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FOR THE

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23 JUNE

2005

Thursday, 23 June 2005

Answers to questions:

Thursday, 23 June 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.

Criminal Code (Administration of Justice Offences) Bill 2005

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

Title read by Clerk.

MS GALLAGHER (Molonglo—Acting Attorney-General, Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (10.32): I move:

> That this bill be agreed to in principle.

This is an important bill, not only because it is another landmark step in the process to codify the criminal law of the ACT, but also because it concerns one of the major focal points of our democratic way of life. It is about ensuring that the systems we have for dispensing justice do so justly. All the rights and freedoms that we hold so dear and all the expectations we have that rules of government will be applied honestly and fairly depend inescapably upon the proper administration of justice.

Of course, the ACT currently has offences that relate to the administration of justice, and some of those offences have familiar names like perjury and perverting the course of justice. But few of us know much about the technical requirement for establishing the first or the full range of criminal behaviour that is covered by the second. If you wish to inquire, you will not find the answer to these questions in any statute in the ACT because the answers are not there. The Crimes Act 1900 makes some references to perjury but it does not say what it is, except that it is a crime, and although perverting the course of justice is a serious offence in the territory, it does not get a mention in the Crimes Act.

This is an important bill because it will remove this important body of ACT law from the obscurity of the common law and replace it with a modern regime of offences that will comprehensively set out in clear language the elements, defences and other relevant qualifications that apply to each offence. It will give these offences a profile commensurate with their importance to the judicial system and our democracy and will ensure that the seriousness with which the community views these matters is well understood and visible.

This bill represents the fifth stage in a process that began in September 2001 to progressively reform and codify the criminal law of the ACT. It will, as I have indicated, insert a new chapter 7 in the Criminal Code, which deals with offences directed to ensuring the proper administration of justice in the ACT. The new chapter is primarily based on the chapter 7 report of the Model Criminal Code Officers Committee, which was developed in 1998 after an extensive nation-wide consultation process. The recommended model provisions were designed for adoption by all jurisdictions as part of

the uniform national approach for dealing with crimes that relate to the administration of justice.

In addition to the recommended model for criminal code offences, chapter 7 also includes a number of related summary offences that have either been suggested by the Model Criminal Code Officers Committee or have been prepared by the government to replace some commonly repeated offences in the ACT statute book. Further, schedule 1 of the bill will significantly rationalise and reduce the ACT statute book by repealing numerous offences in other legislation that will be made redundant by the new codified offences in chapter 7. The bill also contains some technical amendments to existing chapters of the Criminal Code, which are discussed in some detail in the explanatory statement to the bill.

Before I deal more specifically with the offences in the bill, I should say that in general these offences will apply more broadly than the current ACT law equivalents, which primarily are in the common law. For example, the relevant common law offences, such as perjury, require a connection to judicial proceedings, whereas the bill offences will apply to legal proceedings in which evidence may be taken on oath or affirmation. Therefore, in future, relevant criminal conduct that relates to administration and quasijudicial proceedings will also be caught by those offences, provided that proceedings allow for the oath or affirmation to be administered. This is a practical development that accords with the MCCOC recommendation, is consistent with the current position in most Australian jurisdictions and makes it more difficult to avoid the consequences of the law by lying.

Division 7.2.1 of chapter 7 contains the perjury and aggravated perjury offences in the bill. It clearly sets out the elements that apply to each offence, including that the false statement must be sworn, that it must be false, in fact, and that a person must at least be reckless about the fact that it is false. The division also clarifies some important ancillary matters that relate to perjury, namely, that the offences apply to interpreters as well as witnesses, that it is not necessary for the sworn statement to be admitted into evidence, that formal defects in a falsely sworn document are irrelevant and that, if there are two irreconcilable sworn statements, it is not necessary to prove which of the two statements is false.

This division also makes some practical modifications to the law of perjury. This includes that it is not necessary for the false sworn statement to be about something material in the proceedings. This is because witnesses are sworn to tell the truth in legal proceedings, even if they think it is about something unimportant or immaterial. It is a matter for the judge or magistrate to determine what is important, and often that is not apparent until late in the proceedings.

Also the bill provides that only witnesses who are incompetent in the technical sense and who lack the capacity to understand the obligation to give truthful evidence, such as children, will not be liable to perjury. Other categories of incompetent witnesses can be prosecuted if their sworn statements are false. Further, the old common law rule that a person cannot be convicted for perjury on the uncorroborated evidence of one witness will no longer apply. Essentially this is because the rule is largely ineffective in practice and there are no sufficient reasons to justify a distinction in this regard between perjury and other serious offences.

Divisions 7.2.2 and 7.2.3 relate to conduct that generally falls under the common law offences of perverting or attempting to pervert the course of justice. Although the bill retains a general offence of perverting the course of justice, these two divisions will improve the effectiveness of the law by creating separate offences that more accurately target the wide range of specific activities involved in perverting the course of justice. They will also serve to enhance the community's understanding of the seriousness with which the law views these matters. The two divisions include offences of making or using false evidence; destroying or concealing evidence; bribery of or by witnesses, interpreters, jurors and others involved in legal proceedings; preventing the production of evidence and the attendance of witnesses, interpreters and jurors and deceiving, threatening or taking reprisals against witnesses, interpreters, jurors and others involved in legal proceedings.

Division 7.2.4 includes the general offence of perverting the course of justice. In addition to ensuring that there are no gaps in this area of law, the bill offence will clarify the central fault element that applies, namely, intention to pervert the course of justice. The division also includes the offence of being an accessory after the fact. This offence closely follows the corresponding Crimes Act offence in section 181, although it is wider because it applies where a person assists someone he or she believes committed an offence, whereas the Crimes Act requires proof of knowledge.

Part 7.2 contains the summary offences I referred to earlier. These include offences of pleading guilty in another name; obstructing or hindering an investigation; failing to attend legal proceedings to give evidence; failing to produce documents and other things; failing to take the oath; failing to answer questions; a summary offence of giving false or misleading evidence and obstructing legal proceedings.

These provisions may seem minor, but they are critical to ensuring that legal proceedings are not thwarted simply by the passive resistance of potential witnesses or those in possession of important evidence. The effectiveness of the courts depends upon the participation of all citizens when called upon.

The codified offences in this bill will make it unnecessary to retain a large number of similar offences in various other acts and regulations throughout the ACT statute book. Accordingly, schedule 1 repeals numerous offences that will no longer be necessary because the conduct they cover will be covered by the codified offences in the bill. This is an important feature of this bill, not only because it will simplify and reduce the size of the statue book by eliminating unnecessary duplication, but also because it will advance the primary objective of the Criminal Code, which is to standardise and centralise offences so they are more easily understood and accessible.

I should finally mention that the bill will change the date for the full commencement of the Criminal Code from 1 January 2006 to 1 July 2007. At present chapter 2 of the Criminal Code generally applies to offences created after 1 January 2003. It was necessary to delay the application of chapter 2 to pre-January 2003 offences to allow time to harmonise them to conform to the general principles of criminal responsibility in the Criminal Code. The original deadline of 1 January 2006 has always been an ambitious one and although considerable progress has been made, it is clear now that that date cannot be met. There are at least another three chapters of the Criminal Code to be

drafted and passed and a sizeable portion of the statute book to harmonise. Accordingly, it is necessary to extend the date for full commencement to 1 July 2007. I commend the bill to the Assembly.

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

Criminal Code Harmonisation Bill 2005

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

Title read by Clerk.

MS GALLAGHER (Molonglo—Acting Attorney-General, Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (10.42): I move:

> That this bill be agreed to in principle.

I present the Criminal Code Harmonisation Bill 2005. This bill is the first of a series of bills the government will introduce over the term of this Assembly that will see the eventual harmonisation of all ACT legislation with the Criminal Code 2002.

The Criminal Code is progressively modernising the criminal law so that it is relevant to the conditions of the 21st century and is expressed in terms that are easily understood. To date the Criminal Code consist of five chapters, which deal with a broad and diverse range of matters, namely, chapters 1 and 2, which deal with preliminary matters and, most importantly, with the general principles of criminal responsibility; chapter 3, which contains the Criminal Code offences of theft, fraud, bribery and related matters; chapter 4, which deals with property offences and computer crime and chapter 6, which contains the ACT's serious drug offences. This government will be introducing chapter 7 during these sittings. It deals with offences against the administration of justice. As each chapter has been enacted and a relevant Criminal Code provision applied, corresponding offences in other acts and regulations have been removed.

For an offence to operate effectively under the Criminal Code regime, it must be structured in a way that conforms to the general principles contained in chapter 2 of the Criminal Code. For this reason the Criminal Code was not applied immediately to all offences across the statute book until the offences could be reviewed. Harmonisation is essentially the process of renewing and revising ACT offence provisions to ensure that they are in a form consistent with the principles of the Criminal Code.

With this bill 32 acts and six regulations have been rewritten. The acts cover such matters as the registration of births, deaths and marriages to the regulation of activities on our city's lake. The oldest act that will be amended by the bill is the Contractors Debt Act 1897, the youngest the Legislative Assembly Precincts Act 2001 and the Waste Minimisation Act 2001.

The general approach of harmonisation is to reformulate offences so that the physical elements and fault elements that apply can be clearly identified. The physical element is

basically the description of the prohibited act or omission, while the fault element is essentially the degree of fault that is required for this offence to apply, such as intention, knowledge, or recklessness. Section 22 of the Criminal Code will provide a fault element by default, if one is not specified, and strict or absolute liability is not expressed to apply.

The aim in reformulating the offices in the bill has been to give them their current effect, which includes applying strict liability where there is the apparent intention. In cases where the code does not apply, the court has to take a judgment about whether an offence is a strict liability offence based on principles of statutory interpretation. The Criminal Code eliminates this uncertainly by providing, in effect, that, unless the offence states that strict or absolute liability applies, the offence is a fault element offence.

Strict liability offences generally arise in a regulatory context where it is in the public interest for the regime to be strictly observed, such as in regulatory schemes that deal with public health and safety. Strict liability has been applied to the offences in the bill where the relevant factors indicate that strict liability is intended, such as the context in which the offence appears, the language employed and the level of penalty that applies. The mistake of fact offence expressly applies to strict liability offences, as do the other offences in part 2.3 of the Criminal Code. Absolute liability has not been applied to any offence or to particular physical elements in this bill.

The offences that have been harmonised in this bill have also had their exceptions and defences reviewed. Some have been removed because the general defences in part 2.3 of the code cover them. Others have been rewritten to ensure the provisions of proof in part 2.6 of the Criminal Code clearly operate. The prosecution bears the legal burden of proving every element of an offence relevant to the defendant's guilt beyond a reasonable doubt. A defendant bears an evidential burden of proof in relation to a general defence, other than insanity, under part 2.3 of the Criminal Code

In most cases where a defence applies to an offence, the bill only imposes an evidential burden on the defendant. That is, the defendant will satisfy the onus if he or she adduces or points to evidence that suggests a reasonable possibility that the defence applies. However, in five cases where the relevant offence already imposes a legal burden of proof on the defendant, the bill will maintain that position. That is, to establish the defence, the defendant will have to prove on the balance of probabilities that the defence applies.

The relevant provisions are section 12A of the Animal Welfare Act 1992; sections 12A and 20 of the Business Names Act 1963; section 58 of the Community Title Act 2001 and section 24 of the Lakes Act 1976. As members are aware, placing the burden on the defendant engages the assumption of innocence protected by section 22(1) of the Human Rights Act 2004. The government has considered whether imposing the legal burden is proportionate and appropriate, in accordance with the tests laid down in section 28 of the Human Rights Act. I draw members' attention to the discussion in the explanatory statement on the rationale for retaining the legal burden for those offences harmonised in this bill.

During the harmonisation process the government has also sought to rationalise the use of the reasonable excuse defence. Part 2.3 covers many of the matters that might have been intended to be covered by the defence of reasonable excuse. Where this was the

case, the defence has been removed. However, reasonable excuse has been retained for some offences in the bill because the range of possible excuses was too wide to adequately formulate specific defences for the variety of circumstances that can arise.

Harmonising the ACT statue book is an important part of implementing the Criminal Code 2002. It is a review conducted act by act, regulation by regulation. The harmonisation project is an undertaking of enormous scope and there are many more acts and regulations to reviewed and rewritten. It is a challenge this government has been prepared to undertake to bring the criminal law into the 21st century. I commend the bill to the Assembly.

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

Land (Planning and Environment) Amendment Bill 2005

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

Title read by Clerk.

MR CORBELL (Molonglo—Minister for Health and Minister for Planning) (10.49): I move:

> That this bill be agreed to in principle.

I am pleased to introduce the Land (Planning and Environment) Amendment Bill 2000. The purpose of this amendment is to provide for a statutory definition of "concessional lease" as a critical first step to clarifying and simplifying the administration of concessional leases. Following a review of the concessional lease system, which included significant public consultation in 2004, reforms to improve the system have been recommended, including the formalisation of the definition and appropriate exclusions to it.

A definition for "concessional lease" does not currently appear in the Land Act. The term does appear in the Land (Planning and Environment) Regulations 1992 and is defined, but only for the purpose of calculating the change of use charge when a concessional lease is varied. Disallowable Instrument DI2003-193 also describes a particular class of lease, restricted in their dealings by section 167 of the Land Act. While they regulate different aspects of lease administration, both the regulations and the disallowable instrument draw on the concept of a lease "granted for less than market value". In the absence of an overarching statutory definition, the concept of "granted for less than market value" and, more specifically, the definition under the regulations has been extrapolated into all areas of lease administration.

This bill will facilitate greater transparency, consistency and certainty by providing an overarching definition and a fundamental framework upon which other reforms to the concessional lease system can build. Importantly, it will do so without compromising future reforms to the system. To this end a full government response to the recommendations of the concessional lease review will be forthcoming.

This bill is the first in a series of reforms to be announced for the concessional lease system and implemented as an integral part of the broader planning system reform program. This is further evidence of this government's commitment to the overall improvement of the ACT planning and leasehold system. I commend the bill to the Assembly.

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

Emergencies Amendment Bill 2005

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

Title read by Clerk.

MR HARGREAVES (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services) (10.53): I move:

> That this bill be agreed to in principle.

I present the Emergencies Amendment Bill 2005. It is a bill to effect a range of corrective and clarifying amendments to the Emergencies Act 2004 and, in a number of instances, to make some minor policy changes. The objective of this bill is to enhance the effectiveness of operation of both the act and the Emergency Services Authority it established in July 2004. About this time last year, the Assembly considered and passed the Emergencies Act.

When the act commenced operation on 1 July 2004, the newly formed Emergency Services Authority immediately put in place a team of officers whose job includes overarching ongoing review and reform of the authority's systems and legislation. At this first milestone for the authority, the end of its first year in operation, there has already been identified a range of significant policy issues that require detailed consideration before legislation is presented for the Assembly's consideration.

This bill takes the first step along that path of consolidation. There are numerous provisions in the act that have been recast to clarify their meaning and intent. Some of the proposed amendments make minor policy changes but, in the main, the makeup and functions of the authority and its component services are not significantly altered

I would offer the following brief summary of the thrust of the bill's provisions. Some merely corrective or clarifying amendments or amendments consequential upon other changes contained in this bill are found in the majority of its clauses. I will not describe those amendments in detail at this stage. The rest of the bill proposes some more significant and substantive changes.

Clause 4 amends section 9(4) of the act to expand the range of requirements upon the authority when performing its functions. The new paragraph (4) (k) expresses the role of the authority in strategic and operational planning for emergencies. While the

amendment does not add to the functions of the authority, it is important that its strategic role in emergency planning is recognised in the act.

Clause 5 inserts a new section 19A into the act, clarifying the power of the Emergency Services Commissioner to delegate the commissioner's specific functions to a public servant or a member of an emergency service. Clauses 6 and 7 amend sections 54 and 59, respectively, to enable the naming of Rural Fire Service and SES brigades and units to be declared and notified simultaneously. The function of forming and naming operational units has also been moved from the authority to the respective chief officers. The authority's overarching management responsibility can be administered through guidelines, if necessary.

Clause 8 of the bill inserts a new section 59A, to confer on the Chief Officer of the SES a power to declare ranks of officers. The power already exists for the Rural Fire Service and the ACT Fire Brigade. The power is not needed by the ACT Ambulance Service, which is structurally unique within the authority.

Sections 78 and 79 of the act deal with the requirement for owners and managers of land to prepare a bushfire operational plan in accordance with the strategic bushfire management plan. Clause 12 replaces those sections with a new section 78, which changes the requirements for managers of government land. Those managers must now also have their plan approved by the authority. Under the existing provision managers refer operational plans to the Bushfire Council, but they are not required to obtain the approval of the authority for their plans.

The new more general provision now also states that, if the authority does not approve a bushfire operational plan within 40 days, it is taken to be approved. This allows the bushfire planning and preparation processes to continue, while saving the authority's ability to have plans reviewed at intervals of not more than two years.

Section 198 of the act deals with the protection of authority officials from personal liability. Clause 18 of the bill recasts that section in line with current drafting practice in the ACT. The section now states that an official is not "personally liable", rather than referring to an official's "civil liability". It also now extends protection to an official who acts "in the reasonable belief" that conduct was in the exercise of a function under the act, avoiding a technical disqualification of an officer who is acting honestly and without recklessness.

Finally, schedule 1 to the bill amends the Fuels Control Act 1979, transferring the emergency powers under section 12 of the act from Fuels Controller to the Emergency Services Authority. A new section 12A is inserted to require the Fuels Controller to give the authority necessary information to manage a fuels emergency.

I mentioned earlier that the amendments in this bill are mainly corrective or clarifying and that they do not introduce any significant policy changes. They are, no less, an important first stage in reviewing the effectiveness of this key legislation. I know that the Emergency Services Authority has been assessing various policy and operational issues during the past 12 months and I look forward to presenting to the Assembly a range of more substantial initiatives in the near future. I commend this bill to the Assembly.

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

Broadcasting guidelines

MR BERRY (Ginninderra) (10.59): I seek leave to move a motion concerning the resolution of the Assembly regarding the broadcasting of Assembly proceedings.

Leave granted.

MR BERRY: I move:

> That the resolution of the Assembly of 7 March 2002, as amended 17 March 2005, relating to the guidelines for Broadcasting the Public Proceedings of the Legislative Assembly and its Committees, be amended by omitting paragraph (A)(6) regarding the rebroadcasting of points of order and remarks that are withdrawn.

I thank members for giving me leave to move this motion this morning.

As I announced to the house on Tuesday, it is proposed to have a trial of rebroadcasting each day's question time on community radio 2XX. I apologise for not having drawn this to members' attention in the meantime. However, in preparing the material for rebroadcasting it has come to light that there may be an issue relating to the guidelines that were agreed to by the Assembly in March 2002.

On page (d) of the guidelines, shown at the back of the Assembly standing orders, paragraph (A) (6) states:

> Points of order and remarks that are withdrawn may not be rebroadcast;

This provision was based on similar guidelines used in rebroadcasting of proceedings of the House of Representatives. It is relevant to note that these guidelines have since been amended to allow the rebroadcast of excerpts of House of Representatives proceedings that allow words that are required to be withdrawn, as long as the withdrawal is also broadcast.

As members will be aware, it is quite common for question time to contain fairly robust exchanges of views, and on some occasions I have to require that some members withdraw certain words. Whilst I would prefer not to make such interventions and rulings, I accept that these occurrences are part and parcel of Australian parliamentary life.

I have been advised that it would be extremely difficult to edit every point of order raised, every unparliamentary word uttered and every withdrawal. In addition to the technical issues involved, it would mean any subsequent rebroadcast would be disjointed and not easy to follow.

Accordingly, I have moved the amendment today to delete the requirement to omit from the rebroadcast these exchanges. In doing so, I would like to think that members will not be encouraged by this slight relaxation of the guidelines to take more points of order or

to use unparliamentary words that are required to be withdrawn. I remind members that it is not in order to take frivolous points of order, nor to make any imputations of improper motives against members in questions or answers. I intend to police those issues closely, given the rebroadcast arrangements that I have agreed to. I commend the amendment to the Assembly.

Motion agreed to.

Executive business—precedence

Ordered that executive business be called on.

Health Legislation Amendment Bill 2005

Debate resumed from 7 April 2005, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

MR SMYTH (Brindabella—Leader of the Opposition) (11.04): Mr Speaker, the opposition will be supporting this tidy-up bill that makes a number of amendments to a range of different health acts. There is a flow-on effect from other bills that this Assembly has passed recently. The list is detailed quite nicely in the minister's presentation speech. I think to the amusement of many of the people of Canberra, point (e) allows veterinary surgeons to be included under the Health Professionals Act but, of course, that is to ensure standards, and this is the appropriate place for it to be.

Two subsections are to be removed to facilitate better access to profession specific schedules, which, of course, is important. The legislation repeals the Medical Services (Fees) Act, which, of course, has largely been overtaken by amendments to the Health Insurance Act through commonwealth legislation. Most importantly, it extends the commencement date of the act from 8 July 2005 to 8 July 2006.

I think it is worth making the point that clearly the minister has had to put forward this raft of amendments today because of sloppy drafting in the original bill. I note that the minister has just dropped about 14 pages of further amendments, which means the original amendments have had to be amended in a large way. Again, I think this shows the sloppiness of and the unfortunate way in which the original bill was drafted. It was delayed a year; then it was amended; and then there are amendments to the amendments. So I think we will have to be careful as we go through the amendments to make sure that we get it right.

The bill substantively puts in place a series of amendments to the Health Professionals Act 2004 and the Health Professionals Regulation 2004. Some of these amendments are very good. For instance, in particular the first amendment, which relates to midwifery, proposes that we should separate midwifery from the nursing profession. Midwifery certainly does a very different job. This has already happened largely overseas and it has already happened in many local jurisdictions. As the minister pointed out to the Assembly in his tabling speech, it does have wide spread support throughout the nursing community and, indeed, from the current chair of the nurses board who is well able and

well qualified to make these comments. So in that regard, I think to elevate the status of midwifery is a very good thing.

The second set of changes relates to the implementation of the bill. These are transitional amendments. The commencement date of the act is postponed from 8 July 2005 until 8 July 2006. This extension will avoid any overlap with respect to repeal before new legislation comes into operation. Sections 22 (4) and 37 (7) should allow greater flexibility for people to access the provisions of the schedules before they commence. People should be aware of their responsibility in respect of the schedules under which they act. According to the minister, this will facilitate a seamless transition and, of course, that would be what we all seek.

It is interesting that under the Health Professionals Amendment Regulation 2004 (No 1), the government received advice from the medical board that raised a number of concerns about to whom the act applies, and we seek clarification of this in the amendments. The final point, of course, relates to veterinary surgeons. I think it is a good thing that standards will be guaranteed for animals that many people love the most—their pet mog or their pet dog.

I do have some concerns, and some concerns have been raised with me, about what effect these amendments may have on, for instance, the Pharmacy Guild of Australia. I would like a guarantee from the minister that these amendments will not lessen the scrutiny that this Assembly will have over changes that might be put in place by the government following the review by Allen Consulting of the pharmacy sector. The minister might also like to clarify whether or not it is true that the people who were doing the report for the government into the pharmacy sector were actually the same people who did the report that backed Woolworths' case to be allowed to deliver pharmacy. It would be interesting to know if that is the truth.

