Who is undertaking the investigation of the research and scientific potential at the Tidbinbilla Nature Reserve and how was the investigator appointed;
- (2) How much will it take to conduct the investigation;
- (3) When will this investigation be completed;
- (4) How will this investigation affect the other studies being undertaken at the same time.

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

I will respond in my capacity as the Minister responsible for Bushfire Recovery, and as the Minister responsible for work undertaken by the Shaping Our Territory Implementation Group in the Chief Minister's Department.

I refer the Member to the study *Shaping Our Territory – Final Report: Opportunities for Non-Urban ACT* and to the publication *Shaping Our Territory – Business Case and Master Plan – Tidbinbilla* study which discusses the issue of research and science at Tidbinbilla Nature Reserve.

An investigation of the research and scientific potential at the Reserve will be considered following analysis of the types of activities that may be appropriate for the Reserve, and the infrastructure necessary to facilitate them.

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### **Tidbinbilla Nature Reserve (Question No 111)**

**Mrs Dunne** asked the Minister for Environment, upon notice, on 15 February 2005:

- (1) When will the adventure and discovery playground be completed at the Tidbinbilla Nature Reserve;
- (2) What was the original scheduled date for completion of this project;
- (3) If the original scheduled date for completion was not met, what caused the delay;
- (4) How much will it cost of to build the adventure and discovery playground and how will it be funded;
- (5) When will the elevated walkway at the Tidbinbilla Nature Reserve allowing visitors to view the brush-tail wallabies be completed;
- (6) What was the original scheduled date for completion of this project;
- (7) If the original scheduled date for completion was not met, what caused the delay;
- (8) How much will it cost to build the elevated walkway and how will it be funded;
- (9) When will the redesign of the wetlands area at the Tidbinbilla Nature Reserve be completed;
- (10) What was the original scheduled date for completion of this project;
- (11) If the original scheduled date for completion was not met, what caused the delay;
- (12) How much will it cost to redesign the wetlands and how will it be funded.

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

- (1) The Nature Discovery Playground is scheduled to be completed by September 2005.

- (2) The initial completion estimate was March 2005.
  - (3) The initial completion estimate did not adequately account for the detailed planning, design and stakeholder consultation requirements of this unique project.
  - (4) The budget for this project is \$0.9m and it is funded through the 2004-05 Capital Works Program project 'Tidbinbilla Nature Reserve Restoration – Stage 2'.
  - (5) This project is currently under consideration by consultants 'Sanmor Consulting' who are undertaking a detailed analysis of issues raised in the report *Shaping Our Territory – Business Case and Master Plan – Tidbinbilla*.
  - (6) The initial completion estimate was June 2005.
  - (7) The project is not behind schedule.
  - (8) The cost of the project is \$0.2m and this was funded through the 2003-04 Third Appropriation project 'Tidbinbilla Nature Reserve – Preliminary and Design Projects'.
  - (9) The Tidbinbilla Nature Reserve Wetlands redesign (and reconstruction) is scheduled for completion by March 2006.
  - (10) The initial completion estimate was November 2005.
  - (11) The design of the wetlands and surrounds is crucial to the future environmental and recreational operation of the Reserve and aspects of this project are currently under consideration by consultants 'Sanmor Consulting' who are undertaking a detailed analysis of issues raised in the report *Shaping Our Territory – Business Case and Master Plan – Tidbinbilla*.
  - (12) A total of \$1.6m has been provided for the redesign of the wetlands and an upgrading of the water reticulation system within Tidbinbilla Nature Reserve. The total cost of redesigning the wetlands will be dependant on the final scope of works for the project.
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### **Tidbinbilla Nature Reserve (Question No 112)**

**Mrs Dunne** asked the Minister for Environment, upon notice, on 15 February 2005:

- (1) Who is undertaking the feasibility study into the economic and social benefits and constraints of construction of both a Nature Discovery Centre and a Research Centre at the Tidbinbilla Nature Reserve;
- (2) How much will the study cost and how was the person or company undertaking the feasibility study selected;
- (3) What methodology will they use to assess the (a) benefits, (b) constraints and (c) costs;
- (4) When will the feasibility study be completed;
- (5) When will the Government consider the outcome of this study;

(6) What consultation process has been followed as part of this study.

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

I will respond in my capacity as the Minister responsible for Bushfire Recovery, and as the Minister responsible for work undertaken by the Shaping Our Territory Implementation Group in the Chief Minister's Department.

I refer the Member to the study *Shaping Our Territory – Final Report: Opportunities for Non-Urban ACT* and to the publication *Shaping Our Territory – Business Case and Master Plan – Tidbinbilla* for further information about potential activities and infrastructure that may be appropriate for Tidbinbilla Nature Reserve.

*Sanmor Consulting Group*, which was engaged following a tender process, is currently undertaking a study of the types of activities that may be appropriate at Tidbinbilla and the cost of implementing them. The consultants will also review the establishment of the Research and Nature Discovery Centres. The estimated cost of the project is \$60,000.

The study is expected to be completed within the next few weeks and will be considered by Government before the end of the financial year.

Primary stakeholders have been consulted through workshops and meetings.

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### **ActewAGL—water use (Question No 114)**

**Mrs Dunne** asked the Minister for Environment, upon notice, on 15 February 2005:

- (1) How much has ActewAGL's 'Reduce your use, stop the drop' campaign cost the Government in (a) research, (b) advertising, (c) market testing and (d) flyer distribution;
- (2) Has there been a decrease in water use in the ACT since the beginning of the campaign;
- (3) If so, how much has this decrease been;
- (4) If not, what measures are being taken to reconsider the use of this campaign.

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

- (1) The 'Reduce your use, stop the drop' campaign has to date cost the Government:
  - (a) \$10,370 in research;
  - (b) \$379,259 in advertising;
  - (c) A system of market testing has not yet been developed. However, awareness of the 'Reduce your use, stop the drop' campaign was measured in March 2004 as part of a survey on the 2003 Save Water campaign.
  - (d) \$23,816 in flyer distribution.
- (2) Yes.

- (3) The 'Reduce your use, stop the drop' campaign began in the Spring of 2002. Any water savings since this time cannot be attributed specifically to the campaign as water restrictions have been in force over the same period of time.

Since November 2002, when water restrictions were first introduced, the ACT has saved 52.7 gigalitres of water, equal to 10 months of average unrestricted supply in summer.

- (4) The campaign has been successful in reinforcing the importance of water conservation to the community. Upcoming campaigns are at the planning stage.

### **Water—showerheads (Question No 115)**

**Mrs Dunne** asked the Minister for Environment, upon notice, on 15 February 2005:

- (1) How many Canberrans took up the Government's offer of buying water efficient showerheads and receiving the \$30 government rebate;
- (2) How much has this scheme cost the Government in total in (a) rebates, (b) administration and (c) advertising;
- (3) Was there a budget for the scheme; if so, has it been exceeded;
- (4) How many extra employees, if any, were employed in the Department of Urban Services to process the rebates since the beginning of the scheme.

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

- (1) 399 households took up the offer of buying water efficient showerheads to receive a maximum \$30 government rebate (or up to 50% of purchase price of showerhead(s)).
- (2) The scheme has cost the Government \$18,686 in total
  - a) \$12,455
  - b) \$806
  - c) \$5,425
- (3) Yes, there was a budget for the scheme and, no it has not been exceeded.
- (4) No extra employees were employed in the Department of Urban Services to process the rebates since the beginning of the scheme. ActewAGL is delivering the 2004/05 Water Efficiency (Incentives) Program under contract arrangements between ACT Government and ACTEW.

### **Environment and conservation—solar heaters (Question No 116)**

**Mrs Dunne** asked the Minister for Environment, upon notice, on 15 February 2005:

- (1) How many households have taken up the Government's offer to install or purchase solar hot water heaters and received the government rebate;

- (2) How much has this scheme cost the Government in total in (a) rebates, (a) administration and (c) advertising;
- (3) Have more people purchased solar hot water heaters this financial year than was budgeted for in (a) 2003-2004 and (b) 2004-2005;
- (4) What will happen if there are more people purchasing solar hot water heaters than what has been budgeted for in rebates, for example, will some people miss out on receiving a rebate;
- (5) How many extra employees, if any, have been employed in the Department of Urban Services to process the rebates since the beginning of the scheme.

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

- (1) As at 23 February 2005, 1,154 households have received a rebate under this program.
- (2) As at 23 February 2005, \$1,023,370 has been expended under this program being (a) \$985,870 in rebates, (b) nil administrative costs (these are included in general departmental staff costs) and (c) \$37,500 in advertising.
- (3) (a) Yes (b) The 2004/05 financial year is still current.
- (4) Should the number of rebate applications received under this program exceed budgeted funds, additional funding from the Treasurer's Advance will be sought.
- (5) No extra employees have been employed in the Department of Urban Services to process rebates relating to this program.

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**Tidbinbilla Nature Reserve  
(Question No 117)**

**Mrs Dunne** asked the Minister for Environment, upon notice, on 15 February 2005:

- (1) Who is undertaking the study of models of management for the Tidbinbilla Nature Reserve and Birrigai education complex;
- (2) What is the cost of this study;
- (3) What selection process was undertaken in deciding on the successful application to take on this study;
- (4) When will the study be completed;
- (5) What process will the Government undertake in considering the outcome of this study;
- (6) Who is being consulted about this study and how are they being consulted.



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

I will respond to both Questions on Notice in my capacity as the Minister responsible for Bushfire Recovery, and as the Minister responsible for work undertaken by the Shaping Our Territory Implementation Group in the Chief Minister's Department.

I refer the Member to the study *Shaping Our Territory – Final Report: Opportunities for Non-Urban ACT; to the Shaping Our Territory – Business Case and Master Plan – Tidbinbilla* study for information about possible management models for Tidbinbilla Nature Reserve and Birrigai.

The Shaping Our Territory Working Group is currently considering Governance options for Tidbinbilla, Birrigai and the wider non-urban area. Costs associated with this work are being met through normal staffing arrangements and Working Group costs.

### **Tidbinbilla Nature Reserve (Question No 118)**

**Mrs Dunne** asked the Minister for Education and Training, upon notice, on 15 February 2005:

- (1) Who is undertaking the study of models of management for the Tidbinbilla Nature Reserve and Birrigai education complex;
- (2) What is the cost of this study;
- (3) What selection process was undertaken in deciding on the successful application to take on this study;
- (4) When will the study be completed;
- (5) What process will the Government undertake in considering the outcome of this study;
- (6) Who is being consulted about this study and how are they being consulted.

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

I will respond to both Questions on Notice in my capacity as the Minister responsible for Bushfire Recovery, and as the Minister responsible for work undertaken by the Shaping Our Territory Implementation Group in the Chief Minister's Department.

I refer the Member to the study *Shaping Our Territory – Final Report: Opportunities for Non-Urban ACT; to the Shaping Our Territory – Business Case and Master Plan – Tidbinbilla* study for information about possible management models for Tidbinbilla Nature Reserve and Birrigai.

The Shaping Our Territory Working Group is currently considering Governance options for Tidbinbilla, Birrigai and the wider non-urban area. Costs associated with this work are being met through normal staffing arrangements and Working Group costs.

**Birrigai  
(Question No 120)**

**Mrs Dunne** asked the Minister for Education and Training, upon notice, on 15 February 2005:

- (1) In relation to proposals to build flexible accommodation at Birrigai, what is the total number of units proposed;
- (2) How many (a) motel and (b) cabin units are proposed to be available;
- (3) When will this accommodation be completed;
- (4) Will this accommodation be operated by the ACT Department of Education and Training or subleased to private operators;
- (5) If it will be operated by the ACT Government, what is the estimated level of staffing;
- (6) Have the plans for this accommodation been finalised;
- (7) Have these proposals been approved by the Tidbinbilla Valley Board;
- (8) Has a development application been submitted to the ACT Planning and Land Authority (ACTPLA); if so, has ACTPLA approved the development application;
- (9) If a development application has been submitted but not yet approved, has ACTPLA advised of any concerns about the proposal;
- (10) Has any work been done to determine the financial viability of this proposal; if so, what was the outcome.

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

- (1) There are 7 cabins to be constructed.
- (2) Seven self-contained two-bedroom cabins providing accommodation for 34 people. There are also 2 existing dormitory style accommodation blocks.
- (3) Based on the proposed construction schedule, by January 2006.
- (4) This accommodation is part of the Birrigai Outdoor School, which is operated by ACT Department of Education and Training.
- (5) The Birrigai Outdoor School will operate the accommodation and other facilities with its present staffing levels.
- (6) Yes.
- (7) ACTPLA approved the development application for replacement of the education facilities on 26 August 2004. The Tidbinbilla Valley Board was not established until late August 2004 and did not meet until September 2004. The Tidbinbilla Valley Board has viewed the plans for the development and visited the Birrigai site.