What we would also like to hear from the government is whether or not they support the continuation of the current structure of community pharmacy in the ACT. I think the minister was a bit ambivalent in the estimates hearings, so it would be nice to hear his support for the current structure of community pharmacy in the territory, particularly given that we had debates about this last year, and I am sure everyone remembers the 45,000-name petition in support of the sector. I would call on the minister to guarantee that no regulations be made altering the manner in which community pharmacy is to be provided until there has been a full parliamentary debate in this place, so that we get full and appropriate scrutiny.

That having been said, Mr Speaker, in the main the provisions seem reasonable. We will be supporting the bill.

DR FOSKEY (Molonglo) (11.10): I support the Health Legislation Amendment Bill 2005 and commend the ACT government on implementing these changes, as called for by health professionals. Of course, the speech I am now giving was written before the second raft of amendments was circulated. However, these amendments seem to be minor and are possibly in response to concerns of the medical board. I am interested in why we are putting out new amendments now, and what happened between the drafting of the original amendments and these amendments. However, anything that enables us to

have better control over who practises in the ACT is okay by me, especially in light of recent revelations in Queensland.

Firstly, I wish to address the proposal to allow the establishment of midwifery as a separate heath profession to nursing. This relates to recommendation 15 of the health committee's report into maternity services in the ACT, *A pregnant pause*. Evidence shows that encouraging women to deliver their child through the natural or unassisted birthing process will not only deliver better health outcomes for mothers and babies but will also reduce costs to the health system.

This bill, by recognising and enhancing the role of midwives, will increase the ability for birthing women to choose options that will enhance their potential to have an unassisted birth. This proposal is an important step in redefining our birthing culture by recognising the natural birthing process which healthy women may prefer and accepting that women should be able to choose to seek medical intervention only as a method of last resort.

However, although I believe we should encourage women to consider the natural birthing process, women should be the ones to direct their care. They have a smorgasbord of birthing choices—in a birth centre or in a hospital; in partnership with practitioners of their choosing, including independent midwives, general practitioners and obstetricians.

I am concerned about the high rate of caesareans that can make it difficult for women to have subsequent unassisted births. Hence, it is important that women are fully informed and have the power to choose their preferred birthing method, recognising that prompt and appropriate medical backup should be available in case of complications. Many changes are needed to support this important culture shift. However, the recognition of midwives as independent practitioners in their own right is a step in the right direction.

Secondly, I wish to address the proposal to make permanent items currently included in the Health Professionals Amendment Regulation (No 1) 2004. I am please to see that the ACT government is acting on requests of the Medical Board of the ACT as a result of legal advice. This demonstrates good practice for legislative development.

The Greens support greater transparency and accountability requirements for the boards of health professionals. This bill assists in achieving this goal by providing greater flexibility in accessing the provisions of profession specific schedules; better detailing of how a health professional registration may be cancelled or suspended; and setting out the actions which the Health Professions Broad may take on a report, complaint or application for review. The Greens supported the Health Professionals Amendment Regulation (No 1) 2004, and once again we support its ideas through the bill and the amendments that are before us today.

Finally, I am supportive of the move to allow veterinary surgeons to be included under the Health Professionals Act 2004, as pets are important parts of people's lives, and the health care provided to animals should also be accountable to standards of service.

MR CORBELL (Molonglo—Minister for Health and Minister for Planning) (11.14), in reply: Mr Speaker, I thank members for their support of this bill today. As members who have participated in the debate have outlined, this bill makes a number of important

changes to our health professionals legislation here in the ACT. In particular, it ensures the continuation of a range of pieces of legislation that will be repealed subsequent to the passage of changes to the Health Professionals Act 2004 and Health Professionals Regulation 2004.

In particular, as members have outlined, the amendments provide for the establishment of midwifery as a separate health profession to nursing. They extend the commencement date of the act from 8 July 2005 to 8 July 2006; they remove section 22 (4) and section 37 (7) to facilitate better access to the profession specific schedules made under the act; they make permanent in legalisation changes already made by the Health Professionals Amendment Regulation 2004; and they allow veterinary surgeons to be included under the Health Professionals Act.

It is worth noting, Mr Speaker, that the relocation of the abortion provisions from the Medical Practitioners Act 1930 to the Health Act 1993 is a straightforward matter. It is important that these abortion provisions are relocated as the Medical Practitioners Act 1930, which currently houses these provisions, will be repealed shortly as a result of the medical profession making the transition to the new health professionals legislation. If the abortion provisions are not relocated, obviously they will be lost and this would not be a desirable outcome. The provisions themselves, of course, remain unchanged, with the exception of a change in the terminology of "registered medical practitioner" to "doctor" for purposes of definition consistency with the health professionals legislation.

Mr Speaker, the only other point worth highlighting is that the bill we are debating today also repeals the Medical Services (Fees) Act 1984. This act is an outdated piece of legislation which comprises two provisions relating to the charging of prescribed fees equivalent to Medicare benefits scheduled fees in respect of private patients in ACT hospitals. The act is inconsistent with arrangements elsewhere in Australia, is inconsistent with the billing practices in the ACT, and should it ever be applied would create a major disincentive for medial specialists to stay or come to practise in the ACT.

Mr Smyth wanted some reassurance about the practice of pharmacy in the ACT. I can assure Mr Smyth and members that this bill makes no change to the existing process of regulation of pharmacy and the establishment of pharmacy here in the ACT. The other matters that Mr Smyth raises are policy matters of a broader context, which are not the subject of this bill and on which the government has not reached any conclusion.

Finally, members have raised concerns about the subsequent amendments to this bill, which I have tabled. These further amendments have been identified to further improve the operation of the act and they are straightforward in nature. I will briefly foreshadow them now and thereby save some time during the detail stage.

The first proposed amendment relates to the inclusion of a new provision to allow for the appointment of deputy presidents to the Health Professionals Tribunal. This amendment is necessary to ensure that there will be magistrates available to hear matters coming before the Health Professionals Tribunal in situations where the president of the tribunal is otherwise engaged. The inclusion of the provisions for deputy presidents is current standard practice for a range of other tribunals and will assist to accommodate the often busy schedules of magistrates who are appointed to these positions.

The second group of amendments relates to the modifications made last year to the Health Professionals Act 2004, which were designed to bring within its scope health professionals who had been registered under an act repealed by the Health Professionals Act 2004 but whose registration was not current at the date of commencement of the Health Professionals Act 2004. The purpose of these modifications is to allow actions to be taken to the Health Professionals Tribunal in regard to the conduct of a health professional when he or she was registered under the repealed act—so, simply allowing disciplinary measures and scrutiny measures to be undertaken regardless of when they were registered.

I should add that this amendment will allow the health professional boards to bring an application to the Health Professionals Tribunal seeking a declaration of unsuitability to practise in respect of a health professional who is not registered but was registered under a repealed act when the alleged misconduct occurred. Those are the two substantive changes proposed by the amendments. I think, as members will see, they are straightforward and administrative in nature. They simply allow for the better conduct of our Health Professionals Tribunal and also they relate to minor drafting changes in allowing the bill to be more user friendly and clearer in its meaning.

I thank members for their support and commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole.

MR CORBELL (Molonglo—Minister for Health and Minister for Planning) (11.20): I seek leave to move amendments Nos 1 to 17 circulated in my name together.

Leave granted.

MR CORBELL: I move amendments Nos 1 to 17 circulated in my name and table a supplementary explanatory statement for those amendments. *[see schedule 1 at page 2281]*.

Mr Speaker, I outlined in my closing speech during the in principal stage the nature and extent of these amendments and I refer members to those comments.

MR SMYTH (Brindabella—Leader of the Opposition) (11.21): Mr Speaker, I might just make the comment again that at about 10.35 the minister tabled 14 pages of amendments. We are now into the detail stage and the minister has tabled an explanatory statement. I am sure it would have been of great use to members if they could have received, looked at and had a discussion about this before we reached the detail stage.

I note that a copy of one of the minister's health legislation amendments that was tabled only this morning is dated 3.27, 20 June 2005. So the minister had the amendments for three days. If they are non-controversial—which they seem to be—and they are just

about process, surely the minister could have had the courtesy to distribute them to members much earlier than this.

MR CORBELL (Molonglo—Minister for Health and Minister for Planning) (11.22): Mr Speaker, my colleague Mr Quinlan suggests that I blame the acting minister, which I will not do. I should just point out to members that I was not here on 20 June. However, I take the member's point. It would have been desirable to have these circulated earlier. I am happy to take that on board. As a rule, I seek to do that. However, I think I have been able to assure members as to the nature and extent of these amendments. I trust that members will find the explanation acceptable for the purposes of debate today and I commend the amendments to the Assembly.

Amendments agreed to.

Bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to.

Revenue Legislation Amendment Bill 2005

Debate resumed from 5 May 2005, on motion by **Mr Quinlan:**

> That this bill be agreed to in principle.

MR SMYTH (Brindabella—Leader of the Opposition) (11.24): Mr Speaker the opposition will be agreeing to this clean-up legislation that clarifies some of the issues in the current Revenue Legislation Act.

We note that some of the issues involved in the legislation relate to payroll tax. The government, when in opposition in 2001, committed to being a low taxing government understanding the value of having a low tax rate. When we were in government we started a process to raise the threshold of payroll tax paid in the ACT to, first, retain a competitive edge, and, second, take the burden of taxation off business, which we think is a good thing because it leads to a growth in the economy, which, of course, leads to a growth in government revenues.

When the Treasurer responds to members, I wonder whether he would be able to confirm that this will actually increase the government's take from payroll tax, and, if so, how much that will be. I understand it is not a great amount. But in the spirit of not raising taxation, is it possible for the government to look at a way of minimising what would be a minor raising of the threshold; of minimising the impact of this legislation so that it is at least revenue neutral? I am sure we will hear from the Treasurer on that issue when he speaks to close debate on the bill.

DR FOSKEY (Molonglo) (11.25): The Greens will support this bill. The Land Tax Act and the Rates Act, which it amends, are simply adjusted so that purely mechanical calculations can be made automatically by departmental officers rather than having to be worked out by the commissioner. The other technical amendment, which is to the Duties Act, simplifies exemptions to duties imposed on motor vehicle registration transfers.

The most significant are amendments to the Payroll Tax Act, bringing employer contributions to employee share schemes and to directors and board members into the calculations of payroll value for the purposes of assessing payroll tax. It does mean that there will be a slight increase in payroll tax receipts for the ACT government on the very reasonable basis that shares and options ought to count as pay in this context and that future payroll tax obligations could otherwise be avoided by paying increasing proportions of wages and fees as shares or options.

MR MULCAHY (Molonglo) (11.27): Mr Speaker, the opposition supports the Revenue Legislation Amendment Bill. As members would be aware, the bill is effectively in two parts. It aims to streamline the Duties Act, Land Tax Act and Rates Act to make their administration less cumbersome. The second part aims to increase the government's revenue by extending the reach of payroll tax, but on the basis that it is addressing an anomaly. This anomaly is dealt with by expanding the definition of wages to capture the value of employee share schemes, a benefit that is now quite prevalent, particularly with larger employers in Canberra and national firms.

At present, if a person wants to seek exemption from duty on the registration of a motor vehicle, they must first go to the ACT Revenue Office to obtain an exemption certificate. They then have to go to a shopfront or motor registry for processing. The amendments to the Duties Act provide for the exemption from car registration to be obtained at the same place where the registration is processed, with no requirement for a separate certificate. I think this change makes sense and we certainly are pleased to support this amendment. However, I did raise in estimates the issue that it would be nice to see the capacity for people to deal with some motor registry issues on Saturdays, particularly in respect of licence renewal, but the minister said that would not be happening. Nevertheless, the amendments proposed make sense to us and we support them.

At present the revenue commissioner is required to calculate interest on any refund due in respect of land tax and rates and, since the calculation of interest follows a purely mathematical formula, there is no discretion. The amendments provide for any officer to do it, not only the revenue commissioner. Once again, it makes sense to us that this measure be introduced and we therefore support the amendments.

Turning to payroll tax, at present in the ACT an employee can receive shares in a company as part of a salary package and the employer does not pay payroll tax on the value of those shares. The amendments proposed by the government impose payroll tax on employer contributions to employee share schemes—that is, the value of the shares is to be included as part of wages.

It is probably worth reflecting on a little background in relation to payroll tax. In this territory the rate is 6.85 per cent on wages and other taxable payments made by an employer when the Australia-wide payroll payments by that employer exceed $1.250 million per year. I would remind members that the Liberal Party policy as it presently stands is to reduce the payroll tax burden by raising that threshold to $2 million.

I must say that the issue of payroll tax is one that has always troubled particularly larger employers—those who carry most of the jobs in the private sector. I personally have

always been troubled that payroll tax is a tax on employment. One has to temper that with the revenue needs of the territory but I find that the general principle of payroll tax acting as a punitive measure on those who create the largest number of jobs is a tax policy contradiction, and I suggest to the government that it is certainly one that represents something of a contradiction to the philosophy of trying to create growth and employment.

I have never understood why large employers—and I think of somewhere like my former industry, the hotel industry, in which places such as the Hyatt employ hundreds of young people in this city, not only through their main hotel but also through the facilities they manage such as the Australian parliament facilities, the national museum and various other set-ups—should be hit with such a level of additional payroll tax. So the issue of the magnitude of payroll tax on those firms, which in many cases may be operating on reasonably thin margins, if trading profitably at all, is of concern.

Whilst we as a party are advocates of simplified and fair tax systems and treatments—anomalies must be addressed and there should be equity in those arrangements—I am somewhat troubled by the overall magnitude of payroll tax and the burden on employers. The government says it wants to see employment increase but in the same breath obviously they impose payroll taxes. I think there is this constant challenge between the line of argument that they seek to create employment and the quest for taxation from the private sector. Certainly, in terms of the philosophy, I fear that the principle of generating tax revenue, even if it impacts adversely on the capacity of private employers to create employment, is paramount in their consideration.

Employee share ownership schemes are a way of strengthening the bond between employees and the firm for which they work and improving productivity through closer and more visible links between effort and result. Nowadays, share employee schemes are recognised as an incentive to encourage greater participation of employees in the affairs of their firm and the commonwealth Income Tax Assessment Act specifically excludes shares and rights acquired under an employee share acquisition scheme from fringe benefits tax.

Can I suggest to you that for those who are possibly further to the left of the spectrum than I am, on first read the employee share ownership scheme may seem to be the epitome of capitalism. Those of us in this Assembly who are not as young as others well recall that in the 1970s Mr Hawke was a great believer in the union movement getting into owning enterprises. I would suggest to you that this was really another form of the concept of employees engaging in share ownership, albeit it on a collective basis. In many cases this was a rather ill-fated exercise as far as retailing and fuel operations were concerned. But the principle, indeed, was the same.

This was very successful in Israel through the Histadrut trade union organisation. The idea of employee ownership of businesses has been tried in various shapes and forms over the years. It has been tried with a reasonably good degree of success in the United States airline industry where arrangements could be negotiated because employees saw the welfare of their business as being very closely linked to their own personal position. I know, for example, that United Airlines got through some difficulties because those arrangements were in place.

So the concept of employee share ownership is a good one and it is commendable that the Australian government, through their tax arrangements, apply special treatment to try to encourage employers to extend that level of ownership to their employees. The commonwealth government's target Australia-wide for employees with shares in their company is 11 per cent by 2009.

It is a little unfortunate, therefore, that, contrary to the commonwealth's policy, the ACT government clearly does not share the same level of enthusiasm for this concept and is extending the reach of payroll tax to include the value of contributions to employee share acquisition schemes. The government's main reason for doing that is to protect the payroll tax base from further erosion as employee share schemes become progressively more popular. I suggest, however, that probably the main priority in this matter is the protection of revenue, which is obviously a real concern for the Treasurer in the current climate with the expenditure pattern of his colleagues.

Payroll tax in the ACT is expected to raise about $213 million, I understand, in 2005-06. In the previous fiscal year—that is, the 2004-05 year that we are concluding—the figure to be raised is expected to be $197.7 million. This largely reflects the forecast growth in economic activity and therefore employment. There is no estimate available presently of the possible revenue to be achieved from expanding the scope of payroll tax to include employee share schemes, but according to the Treasurer the value of the employee schemes which could be subject to payroll tax is estimated to be around $2 million to $3 million per annum. If that is correct, the value of additional payroll tax collections would be only around about $200,000—or a little higher in our estimation. Of course, that can be calculated by applying the rate to $3 million in income.

As I indicated, we believe in simplification in taxation. We do not as an opposition favour loopholes and anomalies being available to be exploited. But, at the same time, we certainly are of the view that taxation should not be an unnecessary burden. For some time—long before being in this place—I have been troubled that payroll tax, which has been applied by governments of all persuasions, is a very easy slug on those who create most of the jobs in our community.

I would be impressed—I would probably see this more as a token of good will than amounting to an enormous amount in terms of revenue—if this legislation were amended so as to create a revenue neutral outcome in projected terms. In other words, it should not be about generating more tax so much as tidying up the present arrangements and ensuring that the effective burden on the community at large does not increase. But there is no suggestion that that will happen.

I think that payroll tax has been an area that has been fairly aggressively pursued by state governments around Australia. I think most employers question the merits of this tax. It would be nice to see the government find other ways of getting its revenue that are less damaging to potential employment because the cost is compounded when you add on workers compensation, payroll tax, superannuation and the like. The task of employing a person in this territory in larger establishments is obviously not a cheap undertaking and it is certainly not simply confined to the matter of their wages.

In conclusion, let me say we support the thrust of this legislation and the principles involved. The amendments seem to make sense in terms of improving the current process and therefore the opposition will be pleased to support the bill.

MR QUINLAN (Molonglo—Acting Chief Minister, Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming) (11.38), in reply: I thank members for their support, albeit qualified support.

I would like to address some of the points that were made from the other side of the table. First of all, some of what Mr Smyth said was based on his claim that I had committed the government to be low taxing. I may have said that sometime in a moment of madness, but I am not sure that I did.

Mr Mulcahy: Generally you favour high taxing.

MR QUINLAN: There is a bit of room in between. I know you have got a fairly black and white mind, Mr Mulcahy, but I have become a little sensitised to being verballed in this joint. So if, in fact, Mr Smyth can demonstrate that I actually said we would be a low taxing government, I would like to see that. I did say that we would like to keep our taxes within a comparative framework with other jurisdictions but I do not think I said what Mr Smyth claimed. If I have I will cop it but I would like to see where. I certainly have not made it a major plank in our policy but it is not the first time that straw men have been built in this place in order to justify an otherwise fallacious argument.

In relation to what Mr Mulcahy has said, again what we have are some very simplistic notions that if you lower payroll tax, employers will have more money and they will employ lots more people; not that they will have more dough and repatriate it back to head office, not that they will have more dough to enjoy but that they will automatically employ more people. It is obvious really, isn't it? It is amazing how often we see that premise being used, particularly by those on Capital Hill in this city, as the sole support for some particular so-called reform that will benefit business and not necessarily benefit the economy at all. It is a bleeding nonsense. Mr Mulcahy, I recommend that you read Paul Ormerod's book *The Death of Economics,* which quite eruditely explains and examine how so much of what—

Mr Pratt: Superheroes—

MR SPEAKER: Order, Mr Pratt!

MR QUINLAN: Do you mind? You're an idiot.

MR SPEAKER: Order!

MR QUINLAN: Just keep your idiotic comments out of this.

Mr Pratt: Up yours, Ted. Up yours.

MR QUINLAN: Say something clever.

Mr Pratt: Up yours, Ted.

MR SPEAKER: Order, please!

MR QUINLAN: Back to the schoolyard, plonk.

MR SPEAKER: Unparliamentary language does not assist us at all. Mr Pratt, interjections are disorderly, especially unparliamentary ones and I think you ought to withdraw what you just said.

Mr Pratt: I withdraw that, Mr Speaker.

MR QUINLAN: And I withdraw calling him a plonk, Mr Speaker, in case you missed it.

MR SPEAKER: No, I did not miss it, Mr Quinlan. But I think the conversation, which ended up being an exchange of unparliamentary language, is unhelpful.

MR QUINLAN: Thank you, Mr Speaker. So let me just try and convey what at least I am trying to say. What I am trying to communicate is that I believe this place deserves a little bit more consideration in the conclusions that are drawn and in the arguments that are made here. I would expect a little bit more sophistication than what we have seen in Mr Mulcahy's arguments. I guess that Mr Mulcahy's arguments in this place fit into two categories. There are, of course, the simplistic notions that are trotted out by business when they want a more favourable environment. No-one blames business for arguing for a more favourable environment. Why wouldn't they? But it is up to our political leaders to at least examine the simplicity or the over simplicity of some of the arguments that are put forward.

The whole basis, the whole assumption, that a more favourable taxation environment in the ACT or anywhere else will immediately translate into a greater level of employment is, I suggest, drawing a long bow and does not at least take into account the remote possibility of greater profit taking by business as opposed to an expansion of what they do. At the end of the day businesses set out to maximise profit. Quite often, if you look at a cost volume profit analysis of a business, Mr Mulcahy, you will find that there is an optimum level of production or sales. It is not necessarily the maximum—it is a point where they will make their most profit. Therefore, they are not necessarily going to aim for the maximum amount of employment. What they are going to aim for, Mr Mulcahy, is maximum profit taking. That is what they do.

I recommend to you that you get past this slavish adherence to the utterances of Peter Costello and your slavish adherence to the thesis that lower taxation or a softer cop for business will automatically translate itself into more employment, because it ain't necessarily so. Having said all that, I thank members for their support for this bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Crimes (Child Sex Offenders) Bill 2005

Debate resumed from 7 April 2005, on motion by **Mr Stanhope**:

> That this bill be agreed to in principle.

MR STEFANIAK (Ginninderra) (11.45): Mr Speaker, I think one of the most horrendous crimes that can be committed, in quite a long catalogue of fairly nasty crimes, is that of adults preying on children, especially preying on children in relation to having sex with them. There have been positive moves in the last 10 or 15 years to expose this offence, because often it was a crime that largely went undetected, was covered up. For the young people involved, it causes immense drama and trauma throughout the rest of their lives.

As we have become a more mobile society, criminals too have become much more mobile. These days artificial boundaries mean nothing in terms of crime. Certainly, in terms of sex offenders, there has been a greater propensity for them to move from one jurisdiction to another after their past has caught up with them. Bills like this go some way towards ensuring that they are controlled and that it is much harder for them to engage in the dreadful activities in which they engage, to the detriment of innocent young children.

This is a national approach. This bill is based on model legislation which I think the Victorians were deputised to do. New South Wales, Queensland and Victoria have the same or very similar bills. Ours differs from New South Wales in one aspect, that is, that offenders have to register within seven days of moving here from another state, rather than the 14 days they have to register in New South Wales. The ACT is a smaller, more homogenous unit, and that seems an eminently sensible deviation from the reporting provisions for NSW. But, apart from that, the legislation is pretty well the same. Indeed, I think it is only Tasmania and Victoria that are yet to enact it, and I understand it is before their cabinets.

I am not going to go through what the government has said. I think that it is basically self-explanatory. I understand that at present we do not have a designated place. Realistically, when one looks at the bill, a designated place would have to be a police station, of which we have several in the ACT—one of which should be operating full time but is not at present, to the detriment of the people living in the north of Canberra. They would be the logical designated places. The bill basically ensures that offenders have to register. If their circumstances change, they have to notify the police. They can stay on the register for varying periods of time. For juveniles, it is from four to 7½ years. The normal period for adults is eight to 15 years, but in some instances it is for life. Those provisions would be in the terms of any court orders imposed on them.

I initially had a concern that this bill might only apply to sex offenders who were jailed for offences. As we know, the ACT does not jail that many people. I am aware of a number of sex offenders who have been convicted but have not been jailed. The bill provides that for anyone convicted of a sex offence where, for whatever reason, the court

decides jail is not appropriate—say they just receive a bond—they are still subject to this law. So it seems to cover pretty well anyone who has been convicted of a sex offence against children. I think that is a good thing when we are looking at the protection of children.

Penalties are imposed on sex offenders who do not register or give false information, or who are in employment and do not advise their employers that they have prior offences. There are provisions and penalties in the bill to prevent them applying for work in child-related industries and activities, including—and I think this is essential—performing as a volunteer. This covers one of the classic situations of paedophiles getting into clubs, movements and associations, whether of a cultural, recreation or sporting nature—for example, scouts and junior sporting clubs. Quite often, in the past, they have had an attraction for paedophiles. So sex offenders do not have to be in paid employment; they can be a volunteer and still be covered by this act, and that is a sensible protection.

The bill does seem a little light on in terms of what happens in relation to the provision of information. I note in the regulation-making powers that the exchange of information can be done between the Chief Police Officer and corresponding registrars of foreign jurisdictions, which I assume means other jurisdictions in Australia. Can the minister tell us whether that also applies to overseas jurisdictions? As I said, crime is very mobile these days and we hire lots of workers from overseas. Indeed, despite the fact that we get quite a few from First World countries, some of their regimes in terms of recording sex offenders may not be as good as those in Australia. I flag as a very important thing for this government and other governments in Australia to look at just how tight are the restrictions and checks, to make sure we do not end up with paedophiles from overseas working with children in Australia, simply because some other jurisdictions might be lax in terms of their controls. It is crucially important.

There seem to be significant regulation powers here for the Chief Police Officer, and for the child sex offenders register, as to who can access it and who cannot. There certainly seem to be lots of protections to ensure the information is kept confidential, as well as the penalties for people who might breach that. I assume that is to stop vigilantes or something like that. But, by the same token, I think it is essential that we protect our children and we ensure that, when these regulations come out, proper organisations are able to access the information on the ACT register—I assume they will be, but I do not think it is super clear from this—to ensure that the person they might be employing or the person they might be taking on in some other capacity is, in fact, not on that register and is not someone they need to worry about. There is nothing scary or dramatic about that. It is just like a normal police check to see whether someone has a criminal record. This is about the fact that they are on a register and that they should not be employed in or applying for work in a child-related industry. That is very much the intent of the act.

It will be interesting to see how it pans out in practice, but this national approach is a very significant step forward and is something the opposition has been very keen to see for a long time. It is good that the government has gone ahead and done it. I would certainly expect to see Tasmania and South Australia, the two remaining states, do so in the very near future. When they do, we will actually have a register up and running across the whole country. I think that will be a significant step forward in child protection and in countering this most evil of crimes.

DR FOSKEY (Molonglo) (11.53): I am sure we all agree on the need to do everything that we can to protect children from sexual crimes and to prevent recidivism among sexual offenders. The ACT Greens will support the establishment of a child sex offenders register in the ACT as part of the development of the Australian national child offender register. However, we believe that the register proposed by the government is a bare-bones approach and would prefer to see the ACT being more proactive.

I am not going to move specific amendments to this bill, but I would like the government to take on board three recommendations for improving and expanding the operation of the sex offenders register. Firstly, we would like to see a framework developed for preventing sexual crime in the ACT which includes community education, assistance to victims and offender rehabilitation programs. Secondly, we would like the legislation to be expanded to include mechanisms for monitoring risks and triggering intervention. Thirdly, we would like to see research commissioned and consultation into the expansion of the register to include sexual offences against adults. I will now expand on those suggestions.

The first deals with developing a framework for preventing sexual crime. There is a great deal of misinformation regarding sexual crime in this community, including perceptions that most sexual crime is perpetrated by strangers, whereas it is much more likely to be by a family member, a friend or a person known to the victim. Estimates of reoffending rates for sexual crimes also tend to get distorted, with most people believing that they are very high—for instance, 80 to 90 per cent. Actual recidivism rates tend to be much lower. For example, the international Association for the Treatment of Sexual Abusers indicates that reoffence rates for untreated sex offenders who primarily target children range from 10 per cent to 40 per cent. It is very difficult to predict which offenders are most like to reoffend.

Mr Stephen Smallbone, director of the Griffith Adolescent Forensic Assessment and Treatment Centre, has cautioned that psychology around sex offenders is still an imperfect science. We are inclined to overpredict recidivism and may subject some offenders to a demanding and stigmatising reporting regime for years based on the mistaken predication that they might commit another offence. What we do know is that well-designed sex offender treatment can reduce the recidivism of sexual offenders. Furthermore, lifestyle circumstances can affect the chances of new offences, stable housing and employment, healthy social and leisure activities, a vigilant and pro-social support system and ongoing treatment are all important to ensure success. Monitoring and support by community corrections agents and other professionals, the social support systems for offenders and the entire community play a crucial role.

Sex offender rehabilitation programs have demonstrated modest but reliable reductions in recidivism and there appears to be a general consensus in the literature that community-based programs are more effective than prison-based programs. Community-based rehabilitation programs can provide sex offenders with ongoing access to case workers, practical assistance to find appropriate housing and employment, assistance to address drug and alcohol issues, access to cognitive behaviour therapy, assistance with the development of daily routines and activities that assist the person to stay in control of their behaviour, counselling, risk assessment and advice. Across Australia, the majority of the sex offender rehabilitation programs are prison-based

rather than community-based. The ACT has two sex offender rehabilitation programs, one for adults and one for juveniles. In addition, probation and parole officers or youth workers supervise sex offenders while they are participating in the program. This provides an opportunity for intervention with offenders.

This leads to my second recommendation to expand the legislation to involve mechanisms for monitoring risk and triggering intervention. The legislation before us will establish a child sex offenders register that can only be used to track sex offenders. There is no capacity for risk assessment and intervention, unless the offender commits another offence, either by committing a crime or failing to fulfil reporting requirements.

This means that a known sex offender who has served a sentence and is then released into the ACT community could rent a room in a house with young children and/or participate in social activities such as a playgroup or a children's sporting team without any risk assessment or intervention being possible. A sentencing order may require them to report where they are living, the number and ages of children in the household, and the clubs or associations they belong to. This information will be kept on the register but, and this is a big but, there is no capacity for the police to intervene if they believe the children are at risk.

I do not believe the community would find this acceptable. If we are in a position to identify where children may be at risk, then we should be in a position to respond. What action could we take? I am not advocating public disclosure of the sex offender, as occurs in some parts of the United States, nor am I suggesting that some offenders should be incarcerated indefinitely or otherwise lose all their civil rights. We could instead look at a mechanism such as the child protection prohibition orders that have been built into the Northern Territory child sex offender register legislation. This gives the court the power to make a prohibition order similar to a domestic violence order that prohibits the person from engaging in specified conduct.

In determining whether to grant the order, the court must be satisfied that the person poses a risk to the lives or sexual safety of one or more children or of children generally and that the making of the order may reduce the risk. For example, a prohibition order might be sought in circumstances where the reportable offender was a convicted paedophile who intended to become a member of an organisation or association that had child membership or child participation in its activities. There does not appear to be a comparable mechanism in the ACT, which puts us in a position of collecting information about sex offenders that we are not in any position to act upon.

My third recommendation concerns expanding the register to include adult sex crime offences. By limiting the register to child sex offences and child-related employment prohibitions, we have missed an opportunity to better respond to sex crimes against adults and to take appropriate steps to protect vulnerable groups including older people and people with a disability at a heightened risk of sexual assault.

There is sometimes a perception that sex crimes against children are predatory while those against adults are opportunistic. This is not supported by data from the international Association for the Treatment of Sexual Abusers which indicates that, amongst offenders who target adult women, reoffence rates range from seven per cent to 35 per cent, very similar to the 10 to 40 per cent of child offenders. In particular, there

are sexual predators who target vulnerable adults, including women with a disability and older women.

International and Australian research suggests that the incidence of sexual assault against people with an intellectual disability is at least four times higher than in the general population. Some researchers suggest that sexual assault against people with a disability is so prevalent that the majority of people with a disability will experience some form of sexual assault or abuse in their lifetime. Older women are also more vulnerable to sexual crime. Other jurisdictions, such as Victoria, have included in the register offenders committing sexual crimes against adults.

Overseas, the United Kingdom and some states in the US have introduced vulnerable adult legislation which restricts the employment of people who are considered to be at risk of offending in situations where they have access to vulnerable people. Expanding the register to include adult sex crimes in the ACT could be a first step toward better protecting vulnerable adults. For this reason, I would like to see research and consultation on the pros and cons of expanding the register over the 12 months.

The abuse of children is a very emotive issue, and it is right that the community is concerned about this issue because the people who are involved are powerless to affect the context in which the crimes occur. It is also important that people who are convicted of offences against children are monitored by authorities in an effort to reduce the chance of their reoffending. This bill contributes to that in a small way, but it does not address the issue of risk assessment and intervention and it does not provide a basis for a holistic approach to sexual crime prevention. I believe there is more we can do to make the register an effective tool in a broader approach to crime prevention.

I urge the government to reconsider the three recommendations I have outlined today. Further, I would like the government to report on the effectiveness of this bill in reducing sex offences against children. I foreshadow that we may introduce some amendments in the future if the government does not.

MR HARGREAVES (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services) (12.05): Mr Speaker, this bill provides for the establishment of a child sex offender register, prevents registered sex offenders from working in child-related employment and creates a new form of sentencing order known as a child sex offender registration order. This order, which is concurrent with a sentencing order, may be made if the court is satisfied that an offender poses a risk to the sexual safety of one or more people or of the community.

The Standing Committee on Legal Affairs, in Scrutiny Report 10, raised for the Assembly the question of whether this bill unduly trespasses upon rights and liberties and made reference to a number of fundamental human rights engaged by the legislation. The impetus for the legislation stems from the obligation to ensure, as far as possible, the safety and protection of children from sexual assault and violence.

The Human Rights Act of 2004 recognises that children are entitled to special protection because of their status as children. The obligation to protect children from violence is also underlined in the provisions of numerous international human rights instruments,

including the Convention on the Rights of the Child. In developing this bill, the government took into account the need to balance the rights and interests of all parties affected by the legislation and to ensure that any limitations of rights are strictly proportionate to the objective of the legislation.

The reporting requirements imposed on registrable offenders are not onerous and the subsequent limitation on the rights to privacy, liberty and freedom of movement from registrable offenders are both necessary and proportionate to achieve the aims of the legislation. The bill explicitly provides for a right to privacy for a registrable offender when reporting in person, clause 73, and when being photographed, clause 79. In addition, a person making a report is entitled to make a report outside the hearing of members of the public, clause 73. These safeguards provide legislative protection against arbitrary interference with the right to privacy. The bill further allows for the reporting of travel details to be made by post, fax or email. That is in clauses 48 and 9.

The Standing Committee on Legal Affairs, in Scrutiny Report 11, has sought further explanation of how the bill applies to young offenders. The government has carefully considered the application of the legislation of young offenders and sought to ensure that their treatment under the bill is proportionate for their status as young people. The commission of a registrable offence by a young offender does not automatically trigger registration as a registrable offender under clause 9.

A young offender who is conditionally released, or has a disposition without proceeding to conviction, or who is sentenced for a single offence for an act of indecency with a young person, or possessing child pornography, does not automatically become a registrable offender. Neither can a court make a child sex offender registration order in relation to an order against a young offender where the charge against a young person is proved by the Children's Court and does not involve a custodial sentence.

Mr Speaker, the principles informing this bill were developed in collaboration with all other jurisdictions so that the ACT can participate in the national child protection offender registration scheme. Other states and the Northern Territory have introduced, or will shortly introduce, similar laws. We, as legislators, have a responsibility to protect the children in our territory to the best of our ability. We need to maintain a vigilant eye on those who have already offended sexually against children. Those who have offended sexually against children must be monitored for as long as it is considered reasonably necessary to ensure they do not reoffend, a situation that, unfortunately, arises too often with such offenders. The bill will reinforce and improve upon our current position. It is a modest step in the right direction in the campaign against sexual predators of our children.

I will now address the three issues that Dr Foskey raised. She says that she would like to see a framework around prevention. This register is part of that approach. This legislation is not the vehicle to talk about prevention. This is one piece of legislation in a suite of activities and initiatives that we have. We already have programs around addressing recidivism, and Dr Foskey indicated a couple of them. We talk about monitoring risks and having interventions. We do have the powers and we do that. I can tell you that, in my capacity as police minister, if anybody contacts the police and a child is involved, they have instant priority. They will intervene to the full power of their authority or introduce other people who have other authorities.

The one I take issue with, and the one I can assure Dr Foskey will never happen as long as I draw breath, is the recommendation to expand it to include adults. The issue was discussed at the Australasian Police Ministers Council in Hobart, and at other times, and it was rejected by all of the states bar one. The offences against children are completely different to the offences against adults. It is conventional wisdom that people who perpetrate offences against children have an almost 100 per cent chance of recidivism and need to be treated completely differently. At this stage of the game, there is no successful treatment regime. With adults against adults it is different; it cannot happen. Furthermore, it would expand the register so far and so wide that it would be impossible to enforce with a priority for children, and children must be the priority. The other thing we need to talk about is the situation of juvenile to juvenile, and the theory from corrections that people do change, in terms of recidivism, and how that differs when you deal with juveniles and deal with adults.

I conclude by thanking all of those officers who had a contribution in the drafting of this legislation. I think this is a brilliant way forward. It is, as members have indicated, a step. I think it is a really big step, and we all seem to be united in trying to protect our kids. I commend this legislation to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Utilities (Shortage of Essential Services) Amendment Bill 2005

Debate resume from 5 May 2005, on motion by **Mr Stanhope**:

> That this bill be agreed to in principle.

MR SMYTH (Brindabella—Leader of the Opposition) (12.12): Mr Speaker, the purpose of this bill is to provide a head of power whereby the minister responsible for the legislation can make regulations in relation to the implementation of essential service restrictions in the ACT. The bill addresses shortcomings in the current act, which were that there were, in effect, no real emergency powers. I think we all remember 2003 and the bushfires. Given the worsening water situation, it is appropriate that these powers now be created.

Essentially, there are four areas that the bill covers. Firstly, it defines what is an essential service: the supply of electricity, gas or water. That is in proposed section 149A. What it then does is it empower the minister to make regulations that restrict the use of the essential service if there is a shortage. That is at proposed section 149B. The bill also gives inspection rights because, of course, you have to be able to work out whether people are breaching the emergency regulations.

The bill gives inspectors the right to inspect premises, other than residential. I think it is important to note that that power is not there for entry into a private residence; it is for commercial premises, if it is reasonably believed that the restrictions are being breached. It is not just a coverall, where you can go in and do whatever you want. You have to have a good reason to believe it. Before the inspectors can do that, they have to produce an ID card. The opposition supports the intent of the bill and will be voting accordingly.

DR FOSKEY (Molonglo) (12.14): I support the Utilities (Shortage of Essential Services) Amendment Bill 2005. The bill is to provide the Minister for the Environment with the legislative power to allow restrictions on the use of utility services such as water, electricity and gas by commercial and residential users in cases where supply is, or could become, insufficient.

It appears that such restrictions will be primarily limited to emergency situations, but there is also the ability for the minister to make such restrictions when the ACT is obliged, under national energy law or intergovernmental agreements, to reduce its total consumption to minimise system-wide impacts and damage. This is very interesting to note because, when taking a holistic approach, there is a strong, ongoing need for Australia and the ACT to continue to use energy and water more efficiently.

There are a number of ways outside the proposed legislation that we are trying to achieve that. As I provide my support to the Utilities (Shortage of Essential Services) Amendment Bill 2005, I urge the ACT government to further improve the standard of energy and water efficiency in the ACT in order to minimise the ACT's risks against energy emergencies that are within our control.

MR QUINLAN (Molonglo—Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming) (12.16): I thank members for their support. I thank Mr Smyth for telling us what is in our own legislation. I think this bill is pretty much a no-brainer. There is only one significant point to be repeated and that is that the bill does not replace the Emergencies Act of 2004. It is being put in place more to handle shortages and potential shortages of supply and, given our interdependence now on other jurisdictions through the national grids, it is essential that we are in a position to play our role when facing up to potential shortages.

It should be noted that there have been already in the last 12 months or so several incidences of potential shortages of electricity and gas when we may have needed to impose restrictions. This bill clarifies the capacity of government to impose them through its agents, to impose restrictions beyond challenge. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Sitting suspended from 12.18 to 2.30 pm.

Questions without notice

Emergency Services Authority

MR SMYTH: My question is directed to the Treasurer. On Tuesday, the Treasurer tabled documents advising that payments of $3.4 million from the Treasurer's advance to the Emergency Services Authority were to cover unforeseen operational and establishment costs. Yesterday, your colleague the minister for emergency services ran for cover and refused to provide any reasons in support of that request.

Today the ABC is reporting that Canberra's emergency services are to be bolstered by a $5.4 million Treasurer's advance. Who is correct—the ABC or you? Is the amount handed over to the ESA $3.4 million or $5.4 million?

MR QUINLAN: I will get you the exact figures. This question lends itself more to being asked on notice. Certainly supplementary funding has been provided to the Emergency Services Authority for reasons already articulated by the relevant minister.

Mr Smyth: So is it $5.4 or $3.4?

MR QUINLAN: As I said, I will get you the precise figures. I do not carry all the numbers with me.

MR SMYTH: Mr Speaker, I have a supplementary question. Treasurer, what strategy have you implemented to ensure that expenditure undertaken by the Emergency Services Authority remains within approved budgets?

MR QUINLAN: It is not a case of saying, "I've got a strategy"; it is a case of making sure that we provide an appropriate level of emergency services in the territory. This was more recently exemplified by the white powder incidents that occurred in the territory. We need quite a substantial capability in this city and in these days.

Just as with every other area of government and every other agency, it is a matter of management—and appropriate management. From time to time there will be cost overruns in some areas. There will be good reasons for cost overruns. Each of those will be addressed, as they are, in future budget processes.

Emergency Services Authority

MR MULCAHY: Treasurer, the statement of reasons that you tabled when you announced the Treasurer's advance of $3.36 million to the Emergency Services Authority contained little useful detail. By the sound of it you may end up having to take this on notice, but of the items you cited in your statement of reasons, how much of the total payment of $3.36 million—or $5.4 million, depending on which is right—was paid to each of general insurance, workers compensation premium, additional security measures and overtime for fire brigade staff?

MR QUINLAN: I think Mr Mulcahy answered his own question. Quite clearly that is a question that ought to have been asked on notice so that we can give precise numbers. I have just been advised by Mr Hargreaves that his application to me was $5.449 million. It is a matter of whether that has been in one bite or two—if there had been $3 million and there is a total of $5 million. The year is not over yet.

MR MULCAHY: Mr Speaker, I ask a supplementary question. Why did you not include unforeseen expenditure on general insurance, workers compensation premium, security measures and overtime in the statement of reasons you tabled in the Assembly last Tuesday, as I assume this information must have been available?

MR QUINLAN: How much detail do I need to provide? There is not a regulation so just pick a head of costs somewhere and ask about that. I am quite happy to provide the information that you require. I am also happy to provide this house with relatively concise information in relation to expenditures charged against the Treasurer's advance. I do not have a problem with that.

Public education

MS PORTER: My question is to the minister for education. The federal education minister, Brendan Nelson, announced by way of a media release on Friday, 17 June that state and territory governments had failed to match the federal government's funding of state schools. I understand that Dr Nelson responded to a question without notice from one of his Liberal colleagues in the federal parliament on the same matter on Tuesday. Minister, is that the true situation when it comes to the ACT government's funding of public education? In short, can Dr Nelson be trusted when it comes to statements on education funding?

Mr Smyth: I raise a point of order, Mr Speaker. Did the question contain an imputation? The question asked whether the minister could be trusted. Surely, it is out of order.

MR SPEAKER: I think it is a question. The issue of imputations is, I think, in relation to members of this place.

MS GALLAGHER: Sadly, the figures of Dr Nelson in his media release of Friday, 17 June were incorrect. Dr Nelson suggested that the federal government is a great champion of state school funding. There were several flawed assumptions in his media release. He stated that Labor state and territory governments had failed to match the commonwealth's rate of increase in funding to state schools. In the case of the ACT, Dr Nelson's press release said that the ACT government had increased funding to government schools only by 2.6 per cent. It suggests that, in comparison, the federal government's increase was in the order of 8.7 per cent.

Those figures are simply wrong. As Dr Nelson undoubtedly knows, the 2.6 per cent figure relates to the increase in total expenses from the 2004-05 estimated outcome to the 2005-06 budget. Expenses are not the best measure of resources provided to government schooling as they include a large number of technical accounting requirements, such as depreciation and employee provisions, that have no impact on the actual running of

schools; nor is the estimated outcome the best measure of a year on year comparison as it does not include the additional funds provided during the year.

The 2005-06 ACT budget actually provided an increase of 9.4 per cent, or $27.6 million, to government schooling. That is greater than the 8.7 per cent increase that Dr Nelson claims the federal government provided. However, that is taking Dr Nelson at his word regarding the increase in federal funding. The 8.7 per cent by which Dr Nelson claims the federal government has increased funding is merely an estimate of the total funding available under existing funding agreements.

The 2003-04 commonwealth budget papers claimed that the commonwealth would deliver $27.1 million to government schools in the ACT and Dr Nelson issued an identical and equally misleading release at that time too. The actual result was $25.7 million, $1.5 million or more than three percentage points less than he claimed.

If you take into account the fact that the ACT government also provided an increase of $3 million in capital initiatives, the total ACT government funding increase was some 10.4 per cent, or $30.6 million, far above the paltry extra $2.7 million promised by the federal government in the government schools recurrent grants.

Further, while the federal government's rate of increase in funding may well have been more than that of one state or another, the federal government contributes only some 10 per cent to the cost of public education nationally and only $27 million to schools in the ACT in government schools recurrent grants. From such a pathetically low base, it is easy to have an increased rate of funding, particularly when you are talking in percentage terms.

In comparison, the ACT government contributes some $320 million to schools, almost twelve times the federal government rate, reflecting the Stanhope government's commitment to ensuring a high-quality education for all students in the territory. If Dr Nelson's claim of an increase of 8.7 per cent were to occur, the increase would be $80 per student, one-twentieth of the increase provided by the ACT government.

Since coming to office in 2001, ACT government funding of education has increased by $94.1 million, or 27 per cent. We have recognised the central role of teachers in helping students to reach their full potential by delivering substantial pay increases. We have established executive structures in schools and invested in support for beginning teachers. We have embarked on curriculum renewal to ensure that our schools will provide a relevant, challenging and high-quality education now and into the future. We have seen significant growth in the vocational education and training sector, including in identified areas of skills shortage.

The Stanhope government continues to meet the evolving needs of the Canberra community by ensuring that it provides the best education to all our students. We know the importance of education to the individual and the ACT as a whole. Our students would be well served if Dr Nelson gave more attention to the genuine needs of government schools and spent less time on political rhetoric and selective accounting.

MS PORTER: I have a supplementary question. Given the statements by Dr Nelson, can you provide further details to the Assembly on definite funding commitments that the commonwealth has made to ACT government and non-government schools?