- (8) Two development applications were submitted. One for the rebuild of the education facilities and the other for the rebuild of the residence. ACTPLA approved the education facilities development application on 26 August 2004. The development application for the rebuild of the residence was submitted separately on 25 August 2004 and has not yet been approved.
  - (9) The development application for the residence is still in the approval process. ACTPLA advised of a concern related to the location of the residence and the submission was revised following discussion with ACTPLA.
  - (10) The Government made a commitment to replace the facilities at Birrigai soon after the 2003 bushfires. The decision to replace the facilities was based primarily on the need to restore valued outdoor education programs and community facilities to the Canberra community.
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**Canberra Institute of Technology—roving tutors  
(Question No 121)**

**Mrs Dunne** asked the Minister for Education and Training, upon notice, on 15 February 2005:

- (1) What will happen to the people employed as roving tutors by the CIT when the program concludes on 30 June 2005;
- (2) How many people are currently employed as roving tutors by the CIT;
- (3) How much funding remained in the roving tutor program at the end of January 2005;
- (4) What was the outcome of the pilot for the roving tutor program and when was the assessment done.

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

- (1) Roving Tutors have contracts from 7 February 2005 to 24 June 2005. CIT's contract to coordinate the Roving Tutor Program finishes on 30 June 2005.
  - (2) Ten people.
  - (3) \$5,500.
  - (4) An evaluation of the program was provided to the Chief Minister in December 2002. The outcome was positive with the initial program meeting the agreed outcomes.
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**Children—Spence Pre-School  
(Question No 122)**

**Mrs Dunne** asked the Minister for Education and Training, upon notice, on 15 February 2005:

- (1) How many children who attend Baringa Childcare have been refused places at Spence Pre-School in 2005;
- (2) If there were children who were refused places, how many of these children went to other pre-schools within a five kilometre radius of Spence Pre-School;
- (3) What travel arrangements have been made to transport children from Baringa Childcare to other pre-schools;
- (4) How many children are not attending pre-school at all because they were refused a place at Spence Pre-School.

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

- (1) Four children attending Baringa Childcare Centre have not been accommodated at Spence preschool in 2005, one of these is a NSW resident;
- (2) Two of the families accepted a place at a preschool within a five kilometre radius;
- (3) Transport arrangements are not part of the service provision of Baringa Childcare Centre or the Department of Education & Training for children from Baringa Childcare Centre to attend other preschools. Transport arrangements are made for individual preschool age children with disabilities accessing early intervention programs;
- (4) Two children have chosen not to take up a place at another preschool (one is a NSW resident).

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**Women—publications  
(Question No 123)**

**Mrs Dunne** asked the Minister for Women, upon notice, on 15 February 2005:

- (1) In relation to the *Honouring Our Local Women* publication, what was the cost of (a) research, (b) writing, (c) editing, (d) printing and (e) distribution;
- (2) How many copies were produced and to whom were they distributed.

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

- (1) a) b) and c) The cost of research, writing and editing the publication was approximately \$6,755.18.
  - d) The cost of printing the publication was \$4,259.30 for 300 copies, which includes photography.
  - e) The cost of distributing the publication was \$113.10.
- (2) 300 copies were produced and a PDF of the publication was posted on the ACT Office for Women website.

Copies were distributed to MLAs, government agencies, community organisations and the women who were profiled in the publication.

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**Tractors—sales  
(Question No 128)**

**Mr Pratt** asked the Minister for Urban Services, upon notice, on 15 February 2005, (redirected to the Treasurer):

- (1) Were there a number of tractors or other machinery or assets with grass cutting implements sold or auctioned off from Totalcare or any Urban Services agency in the six months prior or at any time up to 18 January 2003 bushfires in the ACT;
- (2) If so, how many of these assets were sold or auctioned off and why were they sold;
- (3) What price was received for each of these assets.

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

- (1) In the case of Totalcare: no. In the case of the Department of Urban Services: no.
  - (2) N/A
  - (3) N/A
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**Crime—weapon use  
(Question No 130)**

**Mr Pratt** asked the Minister for Police and Emergency Services, upon notice, on 15 February 2005:

- (1) How many offensive and dangerous weapon related crimes, by weapon type and including guns, knives and the like, have been committed in the ACT during (a) 2000-2001, (b) 2001-2002, (c) 2002-2003 and (d) 2004-2005 to date;
- (2) In relation to those crimes for each year in part (1) how many (a) crimes resulted in death or injury, (b) arrests were made, (c) charges were laid and (d) successful convictions were there;
- (3) What were the nature of the sentences or penalties imposed on those who were successfully convicted.

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

- (1) (a) The table below shows the number of selected offences, reported to police where a weapon was used, displayed by weapon type and selected offence, reported for the year 2000-2001;

	Homicide and related offences	Assault (non sexual)	Assault (sexual)	Robbery (armed)
Blunt Instrument	0	22	0	4
Chemical	0	2	0	0
Club	0	25	0	0
Explosive	0	0	0	0
Firearm	0	3	0	13
Glass	0	9	0	0
Knife	0	56	2	66
Martial Arts Weapon	0	0	0	0
Other	0	50	0	2
Projectile	0	5	0	0
Sharp Instrument	0	7	2	4
Syringe	0	6	0	12

Source: PROMIS as at 01 March 2005

(b) The table below shows the number of selected offences, reported to police where a weapon was used, displayed by weapon type and selected offence, reported for the year 2001-2002;

	Homicide and related offences	Assault (non sexual)	Assault (sexual)	Robbery (armed)
Blunt Instrument	0	21	0	3
Chemical	0	0	0	0
Club	0	3	0	0
Explosive	0	1	0	0
Firearm	0	7	0	4
Glass	0	8	0	3
Knife	1	50	2	34
Martial Arts Weapon	0	3	0	0
Other	0	60	0	2
Projectile	0	4	0	0
Sharp Instrument	0	9	0	2
Syringe	0	2	0	16

Source: PROMIS as at 01 March 2005

(c) The table below shows the number of selected offences, reported to police where a weapon was used, displayed by weapon type and selected offence, reported for the year 2002-2003;

	Homicide and related offences	Assault (non sexual)	Assault (sexual)	Robbery (armed)
Blunt Instrument	0	27	0	1
Chemical	0	0	0	0
Club	0	2	0	1
Explosive	0	3	0	0
Firearm	0	4	0	15
Glass	0	10	0	0
Knife	0	38	3	28
Martial Arts Weapon	0	1	0	0
Other	0	62	0	2

<b>Projectile</b>	0	6	0	0
<b>Sharp Instrument</b>	0	4	0	3
<b>Syringe</b>	0	1	0	6

Source: PROMIS as at 01 March 2005

(d) The table below shows the number of selected offences, reported to police where a weapon was used, displayed by weapon type and selected offence, reported for the year 1 July 2004 – 31 Dec 2004

	<b>Homicide and related offences</b>	<b>Assault (non sexual)</b>	<b>Assault (sexual)</b>	<b>Robbery (armed)</b>
<b>Blunt Instrument</b>	0	12	0	1
<b>Chemical</b>	0	0	0	0
<b>Club</b>	0	1	0	0
<b>Explosive</b>	0	0	0	0
<b>Firearm</b>	0	1	0	0
<b>Glass</b>	0	1	0	0
<b>Knife</b>	0	13	0	40
<b>Martial Arts Weapon</b>	0	0	0	0
<b>Other</b>	0	27	0	2
<b>Projectile</b>	0	1	0	0
<b>Sharp Instrument</b>	0	6	0	5
<b>Syringe</b>	0	1	0	6

Source: PROMIS as at 01 March 2005

(2) (a) It is too resource intensive to obtain data identifying how many offensive and dangerous weapon related crimes resulted in death or injury as this would involve manual data extraction and examination of individual case records.

(b) (i) The table below shows the number of apprehensions for selected offences, reported to police where a weapon was used, displayed by weapon type and selected offence, reported for the period 2000-2001;

	<b>Homicide and related offences</b>	<b>Assault (non sexual)</b>	<b>Assault (sexual)</b>	<b>Robbery (armed)</b>
<b>Blunt Instrument</b>	0	26	0	3
<b>Chemical</b>	0	3	0	0
<b>Club</b>	0	40	0	4
<b>Explosive</b>	0	0	0	0
<b>Firearm</b>	0	11	0	7
<b>Glass</b>	0	12	0	0
<b>Knife</b>	0	87	2	42
<b>Martial Arts Weapon</b>	0	0	0	0
<b>Other</b>	0	43	1	1
<b>Projectile</b>	0	0	0	0
<b>Sharp Instrument</b>	0	1	2	1
<b>Syringe</b>	0	6	0	4

Source: PROMIS as at 01 March 2005

(ii) The table below shows the number of apprehensions for selected offences, reported to police where a weapon was used, displayed by weapon type and selected offence, reported for the period 2001-2002;

	Homicide and related offences	Assault (non sexual)	Assault (sexual)	Robbery (armed)
Blunt Instrument	0	29	0	1
Chemical	0	0	0	0
Club	0	2	0	0
Explosive	0	0	0	0
Firearm	0	5	0	0
Glass	0	3	0	2
Knife	1	72	0	18
Martial Arts Weapon	0	0	0	0
Other	0	66	1	4
Projectile	0	2	0	0
Sharp Instrument	0	7	0	0
Syringe	0	10	0	7

Source: PROMIS as at 01 March 2005

- (iii) The table below shows the number of apprehensions for selected offences, reported to police where a weapon was used, displayed by weapon type and selected offence, reported for the period 2002-2003;

	Homicide and related offences	Assault (non sexual)	Assault (sexual)	Robbery (armed)
Blunt Instrument	0	15	3	0
Chemical	0	0	0	0
Club	0	1	0	0
Explosive	0	1	0	0
Firearm	0	2	0	63
Glass	0	6	0	0
Knife	0	68	6	16
Martial Arts Weapon	0	4	0	0
Other	0	56	0	0
Projectile	0	6	0	0
Sharp Instrument	0	5	0	0
Syringe	0	2	0	3

Source: PROMIS as at 01 March 2005

- (iv) The table below shows the number of apprehensions for selected offences, reported to police where a weapon was used, displayed by weapon type and selected offence, reported for the period 1 July 2004 – 31 Dec 2004;

	Homicide and related offences	Assault (non sexual)	Assault (sexual)	Robbery (armed)
Blunt Instrument	0	6	0	0
Chemical	0	0	0	0
Club	0	0	0	0
Explosive	0	0	0	0
Firearm	0	0	0	0
Glass	0	0	0	0
Knife	1	15	0	29
Martial Arts Weapon	0	0	0	0



<b>Other</b>	0	15	0	0
<b>Projectile</b>	0	2	0	0
<b>Sharp Instrument</b>	0	6	0	0
<b>Syringe</b>	0	1	0	2

*Source: PROMIS as at 01 March 2005*

(c) Refer to 2) (b)

(d) It is too resource intensive to answer this question as it would require searching the ACT Magistrates Court database for all successful convictions involving offensive and dangerous weapons crimes and would involve manual data extraction and examination of individual case records.

(3) Refer to 2) (d)

### **Police force—leave (Question No 131)**

**Mr Pratt** asked the Minister for Police and Emergency Services, upon notice, on 15 February 2005:

- (1) Further to the response to question on notice No. 24 (*Hansard*, 9 December 2004, page 332) which stated that a total of 98 sworn and unsworn ACT Policing Members were on leave as at Tuesday 7 December, is this a high amount of members to be on leave at any one time;
- (2) How did ACT Policing cover the shifts of those 98 members on leave at one time;
- (3) What was the (a) total and (b) average number of members on leave for each month of 2004.

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

- (1) No.
- (2) ACT Policing manages all planned leave and long term unplanned leave to ensure the ACT establishment and operational capacity to deliver the community policing function is not affected. In mission critical areas, overtime shifts are offered to accommodate short term unplanned leave within certified agreement requirements.
- (3)(a) It is too resource intensive to provide the total number of members on leave per month as this would involve daily calculations. Given the varying amounts of time a member can be absent from the workplace, compiling multiple types of leave (planned and unplanned) taken over a month as a single average does not accurately reflect the productivity or availability of members across that month. Some planned leave such as maternity or long service leave may be temporarily backfilled by appointing term transfers or non-going staff members to fill vacancies. These arrangements accord with customary public service practices.
- (3)(b) See 3(a)

**Police force—roster  
(Question No 132)**

**Mr Pratt** asked the Minister for Police and Emergency Services, upon notice, on 15 February 2005:

- (1) What was the average number of police officers rostered on duty in the ACT per shift over the 24 December 2004 to 3 January 2005 Christmas – New Year period;
- (2) What was the average response time to incident call-outs during this period;
- (3) Were any ACT police stations closed during this period; if so, which ones were closed and when.

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

- (1) ACT Policing maintains a minimum patrol strength which does not vary with seasons or holiday periods. Non-shift working members were stood down on gazetted public holidays and each functional area maintained a support capability over the entire Christmas/New Year period that also accommodated leave requirements.
- (2) ACT Policing has a four level response model. Average response times for the period 24 December 2004 to 3 January 2005, by priority level, were:

Priority	Average response time
1	6 minutes 42 seconds
2	22 minutes 42 seconds
3	69 minutes
4	2 hours 48 minutes

- (3) No.

**Transport—public services  
(Question No 135)**

**Mrs Burke** asked the Minister for Planning, upon notice, on 16 February 2005:

Is there any plan to offer public transport services, in any form, to residents of (a) Oaks Estate, (b) Uriarra Settlement, (c) Pierces Creek, (d) Hall and (e) Tharwa.

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

- (1) There are no plans to include these mainly rural locations in the Government's contract with ACTION.

**Prisons and prisoners—Quamby  
(Question No 136)**

**Mrs Burke** asked the Minister for Children, Youth and Family Support, upon notice, on 16 February 2005:

- (1) Did the Minister make a media announcement on 25 March 2004 regarding an increase in funding for the redevelopment of Quamby from \$13.2 million to \$20 million which is an increase of \$6.8 million;
- (2) Will all of the \$20 million promised for the upgrade of Quamby be expended on the facility, which is still awaiting its full upgrade; if not, why not;
- (3) Will the full and original redevelopment, as detailed in the Minister's media release of 25 March 2004, be completed by December 2006; if not, why not.

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

- (1) Yes.
- (2) In August 2004, the Government announced that it would not proceed with the redevelopment of Quamby but would instead build a new youth detention centre in a new location. Thus the \$20m will not be spent on the Quamby redevelopment. The Government also announced that \$4m would be spent on urgent remedial works at Quamby such as the refurbishment of the time-out room and the procurement of demountable units to provide additional accommodation options and educational facilities. A feasibility study to consider site options and inclusions in the new facility is scheduled for completion in April 2005. The timing of the construction of the new facility will not be known until the completion of the feasibility study.
- (3) No. See the response to Question 2 above.

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**Disabled persons—employment  
(Question No 142)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 16 February 2005, (redirected to the Chief Minister):

Have partnerships been established with Disability WORKS Australia to assist in accessing the talent pool of people with a disability interested in employment prospects with the ACT Public Service; if not, why not.

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

Yes. A Memorandum of Agreement was signed on 9 December 2004 with Disability WORKS Australia, the ACT New Apprenticeship Centres and ACT disability employment service organisations.

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**Development—Canberra Centre  
(Question No 148)**

**Mrs Burke** asked the Minister for Urban Services, upon notice, on 16 February 2005:

Will the Canberra Central implementation team consider the through traffic conditions in Bunda Street, Canberra City, with particular focus on closing off the street to through traffic at the pedestrian crossing that connects the two sections of the Canberra Centre.

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

- Canberra Central Project Team is currently developing a traffic model for the City area. Once the model is completed the Canberra Central Project Team will be testing different scenarios for traffic circulation within the City.
- In all scenarios the key objective will be to give priority to pedestrian access and public transport in the City.
- The impact of the current and proposed city bus links, as well as the proposed major commercial and retail developments, will also be tested in the model.
- Until these models are run and the various implications analysed, such as safety and the amenity of users, it is not proposed that the Canberra Central Project Team give particular focus to closing Bunda Street to traffic.
- Closing Bunda Street, as with any street, needs very careful consideration, as it has the potential to reduce the permeability and accessibility of the City, as well as reduce casual surveillance in the evenings as set out through the Governments adopted crime prevention through environmental design principles.

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**Fireworks—reports  
(Question No 150)**

**Mr Pratt** asked the Minister for Industrial Relations, upon notice, on 16 February 2005:

- (1) Further to question on notice No 18 regarding fireworks, how many reports regarding fireworks were made during the Queen's Birthday Long Weekend in 2004;
- (2) Have the investigations into two reports where ACT WorkCover launched a detailed investigation into fireworks since the inception of the *Dangerous Substances Act 2004* been finalised; if so, what were the findings of each investigations;
- (3) Further to the report where a brief of evidence was being prepared for the Director of Public Prosecutions (DPP), why did a brief need to be prepared for the DPP;
- (4) What action was taken by the DPP when it received the brief.

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

- (1) During the Queen's Birthday Long Weekend in 2004, ACT WorkCover received 112 reports regarding fireworks.

- (2) (a) ACT WorkCover has finalised the two investigations regarding fireworks that were commenced since the inception of the *Dangerous Substances Act 2004*.
  - (b) Both investigations identified sufficient evidence of a contravention of the Act to support the preparation and forwarding of a brief of evidence to the Director of Public Prosecutions.
- (3) A brief was prepared for the Director of Public Prosecutions as ACT WorkCover considered the circumstances of the alleged contravention of the Act warranted the commencement of a prosecution.
- (4) The Director of Public Prosecutions is prosecuting the matter and it is presently before the Court.

### **Water—pressure testing (Question No 153)**

**Mr Pratt** asked the Minister for Urban Services, upon notice, on 16 February 2005, (redirected to the Chief Minister):

- (1) Is routine testing of water supply pipes carried out in each Canberra suburb to check for adequate water pressure; if so, (a) who carries out this testing, (b) how often is it done and (c) at what time of day is this testing carried out; if not, why not;
- (2) Which Canberra suburbs have been found to have problems with inadequate water pressure in each of the last three years;
- (3) Have any of the suburbs listed in part (2) had the problem rectified; if so, which suburbs have been rectified and which have not;
- (4) If the water pressure problem in some Canberra suburbs has not been remedied, why not;
- (5) Can ACT residents now be guaranteed adequate water pressure for the purposes of defending their homes in the case of another bushfire emergency; if not, why not.

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

- (1) ACTEW's water network includes sites where the system pressure is monitored 24 hours a day, 365 days a year. These sites have been chosen to allow ActewAGL to assess overall system performance from the pressure at these sites. There is one in every pressure zone, amounting to around 30 across Canberra.

In addition to these permanent installations, ACTEW have temporary pressure recorders that can be placed anywhere to study system performance.

- (2) The overall network is designed to meet pressure standards that are consistent with standards in other Australian cities. The standards include allowance for maintaining pressure at times of extremely high demand, and during building fires. The standards are set out in the Water Supply and Sewerage Service Standards Code, made under the *Utilities Act 2000*.

Changing the standards requires more than a change to legislation. Material change would involve major reconstruction of the water network, at very high cost to the community.

The pressure at a particular house is an intrinsic part of the design of the network, and is based on street pipework sizes and the height difference between the particular house in question and the local water reservoir. ActewAGL's monitoring, over many years, shows no design flaw in the network that leads to "whole of suburb" type problems.

No suburbs have been found to have inadequate water pressure in any of the last three years other than when unprecedented demand existed during the January 2003 bushfires. Individual houses, or localised areas, do, from time to time, have pressure problems. These are generally caused by a problem inside the property boundary, or in the pipe connecting the property to the ACTEW main. These problems are usually repaired within days of the complaint being phoned into the ActewAGL faults and Emergency Centre.

Sometimes individual households complain about inadequate pressure however, the pressure is higher than the design limits established by the Code.

Pressure lower than the design limits established by the Code can also be caused by extraordinary events outside the control of ActewAGL: (eg burst watermains or abnormal events). Burst water mains are usually repaired within hours of the complaint being phoned into the ActewAGL Faults and Emergency Centre.

There are several streets in Canberra, or parts of streets, where residents have complained that the peak hour pressure (on hot summer evenings, when there are no water restrictions) is less than they require. However, testing shows the pressures do meet the Code standards.

There is one current case of a low-pressure problem due to the release of land above the usual contour levels.

- (3) There are no suburbs listed in (2) above.
- (4) All faults related to localised blockages or faults that are the responsibility of the water utility are rectified within codified response times.

The single case where pressure is lower than the design limits established by the Code, caused by the release of land above the usual contour levels, is currently being investigated by ActewAGL and ACTEW Corporation through the Chief Minister's Department.

- (5) The network is designed to industry practice to provide fire fighting capacity as agreed with the ACT Fire Brigade. The bushfire of January 2003 was an abnormal event beyond the network's designed capability. There is no known network in the world that can maintain adequate water pressure across a large urban area when virtually every residence is using maximum amounts of water – nor would it be practicable to construct one.
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### Police force—high speed car chases (Question No 155)

**Mr Pratt** asked the Minister for Police and Emergency Services, upon notice, on 16 February 2005:

- (1) How many high speed car chases have ACT Police undertaken during (a) 2001-2002, (b) 2002-2003 and (c) 2004-2005 to date;
- (2) For each of the years in part (1) how many of these pursuits (a) resulted in a successful arrest, (b) did police abandon, (c) resulted in an accident and (d) involved stolen vehicles.

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

- (1) It is too resource intensive to obtain data for pursuits prior to 2003 as this would involve manual data extraction and examination of individual case records. Capacity to record police pursuits has been in place since 2003. In the financial year 2003-2004, 49 pursuits involving cars have been recorded.
- (2) Data for the 2003-2004 financial year and for 1 July 2004 to 21 February 2005 are provided in the table below:

Outcomes/Involvement of Stolen Vehicle	2003-2004 financial year	1 July 2004 to 21 February 2005
Arrest	34	7
Abandoned	13	6
Collision	16	3
Involved stolen motor vehicle	19	6

Source: ACT Policing Traffic Operations

Note: Some pursuits fall into multiple categories within this chart – for example a pursuit involving a stolen motor vehicle which results in a minor collision and the arrest of offender/s.

### Hospitals—nursing home type patients (Question No 156)

**Mr Smyth** asked the Minister for Health, upon notice, on 16 February 2005:

- (1) How many nursing home type patients are currently occupying hospital beds at (a) The Canberra Hospital and (b) Calvary Hospital;
- (2) How many nursing home type patients have occupied hospital beds at (a) The Canberra Hospital and (b) Calvary Hospital, per month, since January 2004 to date.

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

- (1) As at 16th February 2005 the numbers of nursing home type patients occupying hospital beds are:
  - (a) 20 at The Canberra Hospital; and
  - (b) 4 at Calvary Hospital.

In addition 16 patients were enrolled in the ACT Health Intermittent care service as of 3 March 2005.

- (2) The average number per month of nursing home type patients occupying hospital beds since January 2004 is shown in the table below:

**Average number of Nursing Home Type Patients by month and hospital January 2004 to January 2005**

Hospital	Jan 04	Feb 04	Mar 04	Apr 04	May 04	Jun 04	Jul 04	Aug 04	Sep 04	Oct 04	Nov 04	Dec 04	Jan 05
TCH	9	7	23	21	18	20	25	16	15	10	11	16	15
Calvary	6	6	6	6	10	8	6	7	7	6	6	3	9

### **Hospitals—ACT Hospice (Question No 157)**

**Mr Smyth** asked the Minister for Health, upon notice, on 16 February 2005:

- (1) How many patients (a) are currently occupying beds at the ACT Hospice, (b) have occupied beds at the ACT Hospice per month since January 2004 and (c) are currently on the waiting list for a bed at the ACT Hospice;
- (2) Has the Government received any representations to expand the ACT Hospice; if so, from whom and what has been the Government's response to these representations.

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

- (1) (a) During January 2005, 28 patients occupied beds at Clare Holland House.
- (b) The following table identifies the number of patients that occupied beds in Clare Holland House from January to December 2004.

Month	Number of Patients	Month	Number of Patients
January	20	July	27
February	34	August	36
March	16	September	31
April	23	October	23
May	31	November	30
June	27	December	26

Table: Number of Patients at Clare Holland House per month, January – December 2004

- (c) At 31 January 2005, there were 5 patients on the waiting list for a bed at Clare Holland House.
- (2) (a) Yes
- (b) Representations have been received from the ACT Palliative Care Society
- (c) The Government will consider requests for increased funding for services in the context of budget considerations.