MS GALLAGHER: Last week I reluctantly entered into an agreement with the federal government to ensure continuity of funding for ACT government schools. Unfortunately, the new round of funding was contingent upon a number of new federal regulations. The new agreement will see $552 million in funding flow to ACT government and non-government schools from 2005 to 2008, the vast majority going to the non-government school sector. Non-government schools will receive $400 million over that period, while ACT government schools will receive $152 million.

The regulations underpinning the agreement have not yet been finalised, which is of concern in itself, but it is expected that the way schools report to parents will be highly prescriptive. I do not believe that that will produce any improved educational outcomes. Indeed, the federal minister has not been able to indicate where he believes this increased reporting will provide any improvement in educational outcomes.

Under the federal government's changes, it is proposed that a wide range of school performance information be reported to parents. However, this information will add little to parents' understanding of their children's performance. There is no doubt that the requirements will increase the burden on schools to collect the proposed data and there is no doubt that it will consume valuable teacher time.

The federal government's draft regulations also require schools to administer common national literacy and numeracy testing in years 3, 5, 7 and 9. The ACT already conducts it in those years, which informs individual student learning and the development of school literacy and numeracy programs.

In 2004, the ACT Government School Education Council reviewed ACT school reporting to parents and identified high levels of community and parent satisfaction with the ACT's current system. The ACT is not in a position where it can refuse commonwealth funding of $552 million and we will continue to negotiate on the federal government's proposed reporting requirements to ensure the best outcome for students in the ACT.

Returning to Dr Nelson's challenge to states and territories to match federal funding, I should point out that the Stanhope government, since coming to power in 2001, has increased per capita funding to ACT government school students by $2,711. In that time, the federal government has increased funding by a pathetic $187 per capita.

If the federal government had met its own challenge and matched the funding that the Stanhope government has provided to education, ACT government schools would have enjoyed an additional $90 million worth of funding, funding that could have gone to having better schools, better facilities and better educational outcomes for government school students in the territory. I reverse the challenge and call upon Dr Nelson to heed his own call and match the funding increases of the Stanhope government.

Sustainable schools pilot

DR FOSKEY: My question is to the Minister for Education. It concerns the sustainable schools pilot. The commonwealth Department of the Environment and Heritage web wage on sustainable schools states that in December 2004 the Minister for the Environment and Heritage approved $120,000 in funding to the Australian Capital Territory for the national sustainable schools initiative. Significant results have already been achieved through this program in five other states to date but it appears that nothing is yet happening in the ACT.

Could the minister please commit to a starting date for this project and advise the Assembly by what date the commonwealth funding for the project would need to be expended and what plans there are to advertise for a lead project officer.

MS GALLAGHER: I am not aware of the detail of Dr Foskey's question, so I will take it on notice. I am aware of the national sustainable schools initiative. There are pilot projects in operation, I believe, in ACT government schools. But I will get the specific details of the information for you.

DR FOSKEY: I ask a supplementary question. How will you continue this important project if the pilot proves to be as successful as it has been in five other states?

MS GALLAGHER: I will get a briefing on the project. I am happy to provide that to you, Dr Foskey. I should say that schools already do a range of activities to make sure that they are operating in a sustainable environment wherever possible. Of course we have old infrastructure that presents some challenges to that, but if you look at Amaroo school, the new school that has been built, the way it has been built, the materials it has been built with and the way they are using their curriculum to understand some of the special features of Amaroo school in relation to sustainability, I think you will find that schools do a number of things outside of this project already. It is not the be-all and end-all. We will get the briefing on this specific project for you. We are happy to provide a broader briefing if you are interested.

Planning guidelines

MR SESELJA: Mr Speaker, my question is to the Minister for Planning. Minister, in September 2004, prior to the last election, you made an announcement in relation to the development of A10 guidelines for inner north and inner south areas of Canberra. You directed ACTPLA to prepare additional policies to make sure that development in the residential core was complementary and sympathetic to the garden city character of the inner north and inner south suburbs. In writing to a constituent on 22 November 2004 you stated:

> I have asked that the Authority give the production of the design Guidelines for core areas priority.

In reply to a question on notice you have now stated that no money has been allocated for the preparation of these guidelines, and ACTPLA has indicated that no-one will work on these guidelines until funding is provided. Why did you tell constituents that the A10

guidelines are a priority and then fail to provide any money in the budget to enable them to be prepared?

MR CORBELL: As members would appreciate, there is only a limited amount of resources available for a whole range of activity within the government. The planning authority is no different in that regard and must work within the means provided to it by the government to meet government priorities. Those priorities are, in and of themselves, ordered to meet the objectives we, as a government, have.

MR SESELJA: Mr Speaker, I have a supplementary question. Why is it that you make commitments to the people of Canberra before the election and then renege on those commitments once you have been returned?

MR CORBELL: The government has not reneged on its commitment. These guidelines will be produced, and they will be produced within the term of this government.

Speed cameras

MR GENTLEMAN: Can the Minister for Urban Services inform the Assembly of the effectiveness of the fixed red light and speed cameras as part of the government's overall road safety package?

MR HARGREAVES: I appreciate Mr Gentleman's ongoing interest in road safety issues. I am pleased to inform the Assembly that, since the installation of the fixed cameras at specific sites, we have seen a significant decrease in the number of accidents occurring at those intersections. I know that lately there has been some debate in the media about whether accidents are increasing at these sites and there have been calls for the government to look at the locations more closely.

The figures that opposition members have been basing their assertion on are figures from the first 12 months after a speed camera was installed. In some cases, this was as far back as 2001. Mr Pratt relied on information from Mr Seselja, and Mr Seselja asked for information relating to performance for the first 12 months after introduction, instead of the current information relative to the date of introduction.

Mr Pratt, in his press release, talked about the London Circuit and Northbourne Avenue intersection having an increase from 33 to 35 accidents. He talked about the intersection of Southern Cross Drive and Coulter Drive going up from 23 to 35 accidents. What he does not know—because he did not ask—is that the Northbourne Avenue and London Circuit intersection has seen a reduction of 18 per cent from introduction to December last year. There has been a selective use of statistics.

This was a good one. He asked and I answered his question. The intersection of Southern Cross and Coulter drives does not even have a camera anymore. It was moved in 2003. We took it to the Hindmarsh Drive-Yamba Drive intersection. Since then, we have seen a 67 per cent reduction in accidents.

In all except one of the fixed red light and speed camera sites, we have seen a reduction in the number of accidents. In many cases, we have seen a change in the type of

accidents—from crashes involving injuries to ones that now involve property damage only.

For the benefit of all members, I advise that the installation in 2002 of cameras at Hindmarsh Drive and the Tuggeranong Parkway resulted in a 78 per cent reduction; the intersection at Northbourne Avenue, Mouat Street and Antill Street has had a reduction of 51 per cent; the Northbourne Avenue-London Circuit intersection, camera installed in 2002, has had an 18 per cent reduction; Ginninderra Drive-Coulter Drive, camera installed in 2001, has had a 51 per cent reduction; Barry Drive-Marcus Clarke, camera installed in 2001, a 69 per cent reduction; Northbourne Avenue and Barry Drive, a 64 per cent reduction; Drakeford-Marconi, a 4.5 per cent reduction; and Hindmarsh Drive-Yamba Drive, a 67 per cent reduction.

As you can see, all these locations have seen a decline. There has been an increase at the intersection of Ginninderra Drive and Aikman Drive only, camera installed in 2001. There has been an increase of five accidents in that time—in four years it has increased by five.

The decisions about where to place the speed and red light cameras are based on advice from the camera enforcement safety management committee, comprising road safety experts from DUS, AFP and the NRMA. The recommendation of location is based on speed-related crash history and current speed surveys. I have asked DUS to take the site of Ginninderra and Aikman to the committee for re-examination to see what should be done with it.

As part of the government's road safety strategy, the 2005-06 budget allocated just over $1 million in new funding for the purchase of three new speed cameras—two of which will be fixed—and the upgrade of existing ones. An additional $759,000 has been allocated for the next four years to operate the new cameras. I am currently waiting on advice from the committee as to the best locations.

Fixed red light and speed cameras form part of an overall road safety package, which includes mobile speed cameras, and initiatives and enforcement by ACT policing. I look forward to seeing a further decline in accidents. This is another case of Mr Pratt asking the wrong question of the wrong person and getting it wrong again.

Policing

MR PRATT: Mr Speaker, my question is to the minister for police. Is it standard practice for ACT police to call a locksmith to gain entry to premises where the police hold reasonable grounds, such as following the receipt of a 000 call, to believe that a serious crime has been committed?

MR HARGREAVES: I rely on the operational integrity of the police. I would rather that they get a locksmith in expeditiously. It clearly was expeditiously performed. I have no intention—

Opposition members interjecting—

MR HARGREAVES: of following Mr Pratt's terrific ideas of having—

MR SPEAKER: Mr Hargreaves, direct your comments through the chair.

MR HARGREAVES: I am, Mr Speaker.

MR SPEAKER: Hold on for a minute. Mr Seselja, I have called you to order a couple of times and, Mr Smyth, you as well. I will be issuing warnings if this continues. Mr Hargreaves, continue.

MR HARGREAVES: Thank you very much, Mr Speaker. I have no intention of doing what Mr Pratt would have us do, which is to have a policeman at the bottom of every yard. Now he even wants them all dressed up in SRS uniforms, with battering rams, to race into people's houses and bash their doors down. It is very dramatic, Mr Pratt. Mr Pratt has been watching too much *CSI: Miami*. I think he needs to consider what he is venturing into in respect of this particular case. He ventures onto very dangerous ground, and I urge him to be very careful.

MR PRATT: Mr Speaker, I have a supplementary question. Minister, why have you jeopardised, in such circumstances, the potential safety of victims in those circumstances by adopting such practices?

MR HARGREAVES: I have not.

Policing

MR STEFANIAK: My question is to the minister for police. Minister, what are the standard operating procedures for police to use in cases of alleged sexual assault?

MR HARGREAVES: These are operational procedures that the police employ. Mr Stefaniak has been around long enough to know that there is no way known that I am going to be publishing operational procedures of the police.

MR STEFANIAK: I ask a supplementary question. Are the standard operating procedures for police in cases of alleged sexual assault uniform for all victims?

MR HARGREAVES: I will repeat it: I am not going to be publishing operational procedures for the police so that this opposition, and probably the opposition police spokesman, can use it out there in the public arena.

I have just explained in an answer to Mr Gentleman how Mr Pratt, who cannot do his own work for himself, asked one of his colleagues and then went out and got it wrong again. Well, I am not giving him that opportunity this time.

Mr Pratt: In other words, he hasn't got a clue.

MR HARGREAVES: I wouldn't tell you and you shouldn't tell me.

Emergency Services Authority

MRS DUNNE: My question is to the Minister for Police and Emergency Services. Minister, can you confirm that the United Firefighters Union has imposed a black ban on the new compressed air foam unit fire trucks that have been recently purchased at great expense to the taxpayer? If the union has imposed a black ban, why have the trucks been banned from use?

MR HARGREAVES: Mr Speaker, no, I cannot confirm Mrs Dunne's rumour, innuendo and misinformation. I have had discussions with the union, as I do quite frequently. I have an open door policy with all the unions and I speak to them quite frequently. I had a discussion only this week with the union about that very subject. I have had discussions with ESA management, which I do every week, and we talked about the issue of the compressed air foam units. The answer to Mrs Dunne's question, to the best of my knowledge as at yesterday afternoon, is no.

MRS DUNNE: Mr Speaker, I ask a supplementary question. Minister, if the UFU will not use the compressed air foam fire truck units to protect the Canberra community, will you give the trucks to the rural fire service, which is prepared to use them?

MR HARGREAVES: Mr Speaker, it is a hypothetical question and I do not propose to indulge Mrs Dunne.

Public housing

MRS BURKE: My question is to the Minister for Disability, Housing and Community Services. Minister, further to my question yesterday concerning the tenancy agreement held by David Eastman with Housing ACT, is it true that at times the property has been used to temporarily house other people in need, including people who lost their homes after the fires in 2003?

MR HARGREAVES: The government is the manager of 11½ thousand properties. I have to confess to you, unfortunately, that I do not know the tenancy agreements that apply to each and every one of those 11½ thousand properties. I will find out for Mrs Burke whether or not those particular premises have been used for other than the storage of Mr Eastman's goods and get back to her.

MRS BURKE: I thank the minister for finding that out for me. Perhaps the minister would also find out therefore, then, how Housing ACT has been able to maintain his tenancy agreement whilst at the same time reletting the property to other applicants in need?

MR HARGREAVES: I answered part of that innuendo yesterday by saying that the tenancy agreement will be maintained until the process is resolved. Certainly the answer to Mrs Burke's supplementary part two will be obtained if she reads the answer to her substantive question, or at least gets one of her colleagues to read it to her.

ACTION bus service

MS MacDONALD: Mr Speaker, my question is to the Minister for Planning, in relation to ACTION buses. Minister, I understand that, on Thursday 2 June 2005, ACTION achieved another patronage milestone. Would you please tell the Assembly how this milestone further demonstrates the government's commitment to the sustainable transport plan?

MR CORBELL: I thank Ms MacDonald for the question. I am pleased to advise members that, on Thursday 2 June, ACTION buses hit another milestone in terms of patronage, achieving over 21,000 adult boardings in a single day. It was only a month or so ago that I was in this place advising members that ACTION had achieved over 20,000 boardings in a single day, a record at that time. I am pleased to advise members that patronage on ACTION buses continues to increase, with 21,000 adult boardings on a single day earlier this month. This is the first time that we have seen that number of adult passenger boardings in a single day. That is a significant outcome for the territory.

ACTION is now running at approximately eight per cent higher, in terms of its patronage, than in the same period last year. I am referring to adult patronage. This milestone is a result of the government's dedication to developing initiatives to encourage people to consider alternatives to the car for at least some of their transport journeys. It is worth highlighting the range of initiatives that are helping to contribute to this significant and sustained increase in patronage.

There is the bus text initiative that the government announced earlier this year, the SMS timetable system via your mobile phone, the new on demand evening flexibus services, which started in April this year—allowing door-to-door service, in many instances, for people catching the bus in the evenings and on weekends—and the new Xpresso express services that were introduced in September last year. Specifically, these Xpresso services have been targeting the adult work force and account for half the overall increase in adult patronage growth. So it shows that, if you make the investment in public transport, if you target the services, you get the results of more people using public transport, less congestion on our roads and fewer greenhouse gas emissions.

This is a very strong example of the government's commitment to implementing a sustainable transport plan and helping to build Canberra as a more sustainable city. Of course, it is worth highlighting also that we continued this commitment in the most recent budget. The amount of $4.8 million has been allocated to continue our extensive bus fleet replacement program and another 11 new compressed natural gas buses will be added to the fleet in the coming year. That will bring the number of compressed natural gas buses acquired to the figure of 53 since the government was first elected in 2001. And, on top of that, $6.76 million for the introduction of a real-time information system, a system that the Liberal Party would want to scrap.

Opposition members interjecting—

MR CORBELL: They would want to scrap it and they would want to put at risk the patronage gains we have achieved in public transport. They would want to send the signal that they do not want to invest in public transport. Indeed, in the last election there

was not a single commitment from the Liberal Party to invest in public transport in any meaningful way; not a single dollar to make it happen. Of course, it is well worth highlighting that the other key initiative of the Labor Party—$3 million for the preliminary assessment and the environmental, economic, social and other impacts for the proposed Belconnen to Civic busway—is also funded in this year's budget.

That is the contrast. On this side of the house you have a government committed to supporting public transport and investing in public transport—getting the results on the ground—and record levels of patronage. What do we have from the other side of the house? A party that wants to cut funding and cut initiatives in the public transport area—and no ideas of their own to grow public transport to make it a viable alternative. This government's record speaks for itself. The bottom line is that more people are catching ACTION buses than ever before.

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

Supplementary answers to questions without notice

Calvary Hospital

MR CORBELL: Mr Speaker, in question time yesterday, Mr Smyth asked me a question in relation to an allegation he made that a contractor who was working at the Calvary Hospital had contracted a golden staph infection and that, as a result, a theatre at the Calvary Hospital had to be shut down. The information I have is that Calvary did have contractors changing locks and hinges on doors within the operating rooms at Calvary Hospital on the weekend of 18 and 19 June this year. I have been advised that one of the men cut himself and subsequently stated that he believed he had contracted golden staph. As is the usual practice after this type of work, the operating rooms were cleaned and, when the work was completed, operations resumed on Monday.

There is no golden staph issue within the operating theatre environment at the Calvary Hospital. Further, I am advised that any new cuts such as the one allegedly sustained by the person in question would not be staph affected and that, if any swabs were taken, the results would not yet be available. This overall makes it very difficult for the person to claim that they have in any way acquired golden staph. I would urge Mr Smyth to be a little bit more cautious about these sorts of allegations before he chooses to air them in this place.

In response to the supplementary question Mr Smyth asked me, I can advise members that at the Canberra Hospital the incidence of the multiresistant *Staphylococcus aureus* is monitored and decreased in the 2004 calendar year compared to the 2001, 2002 and 2003 calendar years. The Canberra Hospital infection control staff have further advised that there have not been any recent outbreaks at the Canberra Hospital.

Social working group

MS GALLAGHER: On Tuesday, 21 June, Mr Seselja asked me a question in relation to the establishment of a working group. He asked for the date on which the working group was formed. The answer to that is 1 June 2005. He also asked about when each of its members was informed of their membership and advised of their roles. The answer to that is 1 June 2005.

Personal explanations

MR PRATT (Brindabella): I seek leave under standing order 46 to make a personal explanation.

Leave granted.

MR PRATT: Yesterday, in question time, Mr Hargreaves made a comment about charity bin dumping and made a number of assertions about my priorities concerning charity bin dumping and other matters. I wish to challenge those remarks and to clarify what I said to prove that yesterday the minister took those comments—

Mr Quinlan interjecting—

MR PRATT: Shut up, Ted. I want to get on with this, if you do not mind.

MR SPEAKER: Order! This is not a debate. This is just about you explaining personal circumstances.

MR PRATT: Yes. I am explaining what I actually said regarding the points that were taken out of context yesterday.

MR SPEAKER: No, all I want you to do is to deal with the personal issues.

MR PRATT: Thank you, Mr Speaker. The document that the minister referred to yesterday actually says:

> The Stanhope government's success at cracking down on charity bin dumping shows that the threat of being caught or fined can act as a significant deterrent to such illegal activities and could also work on graffiti vandals, Steve Pratt, Shadow Spokesman said today.

Then I am reported as stating:

> The threat of these fines has obviously made people think twice before dumping unwanted goods outside charity bins as according to reports the problem has now halved.

In this document that the minister referred to, I said:

> This kind of approach to curbing such illegal activity clearly works. Therefore the Stanhope government should follow their own example in claiming victory over charity bin dumpers and use the same method for cracking down on acts of graffiti vandalism.

I went on to say finally:

> It is time for the minister to get tough on graffiti vandals, just like he has on charity bin dumpers. Charity bin dumping is a relatively minor problem in comparison to

graffiti. So I cannot understand why the Stanhope government has cracked down on one and not the other.

Thank you, Mr Speaker.

Supplementary answers to questions without notice
Public housing

MR HARGREAVES: During question time today, I took on notice a question from Mrs Burke relating to the tenancy of David Harold Eastman. The answer is definitely no, Mrs Burke. Housing ACT has not authorised the lease of a unit to persons other than the tenant. I would be interested to know the source of your information.

Papers

Ms Gallagher, on behalf of **Mr Stanhope**, presented the following paper:

ACT Criminal Justice Statistical Profile—March quarter 2005.

Civil Law (Property) Bill 2005
Exposure draft

MS GALLAGHER (Molonglo—Acting Attorney-General, Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations): For the information of members, I present the following papers:

Civil Law (Property) Bill 2005—
Exposure draft.
Explanatory statement to the exposure draft.

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

Leave granted.

MS GALLAGHER: Mr Speaker, the Civil Law (Property) Bill 2005 is the culmination of a 10-year program to consolidate the law of property in the ACT. The government has been committed for some time to simplifying ACT property law. Members of the Assembly will remember that, in the first session of parliament, the government introduced legislation that consolidated that part of the civil law that dealt with wrongs and, in doing so, rewrote almost the entirety of ACT law in that area.

Calls to undertake a similar program in property law were first initiated in 1976, when the Blackburn commission reported to the commonwealth Attorney-General about the need to reform ACT conveyancing law. The commission stressed the need for fundamental review of the law relating to real and personal property in the ACT. It saw that theoretical structure of property law as it stands, that is, based in the view that land is primarily the economic basis of the hereditary family group, as being irrelevant to the needs of the Australian community, which views land primarily as a commodity.

The commission was also of the view that fundamental review was necessitated by a radical change in patterns of land use caused particularly by the growth of urbanisation. According to the commission, this change led to an increase in conflicts between different land uses, so that more careful planning of use and protection of land resources needs to be considered as part of the law dealing with property.

Of considerable importance, the commission pointed out that the law relating to property in the ACT could not be found in a complete conveyancing act or property act. In the ACT the law relating to conveyancing can be found in the common law, in imperial acts, the Conveyancing and Law of Property Act 1898 New South Wales and a variety of other New South Wales acts which apply in the ACT, some sections of the New South Wales Conveyancing Act 1919, as applied and modified in the ACT by the Conveyancing Act 1951, the Law of Property (Miscellaneous Provisions) Act 1958 and the Trustee Act 1957.

This situation, according to the commission, urgently needed modification and simplification. The commission felt, however, that it was not in a position to be able to undertake the complete revision of the law relating to property in the ACT, undertaking instead a more limited review designed to remove anomalies, clarify sections and limit, as far as possible, the number of steps required to be taken to effect a conveyance of land in the ACT.

The program examined the old ACT law relating to the law of property. While for many centuries this law covered the acquisition of interests in land and goods, it has been largely overtaken by modern legislation. The sale of land is now regulated under the Land Titles Act 1925 and the sale of goods is regulated by sale of goods and fair trading laws. The review only tangentially examines the modern legislation. It is a housekeeping exercise aimed at discovering and making more accessible old rules that might continue to have relevance to legal transactions in the ACT.

It is unwise to attach too great an importance to the old law. But neither should it be underrated. It is a confusing maze of legislation. Much of it is archaic, unintelligible language. For example, until recently is was still the law that "the due registration in the Office of the Registrar-General of any deed of feoffment shall operate as and be for all purposes equivalent to livery of seisin as to the lands and hereditaments comprised in and intended to be conveyed by such deed of feoffment the same in all respects as if there had been livery of seisin actually made and given of the same land and hereditaments in the most valid and effectual form and manner".

In plain English this simply means, perhaps surprisingly, that a modern transfer of property has the same effect as handing over the ring of the door of the building or, if there is no building, a clod of earth. The underlying basis of many old conveyancing laws is completely alien to modern conceptions and needs. In a period of great personal mobility, geographically, socially and economically, land is fundamentally a place of shelter and, if owned, an investment.

Older conceptions based on archaic feudal and medieval dogma and expressed in quasimagical law-French phraseology are now irrelevant to modern conveyancing transactions. The law reflects the overriding concern of English society, from early

medieval society to the 19th century, with the ownership or control of land upon which political power, wealth and social position then depended. The laws are fragmented and, in some cases, duplicated. There are significant gaps in the law in certain areas. In short, access to the conveyancing laws for the public and legal profession is poor. The laws do not serve the interests of the modern ACT community.