## Hospitals—interstate patient travel assistance (Question No 158)

**Mr Smyth** asked the Minister for Health, upon notice, on 16 February 2005:

In relation to the Interstate Patient Travel Assistance Scheme, what are the rates of payment for (a) individual patients and (b) people escorting individual patients, (i) air travel, (ii) self drive car travel, (iii) taxi travel, (iv) coach travel, (v) train travel, (vi) hotel/motel accommodation, (vii) private accommodation, (viii) meals and (ix) other living expenses.

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

The following are the rates of payment in relation to the Interstate Patient Travel Assistance Scheme:

- (a) **For individual patients**
  - (i) **Air travel**  
Where air travel is deemed necessary by the referring specialist it will be paid for by the Scheme.
  - (ii) **Self drive care travel**  
Canberra/Sydney/Canberra: \$40.00  
Canberra/Melbourne/Canberra: \$100.00  
Canberra/Adelaide/Canberra: \$150.00  
Canberra/Brisbane/Canberra: \$150.00
  - (iii) **Taxi travel**  
Is not covered by the scheme.
  - (iv) **Coach travel**  
Reimbursement of full ticket will made with the exception of coach travel to Sydney, where a maximum rate of \$40 applies.
  - (v) **Train travel**  
Reimbursement of full ticket will made with the exception of train travel to Sydney, where a maximum rate of \$40 applies.
  - (vi) **Hotel/motel accommodation**  
\$30 per night per patient
  - (vii) **Private accommodation**  
\$10 per person per night
  - (viii) **Meals**  
Are not covered by the scheme
  - (ix) **Other living expenses**  
Are not covered by the scheme
- (b) **People escorting individual patients**
  - (i) **Air travel**  
Where air travel is deemed necessary by the referring specialist it will be paid for by the Scheme.
  - (ii) **Self drive car travel**  
Is only paid once to either the patient or escorting individual.
  - (iii) **Taxi travel**  
Is not met by the scheme.
  - (iv) **Coach travel**  
Reimbursement of full ticket will be made with the exception of coach travel to Sydney, where a maximum rate of \$40 applies.

- (v) **Train travel**  
Reimbursement of full ticket will be made with the exception of coach travel to Sydney, where a maximum rate of \$40 applies.
- (vi) **Hotel/motel accommodation**  
\$20 per night per escort in accommodation in a commercial establishment
- (vii) **Private accommodation**  
\$10 per person per night
- (viii) **Meals**  
Are not met by the scheme
- (ix) **Other living expenses**  
Are not met by the scheme

The Interstate Patient Travel Scheme usually assists with travel and accommodation costs for only one escort. However, in exceptional circumstances, such as for babies with serious medical problems, the Scheme will contribute to meeting the expenses of both parents.

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**Health—suicide  
(Question No 159)**

**Mr Smyth** asked the Minister for Health, upon notice, on 16 February 2005:

- (1) How many mental health clients have (a) suicided and (b) attempted suicide to date this financial year;
- (2) Are there any concerns or have any concerns been raised about the handling of any of these incidents this financial year;
- (3) How many mental health clients have (a) suicided and (b) attempted suicide, each month, since July 2004.

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

- (1) (a) The number of suspected suicides of active mental health clients from 1 July 2004 to date is six. Of the six suspected suicides, two have been confirmed as a suicide through a completed coronial process.  
  
(b) The number of attempted suicides by active mental health clients identified by Mental Health ACT since 1 July 2004 to date is twelve, which were reported to the General Manager of Mental Health ACT.
- (2) All adverse clinical incidents are reviewed by the Mental Health ACT Clinical Review Committee (CRC). Where service issues or improvements to policy or practice are identified in relation to any adverse incident, the issue is addressed and implemented appropriately.
- (3) (a) The number of active mental health clients who have had confirmed suicides through a completed coronial process since 1 July 2004 is:

July 2004: 2
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- (b) The number of attempted suicides by active mental health clients identified by Mental Health ACT since 1 July 2004 is:

July 2004: 3
August 2004: 2
September 2004: 1
November 2004: 1
December 2004: 3
January 2005: 1
February 2005: 1

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**Tidbinbilla Nature Reserve  
(Question No 161)**

**Mrs Dunne** asked the Minister for Environment, upon notice, on 16 February 2005:

- (1) How many eco lodges do you plan to build at Tidbinbilla Nature Reserve;
- (2) Where do you propose to build them;
- (3) Will these eco lodges be run by the ACT Government or leased to private contractors;
- (4) If leased out to private contractors, how will the Government select the contractors;
- (5) If the lodges will be operated by the ACT Government, has a study been done to assess their viability;
- (6) What approval process will have to occur before the eco lodges can be built;
- (7) When will these eco lodges open;
- (8) How many campsites will open at Tidbinbilla Nature Reserve and how will this compare with the situation before the bushfires;
- (9) Where are you proposing to put the camp sites;
- (10) What approval process will have to occur before the campsites can open;
- (11) When will these campsites re-open.

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

I will respond in my capacity as the Minister responsible for Bushfire Recovery, and as the Minister responsible for work undertaken by the Shaping Our Territory Implementation Group in the Chief Minister's Department.

I refer the Member to the study *Shaping Our Territory – Final Report: Opportunities for Non-Urban ACT*; to the *Shaping Our Territory – Business Case and Master Plan – Tidbinbilla* study; for information relating to the potential for commercial operations within Tidbinbilla Nature Reserve.

The possible introduction of eco-lodges into the Reserve is matter that will be considered by the Shaping Our Territory Working Group and the Tidbinbilla Valley Board. Consideration would also be given to the number of lodges, their location, and the level of Government and commercial interest that would be appropriate.

Please note that part 11 incorrectly refers to the 're-opening' of campsites at Tidbinbilla. The current Management Plan for Tidbinbilla does not allow for camping or campsites. A Variation to the Management Plan is currently underway that, subject to the approval process, could permit camping in designated campgrounds in Tidbinbilla Nature Reserve's special purpose reserve zone.

Consequently, consideration is still being given to the introduction of campsites at Tidbinbilla and their number and location will be subject to discussion with relevant stakeholders.

In the event that eco-ledges and campsites are to be established normal approval processes would apply, including Preliminary Assessments and Development Applications.

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### **Education—teachers (Question No 162)**

**Mrs Dunne** asked the Minister for Education and Training, upon notice, on 16 February 2005:

- (1) What guidelines are used by the Department of Education and Training whereby a qualified teacher is offered a contract for a temporary placement in an ACT government school;
- (2) What is the recruitment process for qualified teachers to be offered permanency in the ACT government school system;
- (3) How does a qualified teacher go from the temporary employment list to the permanent employment list;
- (4) What are the factors determining the rating a qualified teacher receives;
- (5) What rating does a qualified teacher require in order to be offered a permanent contract in the ACT government system;
- (6) How many qualified teachers with a meritorious rating or above have not been offered a permanent contract in the ACT government school system in (a) 2003, (b) 2004 and (c) 2005 to date.

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

- (1) The guidelines for temporary (contract) employment as a teacher are contained in the *Teaching Staff Certified Agreement 2004-2006*. There are two types of temporary employment:
  - Short term, where the vacancy is for more than twenty days but less than one school term, and
  - Long term, where the vacancy is for a full school term or more.

Any suitably qualified teacher registered with the department for casual employment is eligible for a short term temporary placement, however for a long term temporary placement, the teacher must have a current recruitment rating.

- (2) The department accepts applications from suitably qualified teachers throughout the year. These applications are assessed on a needs basis as vacancies arise. In addition, the department conducts an annual teacher recruitment process for all ACT government schools.

All applicants receive a recruitment rating. Offers of permanent appointment are made to the most highly rated applicants within each specific teaching area according to the overall needs of the system.

- (3) As vacancies become available, applicants who are employed on a temporary contract and who are rated highly may be offered permanency.
- (4) Factors determining the recruitment rating include a written application addressing the selection criteria; experience and qualifications; reports on performance; referee comments and a recruitment panel interview.
- (5) A qualified teacher must be rated suitable or higher to be offered permanent employment. However, due to the high number of applicants each year, in most teaching areas a recruitment rating of meritorious or above is required. In some areas only those applicants with an outstanding recruitment rating are employed.
- (6) Applicants with a meritorious recruitment rating or above not engaged in permanent employment in the ACT Government school system:
- |     |      |  |
|-----|------|--|
| (a) | 2003 | 378  |
| (b) | 2004 | 371  |
| (c) | 2005 | 460 (to date, further offers of permanent employment are expected to be made). |

### **Schools—performance indicators (Question No 163)**

**Mrs Dunne** asked the Minister for Education and Training, upon notice, on 16 February 2005:

- (1) What are the key performance indicators related to student safety and welfare as recently released in the National Safe Schools Framework;
- (2) Have any schools been marked against the new key performance indicators to date;
- (3) If so, which schools and what were the results; if not, why not, and when will schools be marked against the key performance indicators;
- (4) Have any schools failed to meet any of the key performance indicators; if so, which schools and why.

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

- (1) The key performance indicators are referred to as *Key Elements* in the National Safe Schools Framework. These are:
 

Key Element 1	School Values, Ethos, Culture, Structure and Student Welfare
Key Element 2	Policies, Programmes and Procedures
Key Element 3	Provision of Education/Training
Key Element 4	Managing incidents of Abuse/Victimisation
Key Element 5	Providing support for Students
Key Element 6	Working closely with Parents
- (2) ACT Government primary and high schools have conducted an audit against each of the key elements.
- (3) A performance rating scale that is the same as the one used for the school review and development process was used. This scale ranged from A = Aspiring to E = Excelling. Schools are required to include their ratings in a report that is attached to their school board report.
- (4) The National Safe Schools Framework elements do not represent a pass or fail system. The framework elements are a means of focusing schools on areas for improvement. School progress against the framework elements will be known once school board reports have been received and analysed.

### **Children—custody (Question No 164)**

**Mrs Dunne** asked the Minister for Children, Youth and Family Support, upon notice, on 16 February 2005:

- (1) In relation to the removal of children from the custody of their parents by the Office for Children, Youth and Family Support, was the Office, or legal representatives of the Office, involved in legal proceedings in the ACT Supreme Court in 24 December 2004;
- (2) If so, what was the nature and the details of the matters involving the Office in the ACT Supreme Court;
- (3) Did the Supreme Court find that the Office had acted inappropriately or contrary to law;
- (4) If the Office was found by the Supreme Court to have acted inappropriately or unlawfully, in what way did it act inappropriately or unlawfully;
- (5) If the Office has acted inappropriately or unlawfully, why did it do so;
- (6) Further to the case mentioned in The Canberra Times on Monday, 27 December 2004 entitled, 'Child's return the best gift for father', did officials from the Office for Children, Youth and Family Support, in the company of six police officers, remove a child from the custody of its father, and was the child then taken interstate;
- (7) If so, on what date was the child removed from its father's custody;

- (8) If a child was removed from the father's custody under the circumstances referred to in part (6), (a) was it done so pursuant to an order issued by an ACT Magistrate and (b) on what date was the complaint or allegation which was the basis of this action provided to the Office;
- (9) What was the imperative that made it necessary to have the child removed with the assistance of armed police if the time that had elapsed between the date of the child's removal and the date on which the complaint or allegation was made was more than a month;
- (10) If a child was removed from the father's custody under the circumstances referred to in part (6), was the action of the Office or any court orders that related to the matter appealed by the father to the ACT Supreme Court;
- (11) If so, what was the result of the appeal;
- (12) If a child was removed from the father's custody under the circumstances referred to in part (6), did legal counsel for the Office at any time believe or suspect that the legal basis underpinning the Office's actions, be it based on a magistrate's order or otherwise, was invalid;
- (13) If legal counsel for the Office of Children, Youth and Family Support did at any time believe or suspect that the legal basis underpinning the Office's actions, be it based on a magistrate's order or otherwise, was invalid, was this view communicated to any officials of the Office;
- (14) If such a belief or suspicion was communicated to officials in the Office for Children, Youth and Family Support, when was it communicated;
- (15) Did any member of the Office for Children, Youth and Family Support, other than legal counsel, at any time believe or suspect, or have reason to believe or suspect, that the legal basis underpinning the Office of Children, Youth and Family Support actions, be it based on a magistrates order or otherwise, was invalid;
- (16) If so, why did the Office for Children, Youth and Family Support take the action it did in removing the child from its father's custody.