The program was undertaken as a step in the process of simplifying and bringing up to date ACT conveyancing laws. It was conducted under the ACT legislation review program. As a first stage, in 1996 the detailed review and restatement of the law was published and widely distributed. Subsequently, many of the recommendations in the report to remove archaic provisions have been actioned through a series of review laws. A partial codification has occurred around some of the provisions.

The bill takes the program to its final logical conclusion of stage one of the reform process, a single law that consolidates the provisions of the existing law. This meets the government's objective of reducing fragmentation of the laws and reducing unnecessary complexity in the laws. It reduces confusion and uncertainty as to which laws apply in the territory and as to what the law is. It eliminates redundant, irrelevant and inappropriate legislation adopted or made on a piecemeal and often uncritical basis. Finally, it reduces archaic language and rationalises drafting styles and techniques.

Stage two will involve the reform of some of the law of property after wide consultation with the law society and the community, particularly the commercial and retail interests that may be affected by any reforms. The draft bill will be available for public comment for a period of three months. Comments should be directed to the Department of Justice and Community Safety.

ACT criminal justice statistical profile
Statement by member

MR STEFANIAK (Ginninderra): Mr Speaker, I seek leave to draw attention to an error in relation to the paper about the ACT criminal justice statistical profile.

Leave granted.

MR STEFANIAK: The paper does not appear to have the even-numbered pages. For example, the data at the back only goes to March 2002.

Ms Gallagher: Mr Speaker, I will make sure that that is fixed up. It looks like it has not been photocopied properly. My apologies. Another one will be tabled.

Papers

Ms Gallagher, on behalf of **Mr Stanhope**, presented the following paper:

> Cultural Facilities Corporation Act, pursuant to subsection 29(3)—Cultural Facilities Corporation—Quarterly report—Second quarter 2004-2005—1 October to 31 December 2004.

Land (Planning and Environment) Act
Paper and statement by minister

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

> Land (Planning and Environment) Act, pursuant to subsection 229B (7)—Statement regarding exercise of call-in powers—Development application Nos 200405072 and 200405440—Block 3 Section 84 City, dated 22 June 2005.

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

Leave granted.

MR CORBELL: On 23 February 2005, I directed, under section 229A of the Land (Planning and Environment) Act 1991, the land act, that the ACT Planning and Land Authority refer to me DA No 200405072 and DA No 200405440. As required under the land act, I advised the Planning and Land Authority of my decision to consider the application. This advice was notified on the legislation register.

On 11 May 2005, I approved both applications, using my powers under section 229B of the land act. The notifiable instrument and notice of decision dated 11 May 2005 referred to an incorrect application number. Notifiable instrument No NI 2005-198 has been amended by substituting "200405440" for "200405540". The notice of decision has also been amended by substituting the application number "200405440" for "200405540" pursuant to section 248 of the land act and, as required by the legislation, the applicant has been notified of this.

The first development application sought approval for a variation to the holding lease, deed of agreement and development deed for block 3 section 84 City by replacing the 2001 section 84 master plan with the 2004 section 84 master plan, which increases the scale of the development by approximately 35,430 square metres. The second development application sought approval for the construction of a building with a maximum height of 11 storeys, comprising 22,200 square metres of office space, 10,370 square metres of shop space and 4,460 square metres of cinema space. It also proposed a six-storey building, with 17,909 square metres of shop and four levels of car parking above, a bridge to connect the two buildings, a bridge over Petrie Street to connect to the existing City Markets development on block 13 section 56 City and associated works.

In deciding the applications, I gave careful consideration to the provision of interim parking arrangements during the construction phase of the section 84 City development and the achievement of sustainability initiatives. I have imposed conditions of the approval that require the provision of an interim parking management plan and a strategy that demonstrates how a minimum of 350 car parking spaces will be maintained on section 84 City during the construction phase of the development and the provision of a report that seeks to increase the capacity for the development to capture and reuse roof water. This proposal is consistent with the requirements of the territory plan.

I have chosen to use my call-in powers in this instance because I consider both proposals will have a substantial effect on the achievement of objectives of the territory plan in respect of the Civic Centre. The particular criterion in the land act, section 229B (2), states:

> The Minister may consider the application if, in the Minister's opinion … (b) the application seeks approval for a development that may have a substantial effect on the achievement or development of objectives of the Territory Plan.

The proposal significantly contributes to maintaining and promoting the Civic Centre as the main commercial centre for Canberra and the region.

Section 229B of the land act requires that, if I decide an application, I must table a statement in the Legislative Assembly within three sitting days of the decision. As required by the act, and for the benefit of members, I table a statement providing a description of the developments, details of the land where the developments are proposed to take place, the names of the applicants, details of my decisions and the grounds for the decisions. With the statement I also table the comments of the ACT Planning and Land Council on this matter.

Urban environment
Discussion of matter of public importance

MR SPEAKER: I have received a letter from Mr Pratt proposing that a matter of public importance be submitted to the Assembly for discussion, namely:

> The state, or condition, of Canberra, and the current management of the urban environment by the Government.

MR PRATT (Brindabella) (3.24): This motion of public importance is raised today because of this government's failure to ensure that the condition and appearance of our urban environment is one befitting a national capital. The urban services minister has not given serious attention to a raft of issues which daily lower the confidence of tourists, businesspeople and ACT residents, who expect a satisfactory level of attention to the urban environment.

In addition to the plethora of complaints my office receives daily about the state of this territory, one only needs to look around, anyway, to see the growing problems with graffiti vandalism, littering, illegal dumping, undermaintained open space, long grass and dying ovals, to see that this government lacks pride in looking after the appearance of its own city. A letter in the *Canberra Times* only yesterday, Wednesday 22 June, proves my point. A constituent asks:

> Why is the ACT government looking to sack 80 workers in the Department of Urban Services when there is so much work to be done in cleaning and maintaining our city?

The constituent goes on to say:

> I am sure if we all walked around our own suburb we could find plenty of work needing to be done. This includes graffiti that needs to be cleaned up … potholes that need filling and footpaths that need to be repaired.
>
> As well, we have ovals around town that this Government has allowed to become unusable. The Government will be hiking up rates in every suburb by up to 20 per cent while reducing services at the same time.

You see, there is ongoing community concern about the inability of this government to focus on its municipal priorities in addressing the look of the city. People such as the constituent quoted above are noticing this fact. Perhaps we are too wrapped up in international issues. The minister has admitted there is a problem, although he probably does not realise he has admitted it. In question time yesterday Mr Hargreaves said that the 80 job losses from the department were part of a total restructuring process.

If this urban services restructure is to have any noticeable impact on improving the condition of this city, then the minister needs to assure this Assembly now that the loss of these 80 positions—at least in establishment terms—will in fact lead to increased service being provided at the front line for the improved management of this territory. He needs to assure this Assembly that these resources are simply being shifted from admin and management to the front line and will not simply become resources lost to the department due to cost saving measures. The minister must get to work on reducing the problems with graffiti, ageing infrastructure—such as footpaths, street lights—long grass and the like, instead of simply paying lip service to the problems we have.

Lately in this place we have talked about charity bins. I was so impressed by the success of the government's strategy that I suggested it should use the same approach to targeting graffiti vandalism, as the threat of fines and the threat of being caught has shown that this method actually works. My point was that it was a clear case of misdirected priorities when the government was targeting one problem but not the other, the other problem in this case being graffiti. That is a much more prevalent and widespread problem and one that has been the subject of ongoing complaints for many years, yet this government has failed to address it. With the Bruford example, of course, they have really demonstrated their concern about this issue. Let us target graffiti vandals—a higher priority than charity dumpers—with inspectors as well.

Looking at the ongoing graffiti problem, it is not a topic I wish to revisit for the fun of it. If the problem had been significantly reduced and taken seriously by the minister responsible, then we would not have to keep having this debate. Sadly, that is not the case. Here we go again. We know that graffiti vandalism is everywhere. You cannot drive down a street or go to an office precinct or shopping centre without being confronted by it.

Mr Hargreaves interjecting—

MR PRATT: Mr Speaker, could we have a bit of silence?

MR SPEAKER: Order, Mr Hargreaves.

MR PRATT: Put a sock in it, John! This vandalism is not just unpleasant looking, it is illegal and costs the ACT taxpayer $1 million every year, defacing public as well as private assets. This cost is on top of the cost not recorded by this government; that is, the cost of the clean up to all the private property owners in Canberra, who also bear the brunt of this problem, a problem that this minister unfortunately finds acceptable and one which his government even encourages.

I have been advised that Calwell shopping centre alone recently forked out $600 to clean up graffiti that was scrawled across their centre in just one weekend. Because there was gratuitous graffiti involved with that, thankfully—after some pressure—the department also provided $400 for the clean up and, therefore, the total cost of the task was $1,000. If you multiply that figure by all the shopping centres in Canberra, over all the numbers of times that this occurs, and add that to the $1 million spent cleaning up government assets, then the true cost of graffiti vandalism to the community is enormous—many millions of dollars, I would guess.

The hypocrisy of the urban services minister astounds me. On the one hand the minister is saying that charities should not have to bear the brunt of a problem that costs charities about $50,000 a year to clean up—a policy that I support—yet he has no sympathy whatsoever for the private property owners who wear the significant cost of cleaning up graffiti vandalism, which is happening through no fault of their own. The government has acted to crack down and get tough on charity bin dumping but not on graffiti vandals. The government's approach is inconsistent. What is the point in targeting charity bin dumping, but not graffiti, which is also an ugly, widespread and illegal problem and which does nothing to improve the state of Canberra or the community's confidence and safety?

I now want to turn to the matter of the maintenance of ovals. There is advice from the CSIRO that there are methods of watering ovals and parkland that can save about 25 per cent of water, using the government's current irrigation systems. There were recommendations made in 2003-04 about this. There is clearly no evidence that this government has considered adopting such maintenance strategies to (a) save on precious water and (b) save the assets.

A very significant number of ovals are in a terrible state. Not only are they unable to be used and provide a service to the community and our schools but they also make the general community look extremely untidy. They will eventually cost a lot more to save and be recovered. In fact, about $15,000 per hectare is the minimum figure I have been advised. The satellite images of our suburbs being published daily in the *Canberra Times* show that there is barely a usable oval in sight. This is not entirely the fault of the drought but partly the fault of this government in its failure to ensure that these assets are managed properly during such times.

Chisholm community oval, in the area immediately west of Chisholm primary school, is one of the worst cases I have seen across the ACT. This oval is well loved by the broader Chisholm community. I have met a delegation of local residents, who have been very thoughtfully concerned and constructive in their arguments about that. I am advised by this group that this oval was in the past, before it deteriorated to the point of being unusable, broadly used by many members of the community for a wide range of

activities. It is now fast turning into a dustbowl with a few hardy weeds scattered around. I understand too that the dust and debris is being blown into adjoining properties and around the street, making the general area look much more untidy.

I appreciate that it may not be possible to water general community ovals and green spaces with mainstream systemic water throughout the dry months, to keep the place alive, but we need to do something more than what we are seeing done now; that is, the government simply abandoning these ovals. Let us see a little bit of lateral thinking by this government; but perhaps we should not hold our breath in that regard. In the case of the Chisholm oval, for a fairly modest outlay you would consider that perhaps 100,000 to 200,000-litre storage tanks might even have been attached, for example, to collect the roof run-off from Chisholm primary school, because Chisholm primary school is uphill of Chisholm community oval.

I am not a scientist or an environmental engineer, but I have certainly had a lot of logistical and layman engineering experience in hard luck countries, in water winning programs. Therefore I think I am entitled to ask the question whether this can be done and what cost would be required. Would there be sufficient rain run-off around the year, in a drought year, from the very broad rooftop areas of the schools to provide some meaningful assistance? Perhaps I am wrong. If that is the case, then I will stand corrected, but I intend to find out. Would there be sufficient supplementary water to gravity feed, perhaps, at least some precious parts of Chisholm oval throughout the year? These are the questions the government itself should be asking and answering, and in a broader sense, of course, not simply in relation to Chisholm oval.

If this were to work, then I would maintain that we should implement a bold plan to capture water from suitable public buildings to irrigate adjacent oval and parkland areas. It is clearly not possible in this drought to water and maintain all of the green parkland and oval areas; but selected playing field-sized areas could be set aside for some sort of watering. At least the local communities would have something to play on or have picnics on. A checkerboard effect of some areas across the broader lands—green here and there—would be a lot more attractive than what we see now, which is a never-ending broad scape of dirt.

Having talked about the need to save and recover ovals, elsewhere we see a good deal of waste around the place. Coming to work on the morning of 14 June via Vernon Circle at about 10 past nine during an early morning shower after sustained weekend rain, I was astonished to find a sprinkler going on the side of the highway near City Hill. To me this smacks of an official, a public servant field director or field team leader simply arriving at work late and not making sure that the damn thing was turned off. I am writing to the minister about that, and I am extremely to keen to see why that was the case. On the one hand this government is not watering our ovals, yet it is wasting water in other areas during rain. Is that the case? That is what the public may generally draw a conclusion about.

Another lovely feature of the broader ACT landscape is the widespread dumping of car bodies, and people leaving them in situ for long periods of time. This dumping of car bodies is a fairly insidious problem, not just along main arterial roads, particularly at weekends after criminal activities, I suppose, or car-jacking, but also sometimes in properties in streets. They sit there for a very long time. People write in about this and

ask, "Can't something be done?" I have seen vandalised cars abandoned for more than 12 hours at a time, and sometimes for up to 24 or 48 hours. Clearly the owners cannot come and take them because they are rendered not driveable. This is something the government needs to attend to.

The problems with the condition of this city do not end there. Let us talk about littering. It was revealed in The *Canberra Times* on 6 June that the ACT has the highest littering rate in the country. Even worse, 50 per cent of this litter is from cigarette smokers. There has been a program enacted to try to tackle this but we have a long way to go. Certainly it looks disgusting, and it simply adds to the negative landscape sight that we seem to have. I believe the former shadow minister for urban services, Mr Cornwell, brought the government's attention to this issue as well, yet nothing has been done by this government.

That problem has been around for a long time, and a lot of work has been done to address and put to the government the details of those sorts of problems. Why is the government not enforcing the Litter Act as harshly against smokers as they are against charity bin dumpers, given that cigarette butts certainly make up a significant part of the disrupted, dirty landscape that we all see around us? I suppose that, because the government is worried about losing votes at the next election, they will not crack down on this type of behaviour.

I note that the tidy up awards being launched by Keep Australia Beautiful in Canberra this month will target graffiti and rubbish. This is a good thing, but let us not see that type of program replace any other form of government initiative. The government needs to drive harder at these issues in tandem with these types of programs. We do not want to see one replacing the other. It is one thing for the government to sort out rubbish and vandalism, but yet another thing to expect the community to pick up after the government when they do not give precedence to urban management themselves.

The minister needs to take more responsibility for ensuring that the city is looking a lot cleaner. There is a range of other issues that we do not have time to go into. I would like to see some action taken. The Stanhope government should be setting an example for the rest of the country to follow. Clearly this minister is not fulfilling that obligation. Let us see some action taken now.

MR HARGREAVES (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services) (3.39): I thank Mr Pratt for that sanctimonious pontification that he is becoming well known for. I will address a couple of things Mr Pratt mentioned before I speak substantively to the MPI. He talked about Chisholm oval. He has trotted that one out quite a few times. He does not understand, of course, that we have spoken to the residents down there as well. I have had one of the people from my office go down and talk to the people at Chisholm, walk the oval with them and explain to them the regime about restoration of the ovals across town. Guess what? They understand the drought; they understand the difficulties we are going through and they said to us, "Can you get something done about the broken glass?" We said, "Certainly; we will get it done now." Everybody is happy because, unlike Mr Pratt, they understand that these are difficult times.

Mr Pratt comes up with these really wonderful ideas like storage tanks next to each school. He does not understand that he might be creating 150 to 200 little lakes around town and therefore preventing the water from going into the Murray-Darling Basin and being responsible for desecration at the mouth of the Murray. Oh no, we do not worry about that! He also does not understand that a lot of rainwater bounces off and goes onto the oval anyway. I have a great idea: I might race around there and paint all the ovals green. That has been done before, has it not? Dear me! Mrs Dunne thumps the desk. Good on you! That is Johnno one and Mrs Dunne nil. Mr Pratt says, "There was a sprinkler on in the rain!" How many times has my office advised him and his office that, from time to time, all sprinklers must have water go through them for maintenance purposes? That is what it is. Sometimes we get a bit exasperated.

He talks about car bodies and says that, on each and every arterial road, there is a car body—right next to that policeman, I suspect. There are so many of them in the town! Does he understand that there is a regime, and that all he has to do is report the things? He talks about car bodies being put onto other people's private property and asks why we don't get rid of them. They are not ours and it is not our property. That is a good start, I think. I am afraid Mr Pratt is trying to build a straw man and then tear it down; and it does not work, I am sorry. It is just not working.

Unlike trying to decry and talk down this town and trying to tell everybody what a filthy rat hole it is, I am proud of this town. I have been around the world in the past couple of years telling people, and showing people, what a wonderful town it is. I have been to a number of capital cities recently and travelled on their trains and their public transport. Guess what you have all the way down the train lines—it is pretty pathetic. From any of the suburbs in Melbourne through to the train line from Washington through New York, Philadelphia and all the way to Boston, the filth and garbage along there leaves our stuff paling into insignificance.

The government is keenly aware of the condition of Canberra but we have implemented a range of strategies to enhance the urban environment from both a social and environmental perspective. Actions relate to litter, graffiti, shopping centres, natural environments, streetscapes, landscape refurbishment and fire hazard reduction of sportsgrounds.

With regard to litter in general, the ACT government has initiated or supports several programs aimed at raising public awareness to address the issue of littering and pollution of waterways. These include land care, adopt a road, adopt a wetland, Clean Up Australia Day, a trial of the butt-free city campaign in conjunction with the Butt Littering Trust, the campaign targeting illegal dumping at charity collection bins, and litter and dumping in public laneways in Civic and main shopping centres, to name some of them. The government is also participating in the Keep Australia Beautiful sustainable cities program. The new Litter Act, introduced in September 2004, provides more effective legislation to prevent littering and supports these programs. Our urban rangers and police now have some teeth and can issue on-the-spot fines to offenders, ranging from $60 to $1,000. Mr Pratt asks, "Where are all of these penalties?" That is where they are.

The government has also been proactive in managing graffiti across the city through the implementation of the new ACT graffiti management strategy released in September

2004. The strategy provides a set of objectives, principles and key actions for an integrated approach to illegal graffiti, covering removal of illegal graffiti and the positive roles legal graffiti art can play in a community. These actions include the formation of a graffiti management steering committee; the appointment of a graffiti coordinator; the purchase of a graffiti register for monitoring and reporting on illegal graffiti; the establishment of graffiti art workshops; promotion and provision of legal art sites to allow artists to develop and publicly display their art in approved settings; and the development of guidelines for the identification and use of legal graffiti sites in consultation with graffiti artists.

It is fair to say that the look of the city has been affected by the extended dry period and the water restrictions that commenced in November 2002. Of course this means that people can come out at any time of the day and do their graffiti, because they are not going to get wet. We will not see a lot of them out there this afternoon, I can tell you. They would all get wet and their texta colours would run! From talking about graffiti issues with my interstate colleagues in the state governments, our approach is way out in front.

Turning to water restrictions, the current stage 2 water restrictions allow limited restoration works of irrigated grass until weather conditions and water supplies are satisfactory—so bring on some more rain! As a result of the drought, extensive efforts have been made to regularly water some 18,000 young street tree and park trees throughout Canberra, to ensure their survival during the extended dry conditions. The drought has had an impact on urban street and park trees throughout Canberra. It is estimated that over the past couple of years at least 6,000 trees have died due to the dry conditions. A program is currently in place to remove nearly 4,000 dead and dying trees by the end of June 2005 with additional funding provided by the government.

The government has made a further funding commitment of $500,000 for 2005-06 to provide for the removal of several thousand dead trees. After the drought an extensive tree-planting program is to commence. The government has also continued an urban upgrade program throughout the city that aims to improve the physical condition of public places, as well as the character and appeal of those places.

Public safety concerns were addressed by the redesign of unsafe spaces, the replacement of lighting and the improvement of access. Safer urban spaces are more appealing and the installation of comfortable well-placed furniture and engaging public artwork also encourages the use of public areas. The first stage of the City Walk West project will be completed at the end of July 2005. This is a streetscape upgrade project that extends along Alinga Street from Northbourne Avenue to West Row and Moore Street. We do not hear any congratulations to the government for doing those sorts of works, do we? You might need a bit longer to hear that.

Mr Pratt: Another time, perhaps—at a more appropriate time.

MR HARGREAVES: I should live that long! The name is not Rip Van Winkle! The City Walk project aims to strengthen the link between the east and west sides of the city by providing a high quality road reserve that is dominated by pedestrian movement. Works include a widened pavement for pedestrians, new street furniture, lighting and artwork.

An upgrade of the public areas at the Holt shopping centre—so dear to your heart, Mr Speaker—has recently been completed. The aim of these works is to make the shops fully accessible from the public space, to address concerns about public safety and to create awareness of the shops from the adjacent arterial road—Beaurepaire Crescent. The public areas are now appropriately lit. New signage, access ramps and public artwork all help to create a more functional and lively public space.

An important water sensitive urban design initiative has been implemented within the car park and adjacent pedestrian areas at the Holt shopping centre. Stormwater run-off is being captured via water permeable paving units in the car park. The paving allows rapid water penetration into the underlying soil to promote growth in trees. Boral Industries has partnered with the ACT government to implement this demonstration of water sensitive urban design.

Considerable work has also been undertaken on the western edge of the city to restore the fire-damaged landscape. This is a significant achievement, given the extremely dry weather conditions. During 2003-04 the ACT government consulted with the community and replaced approximately 8,000 fire-affected plants, including 1,600 trees. This has restored most of the parklands and major road verges in Weston Creek, Woden and Tuggeranong. Restoration of fire-damaged suburban public landscapes is nearing completion, with the majority of pedestrian open space, road verges and parklands already restored. A few laneways and open spaces still affected by ongoing building have been deferred until the majority of building disturbance is complete.

Approximately 900 new street trees have been planted on residential verges to restore the amenity and coherence of fire-affected residential streets. Replanting and regrassing of major fire-affected road corridors, such as Kambah Pool Road, Tuggeranong Parkway and Monaro Highway is in progress. This work is due for completion during the winter of 2005. All fire-affected suburbs have had municipal assets replaced including playgrounds, street signs, regulatory and warning signs, guardrails, guideposts, log barriers and bollards, bridges and line marking.

Land management agencies have also been working together to reduce the occurrence and impact of future bushfires by carrying out extensive fuel hazard reduction programs across the ACT over the past 12 months. The hazard reduction work has been conducted in identified priority areas and has involved techniques such as controlled burning, slashing or mowing, physical removal and grazing, in order to help reduce fire intensity and provide better opportunities to contain fire. Not only have these works reduced the fire hazard but they have also improved the appearance of these areas.

The restoration of the Yarralumla Creek commenced this year with the removal of pest willows and poplars and the revegetation of the creek using 14,200 native plants. An ongoing weed control program was undertaken throughout urban areas in spring and summer, targeting environmental weeds such as St John's wort, Paterson's curse, African love grass, blackberry and woody weeds. As I said from the outset, the Stanhope government is keenly aware of the condition of Canberra and will continue to implement a range of strategies to enhance the urban environment from both the social and environmental perspectives.