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

- (1) It is a matter of public record that the Office for Children, Youth and Family Support was involved in a matter in the Supreme Court on 24 December 2004.
- (2) On 24 December 2004, the father appealed a Care and Protection Order which was made in the Children's Court by application of the Office for Children, Youth and Family Support on 20 December 2004.
- (3) The ruling by Justice Crispin decreed that a Care and Protection Order dated 20 December 2004 was unlawful due to an administrative error. This error occurred in the Children's Court, not because of any unlawful action by Care and Protection Services.

Justice Crispin also criticised the fact that Care and Protection Staff acted on the basis of allegations received by them more than two months earlier. This finding is disputed by the Office for Children, Youth and Family Support.

In the investigation of many child protection matters, Care and Protection Services find that as more information comes to hand through the investigation process, concerns escalate over a period of time. In relation to this matter, I am advised that Care and Protection Services commenced an application for a Care and Protection Order only when they had sufficient evidence pursuant to the legislation.

- (4) The Supreme Court ruling did not find the actions of Care and Protection Services had been unlawful.
- (5) Care and Protection Services did not act in an unlawful or inappropriate manner.
- (6) This information is confidential pursuant to sections 404 & 405 of the *Children and Young People Act 1999*.
- (7) This information is confidential pursuant to sections 404 & 405 of the *Children and Young People Act 1999*.
- (8) This information is confidential pursuant to sections 404 & 405 of the *Children and Young People Act 1999*. All actions by Care and Protection Services in relation to this matter were in strict accordance with the legislation and were not in violation of any order.
- (9) This information is confidential pursuant to sections 404 & 405 of the *Children and Young People Act 1999*.
- (10) It is a matter of public record that on 24 December 2004 in the Supreme Court, the father appealed a decision made by the Children's Court on 20 December 2004.
- (11) It is a matter of public record that the father won this appeal and it was ordered that the child be returned to the father.
- (12) This information is confidential pursuant to sections 404 & 405 of the *Children and Young People Act 1999*. All actions by Care and Protection Services in relation to this matter were in strict accordance with the legislation and were not in violation of any order.
- (13) The Office for Children, Youth and Family Support was not aware of the administrative error and therefore the unlawful nature of the order until 24 December 2004.
- (14) The Office for Children, Youth and Family Support was not aware of the administrative error and therefore the unlawful nature of the order until 24 December 2004.
- (15) The Office for Children, Youth and Family Support was not aware of the administrative error and therefore the unlawful nature of the order until 24 December 2004.
- (16) The Office for Children, Youth and Family Support was not aware of the administrative error and therefore the unlawful nature of the order until 24 December 2004.

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**Children—childcare centres  
(Question No 165)**

**Mrs Dunne** asked the Minister for Children, Youth and Family Support, upon notice, on 16 February 2005:



- (1) Have all positions at the Gungahlin Child and Family Centre been filled;
- (2) Has the Manager of the Tuggeranong Child and Family Centre been recruited yet;
- (3) Has an executive lease on suitable land in Tuggeranong been obtained yet; if so, where is the site and how long is the lease; if not, why not and when will the land decision be made;
- (4) When is commencement of construction of permanent buildings in Gungahlin and Tuggeranong due to start;
- (5) Have any contracts been let to construct the buildings; if so, who has been selected and what is the value of the contract;
- (6) If contracts have not been let, at what stage is the tender process at and when do you anticipate that contracts will be let.

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

- (1) Yes.
- (2) Yes.
- (3) No. A site has been identified in the Tuggeranong Town Centre that would be suitable for a Child and Family Centre. Discussions commenced in January 2005 with the Land Development Authority (LDA) in relation to this site.
- (4) Construction of the permanent building in Gungahlin is expected to commence in July 2005. Commencement date for the Tuggeranong building has not been determined.
- (5-6) No contracts for building construction have been entered into for either Centre. The tender process for construction of the Gungahlin facility will commence at the beginning of April 2005. The tender process to select the architect for the Tuggeranong centre will commence once there is agreement on the site for the Centre.

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### **Courts and tribunals—recognisances (Question No 168)**

**Mr Stefaniak** asked the Attorney-General, upon notice, on 16 February 2005:

- (1) How many persons are currently on recognisances from the (a) Magistrate and (b) Supreme Courts for the period 1 July to 31 December 2004;
- (2) How many persons currently on recognisance from (a) Magistrate and (b) Supreme Courts have been brought back before the Court for breaches of those recognisances during the above period;
- (3) How many breaches of the above mentioned recognisances were proven and what action was taken in relation to those breaches by the Court involved.

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

I am not prepared to authorise the use of the very considerable resources that would be involved in providing the detailed information required to answer the Member's question.

The information sought is not compiled routinely by the courts. To obtain the information, special information technology arrangements would be required as well as the diversion of significant staff time.

Detailed information on courts sentencing results is available in the ACT Criminal Justice Statistical Profile, which is tabled in the Legislative Assembly each quarter.

### **Sport and recreation—government grants (Question No 170)**

**Mr Stefaniak** asked the Minister for Economic Development, upon notice, on 16 February 2005:

- (1) What ACT teams participating in national competitions are currently assisted by the ACT Government;
- (2) How much has been given to each team, or is proposed to be given to each team, for the 2004-2005 financial year and what particular season that money is meant to cover for example how much money will the Canberra Raiders receive for the 2005 NRL Season.

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

#### **Assistance to National League Sporting Teams (2004/05)**

<b>Team</b>	<b>NLTP*</b>	<b>CSPA**</b>	<b>PTE***</b>
ACT Brumbies (men's rugby union)	\$100,000	\$ 700,000	\$250,000
Canberra Raiders (men's rugby league)	\$100,000	\$1,124,500	\$200,000
Canberra Capitals (women's basketball)	\$100,000	-	-
Canberra Gunners (men's basketball)	\$ 30,000	-	-
Canberra Lakers (men's hockey)	\$ 45,000	-	-
Canberra Strikers (women's hockey)	\$ 45,000	-	-
Canberra Eclipse (women's soccer)	\$ 45,000	-	-
Canberra Comets (men's cricket)	\$ 20,000	-	-
AFL/ACT Rams (men's AFL football)	\$ 10,000	-	-
Canberra Dolphins (men's waterpolo)	\$ 12,500	-	-
Canberra Dolphins (women's waterpolo)	\$ 12,500	-	-
Canberra Cockatoos (men's and women's orienteering)	\$ 20,000	-	-
Canberra Knights (men's ice hockey)	\$ 15,000	-	-
Canberra Heat (men's and women's volleyball)	\$ 15,000	-	-
<b>Total#</b>	<b>\$570,000</b>	<b>\$1,824,500</b>	<b>\$450,000</b>

\*National League Team Program (NLTP)

\*\*Canberra Stadium Performance Agreements

\*\*\*maximum value of payroll tax exemption (PTE)

# All figures are exclusive of GST

Funds from the NLTP and Canberra Stadium Performance Agreements are provided on a financial year basis, with NLTP funding paid in two instalments (August and February) and the Performance Fees paid in one lump sum after 1 July each year (2004 being the first year).

The Canberra Raiders and ACT Brumbies Canberra Stadium Performance Agreements also include a commitment by the Territory to waive payroll tax liability for each team, up to a maximum amount per annum.

It is recognised that teams have differing competition seasons and there can obviously be some overlap between seasons and payments: for example, the Canberra Raiders 2004/05 NLTP would be provided at the back end of the 2004 season and the beginning of the 2005 season. Whether the sporting organisation directs ACT Government support into a single season or uses funding to assist with costs across two seasons is their decision.

Other ACT Government agencies, such as Healthpact, may have sponsorship arrangements with elite sporting teams - this summation only considers funding providing to elite sporting teams through Sport and Recreation ACT.

### **Dragway—progress (Question No 171)**

**Mr Stefaniak** asked the Minister for Economic Development, upon notice, on 17 February 2005:

- (1) What steps has the Government taken since 10 December 2004 to progress the building of a Dragway in the ACT;
- (2) Has the Government set up the Working Party it promised prior to the October 2004 Election; if so, please provide details of persons who make up that group; if not, why has this not occurred;
- (3) What progress has been made to get the Commonwealth to relinquish its interest in part of Block 52, Majura;
- (4) If no progress has been made, what steps is the Government taking to resolve the matter;
- (5) What steps has the Government taken to resolve any outstanding issues in relation to Block 51, Majura;
- (6) What outstanding issues remain to be resolved, when are these issues likely to be resolved and what is the Government doing to resolve them.

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

- (1) Since 10 December 2004, the Government has taken a number of steps to progress the building of a Dragway in the ACT. These include: consideration of possible sites for a Dragway; preliminary discussions with a representative of the lessee of Block 51 Majura; review of lease conditions of Block 51 Majura; inspections by Government officers of Block 51 Majura; and further consideration of noise issues.
- (2) The Government is currently working through the necessary details of the various considerations, including those referred to at (1) above, to finalise the terms of reference for the Working Party and the appropriate membership, and expects to consider nominations for the membership soon. Following completion of the appointments, details will be provided to the Member. I confirm that the Working Party will comprise members of the Dragway fraternity, community and Government representatives.

- (3) On 29 June 2004, Mr Quinlan wrote to the Hon John Anderson MP, the then Deputy Prime Minister and Minister for Transport and Regional Services, seeking the Commonwealth's position on making Block 52 Majura immediately available for Territory purposes, specifically a Dragway. Mr Anderson responded on 30 July 2004, indicating that he had forwarded this letter to the Minister for Finance and Administration and the Minister for Defence for their consideration.

On 17 November 2004, Mr Quinlan wrote to the Hon Jim Lloyd MP, Minister for Territories, noting the Territory's continuing interest in the degazettal of part of Block 52 Majura, and seeking information on the status of Federal interest in that land. On 27 January 2005, Mr Lloyd responded, indicating that he had referred this letter to the Minister for Finance and Administration and the Minister of Defence for their consideration. Neither the Minister for Finance and Administration nor the Minister for Defence has responded to either of these letters.

- (4) See answer to Question 3.
- (5) See answers to Questions 1 and 2.
- (6) There are a number of outstanding issues to be resolved, including noise, site selection and acquisition, and design and construction. As I indicated to Mr Stefaniak during Question Time on 17 February 2005, the Government will assess the impacts of the Dragway, and will do a range of the usual studies, investigations and consultations that all Governments do in relation to major projects such as a Dragway. The Working Party will assist to oversee the initial stages of the development of the Dragway.

### **Employment and unemployment—programs (Question No 172)**

**Mrs Burke** asked the Chief Minister, upon notice, on 17 February 2005:

- (1) Have amendments been made to the Public Sector Management Standards to incorporate special employment programs and remove redundant references; if not, why not.
- (2) What are special employment programs and how are they implemented and administered.

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

- (1) Amendments to the Standards will be made to provide for these programs.

The first program relates to the ACT Public Service (ACTPS) Employment Framework for People with a Disability which I launched on 9 September 2004. The amendment is being developed and it will remove outdated references.

- (2) The *Public Sector Management Act 1994* (PSM Act) provides for Equal Employment Opportunity (EEO) programs to enable people in designated groups to compete for promotion and transfer in the ACTPS and pursue careers in the ACTPS as effectively as other persons.

Designated groups include women, Indigenous and Torres Strait Islanders, people from non-English speaking backgrounds and people with a disability. Programs can also

provide temporary employment to assist persons to gain ability to participate in the Australian workforce.

The first program will be the Disability Employment Program to support the employment of people with a disability. The program will involve all ACTPS agencies, with Chief Minister's Department providing advice and support to ACTPS agencies in the implementation of the Program.

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**Aboriginal and Torres Strait Islander Affairs, Office—website  
(Question No 173)**

**Mrs Burke** asked the Minister for Arts, Heritage and Indigenous Affairs, upon notice, on 17 February 2005:

Has the ACT Office of Aboriginal and Torres Strait Islander Affairs updated its website since 10 June 2004; if not, why not.

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

Yes. The ACT Office of Aboriginal and Torres Strait Islander Affairs last updated its website on 18 February 2005.

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**Women—status  
(Question No 174)**

**Mrs Burke** asked the Minister for Women, upon notice, on 17 February 2005:

- (1) Have the 59 recommendations made by the Legislative Assembly Select Committee on the Status of Women in the A.C.T. been implemented;
- (2) What is the status of the cross agency approach to policy development to improve the status of women.

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

Progress on the implementation of the recommendations in *The Status of Women in the ACT* report was tabled at the Select Committee on Estimates Hearing of 31 May 2004. A copy of this report is attached for your information.

*The Status of Women in the ACT* report informed the development of *The ACT Women's Plan*, which was released in September 2004. This Plan now provides across government direction for policy development and measurement of progress in relation to issues for women.

The Plan was developed with guidance from an Interdepartmental Committee and identifies areas for action that inform the development of Annual Action Plans. These Action Plans provide details of supporting structures, policies and processes in place across the ACT Government that aim to achieve the objectives of *The ACT Women's Plan*.

Work is currently underway on the development of the 2005-06 Action Plan, which will be released later this year.

*A copy of the report is available at the Chamber Support Office.*

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**Public service—job vacancies  
(Question No 180)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 17 February 2005:

- (1) What is the process for advertising job vacancies in the Department of Disability, Housing and Community Services when a person currently filling a specific position is taking any sort of leave and has indicated and/or agreed with a supervisor that they do not intend to return to the position;
- (2) How many positions have been advertised in the period 1 November 2004 to 17 January 2005 within the Department where people are on extended leave of any nature.

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

- (1) If at the time of advertising, a permanent position is not nominally vacant, but there is reason to believe that it will become vacant within a short timeframe, the position is usually advertised as an "Expected Vacancy". The manager can also choose to fill the position temporarily in the first instance and in this case a Whole of Government Expression of Interest may be called for a temporary vacancy. Alternatively, under Clause 30.6 of Part 1 of the DHCS Certified Agreement, the manager may decide to 'act' an officer in the position for up to 6 months before advertising.
  - (2) There were 10 positions advertised in the period 1 November 2004 to 17 January 2005 where staff were on extended leave.
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**Disabled persons—dual disability  
(Question No 181)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 17 February 2005:

Has a long-term program been established for people with dual disabilities and complex behavioural problems in the ACT; if so, please provide details; if not, why not.

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

Funding was provided in the 2004-2005 Budget for the establishment of a program commencing in January 2006. The design and implementation of that service model is currently being developed by Disability ACT.

The 2004-2005 Budget also provided funding for an associated feasibility study to look at the scope for the delivery of the service and the required capital works infrastructure that may be required. That study has been completed and I am considering a series of recommendations prior to the release of the report.

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**Canberra Labor Club—donations  
(Question No 186)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 17 February 2005:

- (1) How much money was donated by the Canberra Labor Club to assist in the funding of any activities at the National Multicultural Festival in 2005;
- (2) What policy does the ACT Government have on accepting donations or sponsorship for community events endorsed by the ACT Government from organisations deemed to be clearly affiliated with political parties.

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

- (1) This information should be sought from the Canberra Labor Club.
- (2) The ACT Government assesses sponsorship proposals for its events on a case by case basis weighing up the type of event and the source of proposed sponsorship funds. There is currently no basis to assess whether an organisation which proposes to sponsor an ACT Government event is "clearly affiliated with political parties", and it would be difficult to determine exactly what criteria would be applied in such a situation.

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**Education—racism in schools  
(Question No 187)**

**Mr Pratt** asked the Minister for Education and Training, upon notice, on 17 February 2005:

- (1) How many (a) formal complaints and (b) allegations of racism in schools have been recorded on the Department of Education and Training's database;
- (2) Is this an increase or decrease on the number of (a) formal complaints and (b) allegations of racism in previous years.

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

- (1) (a) Nil (b) Nil \*
- (2) The Department of Education and Training complaints database started in August 2004. Comparisons with previous years are not available.

\*only formal complaints are entered into the register

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**Emergency services—single response units  
(Question No 189)**

**Mr Pratt** asked the Minister for Police and Emergency Services, upon notice, on 17 February 2005:

- (1) Further to the reply to question on notice No 62 (Hansard, 9 December 2004, page 346), when will the trial of single response units (SRU) deployment strategies be completed;
- (2) When will the Government report and announce a decision on whether a new approach to the use of SRU is needed.

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

- (1) The trial will be completed in the last quarter of 2005.
  - (2) The Government will report after an analysis of the trial results. The expected timeframe is the first quarter 2006.
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### **Police force—advertisement (Question No 190)**

**Mr Pratt** asked the Minister for Police and Emergency Services, upon notice, on 17 February 2005:

- (1) Who has authorised the advertisement promoting ACT Policing, 'It's not just what you see – it's what we do', currently being shown on pay television
- (2) How much in total has been budgeted for the purposes of this advertisement;
- (3) How much has it cost to (a) produce and (b) run this advertisement to date;
- (4) For what period of time and how often will this advertisement run;
- (5) On what television channels is this advertisement being or going to be run;
- (6) What is the (a) purpose of this advertisement, (b) target market of the advertisement and (c) audience that this advertisement is meant to appeal to;
- (7) Is this advertisement a stand alone project, or is it planned to run similar ads in future; if so, what is the projected future budget for this ongoing project.

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

- (1) The advertisement seen on pay television (Foxtel – Crime and Investigation Network) was produced to celebrate the 25th anniversary of the Australian Federal Police (AFP) and approved by the ACT Policing Executive and endorsed by AFP Commissioner, Mick Keelty.
- (2) The advertisement on pay television (Foxtel) is free for an indefinite period. No funds have been budgeted for these purposes on Pay TV. The project budget for local free-to-air television (WIN, TEN and Prime) is \$20,000 for the period January 2005 until May 2005.
- (3) a) The total cost of producing the commercials (10 x 30 second) was approximately \$600. They were produced in-house by ACT Policing. An additional two 30-second commercials screened only on pay-TV were produced and paid for in 2003-2004.



- b) There is no cost for on-air time on pay TV while airtime on the three local commercial stations has not yet been invoiced but is expected to be \$20,000.
- (4) The initial booking for free-to-air TV is 30 January to 5 May 2005 (WIN, TEN and Prime). Over this time, Prime will place the television commercial (TVC) 24 times with 40 bonus (free) spots; WIN will place the TVC 18 times with 10 bonus (free) spots; and TEN will place the TVC 15 times with 16 bonus (free) spots. The runtime on Foxtel has no scheduled end-date. Currently, the advertisements continuously cycle (12 in total) and are broadcast on average two times per hour over a 24-hour-period.
- (5) Refer to answer to question (4).
- (6) a) The purpose of these advertisements is to celebrate the AFP's 25th anniversary and highlight the extensive police work performed by AFP officers in ACT Policing during that time. Additionally, the advertisements profile successful community policing initiatives such as Constable Kenny Koala and Volunteers in Policing.
- b) and c) The target market/audience on ACT free-to-air TV is ACT residents of all ages. The target market/audience on Foxtel is slightly different as Foxtel screens nationally and internationally, and promotes the diversity of AFP activities including community policing.
- (7) The current TV advertising is part of ACT Policing's ongoing community awareness campaign in all facets of the media covering a range of crime prevention, driver behaviour and related themes. ACT Policing budgets approximately \$150,000 annually for its community awareness campaign advertising.

### **Government—ministerial legal actions (Question No 191)**

**Mr Pratt** asked the Chief Minister, upon notice, on 17 February 2005:

- (1) Have any Ministers had legal action taken against them in the (a) current or (b) Fifth Assembly; if so, which Ministers and for what reasons;
- (2) What are the associated costs for any legal action taken against Ministers in the Fifth or Sixth Assembly.

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

- (1) A number of actions have been commenced in the lifetime of the Labor Government which have named Ministers as respondents. Those actions relate solely to decisions taken either by Ministers or officials in the discharge of governmental functions. No actions have been commenced in the current or previous Assembly against Ministers in respect of such matters as personal staff disputes, defamation, etc.
- (2) No costs have been incurred in the current or previous Assembly in respect of actions against Ministers in respect of such matters as personal staff disputes, defamation, etc.

**Family Services Unit—move  
(Question No 197)**

**Mr Smyth** asked the Minister for Children, Youth and Family Support, upon notice, on 17 February 2005:

- (1) When was the decision made to move the Family Services unit from the Chief Minister's Department to the Department of Disability, Housing and Community Services;
- (2) What are the reasons for moving the unit from the Chief Minister's Department to the Department of Disability, Housing and Community Services;
- (3) What are the costs associated with moving the unit;
- (4) Why has the relocation of the unit not been broadly promoted in the community when the move from Education to Chief Minister's Department was made very public;
- (5) Is the Minister aware of any confusion this move may have caused since it has not been broadly promoted.

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

- (1) The Chief Minister, Mr Jon Stanhope MLA, announced new Ministerial and Portfolio responsibilities on 4 November 2004. The Administrative Arrangements 2004 (No 5) reflect the make up of portfolios, administrative units and functions.
- (2) Prior to 4 November 2004, the Office for Children, Youth and Family Support (the Office) was its own administrative unit, separate to the Chief Minister's Department but reporting to the Chief Executive, Chief Minister's Department. The Administrative Arrangements 2004 (No 4) reflect the make up of portfolios, administrative units and functions.

The broadening of human service responsibilities by aligning the Office with the Department of Disability, Housing and Community Services reflects the Government's commitment to providing a holistic approach to human services delivery in the Territory. This approach recognises that our clients often have complex needs that require teamwork across different delivery areas.

- (3) There were no costs associated with moving the Family Services Unit from the Chief Minister's Department. The Office is a separate appropriation.
- (4) The move of the Office to the Department of Disability, Housing and Community Services was one of several changes made by the Chief Minister in establishing Ministerial portfolios following the election of the second Stanhope Government. The Chief Executive, Department of Disability, Housing and Community Services has been meeting regularly with community sector organisations since the Administrative Arrangements occurred.
- (5) No. The transfer arrangements only serve to strengthen the partnership with the community in the delivery of services to the most vulnerable clients who are in need of support.

**Sport and recreation—active after school program  
(Question No 199)**

**Mr Stefaniak** asked the Minister for Economic Development, upon notice, on 17 February 2005:

- (1) Has the Active After School Communities program commenced operating yet; if so, when did it commence; if not, when will it commence;
- (2) How many coordinators and officers have been appointed in the ACT as part of the program and are these new or existing appointments;
- (3) What is the budget for 2004-05 for this program and what is the breakdown of the (a) Australian Sports Commission's contribution and the (b) ACT Government's contribution;
- (4) How many and which (a) primary, (b) high schools and (c) colleges are currently participating in this program in the ACT;
- (5) Have any synergies been identified between this program and the ACT's 'Kids at Play' program; if so, what synergies exist;
- (6) Has the Australian Sports Commission given a commitment to provide funding in future years for this program; if so, how much has been committed and over what timeframe.

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

- (1) The program is developed and implemented by the Australian Sports Commission (ASC). The ASC has not yet entered into any partnership agreements with relevant State/Territory agencies for this program, however it intends to commence the program in 15 ACT primary schools in Term 2 of 2005, building up to 40 schools by late 2007.
- (2) Sport and Recreation ACT (SRACT) has no involvement with the staffing of the program. The ASC has 3 coordinators for the ACT/South West NSW region and are soon to add an administration officer to this team. The ASC staff are located with SRACT on a contractual basis where SRACT is recompensed for their office accommodation costs. However, the ASC staff are not responsible to SRACT, and SRACT has no involvement in their recruitment or employment.
- (3) The budget for the program in the ACT is unknown to the ACT Government, which has not made any financial contribution. It is not anticipated that the ACT Government will make any contribution to the program given the Commonwealth's four-year (national) \$90m budget allocation.
- (4) The ASC unit is yet to decide which ACT primary schools will participate in the program, which does not extend to high schools or colleges.
- (5) SRACT has registered Kids at Play as a potential service provider for the program, which, if approved, could offset some SRACT costs for Kids at Play.
- (6) The ASC has a four-year national budget of \$90m for the program from 2004/05 to 2007/08. The distribution of this funding is at the discretion of the ASC.

**Sport and recreation—funding  
(Question No 200)**

**Mr Stefaniak** asked the Minister for Economic Development, upon notice, on 17 February 2005:

- (1) In relation to the (a) sport education, (b) community, (c) Active Australia Schools Network, (d) disability education services and (e) indigenous sports programs funded by the Australian Sports Commission that are delivered in the ACT, how will Sport and Recreation ACT use the funding from the Australian Sports Commission for each program in 2004-05;
- (2) What will be delivered for the expenditure of these funds;
- (3) Will the ACT Government supplement this funding; if not, why not; if so, to what value;
- (4) Have any funds been committed to any of these programs beyond 2004-05; if so, until what date is financing secure.