Perhaps I can go back a peg to the graffiti. I noticed Mr Pratt making an awful lot of mileage in the media about the laneway off Bunda Street, I think it is, not far from the Chairman and Yip, and Blades, to mention a couple of businesses. He pointed to one wall there that was covered in rather nasty, dirty graffiti. There were no obscene words or violent depictions; people had just scrawled their names there. He got the photographers to come out and said, "What a grubby little place this is; look at this." But he did not direct everybody's attention to the wall opposite it, which is sponsored by that responsible company, Blades. It is a piece of wall art; in fact it is a beautiful mural. I urge people to go and have a look at it. Did Mr Pratt put that in the paper? No. Did he draw people's attention to the comparisons? No, he did not.

Mr Pratt: I don't particularly like it.

MR HARGREAVES: Why? Because he says he did not particularly like it. That is a stand up judgment, isn't it?

Mr Pratt: It doesn't solve graffiti.

MR HARGREAVES: There was no graffiti on that wall. I went and had a look at it and I saw no graffiti on that wall. It is a well-recognised initiative that you can arrange for mural art, which prevents scrawling graffiti. If Mr Pratt has had the luxury of going to New York, he will have seen an entire five-storey building with a mural on it. That is the way to do it—to be proactive. It is unfortunate that Mr Pratt and his small business colleagues do not take a lesson from Blades, and commission some of their privately owned walls to have them prevent it. It is not the government's job to protect and wipe clean private properties; it is up to them to do that. It can be done very easily, and Blades has shown us how.

Mr Pratt: Why don't you just catch them?

MR HARGREAVES: We have significant fines; we have the rangers ready to roll; we have police patrolling and we have initiatives. All Mr Pratt has is bluff, bluster and blame. He really ought to think seriously about proactive initiatives. I have been talking about various initiatives that I picked up in Brisbane and other capital cities. There are some ideas on the boil again about more prevention processes, which we will roll out in the fullness of time. I am afraid Mr Pratt is a good generation behind that. Just because he does not like wall art, he puts all of it in the same category as graffiti. I am sorry about this, but he has to grow up. Wall art is an accepted social expression.

MRS DUNNE (Ginninderra) (3.54): Mr Speaker, I note that Mr Hargreaves said, in his concluding remarks, that Mr Pratt was guilty of two things: bluff and bluster. I think that Mr Hargreaves is guilty of three things: bluff and bluster at the beginning, then the talk when reading the speech prepared for him by urban services and then a couple of minutes more bluff and bluster. So he does bluff, bluster and talk up. I prefer Mr Pratt's enlivened and invigorated approach to the subject rather than the reading of a speech prepared by the government that I could not really be bothered listening to.

It is interesting that Mr Hargreaves's solution to graffiti is that we have formalised wall art everywhere; we have wall art everywhere in Canberra, on every wall in Canberra.

I think it is probably in breach of the design guidelines, which say that you have to have beige buildings. But if we have wall art on every street in Canberra there will be no graffiti because there will be no room for it. So we now have a wall art-led recovery to the graffiti.

Mr Hargreaves: Good one.

MRS DUNNE: It is a good one. It is no worse than your analogy about a policeman at the bottom of every driveway, Mr Hargreaves. It is interesting that Mr Hargreaves has picked up on what Brisbane has been doing. He has gone round the country and discovered what Brisbane has been doing. It is interesting that Mr Pratt's predecessor in the urban services portfolio for the Liberal Party, Mr Cornwell, spent ages talking about what Brisbane was doing, encouraging the government to take up some of the proposals in Brisbane. At least somebody listened to him a bit when they said, "Perhaps, minister, we should go and see what Mr Cornwell has been talking about concerning Brisbane." The bluff and bluster goes on.

I really like the wall art approach, and there we have it. We have to go after Mr Pratt on something else. When we are talking about these issues, Mr Hargreaves has a little go about rainwater tanks. It is absolutely impossible, he says, for schools to install rainwater tanks because that would have an effect on the flows of water into the rivers, into the groundwater, et cetera, et cetera, and would have an impact on the Murray-Darling Basin.

The installation of rainwater tanks is a prime part of the policy of the Stanhope Labor government. They want to have rainwater tanks everywhere. They want to subsidise them. He said, "We would have a little dam at every school and that would be a terrible thing." I have some sympathy with that argument, that point of view. Mr Hargreaves probably knows well my views on the efficacy of water tanks. I am glad that there is some sense in the government that, in pooh-poohing the idea, he is in fact pooh-poohing the policy of his own government. So he needs to get it right.

We were talking the other day about unity and contradictions amongst the government. Mr Stanhope and Mr Hargreaves had better sit down and have a discussion about the efficacy of water tanks. I encourage you, Mr Hargreaves, to speak to your leader about the efficacy of water tanks. I think it would be for the benefit of the whole community. But, while it is government policy to subsidise water tanks, perhaps it is something that you should consider in relation to keeping gardens and particularly sportsgrounds around schools safe for our children.

One of the issues that I want to touch on is the safety of our children at schools. My colleague Mr Stefaniak has spoken at length about the running down of the asset that is our sportsgrounds within this environment, the impact that has on the fitness of children and the long-term impact on the safety of children who use those sportsgrounds. Even if they are not allowed to play sport there, they run around on them on the weekend and they play on them after school. They are hallowed. The grass is tussocky and brittle. There are places where people have fallen over and hurt their ankles and have sustained worse injuries than they would have before simply because the government does not have a rational approach to watering during the drought.

Gosh, it has happened again; here I am talking about drought and water restrictions and it is raining. It is ironic. It seems to be one of the things that I do a lot. If you end up talking about drought and water restrictions, it rains.

Mr Hargreaves: You ought to do it more often.

MRS DUNNE: I will spend as many opportunities as I can talking about the mismanagement by this government of the water restrictions regime and the impact that that has had in the ACT.

Mr Hargraves is saying we are talking down the city by saying it is a filthy rat hole and things like that. No, that is not the case, Mr Hargreaves. What we are saying is that this once beautiful city, this still in many ways beautiful city, is not as beautiful as it could be or as it used to be because of the mismanagement of this government. I have had the privilege of spending the last six weeks travelling with my family in Europe. It is true that in many ways the approaches to Canberra far outweigh, in terms of amenity, the approaches to almost any other city in the world that you could imagine. We have a beautiful city.

But it was interesting to come back after six weeks. I know that it is winter and the leaves are off many trees. I was stunned, upon returning to Canberra after six weeks, to see the decline in trees around Canberra, to see the decline in the trees in my street and in my suburb, to see the decline, the near-death situation and the dead trees on Northbourne Avenue. Many of them are clearly on the way out and will be dead in the very near future. Look at our major avenues, particularly the native trees, not the deciduous trees, and the impact that we are having here.

I cannot count the number of times that I have raised with members and the staff of the Department of Urban Services in estimates, in inquires, in hearings and in briefings in my office, the measures that they could be taking to ensure that our street trees and the trees on our blocks, our urban forest that the government is so keen to uphold in the tree protection legislation, are saved. But they will do nothing about it. See how many street trees there are.

I have spoken at length about the asset that we are running down in this territory: 60 years of growth of oak trees, pin oak trees, a range of deciduous trees, elms and a whole lot of other trees that are 60, 70, 80 years old, which are dying in this drought. It is all right for Mr Hargreaves to say, "When the drought is over we will go back and replant the trees," but it will take 60 or 80 years to get the urban amenity back because you have been profligate for two or three years. The people of Canberra will be paying the price long after you and I are dead, Mr Hargreaves, because we will not have the street trees that we currently take for granted and take as part of our city. It has been said to me—and I have said over and over—that we are downgrading our investment, we are depreciating our investment in the city, because of the lack of capacity of the government to think laterally about how we might water our trees.

I am concerned about the fact that every homeowner in the ACT has lost thousands of dollars of their investment in their garden by losing their lawns, small shrubs and things like that. Those things are relatively expendable. But the large trees, the trees that have

been on the block for 20 or 30 years, are not relatively expendable. I have only lived in the house that I currently live in—it was a virgin block 15 years ago—for about 15 years. To look at photographs when we moved in and of what there is now, it is a changed environment, because of the trees that we planted and the trees that were virgin. If we have to go back and redo it—and multiply that by the 100,000 households in Canberra—it will mean a huge cost, a huge investment and a huge depreciation of our urban amenity.

This government does not care. Mr Hargreaves has told us how many thousand trees have already died. There are others that will die. Even when the drought is over, there will be others that will never recover. It might take them four or five years to finally die. I was going to say "drop off the twig" but that would be inappropriate. It will take them years to die. In the meantime, we are losing that amenity. This is a government that does not care. This is a government that is not prepared to make a short-term investment so that our long-term property investment is not depreciated as much.

The government should be taking initiatives to look after our playgrounds and our sports fields because of the cost of re-establishing the turf that is necessary there. We should be taking care to ensure that our street trees are not put under undue stress, even if there is a drought. We should be innovative about that. We would rather spend the money later replanting trees rather than keeping those trees alive.

Mr Pratt talked about constituents who say to him—and somebody said to me the other day—"You know, this place looks awful; this place is just going to rack and ruin." It was said to me last Tuesday night, and it is something that is repeated over and over again. It is the responsibility of this government to do some thing about it.

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

DR FOSKEY (Molonglo) (4.04): It is no surprise that the ACT Greens' approach to the urban environment and its planning and management is based on ecological and social sustainability. We support an urban environment that encourages public use, preserves local native vegetation and animal life, promotes safety and is well maintained. Ways in which the ACT government can encourage the use of public places are by providing community meeting and relaxation areas and encouraging public art.

I think it is key to note at this time, because I do believe that when we are talking about the urban environment we are talking about planning as much as we are talking about Mr Hargreaves's portfolio, that, with the development of the new Griffin Centre, which will be tucked around the corner, the government and the developer have not taken up the opportunity to give it direct access to the new public space on Bunda Street. So the staff and the users of these community services will have the benefit of a narrow street, while people shopping will enjoy the new open space as an extension of Garema Place. As far as I am concerned, that is not a bit of good design.

I was pleased, however, to see the government's commitment of $1 million to public art in the recent budget. I was interested to read that the Minister for Planning will be seeking greater private sector involvement to rejuvenate Canberra's public spaces. I look forward to more detail on how this will be achieved.

A percentage for art, conditional on commercial development, has been promoted extensively in Canberra by arts groups, urban designers and the Greens for a number of years. Such an idea was discussed through the government's discussion paper on public art that was released in August last year. The paper notes that the non-government sector, particularly building owners and developers, has greatly contributed to public art in Canberra in the past.

However, the commissioning of new works by the private sector in the ACT has declined in recent decades. This is not the case all around Australia. Other jurisdictions have had positive results with creative solutions for encouraging the private sector to invest in public art. I look forward to seeing the government's response to this paper and its policy on private funding for public art.

It is impossible to talk about the urban environment in this place without mentioning graffiti. I notice that Mr Pratt certainly did. I just make a plea here that we realise that the majority of graffiti is done by young people and that anything that we do to discourage graffiti art and to remove it is not seen as an attack on young people's culture. Of course, if we are going to follow that road of creating murals, then it is really important that young people are involved in the design and execution of those murals.

There are small and large steps that I believe the government must take when managing our parks and places, in line with ecological sustainability principles. Small steps that the government can take include a shift towards drought-resistant plantings in parks and on Canberra's suburban streets and negotiating with the National Capital Authority to move away from the irrigated verges and water-hungry plantings on the major roads into and out of Canberra.

I am not feeling quite as pessimistic as Mrs Dunne about the future of some of the trees in the landscape. I do know that eucalypts do have an immense capacity to adapt, to die back in drought and to revive again in rain. So I would not be quite as pessimistic as Mrs Dunne in that regard. But I do feel, at the very least, we should be monitoring which species do spring back and which species seem not to recover from drought, because that should guide our future plantings.

In the lead-up to the election last year Mr Wood said that the ACT government would put recycling facilities in all public places, but I have not noticed the bins yet.

Large steps include accelerating the process of rehabilitating—and this is something I am pretty keen on—our old creeks and wetlands that were transformed into stormwater drains in the past. By "old" I mean former creeks and wetlands. I believe that the Sullivans Creek project provides a model for wetland reclamation. We need to remember that this was assisted with dollars from a private developer. So there is one way that we can work with private developers to improve our urban environment.

Of course, as a consequence of our historical clearing of woodlands in the ACT region, we now have a number of vulnerable and endangered species, including birds such as the brown tree-creeper and the hooded robin, which we could encourage with habitat in our streets and our parks.

There are a whole lot of issues around the no waste goal. I do agree with some of the concerns that Mr Pratt expressed about rubbish. There is something wrong when people feel that they can just chuck their rubbish out of their car or on the footpath as they are walking along. I think this is an attitudinal thing. I am old enough to remember a most amazing campaign when I lived in Victoria. It must have been good because I can still remember it. I was a child at the time. It made people feel bad about doing things like that.

There are steps that the government can take to better manage sustainable transport. I do not want to sound like a tired old record—

Mr Hargreaves: You do.

DR FOSKEY: I am not tired. Clearly, we are very keen on the development of cyclepaths and public transport. It is already pretty clear that, for many families, this is a way of weekend recreation. But I have to say that I have not noticed too many off-road cyclepaths outside the inner city. That is something that we can think of for the new suburbs. Let us not just think roads. Let us make sure that we also have footpaths and off-road cyclepaths.

The safety of our urban environment and consideration of youth are also issues that we think that the government could pay more attention to. Young people make up 24 per cent of our population. That is the highest proportion that any state or territory has. As such, they are legitimate stakeholders in consultations. The government's economic white paper notes that 10 per cent of our 18 to 24-year-olds leave Canberra each year. Whether that is because of a perception that the ACT lacks entertainment and arts attractive to them and whether it is also because of a sense that they are not in a real city—okay, they all watch TV; their idea of a real city might not be the same as ours—their perceptions are valid.

Let us listen to our youth, since our economic future depends upon it, and build them into the design and planning process of our places. Recent consultations by the Youth Coalition have identified that many young people consider themselves marginalised from public space—a marginalisation enforced by social attitudes of shopkeepers, police, security guards and the like. So it is not just urban design we need to change; it is attitudes.

Urban furniture, believe it or not, can be designed to be comfortable, to encourage you to sit. Also we need to remember that sometimes people need to sleep on the outdoor furniture. The blue, steel seats that are increasingly proliferating around Canberra are extremely cold, hard and especially difficult to sleep on. Using crime prevention environmental design as a framework—

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

MR GENTLEMAN (Brindabella) (4.14): Let me thank Mr Pratt for raising in the Assembly today the issue of our urban surrounds. The issue is an important one as we seek to maintain the developed public space, to beautify our surrounds and for

community use as we encourage and facilitate the democratic public ownership of public space.

The ACT government manages over 5,000 hectares of urban parkland in Canberra, ranging from town and district parks through to pedestrian parkland, road verges and semi-natural open space. The standard of maintenance of these parklands is comparable to any other city in Australia. This is clearly evident by the levels of customer satisfaction reported by the community through the Canberra Urban Parks and Places annual customer satisfaction survey on the maintenance of our urban parks.

Since 1999, the level of visitor satisfaction with the experience provided in Canberra's district and town parks has risen from 89 per cent to 96 per cent. Interviews with visitors to these parks identified that almost all of these parks were very attractively presented and clean and well maintained. This is a significant achievement, considering that almost eight million people visited town and district parks in 2004.

Another key finding from this survey was that the Canberra community indicated a positive trend in satisfaction with general cleaning and maintenance of open space facilities in 2004. This included road verges and areas surrounding major roads, laneways, underpasses, dry land and irrigated grass areas, bus shelters, playgrounds, toilet blocks in parks and suburban shopping centres. It is clear that our community and visitors to the territory are enjoying the use of our public space and our urban surrounds.

Maintenance standards for landscape and built assets, cleaning and litter removal were being delivered in accordance with specifications. This is demonstrated by performance monitoring of service providers delivering horticultural asset maintenance and cleaning services to government and a sense of community ownership over public spaces achieved through the facilitation of community involvement in the maintenance and improvement of our open spaces.

There are currently over 50 businesses and community groups involved in adopt-a-road activities, which reduce the amount of litter along our major roads. The garden regeneration project, a strong government and community partnership, has also been highly successful in supporting people's recovery from the bushfires through the re-establishment of their fire-affected gardens. To date, volunteer helpers have planted 200 fire-affected gardens at garden days organised through this project.

The community have also been actively involved in the Yarralumla Creek restoration project as part of Clean Up Australia Day; trees for mum planting on Mother's Day; Landcare activities; and through Conservation Volunteers Australia. I have also been involved with Greening Australia in several of their replanting projects. But urban surround refers not only to our open spaces and parklands but also to the urban environment in which we live, shop and work.

Yesterday Mr Pratt raised in debate a matter regarding the Calwell shopping centre. As a fellow member for Brindabella, I am pleased that he is taking an active interest in the local area. I live in Calwell and I have done so since 1989, before the shops themselves were built, when our newspapers were bought from a red, double-decker bus parked near the side of the now-vibrant shopping centre.

I am a daily visitor to the Calwell shops and have built good relationships with many of the other visitors to the shops and with many of the owners and operators at the Calwell shops over many years. They have been my locus, my urban environment, if you like.

MR DEPUTY SPEAKER: I regret to say, with supreme irony, that the time for this debate has now expired.

MR GENTLEMAN: We have another four minutes or so, Mr Deputy Speaker.

MR DEPUTY SPEAKER: I do have that wrong. Yes, we have another 4½ minutes.

MR GENTLEMAN: I was surprised yesterday when you, Mr Pratt, railed against the blot on the landscape that was the Calwell shopping centre. *Hansard* will confirm this outrage, but I believe it was something along the lines of "the Calwell shopping centre is covered in graffiti". As I said, I was surprised by this statement. I did not remember the ghastly sight of graffiti coating the Calwell shopping centre when I stopped to buy bread on Tuesday night from my local bakery. I thought my eyes might have been going and I resolved to visit both the optometrist and the Calwell shops in the near future.

I visited the shopping centre last night and again this morning on my way to work. I found no graffiti whatsoever in the public areas of the shopping centre. I found no graffiti at the Calwell Club. I found no graffiti at the local service station. So there is no confusion, I have here a set of photos of the Calwell shopping centre taken this morning—11 in all. I think you will find they show that, rather than being covered in graffiti as Mr Pratt would have us believe, the Calwell shopping centre is a bright, smart and clean local shopping precinct. Mr Deputy Speaker, I seek leave to table these photos in defence of Calwell, which is not the Canberra version of south central that you, Mr Pratt, would have us believe.

Leave granted.

MR GENTLEMAN: I present the following paper:

> Calwell Shopping Centre—Copies of photographs (11).

Rather than representing Calwell in this way, I would like to promote the area and the community that I represent and to which I belong. Calwell is not a mess; it is a great place to visit. I urge Mr Pratt to apologise to the good residents and shop owners of Calwell. As the photos I have tabled today demonstrate quite clearly, it is a clean and bright shopping centre that provides a locus for the surrounding community. This is a view supported by the shop owners and operators of the shopping centre with whom I have spoken.

Calwell Quality Meats, for example, is keen to promote their business and high-quality products within Calwell and beyond. They unfortunately had a break-in over the Queen's Birthday long weekend. We are very pleased with the police response at around 6 o'clock on the Sunday morning and very pleased with the work of the forensic unit, one of whom apparently was previously a butcher, which arrived shortly after to take evidence of the break-in. The Calwell newsagent, another thriving local business that is

keen to attract people to the Calwell shopping centre, said it had never had the need to call police and had not had any break-ins.

The Calwell shopping centre is a thriving community locus, as I mentioned before, and one that is not deserving of the unpleasant descriptions given to it yesterday by you, Mr Pratt. Calwell is a lovely place to live and the local shopping centre brings a lot to the community. I tabled those photos earlier today as proof that Calwell is not south central. It is a cosy, welcoming and friendly community that works well together to maintain this.

Local shopping centres form an important part of our urban environment and are a locus for the community participation and involvement that make Canberra such a great place to live. Community involvement in our urban surrounds, through gardening, development, maintenance and restoration projects and in partnership with government, contributes not only to our beautiful surrounds but also to our strong sense of community worth.

MR SMYTH (Brindabella—Leader of the Opposition) (4.22): In the 50 seconds left, I think I can say that the look of Canberra is suffering because we have a minister that has no commitment to the weed strategy. He has no commitment to infrastructure renewal. He has no commitment to relieving traffic congestion. He has no commitment to shopping centre upgrades. He certainly has no commitment to implementing the no waste by 2010 strategy. He has no commitment to making sure that extra roads are paved as they get older and older.

There is no commitment to renewing our ovals and keeping them so that our young ones can play on them. There is no commitment to looking after our trees and making sure that they are kept alive through the drought. There is no commitment to renewal of lines, signs and street markings, which I think adds to the danger out on the streets. There seems to be no general vision for what the look of the city should be.

Instead what do we get? We are going to get rid of silos. Mr Hargreaves's silo—

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

Adjournment

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

> That the Assembly do now adjourn.

Aboriginal health
Men's support group

MRS BURKE (Molonglo) (4.23): I would like to take the opportunity, quite rare these days in this place due to the nasty things that are said about our federal government, to praise them. They are working extremely hard in terms of looking after our Aboriginal and indigenous people.

I had the pleasure this morning, along with my colleague Mr Mulcahy, of attending a presentation by the Aboriginal Drug and Alcohol Council of South Australia Inc. Along with the Hon Christopher Pyne MP and Mr Scott Wilson, the state director of the Aboriginal Drug and Alcohol Council of South Australia, they launched a pack of playing cards as part of the Indigenous Australians Day of Drug Action Week 2005. Very briefly, funding from the Australian government allowed the Drug and Alcohol Council of South Australia to develop a set of playing cards featuring culturally appropriate health promotion messages which address alcohol and other drug issues in indigenous communities.

Indeed, I think praise has to be given, too, to Mr Steve Vaughan, director of the law enforcement, indigenous and work force drug strategy branch, the MC at the event this morning. It was very cold. I think some 40 or so people turned out for it. It is certainly something that we will take on in our indigenous communities. I just wanted to give praise and credit where it was due. Well done.

Another thing I would like to make mention of, to praise and to join with the ACT government on, is the dads in distress group. I seem to remember being shot down in this place when I mentioned the very thought of addressing men's issues. "Being shadow minister for women, why would I be doing that?" some would ask. To me, it seemed quite realistic and reasonable. But obviously it seems now that somebody has decided there is merit in talking about the balance of men and women. I think it is really important that we continue to refocus on the role of men, particularly fathers, because therefore we will then be able to better address the needs of women.

The Liberal opposition fully supports such a group and, in unison with the government, welcomes the group and would hope that it will provide a genuine support service to men who, at a point in life when they are faced with a relationship breakdown, know that there is someone to turn to for support to deal with separation and trauma. Mr Hargreaves in an article in the *Chronicle* recently said:

> It is great to now see the support being extended to men in the ACT who have experienced the pain that comes from relationship breakdown.

Again I think it is really important that we have groups such as this in our city and continue to recognise the value of women's organisations, but I do applaud the government sincerely on their effort. I am very pleased to see more of a balance being maintained. I reiterate, as I said at the beginning: as we continue to refocus on the role of men, particularly fathers, we will then be able to better address the needs of women. I will continue to focus on this; I will continue to say that we have to have a balance here because the needs of women are extremely important, but not forgetting the needs of men.