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

- (1) Sport and Recreation ACT has a three-year funding agreement (from 2003-04) with the Australian Sports Commission (ASC) to deliver a number of joint ASC/SRACT initiatives in the ACT. The total budget per annum is \$158,200. This budget is broken down as follows: (a) sport education \$30,000, (b) community \$30,000, (c) Active Australia Schools Network \$20,000, (d) indigenous sport \$65,200, and (e) disability sport \$13,000.
- (2) Sport and Recreation ACT uses the funding as follows: (a) sport education – to deliver coach and officiating education and training programs; (b) community – to assist sporting clubs and organisations in their volunteer training and management, and to assist sports with their governance and management improvements; (c) Active Australia Schools Network – coordination of a network of schools to deliver professional development programs and to provide opportunities for state sporting development officers to deliver programs and services to schools; (d) indigenous sport – to employ an Indigenous Sport Coordinator to develop and implement sport and recreation programs for the indigenous community, and (e) disability sport – to assist the Disability Education Officer implement programs for people with disabilities and to help sporting organisations develop and implement programs for people with disabilities as part of their mainstream services.
- (3) Sport and Recreation ACT will contribute funding through the provision of staff and additional program resources to the value of \$270,000 in 2004/05.
- (4) The ASC agreement runs until 2005/06. It is anticipated that a further three-year agreement will be negotiated in early 2006.

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**Sport and recreation—programs  
(Question No 201)**

**Mr Stefaniak** asked the Minister for Economic Development, upon notice, on 17 February 2005:

- (1) In how many suburbs across Canberra has the Good Sports Territory program been rolled-out;
- (2) How many local sports organisations are participating in the program;
- (3) How is the program being promoted in the general community;
- (4) Is the program being promoted through the National League Teams; if so, how; if not, why not;
- (5) How is the program being promoted through ACT sporting venues;
- (6) How has information about the program been distributed through existing school sporting networks;
- (7) What impact has the program had so far on reduction of ugly parent syndrome and inappropriate behaviour at junior sports events and how is any reduction being measured.

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

- (1) The Good Sports Territory (GST) program is a Canberra wide program targeting all ACT suburbs.
- (2) A total of 35 state sporting organisations have pledged their support to the GST program. A full list of organisations can be found at <http://www.sport.act.gov.au/development/projects/goodsports.html>.
- (3) The GST program targets the behaviour of participants, spectators, coaches and officials in sporting venues across the ACT. As a result, the promotion of the GST logo and value statements has been targeted at state sporting organisations, clubs and associations.
- (4) As a condition of funding, teams funded through the National League Teams Program are required to promote the GST message. Promotional strategies have been negotiated on an individual team basis to maximise potential exposure of the GST. Venue signage (temporary and permanent) has appeared at home games for the Canberra Comets, Capitals, Dolphins, Eclipse, and Heat, and at the first match of the Brumbies Super 12 season. The GST logo can also be seen on the new Canberra Raiders billboard at ACTEW AGL Park (corner of Haydon Drive & Battye Street, Bruce). Where possible, the playing and/or training uniforms of the ACT's national league teams have also been branded with the GST logo.
- (5) Sport and Recreation ACT is currently working with members of the program to develop strategies for the promotion of the GST message in sporting venues across the ACT. Relevant educational material has been distributed to sports in addition to resources for the branding of websites, newsletters, competition programs etc. Permanent venue signage displaying the GST logo and value statements will soon be visible at a number of major sporting grounds in the ACT.
- (6) Information regarding the GST program has been distributed to all ACT primary school sports coordinators. Schools have been encouraged to promote the GST message in newsletters and to display posters and flyers in high traffic areas of the school. Future promotions may include the branding of tournaments hosted in the ACT as official GST events.

- (7) State sporting organisations involved in the delivery of the GST program will be responsible for reviewing the success of their chosen strategies in promoting the values of the GST program and working towards the elimination of inappropriate behaviour. Summer sporting organisations will soon complete their first season under the GST banner and will undertake a range of evaluation methods including participant, coach and spectator surveys, review of officials reporting processes and the number of reported offences.
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### **Sport and recreation—kids at play program (Question No 202)**

**Mr Stefaniak** asked the Minister for Economic Development, upon notice, on 17 February 2005:

- (1) How many visits have the Kids at Play vans made to after-school providers and community organisations since the commencement of the program in October 2004;
- (2) How many children have participated in the Kids at Play program;
- (3) What has been the total operational expenditure since the beginning of the program and how much has been spent on (a) hire of the vans, (b) equipment, (c) staffing and (d) marketing over the same period of time;
- (4) What is the role of the Heart Foundation in the Kids at Play program;
- (5) Will the ACT Government provide funding to the program in future years; if so, how much funding and over how many years;
- (6) Will the ACT Government provide funding to the Heart Foundation in future years to maintain its role in the program; if so, how much funding and over how many years.

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

- (1) A total of 160 sessions have been conducted across Canberra since the program commenced in October 2004, 120 being after-school situations and the remainder being various forms of community events.
- (2) About 8,800 participants in the after-school sessions, however it has not been possible to accurately estimate participants in the community sessions.
- (3) The total cost to date is \$83,017, being: (a) 12,420, (b) \$11,856, (c) \$37,880 and (d) \$20,861.
- (4) The Heart Foundation (ACT Branch) is a program partner. The Kids at Play program assists in the marketing and communication of the key Heart Foundation messages, and in return the Heart Foundation provides the program with resources.
- (5) The Kids at Play program is currently funded through operational funds and the Sport and Recreation ACT grant program. In order to secure a long-term future and successful outcomes for Kids at Play, Sport and Recreation ACT has prepared a budget bid for the 2004/05 financial year and forward years.

- (6) The Heart Foundation grant to deliver their support services to Kids at Play will be determined annually in the grants process.
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**Planning—recreation strategy  
(Question No 203)**

**Mr Stefaniak** asked the Minister for Economic Development, upon notice, on 17 February 2005:

- (1) Is Sport and Recreation preparing and ACT Recreation Strategy in response to the outcomes of the Canberra Plan; if so, has work begun on this strategy;
- (2) Has a completion date been set for the release of the strategy and when will it be released publicly;
- (3) Why is the Government preparing a Recreation strategy and what will it be used for;
- (4) What is the estimated cost of preparing this Strategy.

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

- (1) Sport and Recreation ACT has commenced the preparation of a Recreation Strategy. The terms of reference may be found at <http://www.sport.act.gov.au/development/projects/recstrategy.html>  
This strategy is in response to the Canberra Plan.
  - (2) July 2006.
  - (3) The Government is preparing the Strategy to ensure: (a) identify the current provision, both urban and non-urban, of recreation space in the ACT, (b) the development of guiding principles for future land use and provision in urban and non-urban settings in the ACT, and (c) identification of future opportunities in the ACT that will increase opportunities and derive greater community and business/tourism benefits.
  - (4) It is anticipated that a consultancy for planning guidelines for land use will cost \$35,000, with a consultant to be selected and formally engaged by late March 2005. Sport and Recreation ACT will complete the remainder of the Strategy.
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**Emergency services—road rules  
Question No 207)**

**Mrs Dunne** asked the Police and Emergency Services, upon notice, on 17 February 2005:

- (1) Have fire-fighting personnel with (a) ACT Forests and (b) Parks Brigade at any time been given a directive not to respond to reports of bushfire incidents, that is to say, to engage in Urgent Duty Driving for example driving in a manner where the road rules may be broken where reasonable to do so;

- (2) If such a directive has been issued, (a) on what basis was it issued, given that fire-fighting personnel from these brigades have in the past responded to fires, (b) on what date will fire-fighting personnel be again able to respond to bushfire incidents and (c) what interim measures have been adopted to ensure that fire-fighting personnel can respond immediately;
- (3) Have fire-fighting personnel received any training, instruction or tuition on procedures or requirements when responding to emergency incidents;
- (4) Is there a national recognised training standard for responding to emergency incidents;
- (5) Has the Emergency Services Authority received any legal advice relating to the legalities of emergency services personnel responding to fires; if so, what did it say;
- (6) Have there been any instances where fire-fighting personnel from the Parks or Forestry brigades have been directed to respond to a report of a bushfire on a day of orange or red bushfire readiness, and the fire-fighting personnel only proceeded to the report of fire without breaking the road-rules where reasonable to do so.

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

- (1) The ACT Forests and Parks Brigades have been instructed by their Agency employers to comply with speed limits, traffic lights and road signs while travelling to rural fires. Where appropriate, trained and competent personnel may use lights and sirens to negotiate traffic and impediments.
  - (2) a) The Department of Urban Services and Environment ACT provide firefighters to the ACT Rural Fire Service under a Memorandum of Understanding. While involved in bushfire control operations, these personnel are under the command and control of the rural fire service, but they remain employees of these agencies, and government land managers maintain a duty of care for their employees. It is important to ensure that personnel undertaking fire-fighting duties including Urgent Duty Driving (UDD), are appropriately trained and work in accordance with safe work practice. This includes understanding and accounting for the limitation of fire-fighting vehicles designed for off-road situations, and having the skills and correct mental attitude to undertake UDD. Training and assessments are being undertaken to ensure that personnel responding to rural fires meet these requirements. Land Managers are working closely with the ACT RFS to refine existing training and operational procedures;  
  
b) Personnel with requisite skills and attitude necessary to undertake UDD will be permitted to respond to bushfires in accordance with the ACT RFS Standard Operating Procedure being developed for this activity;  
  
c) Parks and Forests Brigade personnel can proceed immediately to bushfires. It is worth noting the land management personnel are on a bushfire roster that enables them to respond immediately during duty periods.
  - (3) Yes.
  - (4) No.
  - (5) No.
  - (6) Yes.
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**Emergency services—communications disruptions  
(Question No 209)**

**Mrs Dunne** asked the Minister for Police and Emergency Services, upon notice, on 17 February 2005:

- (1) Is it the case that at approximately 2.40 pm on Thursday, 20 January 2005 that the Emergency Services Communication Centre's 000 service failed;
- (2) If so, (a) how long did it fail for, (b) what was the cause of the failure, (c) did it divert to another location and (d) where did it divert to.

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

- (1) No.
  - (2) Not applicable.
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**Seniors—aged care facilities  
(Question No 210)**

**Mr Seselja** asked the Minister for Planning, upon notice, on 17 February 2005:

- (1) Does the Minister agree with comments made on WIN News on Friday, 11 February where it was reported that land grants are usually only given to existing aged care facilities who want to expand;
- (2) If so, how can this be the case when the Government has issued direct land grants to organisations like the Little Company of Mary at Bruce, who do not already have existing premises to expand;
- (3) What other organisations have been given direct land grants to build aged facilities who do not already have an existing facility.

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

- (1) Given the increasing scarcity of greenfield sites for aged care development direct grants will increasingly only be focussed on the extension of existing facilities where this is possible. This does not rule out occasions of direct grants to those organisations who have demonstrated their capacity to develop and manage the land and have the appropriate financial capacity, expertise and experience in the field.
  - (2) The Little Company of Mary is a national aged care service provider who has wide experience in the provision and management of aged care services.
  - (3) Little Company of Mary are the only aged care provider to date that has been given a land grant without having an existing aged care facility in the ACT.
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**Motor vehicles—government fleet  
(Question No 212)**

**Mr Seselja** asked the Minister for Planning, upon notice, on 17 February 2005, (redirected to the Treasurer):

- (1) As at 16 October 2004, how many vehicles were on the ACT Government's motor vehicle fleet;
- (2) Of the vehicles in the fleet, how many vehicles were Toyota Landcruisers;
- (3) Of those how many were the 'Troopy' model;
- (4) Which ACT Government agencies or departments were responsible for each of the Landcruisers on 16 October 2004;
- (5) How many of the Landcruisers were used for either public or personal private use on 16 October 2004;
- (6) If any Landcruisers were used on 16 October 2004, exactly which vehicles belonging to which departments were used.