Red nose day

MR SMYTH (Brindabella—Leader of the Opposition) (4.27): I would like to bring to the attention of members that tomorrow, Friday, 24 June 2005, is red nose day. I would like to read a little bit from the "Be a hero for red nose day" brochure that they have put out. It is the best summary of what SIDS and Kids does. The brochure reads:

> Red Nose Day, held annually on the last Friday in June, is the major fundraiser for SIDS and Kids. Funds raised through Red Nose Day activities assist us in providing our vital services and programs.
>
> SIDS and Kids is an international leader in the field of health promotion, dedicated to the elimination of sudden and unexpected infant death. Best known for SIDS-related research and education programs, in 2002 we changed our name to SIDS and Kids to reflect the expansion of our services. We now also provide much-needed counselling and support for all families and those in the community who have suffered the sudden death of an infant or young child, regardless of the cause.
>
> Since 1990, the SIDS and Kids Safe Sleeping program has been instrumental in reducing the SIDS infant mortality rate by 85%, equalling more than 4,000 Australian babies' lives saved. Each month about 200 Australian children die suddenly and unexpectedly, and for each death more than 60 people are affected and may require support. SIDS and Kids organisations have a wide range of well-established programs and 28 years experience supporting the community since the organisation was founded. Our professional counsellors and trained volunteer peer supporters work together to help families through the tragic death of their children. Our expanded bereavement programs are now offered to all families whose children have died from causes such as stillbirth, neonatal death, SIDS, a fast onset illness, drowning, poisoning, fire or motor vehicle accident.
>
> In 1988, the Red Nose Day concept was adopted by SIDS and Kids organisations around Australia. Since then, people, cars, and buildings around the nation have joined in the fun.
>
> The red nose always brings a smile to people's faces. By wearing a red nose you can be silly for a great cause.

Indeed, you can now have a red nose, a pen, a badge, a lapel pin, a hero bear or a frog. Proceeds from red nose day assist the SIDS and Kids organisation in providing the following vital services and programs: the 24-hour, 365 days a year crisis outreach and ongoing bereavement support for families and the community following the sudden and unexpected death of an infant or young child from 20 weeks gestation to six years; the SIDS and Kids safe sleeping program, an evidence-based health promotion campaign which offers practical advice to parents and health professionals about how to best reduce the risk of SIDS and sleep accidents; and research into the causes and prevention of a sudden and unexpected death in the perinatal period and infancy. The brochure continues:

> SIDS is the sudden and unexpected death of an infant under one year of age, with onset of the lethal episode apparently occurring during sleep, that remains unexplained after a thorough investigation, including the performance of a complete autopsy, and review of the circumstances of death and the clinical history ... In 1988, when Red Nose Day first started, 479 Australian babies died from SIDS. With Red Nose Day income, SIDS and Kids organisations funded research and produced the SIDS and Kids Safe Sleeping health promotion campaign, leading to a drop to 73 SIDS deaths in 2003.

So 479 SIDS deaths in 1988 down to 73 SIDS deaths in 2003. The brochure continues:

> A perinatal death is either a stillbirth from 20 weeks gestation or a neonatal death in the first 28 days of life, (ie just before birth or after). In 2003, 2,020 babies died in the perinatal period in Australia.
>
> Our current health promotion program, SIDS and Kids Safe Sleeping, is evidence based and provides families, infant carers and health professionals with information about how to reduce the risk of SIDS and create a safe sleeping environment for babies.

More information is available at the www.sidsandkids.org web site. The SIDS and Kids safe sleeping program recommends putting babies on their back to sleep, from birth; sleeping babies with their faces uncovered; making sure that cigarette smoke is kept away from babies; and ensuring that a safe cot, safe mattress, safe bedding and safe sleeping places are available all night and day. Members, Mr Deputy Speaker, SIDS and Kids day is tomorrow.

MR DEPUTY SPEAKER: Before we proceed, I would like to put on record my apologies for having missed the timing on the MPI debate and for the inconvenience to members.

Criminal justice statistical profile
Latham primary school

MS GALLAGHER (Molonglo—Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (4.32): For the interest of members, I table a properly photocopied version of the ACT criminal justice statistical profile. I thank Mr Stefaniak for drawing the matter to our attention. It is double-sided now. I present the following paper:

> Revised ACT Criminal Justice Statistical Profile—March quarter 2005.

Briefly, I would like to talk about Latham primary school. On 9 May, I had the privilege of going to Latham primary school to open the upgraded ICT facilities at the school. It was the first project funded under the school's IT infrastructure fund. Last year, 26 schools successfully applied for funding to assist in the upgrading of their IT facilities.

Latham primary school used its funding to install cabling to improve the school's electrical infrastructure and to upgrade the entire student computing network. The project has ensured the student network is reliable, secure, safe and fast, allowing teachers and students to confidently use a wide range of information and communication programs.

I was able to visit not only students using the interactive whiteboard in mainstream classes but also the learning support unit there. It was fantastic to see children with communication difficulties accessing interactive technology, allowing them to communicate in a way in which they previously have not. I was also able to visit the computer lab and see some students doing their day-to-day course work in the computer lab.

It is fantastic to see our schools embracing IT technology, allowing for improvements in and benefit to students' educational outcomes. I would like to congratulate Latham primary school, the teachers, the parents and the school board for the work they are doing at that school.

Croatian national day

MR SESELJA (Molonglo) (4.34): Today, at lunchtime, I was honoured to be a guest at the Croatian embassy to celebrate Croatian national day. 25 June is Croatian national day. As the only member of the Assembly of Croatian origin, I think, I would like to say a few words about this significant event.

On 25 June 1991, Croatia declared its independence from Yugoslavia. This was a momentous day for Croatians all over the world and for democracy in general. Tragically, as all members would be aware, this was followed by a bloody conflict in which tens of thousands of people were killed. However, despite this adversity, Croatia has emerged as a free, peaceful nation.

Modern Croatia is increasingly becoming a prized tourist destination, with a beautiful Adriatic coastline and towns such as Dubrovnik, Split and Zadar drawing many people from all over the world. The country has five million people and a presidential parliamentary democracy. Afterwards, Mr Deputy Speaker, I will get you to pronounce all the Croatian names that I mention in this speech.

I know that Croatian Australians take great pride in their newly independent homeland. My family, which came out here in the 1950s and 1960s, suffered under the former communist regime, with my uncle spending several years in prison for not toeing the communist party line. Because of this, my family took particular joy when Croatia emerged as an independent nation, free of the communist tyranny to which it had been subjected since World War II.

Croatian Australians have made a significant contribution to the life of Canberra. During the booming, expansive times of the 1960s and 1970s much of Canberra's housing stock was built by Croatian Australian builders. Croatian Australians have also made significant contributions to other areas of Canberra life, such as the arts, culture and sport. Ante Dabro, the well-known sculptor, is one example of this contribution, and some of his sculptures can be seen at Brindabella Park at Canberra airport. In the sporting arena, the great soccer player Ned Zelic is probably the most famous Croatian Canberran.

Unfortunately, far from being welcoming to Croatians who came to Australia, the Whitlam government targeted Croatians for ideological and political reasons. In the worst example of this, Attorney-General Lionel Murphy organised raids on homes of Croatian Australians in Victoria and New South Wales whom he claimed were suspected of terrorist activities. No evidence was found to support Murphy's claims and a Senate select committee subsequently found that infringement of civil rights had occurred and that Croatian Australians had been discriminated against by Murphy and members of the police force. This was a shameful period in Labor Party history.

According to the 2001 census, Canberra still has over 4,000 residents of Croatian origin. These are hardworking, law-abiding people who have helped make Canberra a better place to live. On Croatian national day, all of us should celebrate the birth of a democracy in the face of oppression. We, as ACT residents, should also take the opportunity to recognise the significant and ongoing contribution of the Croatian community in Canberra.

Household work

DR FOSKEY (Molonglo) (4.37): I am interested to know how many people here leave this place after a hard day and have to go home and cook dinner. How many people clean the toilet every week? Okay, you get the gist.

Members interjecting—

DR FOSKEY: I am not having my five minutes wasted by other people's hilarity. Today I want to talk about a report that was released yesterday, *Striking the balance: women, men, work and family*, discussion paper 2005, which was prepared by the federal Sex Discrimination Commissioner, Ms Pru Goward—a paper which I hope will have some resonance with the federal government because, sadly, the statistics that it produces are pretty much the same as the ones Michael Bittman released in the 1970s about the division of labour within the family. What has happened, now we are in what is called the noughties, is that we put everything in economic terms. Now, instead of talking about the wellbeing of the family and so on, we talk about the impact of this imbalance of labour on the economy, because that is the language of the times.

I have the report here. I am reading it with great interest, and I suggest you all have a look at it and download it. Submissions have to be in by 30 September. I quote from the *Sydney Morning Herald*. Probably this journalist managed to read the whole paper:

> A discussion paper … says that population growth, workforce participation, and productivity—the three Ps the Treasurer says are essential for economic growth—would be enhanced if men and women spread the responsibility for paid work and housework and caring for children and the elderly.
>
> But to do this there need to be changes in the law, society, and workplace culture … The current arrangement, where women do most of the housework and child care, and men are primary bread winners, works against "the principles of a democratic and just society", the paper says. And even though the arrangement appears to be the result of private choices—

like "she won't let me clean the toilet"—

> freely made, the level of disquiet and exhaustion in Australian families showed the opposite is true.
>
> "Choices are never made in a vacuum," it says. They are influenced by government laws and policies, employer practices, and community attitudes. Under current tax policies, for example, there is "no incentive for both parents to work part time and to share the care of their children more equally".

> …
> The unequal division of labour threatens health, family relationships, workforce participation rates, women's retirement income, fertility rates and the nation's productivity …
>
> As long as women are expected to care for children and ageing relatives—

so we have got both ends of the life cycle here—

> they cannot participate equally with men in the workplace, and will be on a downward economic spiral, vulnerable to poverty in old age or in the event of a divorce. Men are also disadvantaged—

and this is the new point that is being recognised more clearly—

> as they are denied time to invest in close relationships with their partners and their children.

What is very evident here is that, as children are born, the increase in women's work is very clear. Whereas men may spend a little more time looking after their children, they are not likely to combine that with cleaning the toilet and cooking a meal at the same time, as most women are expected to do. The man who looks after his children looks after his children, full stop. Women would like more time to be able to do just that as well.

I commend this paper to you. I look forward to reading your submissions as they appear on the web site after 30 September. Pru Goward has done us all a favour here, and let us make sure that the Prime Minister listens to her.

Election results
Household work

MR QUINLAN (Molonglo—Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming) (4.43): I just could not let this week pass, I do not think, without recognising the magnificent win of Clare Martin and the Labor Party in the Northern Territory. I have to reflect upon recent elections in states and territories. It is interesting to draw some parallels, having seen the not-too-distant Western Australian election, more recently the Northern Territory election and, of course, our own election of late last year.

Let me put this in perspective: Colin Barnett, the Liberal leader in Western Australia, took his party to a first preference vote of 35.4 and fell on his sword. Denis Burke more recently took his Liberal Party in Northern Territory to a first preference vote of 35.2 and lost his seat. Nevertheless, he apologised on election night for his dramatic failure.

Mr Mulcahy: Where would this be going?

MR QUINLAN: It is really a trivia question for the trivia question buffs: of the three Liberal parties in those three elections that I have mentioned, which one got the lowest first preference vote? The ACT, with 34.9.

There are some other parallels you might draw. Colin Barnett really blew it with what was affectionately known as the far canal and messed up his sums. Denis Burke, of course, had the extra long power line and stuffed up his sums. And in the ACT, what did we have? We had the hospital with no staff and some sums that did not add up. So there is, of recent times, a consistency that we ought to observe.

While I am on my feet, I will confess that I do not, Dr Foskey, do a whole lot of housework at my place. But I have come to a deal with my partner where I do meet all the expenses of the cleaning lady and other services that are provided to the house. I do not have a great record in relationships, so you should not take a lot of my advice. But I do remember, in a previous life, offering to do all the vacuuming in the house, every week or whenever necessary, provided I could arrange the furniture. I did not have to do a lot of vacuuming in that house.

On a serious note: I think the points that Pru Goward made are very valid and we to ought recognise them. But we ought not to get too simplistic and we ought to recognise that relationships do need to be worked with as well so that we do not get the attitude of domain that I have made a little light of which can, in fact, impinge upon how tasks are shared within the house, because control has to be shared as well. When I do retire from this place—I know I am walking the tightrope—I think I am being lined up to be a house-husband; so I will just see how I can handle my domain.

MR DEPUTY SPEAKER: Thank you, Treasurer, for saving our marriages.

Bowling championships

MR STEFANIAK (Ginninderra) (4.47): I will not go into any problems I have had with cleaning toilets. What I am going to talk about tonight is an excellent new peak sporting body and a fine group of ACT athletes who are an inspiration to us all. My colleague Brendan Smyth and I—Ted might have been there; Senator Humphries certainly was—went to the first inaugural presentation evening of VISACT, a peak body for visually affected members of our community. There were some inspirational performances from a number of athletes.

The team to represent the ACT at the visually impaired bowling championships in Melbourne was introduced at a fundraiser a couple of Saturdays ago at the Belconnen bowl, which both Mr Smyth and I attended and participated in. We were certainly made to look quite silly by a number of these very fine athletes who rattled up some brilliant scores. I thought, for a minute, we might do quite well when they dropped down the value of the strike to ninepins and then to eight, but that only served to see me get sevens and sixes and stupid things like that. It was a most enjoyable evening. There are about 26 bowling lanes there. I was delighted to see all but about three were being utilised as part of the fundraiser to send these fine athletes—there are about nine or 10 of them, I understand—to Melbourne to compete in these championships.

Steve Gregor, a disabled former athlete who suffered a very nasty fall in Cook back in 1996 and has mobility problems, is organising the trip down to Melbourne. I think they will do exceptionally well. I wish them all the very best of luck. I am sure they will do the ACT proud. I also wish VISACT all the very best of luck. I think it is excellent

having a body looking after the interests of the visually impaired. They play a number of sports, including cricket. It was very impressive to see some of the performances and the due rewards that came at that first presentation evening. Good luck to all the athletes going to Melbourne. On my own behalf and on behalf of Mr Smyth, who also attended, I say that we greatly appreciated being involved in the fundraiser.

Tuggeranong flexible learning centre

MR GENTLEMAN (Brindabella) (4.49): Tonight I would like to talk about a very special learning support service in the Tuggeranong Valley, the CIT flexible learning centre, Tuggeranong campus. The Canberra Institute of Technology opened this learning centre as a small shopfront in the heart of the Tuggeranong shopping precinct in 1995. This humble shopfront became the face of CIT's new student-oriented approach to learning.

The main focus of this facility is learning by doing. The shopfront, the Tuggeranong flexible learning centre, allowed students to work at their own pace, with flexible hours that suited their needs. With the high demand for this new educational facility, the flexible learning centre had to relocate to nearby Tuggeranong Arts Centre. The move to the Tuggeranong Arts Centre created a far more spacious facility that allowed for additional students to access the subjects on offer. As the demand for education becomes greater, the need for easier access is something the CIT is appealing to. This is reflected in the 900 students that are catered for every year and who enrol in the self-paced, flexible training offered.

Last Saturday, 18 June, I and my Assembly colleague Karin MacDonald had the pleasure of attending the centre's 10th anniversary celebrations and the unveiling of the anniversary plaque by the chief executive of CIT, Dr Peter Veenker, on behalf of Minister Gallagher. As previously stated, the Tuggeranong flexible learning centre has been in operation for 10 years and we note that, although the building may have changed, the philosophy of delivering quality, flexible education has not. The key to this having not changed is the ease of access to the centre. Providing the Tuggeranong community with 10 years of quality vocational education and training is cause in itself to celebrate. Another need for additional celebration is the centre's ongoing commitment to providing education to those who may have otherwise missed out.

Some of the highest numbers of people to have accessed this amazing educational facility are those in full-time work, whose working hours are not always flexible enough to attend more structured forms of educational facilities. Others include casual workers with increasingly flexible working arrangements, allowing them to study when it is easier for them, and parents with families to care for. This year alone, 900 students will, at some time or another, use the facilities of the Tuggeranong flexible learning centre to increase their skills and education, adding to the total of over 7,000 students who have chosen the centre as their place of learning.

These students, and the commitment of the Tuggeranong flexible learning centre, go some way to addressing the national skills shortages; so, too, the recent announcement by Ms Gallagher, Minister for Education and Training, of the additional $14.1 million in funding over three years. The ACT government funding to address skills shortages in the ACT now stands at $80 million per annum. In May this year the ACT government called

on our federal counterpart to match the additional funding and further boost the amount spent in the ACT.

At this stage, the federal government is only prepared to pay lip service to the predicament, offering less than $1 million additional funding this year. What can you expect from a government whose priorities have always been at the other end of town? Not content with underfunding the ACT's attempt to address the skills shortages, the federal government has seen fit to tie funding of the CIT to the outsourcing of services. These great institutions, with innovative programs like those run at the CIT, will now have to focus on how best to apply accounting and contract management rather than concentrating on delivering quality vocational education and training. It is deeply disappointing that those on the hill have sought to punish the CIT with funding conditions rather than encouraging the institution to get on with the wonderful job it has been doing, particularly at the Tuggeranong flexible learning centre.

I congratulate the centre for the crucial role it plays in the Tuggeranong community today and in the 10 years that it has serviced the ACT. I wish it at least another 10 years of providing working, flexible education and training.

MR DEPUTY SPEAKER: The time for the debate has expired.

The Assembly adjourned at 4.54 pm until Tuesday, 28 June 2005, at 10.30 am.

Schedule of amendments

Schedule 1

Health Legislation Amendment Bill 2005

Amendments moved by the Minister for Health

1
Schedule 1
Amendment 1.5
Page 4, line 1—

omit amendment 1.5, substitute

[1.5] Section 37 (5) (c)

substitute

(c) when (in addition to the circumstances already prescribed under this Act) a health profession board may apply for—

(i) the suspension or cancellation of registration; or

(ii) a declaration under section 64 (1) (l) (which is about a person who is not registered); and

2
Schedule 1
Proposed new amendment 1.5A
Page 4, line 5—

insert

[1.5A] Section 37 (6)

omit

subsection (2)

substitute

subsection (5)

3
Schedule 1
Proposed new amendment 1.6A
Page 4, line 7—

insert

[1.6A] New section 39A

in division 7.1, insert

39A Meaning of *presidential member* for pt 7

In this part:

presidential member, of the health professions tribunal, means—

(a) the president of the tribunal; or

(b) a deputy president of the tribunal.

4
Schedule 1
Proposed new amendments 1.7A to 1.7G
Page 4, line 13—

insert

[1.7A] Section 41

substitute

40A Members of health professions tribunal

The health professions tribunal consists of—

(a) the president; and

(b) the deputy presidents; and

(c) members nominated to a health profession tribunal panel under section 43.

41 Appointment of presidential members

(1) The presidential members of the health professions tribunal are appointed by the Executive.

(2) An appointment must be for a term of not longer than 5 years.

Note A person may be reappointed to a position if the person is eligible to be appointed to the position (see Legislation Act, s 208 and dict, pt 1, def ***appoint***).

(3) An appointment is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

(4) A person is eligible to be appointed as the health professions tribunal president only if the person is a magistrate.

(5) A person is eligible to be appointed as a health professions tribunal deputy president only if the person is a magistrate or lawyer of at least 5 years standing.

41A Terms of appointment of presidential members generally

(1) A presidential member of the health professions tribunal may be appointed as a full-time or part-time member.

(2) A presidential member of the health professions tribunal holds office on the terms not provided by this Act that are decided by the Executive.

(3) This section does not apply to a presidential member of the health professions tribunal who is a magistrate.

41B Matters to be included in instrument of appointment of presidential members

The instrument appointing a presidential member of the health professions tribunal must state—

(a) whether the member is the president or a deputy president of the tribunal; and

(b) if the member is not a magistrate—whether the member is appointed as a full-time or part-time member.

41C Role of president of tribunal

(1) The health professions tribunal president is responsible for ensuring the orderly and prompt discharge of the tribunal's business.

(2) Without limiting subsection (1), the president may give directions about the presidential member who is to be the presidential member of a particular health professions tribunal panel.

41D Presiding member

The presidential member must preside at a proceeding.

41E Ending of appointment of presidential members

(1) The Executive may end the appointment of a presidential member of the health professions tribunal who is not a magistrate—

(a) for misbehaviour; or

(b) for physical or mental incapacity, if the incapacity substantially affects the exercise of the member's functions; or

(c) if the member becomes bankrupt or executes a personal insolvency agreement.

(2) The Executive must end the appointment of—

(a) a presidential member of the health professions tribunal who is a magistrate if the member stops being a magistrate; or

(b) a deputy president of the tribunal who is not a magistrate if—

(i) the member stops being eligible for appointment; or

(ii) the member is convicted, in the ACT, of an offence punishable by imprisonment for at least 1 year; or

(iii) the member is convicted outside the ACT, in Australia or elsewhere, of an offence that, if it had been committed in the ACT, would have been punishable by imprisonment for at least 1 year.

[1.7B] Section 42 (1)

omit

formed by the health professions tribunal president

substitute

made up of a presidential member of the tribunal

[1.7C] Section 43 (2) and (5)

omit

The health professions tribunal president

substitute

A presidential member of the health professions tribunal

[1.7D] Section 44

omit everything before subsection (1) (a), substitute

44 When may presidential member alone constitute health professions tribunal?

(1) The health professions tribunal, formed by a presidential member of the tribunal alone, may exercise the tribunal's functions in relation to the following:

[1.7E] Section 44 (1) (d)

omit

the president

substitute

the presidential member

[1.7F] Section 45

substitute

45 Registrar and deputy registrars

(1) The registrar of the Magistrates Court is the registrar of the health professions tribunal.

(2) Each deputy registrar of the Magistrates Court is a deputy registrar of the health professions tribunal.

(3) Subject to any direction of the registrar, a deputy registrar of the health professions tribunal may exercise the powers of the registrar of the tribunal.

(4) The registrar may, in writing, delegate to a public servant the registrar's functions under this Act.

Note For the making of delegations and the exercise of delegated functions, see the Legislation Act, pt 19.4.

(5) The registrar and each deputy registrar must exercise the functions of the registrar of the health professions tribunal in consultation with, and under the direction of, the health professions tribunal president.

[1.7G] New section 46A

insert

46A Application to health professions tribunal by health profession board

(1) This section applies to an application—

(a) for the suspension or cancellation of a health professional's registration; or

(b) for a declaration under section 64 (1) (l) (which is about a person who is not registered); or

(c) any other application prescribed by regulation.

(2) A health profession board may make an application to which this section applies.

5
Schedule 1
Amendment 1.8
Proposed new section 48 (3) and (4)
Page 5, line 5—

insert

(3) The following are parties to the proceeding on an application for a declaration that, if a person had been registered, the health professions tribunal would have found that the person had contravened the required standard of practice or did not satisfy the suitability to practise requirements:

(a) the person;

(b) the health profession board that made the application;

(c) anyone else with the leave of the health professions tribunal.

(4) A regulation may prescribe who is a party to any other application to the health professions tribunal.

6
Schedule 1
Proposed new amendments 1.9A to 1.9L
Page 5, line 17—

insert

[1.9A] Section 51 (1)

omit

president

substitute

registrar

[1.9B] Section 58 (1)

omit

the president

substitute

a presidential member of the tribunal

[1.9C] Section 58 (3)

substitute

(3) If, during a preliminary hearing on an application in relation to a registered health professional, the presidential member is satisfied that the application should be referred to a personal assessment panel or professional standards panel, the tribunal may refer the application to the relevant health profession board for referral to the panel.