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

- (1) 1,401 vehicles at 28 October 2004
- (2) 32 Toyota Landcruisers
- (3) 6 Troop Carrier models
- (4)
  - 6 ACT Emergency Services
  - 2 Attorney-General's Department – Corrective Services
  - 12 Urban Services – Parks and Conservation
  - 3 Urban Services – CityScape
  - 4 Urban Services – Fire Management
  - 3 Urban Services – ACT Forests
  - 2 Urban Services – Wildlife Research
- (5) See below
- (6) I am advised that records maintained indicate that the following vehicles were used on 16 October 2004:

ACT Emergency Services	210 953
Corrective Services	210 364, 210 470
Parks and Conservation	210 588, 210 979, 211 077, 211 089, 211 375
CityScape	209 274, 209 275

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**Bushfires—insurance claims  
(Question No 214)**

**Mrs Burke** asked the Chief Minister, upon notice, on 8 March 2005:

- (1) How much money is the ACT Government set to receive from any insurance claim for the lost ACT Housing properties at Pierces Creek;
- (2) When will the claim be finalised and money be allocated to the reconstruction of the 12 properties lost in the 2003 bushfire;
- (3) When will construction begin on the 12 ACT Housing properties, that according to the National Capital Authority can be rebuilt on the original block and sections at Pierces Creek.

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

- (1) Housing ACT received approximately \$2.4m under the insurance and indemnity policy with ACTIA as a result of the January 2003 bushfires for the loss of the properties at Pierces Creek
- (2) The insurance claim was settled in late January 2004 with payment of the monies under the insurance claim received in February 2004. Those monies were applied to acquiring properties in the urban areas of the city to house those who lost their home in the bushfire.
- (3) It is anticipated that the timeframe for completion of Housing ACT properties at Pierce's Creek is during 2006. However, this is dependant on the finalisation of planning processes that are currently underway between the ACT and Commonwealth governments and approvals from the National Capital Authority and the ACT Planning and Land Authority.

Once the planning approvals are completed, a tender process for the Pierce's Creek redevelopment will be finalised.

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**Therapy ACT  
(Question No 217)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 8 March 2005:

What is the timeframe for the refurbishment of facilities at Therapy ACT in Holder.

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

In 2004 the Therapy ACT Holder building had:

- The roof retiled, insulated and repaired;
- New guttering and down pipes on the roof area;
- Security screens installed in many areas; and
- Walls and screens built and installed to improve security.

All these works have been completed.

A business case has been prepared for ongoing refurbishment and further works will be considered in a budget context.

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**Crime—rates  
(Question No 221)**

**Mr Pratt** asked the Minister for Police and Emergency Services, upon notice, on 8 March 2005:

- (1) Further to a reply to a question without notice on 16 February 2005 asked by Mr Smyth regarding criminal investigations, could the Minister provide the figures that illustrate, as per your response to this question, how the rates of each type of criminal activity in this town have almost all decreased, in the last 12 months, in double digit figures;
- (2) How do each of these numbers rate against the national average right now;
- (3) How do they compare against the various other jurisdictional averages right now.

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

- (1) The Member is referred to Tables 29 and 32 of the December 2004 *ACT Criminal Justice Statistical Profile* that is tabled quarterly in the Legislative Assembly.
- (2) and (3) The only reliable crime data series that compares rates of crime across jurisdictions is the Australian Bureau of Statistics *Recorded Crime*. The statistics for the 2004 calendar year will not be available until May 2005.

Other data, such as those from state police annual reports or websites, use different counting rules and definitions and should not be compared.

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**Crime—prevention  
(Question No 223)**

**Mr Pratt** asked the Minister for Police and Emergency Service, upon notice, on 8 March 2005:

- (1) Were all of the funds allocated as part of the Crime Prevention Fund in 2003-04 expended; if not, why not and what amount was not expended;
- (2) Were any funds not spent at the end of 2003-04 rolled over into 2004-05;
- (3) What is the total allocation of funds to the Crime Prevention Fund in 2004-05;
- (4) How much of that allocation has been expended to date;
- (5) On what projects have these funds been expended.

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

- (1) and (2) \$833,000 of the \$1.077M from the 2003-04 Crime Prevention Budget was expended last financial year.

As per previous advice to you, \$143,000 reallocated for the police study was rolled over to 2004-05 because tenders for that consultancy were not finalised until into the 2004-05 financial year.

Delays in data collection during phase two of the research on sexual assault also meant that phase three funding of \$40,000 was rolled over into 2004-05.

In effect, \$60,000 was unspent and this was spread over a range of projects. The underspend was due to such reasons as projects coming in under budget on items such as printing, consultancy fees and other services, or staffing on a project not applying for the full 12 months because of a delay in filling an unexpected vacancy during the year.

- (3) The 2004-05 JACS Output 2.2 Crime Prevention Budget allocation is \$1.113M. Following a government direction that the Department of Justice and Community Safety was to find 1% savings across its portfolio the previous minister agreed that \$400,000 from the crime prevention budget contribute to that savings. This means that the amount available from the 2004-05 budget is \$713,000. When coupled with the \$183,000 rollover that leaves an amount of \$896,000 for the 2004-05 financial year.

- (4) To date \$530,000 has been expended. It is anticipated that all funding will be expended before the end of the financial year.

- (5) Projects funded during the current financial year are:

- Crime – What can I do (eg brochures etc)
- Crime Prevention Road Shows (eg Police stand at Show)
- Answers Where you Live (eg police van at local shopping centre)
- Sexual assault research
- Bushfire arson research
- Kenny Koala
- Police Aboriginal Liaison Officer
- Children at risk programs in PCYC (Police Citizens Youth Club)
- CLASP (Community Liaison Advisory and Safety Project) administrative support
- Lock Out - affordable house and car security program for pensioners
- Police study consultancy
- Designing-out-crime seminars and training
- Neighbourhood Watch - interim support

### **Motor vehicles—home garaged (Question No 224)**

**Mrs Dunne** asked the Chief Minister, upon notice, on 8 March 2005:

- (1) How many cars in your department with ACT Government numberplates are home-garaged every day;
- (2) How many are garaged by officers on call;

- (3) Of those which are not garaged by officers on call,
- (a) how many cars are there,
  - (b) in which suburbs are they garaged; and
  - (c) in the week commencing 7 March 2005, for each car how many kilometres were driven
    - (i) to and from work and
    - (ii) for work purposes.

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

As Minister for the Environment I shall be providing a separate response in relation to Environment ACT.

The remaining branches of Chief Minister's Department use no ACT Government number-plated cars. In this context the answer to the Member's question is as follows:

- (1) Nil
- (2) Nil
- (3) Nil

### **Schools—police calls (Question No 238)**

**Mrs Dunne** asked the Minister for Education and Training, upon notice, on 8 March 2005, (redirected to the Minister for Police and Emergency Services):

How many times in (a) 2002-2003, (b) 2003-2004 and (c) 2004 to date have police been called out to incidents of (i) violence and (ii) property crime at ACT Government schools.

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

- (1) a) b) c) (i) (ii) **Table 1:** Number of selected confirmed incidents reported in schools in the ACT where patrol attended - 01 July 2002 to 28 February 2005.

<b>Confirmed incident type</b>	<b>2002-03</b>	<b>2003-04</b>	<b>1 July 2004 – 28 February 2005</b>
<b>Property</b>	837	725	462
<b>Person</b>	138	92	54

Source: PROMIS as at 07 March 2005

Note: 'Promis' cannot differentiate between Government and non Government schools. To do so would require manual extraction and examination of individual incidents.

'**Person**' incidents include incidents with a confirmed incident type of 'Homicide', 'Assault', 'Sexual Assault', 'Sudden death', 'Suicide', 'Domestic violence incident', 'Breach DVO/RO', 'Drug incident', 'Suspicious/wanted person/vehicle', 'Missing person', 'Abduction/hostages', 'Indecent exposure', and 'Psychiatric incident'.

'**Property**' incidents include incidents with a confirmed incident type of 'False alarm', 'Alarm', 'Alarm-holdup', 'Property damage', 'Burglary', 'Criminal damage', 'Offenders on

premises', 'Property found', 'Recovered stolen motor vehicle', 'SMV - stolen ACT recovered ACT', 'SMV stolen interstate recovered ACT', 'Stolen motor vehicle', 'Cash transaction referrals', 'Armed robbery', 'Evade taxi fare', 'Fraud', 'Robbery', 'Shop stealing', and 'Theft'.

### Schools—police calls (Question No 239)

**Mrs Dunne** asked the Minister for Police and Emergency Services, upon notice, on 8 March 2005:

How many times in (a) 2002-2003, (b) 2003-2004 and (c) 2004 to date have police been called out to incidents of (i) violence and (ii) property crime at ACT Government schools.

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

(1) a) b) c) (i) (ii) **Table 1:** Number of selected confirmed incidents reported in schools in the ACT where patrol attended - 01 July 2002 to 28 February 2005.

Confirmed incident type	2002-03	2003-04	1 July 2004 – 28 February 2005
Property	837	725	462
Person	138	92	54

Source: PROMIS as at 07 March 2005

Note: 'Promis' cannot differentiate between Government and non Government schools. To do so would require manual extraction and examination of individual incidents.

'Person' incidents include incidents with a confirmed incident type of 'Homicide', 'Assault', 'Sexual Assault', 'Sudden death', 'Suicide', 'Domestic violence incident', 'Breach DVO/RO', 'Drug incident', 'Suspicious/wanted person/vehicle', 'Missing person', 'Abduction/hostages', 'Indecent exposure', and 'Psychiatric incident'.

'Property' incidents include incidents with a confirmed incident type of 'False alarm', 'Alarm', 'Alarm-holdup', 'Property damage', 'Burglary', 'Criminal damage', 'Offenders on premises', 'Property found', 'Recovered stolen motor vehicle', 'SMV - stolen ACT recovered ACT', 'SMV stolen interstate recovered ACT', 'Stolen motor vehicle', 'Cash transaction referrals', 'Armed robbery', 'Evade taxi fare', 'Fraud', 'Robbery', 'Shop stealing', and 'Theft'.

### Housing—assistance (Question No 253)

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 9 March 2005:

- (1) What outreach programs does Housing ACT implement to assist tenants who have a mental illness;
- (2) If a program does not exist in Housing ACT, how are tenants referred to the correct form of counselling service best matched to individual needs.

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

- (1) Housing ACT does not provide specific outreach programs to assist tenants with a mental illness.
- (2) In the event a Housing ACT tenant appearing to have difficulty, either with their tenancy or in a more general sense, Housing ACT will try to speak to the tenant to ascertain what the issues may be and offer appropriate referrals.

Where the Housing Manager has difficulty in engaging with the tenant, a Housing Manager Specialist may seek to contact the tenant to work through any issues or concerns and assist with appropriate referrals.

Where Housing ACT has concerns for the health and safety of an individual or the broader community and it appears the individual suffers from a mental illness, Housing ACT will contact the Crisis Assessment and Treatment Team, within Mental Health ACT.

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**Health—staff memos  
(Question No 276)**

**Mr Smyth** asked the Minister for Health, upon notice, on 10 March 2005:

- (1) How many memos have been issued by ACT Health to its staff (a) to date this financial year and (b) in 2003-04;
- (2) On how many occasions (a) was the Minister informed of these memos and (b) did the Minister sign off on or authorise these memos;
- (3) What was the reason for each of the memos issued (a) to date this financial year and (b) in 2003-04.

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

- (1) Given the vast quantity of correspondence encompassing all areas of ACT Health, it is not possible to maintain a central record of all the internal correspondence issued to its staff;
- (2) It is not common practice for the Minister to be informed of the nature and content of internal correspondence before it is released, (b) no the Minister did not sign off on or authorise these memos;
- (3) Internal correspondence is not subject to a central tracking system, therefore, it is not possible to determine a response to this question.

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**Housing—direct debit payments  
(Question No 289)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 10 March 2005:



- (1) What steps does Housing ACT take to rectify, when it is identified, that incorrect deductions are taken from a housing tenant who has a direct debit arrangement to pay rent in automatic deductions;
- (2) How does Housing ACT advise the tenant of the steps taken to amend any incorrect deduction of rent made by the Department.

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

- (1) In cases where the tenant requests, a cash refund of \$100 is arranged and any balance above this is paid via an electronic funds transfer (EFT) to their bank account. In cases where the tenant agrees, the total amount will be paid via EFT;
- (2) The relevant tenancy manager arranges the refund and advises the tenant of the action being taken.

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**Disability, Housing and Community Services, Department  
(Question No 326)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 16 March 2005:

- (1) When was the first Departmental meeting held between the Minister and the Department of Disability, Housing and Community Services staff;
- (2) Were all staff, of all ranks, in attendance at this meeting.

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

- (1) Following the ACT Elections in October 2004, the Minister for Disability, Housing and Community Services first met with Departmental staff on 5 November 2004. The meeting was attended by the Chief Executive, Executive Coordinator, the Executive Director for Disability ACT, and the Executive Director for Housing and Community Services.
  - (2) No.
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