[1.9D] Section 59 (1)

omit

The health professions tribunal president, or a person authorised in writing by the president,

substitute

A presidential member of the tribunal, or a person authorised in writing by a presidential member,

[1.9E] Section 59 (2) (b)

omit

health professions tribunal president

substitute

presidential member of the tribunal

[1.9F] Section 59 (3)

omit

president

substitute

presidential member

[1.9G] Section 59 (4)

omit

health professions tribunal president

substitute

presidential member

[1.9H] Section 59 (5) (a)

omit

health professions tribunal president

substitute

presidential member

[1.9I] Section 59 (5) (b)

omit

president

substitute

presidential member

[1.9J] Section 62 (1) (a)

omit

health professional

substitute

registered health professional

[1.9K] Section 63

substitute

63 Deciding questions

(1) This section applies if the health professions tribunal is formed by a health professions tribunal panel.

(2) The presidential member is to decide a question of law arising in a proceeding.

(3) Any other question in which a majority of the health professions tribunal panel members agree is the decision of the tribunal.

(4) If a majority of the members of the health professions tribunal panel cannot agree about a question other than a question of law, the decision of the presidential member is the decision of the tribunal.

[1.9L] Section 66 (1)

substitute

(1) The presidential member of the health professions tribunal may refer a question of law relating to a proceeding on an application to the Supreme Court for direction on its own initiative or on application by a party to the proceeding.

7
Schedule 1
Proposed new amendment 1.10A
Page 5, line 22—

insert

[1.10A] Section 86 (3) (a)

omit

health professional

substitute

registered health professional

8
Schedule 1
Amendment 1.11
Page 6, line 1—

omit amendment 1.11, substitute

[1.11] Section 86 (3) (b)

substitute

(b) apply to the tribunal for—

(i) the suspension or cancellation of the registration of the health professional to whom the matter relates; or

(ii) if the health professional is not registered—a declaration under section 64 (1) (l) in relation to the health professional;

9
Schedule 1
Proposed new amendments 1.11A and 1.11B
Page 6, line 5—

insert

[1.11A] New section 94A

insert

94A Lawyer assisting personal assessment panel

The health profession board that established a personal assessment panel may appoint a lawyer to assist the panel for an inquiry.

[1.11B] New section 119A

insert

119A Lawyer assisting professional standards panel

The health profession board that established a professional standards panel may appoint a lawyer to assist the panel for a standards inquiry (including the inquiry hearing).

10
Schedule 1
Amendment 1.12
Proposed new paragraph (ia)
Page 6, line 14—

insert

(ia) refer the report or complaint to the health profession board with—

(i) a recommendation that an application be made to the health professions tribunal for a declaration under section 64 (1) (l) in relation to the health professional; and

(ii) the standards inquiry report on which the recommendation is based;

11
Schedule 1
Proposed new amendment 1.12A
Page 6, line 14—

insert

1.12A Section 122 (2)

renumber paragraphs when Act next republished under Legislation Act

12
Schedule 1
Amendment 1.13

Proposed new section 122 (3)
Page 6, line 18—

after

paragraph (i)

insert

or (ia)

13
Schedule 1
Proposed new amendment 1.13A
Page 6, line 19—

insert

[1.13A] Section 125 (f)

substitute

(f) a member of the staff (including the registrar and each deputy registrar) of the health professions tribunal; or

14
Schedule 1
Amendment 1.19
Proposed new section 150A heading
Page 7, line 21—

omit proposed new section 150A heading, substitute

150A People previously registered under repealed Act—s 77

15
Schedule 1
Amendment 1.19
Proposed new section 150B
Page 8, line 1—

omit proposed new section 150B, substitute

150B People previously registered under repealed Act—Act generally

In this Act:

registered health professional, in relation to a report under division 9.2 or a complaint, includes a person who was registered under a repealed Act at the time of the act or omission reported or complained about.

16
Schedule 1
Proposed new amendment 1.19A
Page 9, line 14—

insert

[1.19A] Dictionary, new definition of *presidential member*

insert

presidential member, of the health professions tribunal, for part 7 (Health professions tribunal)—see section 39A.

17
Schedule 1
Proposed new amendment 1.20A
Page 9, line 18—

insert

[1.20A] Dictionary, definition of registered *health professional*

substitute

registered health professional, in relation to a report under division 9.2 or a complaint, includes a person who was registered under this Act at the time of the act or omission reported or complained about.

Answers to questions

Public service—staff and services (Question No 71)

Mr Berry asked the Treasurer, 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) contacts with permission or non-permission clause for subcontracting and (s) contracts requiring award usage for subcontractors; and

(3) types of services provided.

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

(1) This information is available from the Department of Treasury's *Annual Report 2003-04* and the Commissioner for Public Administration's *State of the Service* Report.

(2) (a) – (f): This information is available from the Department of Treasury's *Annual Report 2003-04* and the Commissioner for Public Administration's *State of the Service* Report.

(g) – (s): It should be noted that there is currently no specific information held on the *Basis Information System* which provides these details. The information below has been manually taken from files and is approximate only:

	Department of Treasury (General)	**Department of Treasury InTACT**
(g)	22	63
(h)	18	52
(i)	7	1
(j)	30	58
(k)	4	49
(l)	Nil	8
(m)	27	1
(n)	10	45
(o)	13	4
(p)	Nil	46
(q)	Nil	1
(r)	1	46
(s)	Nil	Nil

(3) As noted in the Annual Report of 2003-04, types of services provided include: recruitment services, Risk Guide Website, risk advisory services, risk management advice, superannuation review and advice, External Funds Manager, actuarial services, investment advice, Expenditure Review Committee advice, statistical services, banking services, valuation services, counter services, provision of financial advice and projections, collection services, printing, accounting advice, business analysis support, restructure support, payment collection services, printing, management advice and support, grievance investigation, internal audit services, IT hardware and software asset acquisition, IT implementation and maintenance and IT consultancy services. (Further details can be found in the Annual Report).

Development—multi-units (Question No 283)

Dr Foskey asked the Minister for Disability, Housing and Community Services, upon notice, on 10 March 2005, (redirected to the Minister for Planning):

(1) How many multi-unit developments have been approved since 1 July 2004;

(2) How many individual units/apartments/townhouses are in those developments;

(3) How many of these units were (a) public housing, (b) community housing or (c) another form of affordable housing.

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

I answered this question in my answer to Question on Notice 284. I have attached a copy of this answer for your information:

(1) There have been 27 Development Applications (DA) for three or more units, approved in the period since 1 July 2004.

(2) The approved DAs relate to 616 units/apartments/townhouses.

(3) The Development Approval Register Tracking System (DARTS) used by the Authority is unable to split the types of units into individual categories such as public, community or affordable housing.

Health—radiation oncology (Question No 329)

Mr Smyth asked the Minister for Health, upon notice, on 17 March 2005:

What have you done as Health Minister to progress in the ACT the list of recommendations of the Radiation Oncology Jurisdictional Implementation Group which you strongly endorsed in November 2003, namely

(a) the reduction of fragmentation in radiotherapy delivery,

(b) the implementation of a service development framework

(c) a review of patient travel assistance schemes

(d) implementation of strategies to increase workforce and

(e) the development of a comprehensive quality program for all radiation oncology services.

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

a) Radiation Oncology has been integrated with other cancer treatment disciplines into the Capital Region Cancer Service. The Capital Region Cancer Service integrates existing services across the ACT and southern NSW to provide a patient centered continuum of care for persons with cancer.

The key objectives of the Capital Region Cancer Service are:

1 Ensure patient centered care;
2 Implementation, monitoring and review of standards;
3 Access to multi-disciplinary clinical services;
4 Communication between primary, secondary and tertiary services; and
5 Education, training and continuing professional development.

To facilitate care coordination a radiotherapy liaison officer has been employed.

The ACT is participating in the Radiation Oncology Reform Implementation Committee (RORIC). This body is helping to facilitate greater collaboration between different jurisdictions and to continue implementation of reforms to the radiotherapy sector.

b) The ACT has adopted the Radiation Oncology Service Development Framework. This will ensure that planning for Radiation Oncology Services in the ACT is undertaken in a similar fashion to that in other jurisdictions, using common principles and addressing the same key considerations.

A radiation oncology strategic plan focusing on service delivery and incorporating a service development framework will be developed during 2005-06.

In particular, the plan will provide an implementation framework for achieving timely delivery of radiation oncology services benchmarked to national standards.

c) ACT Health undertook a review of the Interstate Patient Travel Assistance Scheme (IPTAS) in October 2003.

In the context of the developing a radiation oncology strategic plan; a further review will be undertaken of the eligibility criteria, payment categories and levels of assistance under the Interstate Patient Travel Assistance Scheme (IPTAS).

d) There is a national and international shortage of radiation therapists and radiation oncologist. During 2004-05, concerted efforts were made to attract and retain staff within ACT Health. An international recruitment program was initiated to recruit radiation oncologists and radiation therapists to the ACT. As a consequence:

- Three of the 4 radiation oncologist positions are currently filled.

- The number of radiation therapists has recently increased to 23.1 FTE. The number of FTEs for radiation therapists in 2003-04 was 18.84, in 2002-03 was 16.84 and in 2001-02 was 17.28. These figures demonstrate that there has been a significant increase in the number of radiation therapists at The Canberra Hospital since 2001.

Initiatives to address the ACT Shortage include:

- A new position of clinical educator - Radiation Therapy Preceptor, has been established to supervise trainee radiotherapists.
- ACT Health has established 4 positions for trainee radiotherapists to complete their professional development year. The new graduate radiation therapists have been attracted from interstate and will commence work in Radiation Oncology in 2005

e) The Department of Radiation Oncology at The Canberra Hospital participates in the Capital Region Cancer Service and the Service collaborates closely with the NSW Cancer Institute to progress a comprehensive quality program for all radiation oncology services.

The Capital Region Cancer Service is represented on a national committee, which is examining potential options for an integrated oncology information management system. If such a system is adopted this will allow radiation oncology workload, performance and treatment outcomes to be measured and will enable the ACT service to benchmark its activity and outcomes with other centres elsewhere.

Hospitals—capital works (Question No 331)

Mr Smyth asked the Minister for Health, upon notice, on 17 March 2005:

(1) What funds have been expended to date on the Extension of Psychiatric Secure Unit listed as New Works in the 2004-05 Budget;

(2) What has been delivered for that expenditure;

(3) Is this project still on track to be completed this month; if not, why not; if so, when will the extension be open for use.

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

(1) Funds expended to 31 March 2005 on **Psychiatry Services Unit** (PSU) total $555,371.45 plus GST ($610,908.60 incl GST)

(2) Work completed to date has provided a new secure reception area including office and workroom, new Low Dependency Unit staff station and new egress doors from the interview rooms. Work is progressing on the new seclusion area extension and internally to Suite B

(3) The project will not be completed at the end of this month. This is due to a number of factors including:

- difficulties securing appropriately designed seclusion room doors,
- sprinkler system design and approval,

- a busy construction industry which has resulted in delays in materials including door frames.

It is anticipated that the works will be completed mid May, with the exception of the fire sprinkler installation. A construction program is currently being developed for the fire sprinkler installation.

Health—chlamydia (Question No 333)

Mrs Burke asked the Minister for Health, upon notice, on 17 March 2005:

(1) How many cases of Chlamydia have been reported in the ACT in (a) 2002, (b) 2003, (c) 2004 and (d) 2005 year to date;

(2) What specific education programs are being conducted by ACT Health to assist medical practitioners and the sexual health and family planning centres to educate clients about Chlamydia.

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

(1) The number of chlamydia cases reported in the ACT[1] are (a) 474, (b) 525, (c) 624 and (d) 200.

(2) The specific education programs being conducted by ACT Health to assist medical practitioners and the sexual health and family planning centres to educate clients about chlamydia are as follows:

- In November 2002 ACT Health launched the "Life, Love, Laughter; they are all infectious… so is Chlamydia" awareness campaign that consisted of a poster, a brochure, postcards, fact sheets and a website[2]. These materials were distributed to sexual health services, general health services, tertiary education institutions and General Practitioners. The poster was also displayed in toilets in various locations across the ACT such as shopping centers, pubs and nightclubs and public toilets.

- In 2004 ACT Health organised some additional chlamydia awareness campaigns by:

  - placing advertisements in The Canberra Times Men's and Women's health features (June 2004);
  - placing advertisements in The Chronicle for three weeks (July 2004); and
  - running a shop-a-docket campaign for all Coles and Woolworths supermarket dockets in the ACT, Queanbeyan and Jerrabomberra for six weeks (August – October 2004).

- ACT Health funds Sexual Health and Family Planning ACT and the AIDS Action Council of the ACT (AACACT). These organisations offer chlamydia testing, run awareness programs and provide their clients with information about chlamydia and other Sexually Transmissible Infections (STIs).

- The Canberra Sexual Health Centre (CSHC), located at The Canberra Hospital, also conducts chlamydia testing and provides information to clients about chlamydia and other STIs. In 2003 CSHC staff undertook the Sexual Health and Lifestyle Research

Project (SHLiRP) that involved testing ACT college students for STIs (including chlamydia) and blood borne viruses and providing sexual health education. SHLiRP was a successful pilot project that was well received by the college students. CSHC hopes that this project may become a fully funded program suitable for annual repetition in all ACT colleges.

- Another ACT project that commenced in June 2002, through a formal partnership between CSHC, the AACACT and the ACT Division of General Practice is the PACT Project (Partnership Approach to Comprehensive Testing). Initially known as STRIP (Sexual health, Testing, Referral, and Information Project), the project involved testing homosexually active men for blood borne viruses and STIs (including chlamydia) and providing sexual health education in non-clinical outreach settings such as sex-on-premises venues. The model has proved highly successful and, through the PACT Project, is now offered in a range of outreach settings, targeting sex workers and young people at risk. A major contributing factor to the success of the project is the involvement of a sexual health nurse practitioner. The PACT project was presented in 2003 at the 15th Annual Conference of the Australasian Society for HIV Medicine.

- In 2003 Professor Frank Bowden, the Director of CSHC and Professor of Medicine at the ANU Medical School, together with other researchers from the ANU commenced a three year research project funded by the National Health and Medical Research Council to compare the feasibility and cost effectiveness of two different testing regimes for chlamydia in women aged 16-39 in the general practice setting.

[1] Notification data provided by ACT Health's Communicable Disease Control unit
[2] ACT Health chlamydia website - http://health.act.gov.au/c/health?a=sp&did=10007573

Sport scholarships (Question No 345)

Mr Stefaniak asked the Minister for Sport and Recreation, upon notice, on 5 April 2005:

(1) In relation to the ACT Academy of Sport (ACTAS), did the 2003-04 budget papers list that the target for ACTAS athletes on scholarships for 2003-04 was 275 but the actual result in the 2003-04 annual report was 256, a variance of 7 per cent; if so, was there any shortfall in funding in the 2003-04 funding year which did not permit the target of scholarships to be met; if so, what was the shortfall;

(2) Is the target in the 2004-05 budget papers for the number of ACTAS scholarships to be offered in the current financial year 265;

(3) If so, how many athletes are currently on scholarship;

(4) Will the Government meet the target of 265 for the current financial year; if not, why not;

(5) If the target of 265 is not reached, is there enough money to offer the scholarships to achieve the target;

(6) Is the Government currently working on offering those scholarships or have they been pushed to the side;

(7) Will the Minister give a commitment that the target will remain at 265 in the upcoming budget for the 2005-06 financial year; if not, why not;

(8) If 265 scholarships are not on offer, what is the number that will be offered;

(9) Is the Government committed to ACTAS and maintaining it in the future.

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

(1) The figures in the 2003/04 annual report are correct.

(2) Yes.

(3) 214.

(4) No. Reasons for the variance include:

(a) Each squad program enters into an agreement with ACTAS to provide a capped level of scholarship with selection criteria set in conjunction with respective National Sporting Organisations and State Sporting Organisations. Quotas may sometimes not be filled due to insufficient athlete numbers meeting the selection criteria.

(b) Scholarship numbers may be affected by the retirement and/or withdrawal of athletes from the program.

(c) The number of athletes on scholarship throughout the year can vary depending on the commencement date and the status of each program.

(5) Yes.

(6) The agreed quota of scholarships for 2004/05 has already all been offered to the sports.

(7) No. In 2004, ACTAS conducted an assessment of potential squad programs for the 2005/08 quadrennial. As a result of this process, and in consultation with key stakeholders such as National and State Sporting Organisations and the Australian Institute of Sport, I agreed to maintain the number of scholarships at 250.

(8) 250.

(9) Yes.

Functions Coordinator travel costs (Question No 348)

Mr Smyth asked the Chief Minister, upon notice, on 5 April 2005:

(1) Further to the reply to question on notice No 299, if the Government did not pay for the Functions Coordinator's Hong Kong accommodation, why was it booked and paid for by the Chief Minister's Department through the Government's then travel provider, Carlson Wagonlit Travel confirmation number 15872406;

(2) If the government did not pay for the Functions Coordinator's Hong Kong accommodation, why then does the Functions Coordinator's Travel Form have the Hong Kong accommodation listed as official "accommodation booked with rest of delegation" along with the Royal Horse Guards in London and the Hanover International in Cardiff;

(3) Why was the Functions Coordinator permitted to take leave during official travel when Chief Minister's Department Travel Guideline 19 only permits leave directly before or directly after official travel;

(4) Who approved this leave;

(5) Why was there no information relating to this leave on the Functions Coordinator's Travel Form as required by Guideline 19;

(6) Did the Functions Coordinator's travel insurance which was paid for by the government and arranged by the ACT Insurance Authority, provide coverage for her stay in Hong Kong.

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

(1) This question has been answered previously. The Functions Coordinator's accommodation expenses in Hong Kong were not ever paid for by the Chief Minister's Department. The officer concerned made her own accommodation reservations and payments for Hong Kong. The itinerary you are referring to (15872406) was a consolidated itinerary of the officer's complete travel arrangements.

(2) Information regarding the accommodation for Hong Kong was recorded on the travel form for the information of the Functions Coordinator's supervisors.

(3) As previously stated the day's 'leave' was directly before the Functions Coordinator's official travel commenced (in line with the Guidelines). It was also a consequence of the fact that the Functions Coordinator does not work full time. The days 'leave' was a consolidation of her unpaid time for the duration of her travel i.e. the Functions Coordinator was not actually paid salary for the day she spent in Hong Kong – a situation which may be compared with the two week honeymoon leave taken by the Leader of the Opposition on his 2004 taxpayer funded trip to India.

(4) Manager, Chief Minister's Support & Protocol.

(5) See (3) above.

(6) Information received from the ACT Government's Insurance Authority, was that private travel insurance was not available for one day therefore it has been policy over the years that the ACT Insurance Authority provides coverage for that period.

Canberra Hospital—psychiatric unit (Question No 351)

Mr Smyth asked the Minister for Health, upon notice, on 5 April 2005:

(1) How many beds are currently available at the Psychiatric Unit (PSU) at The Canberra Hospital;

(2) Has the number of beds available changed at any time since your government took office in 2001; if so, when and what number of beds were available on those occasions;

(3) On how many occasions in the last 18 months has the PSU been full;

(4) What was the average number of patients occupying the PSU for each month from July 2003 to March 2005;

(5) On how many occasions did the PSU refuse or reject admission to a mental health client or patients who presented to the PSU for each month from July 2003 to March 2005;

(6) For those patients who were refused or rejected admission what happened to those patients who needed assistance and or treatment.

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

(1) There are currently 26 beds available at PSU

(2) The number of available beds reduced from 30 to 26 on January 13th this year due to the works in PSU.

(3) PSU has been full on 7 occasions in the last 18 months

(4) The average number of patients each month from July 2003 to March 2005 are:

Month		**Month**		**Month**	
July 2003	26	February 2004	23	September 2004	23
August 2003	26	March 2004	25	October 2004	21
September 2003	26	April 2004	23	November 2004	23
October 2003	25	May 2004	21	December 2004	22
November 2003	26	June 2004	23	January 2005	20
December2003	24	July 2004	26	February 2005	23
Jan 2004	23	August 2004	24	March 2005	22

(5) PSU has not refused or rejected admission to any person presenting to PSU who was clinically assessed as requiring admission.

(6) Any person presenting to PSU for who, following clinical assessment, required mental health assistance but not admission was referred to either the Crisis Assessment and Treatment Team, the relevant Community Mental Health Team or other appropriate services.

Canberra Stadium—parking money (Question No 354)

Mr Mulcahy asked the Minister for Economic Development and Business, upon notice, on 5 April 2005:

(1) What percentage of parking money collected by members of the Rotary Club at the Canberra Stadium, for game day events, such as Raiders and Brumbies matches, is kept by Rotary to distribute;

(2) Is there a balance or percentage of funds that is not kept by Rotary; if so, to whom or where are those funds then allocated.

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

(1) 20 %

(2) The Stadiums Authority retains 80% of funds, which go towards the cost of implementing and managing traffic on event days and repair and maintenance of the parking areas. When these costs and the costs of the licensing agreement, which was initially purchased from the Australian Sports Commission, are balanced, the net return to the Stadiums Authority is minor.

Business—China delegation trip (Question No 367)

Mr Smyth asked the Chief Minister, upon notice, on 6 April 2005:

(1) Further to the reply to question on notice No 244, if it is common practice for officials travelling on delegations with the Chief Minister to travel in the same class of travel as the Chief Minister why is this common practice not noted in either the *CMD Guidelines for Corporate Travel and Related Services or the Public Sector Management Standard No. 6, Part 2, Travel – Domestic and International;*

(2) Given that the Functions Coordinator was not accompanying the Chief Minister on the Canberra-Sydney and Sydney-Hong Kong legs of the journey, why did she travel business class instead of economy class as required by *CMD Guidelines for Corporate Travel and Related Services and the Public Sector Management Standard No. 6, Part 2, Travel – Domestic and International;*

(3) Was there a selection process for determining who would accompany the delegation in the support role; if not, why not;

(4) Why did the Functions Coordinator not accompany both delegations rather than just the delegation to the UK;

(5) How many public servants at the Administrative Service Officer classification have undertaken official overseas travel in the last three years;

(6) How many public servants at the Administrative Service Officer classification have undertaken official overseas travel as part of Ministerial delegations in the last three years;

(7) In relation to parts (5) and (6) how many of these Administrative Service Officers travelled business class.

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

(1) The practice was established during the Liberal Government for travel specifically accompanying the Chief Minister on official business, and thus is not reflected in guidelines applying to the broader public service. In addition, it is noted that during

Mr Smyth's time as Minister for Business, a departmental officer accompanied Mr Smyth to South Africa, travelling business class – applying the same practice as used now.

(2) It was more cost efficient to purchase a return business class ticket rather than several one way journeys in different classes – providing a cost saving of $3,356.

(3) A selection process was not appropriate, given the specific responsibility of the Functions Coordinator for arrangements for the London/Wales leg.

(4) The officer responsible for arrangements in China accompanied the delegation to China.

(5) Twelve

(6) One

(7) One

Disabled persons—recruitment (Question No 369)

Mrs Burke asked the Chief Minister, upon notice, on 7 April 2005:

(1) Further to the reply to question on notice No 96, have you established a set number of places within the ACT Public Service Graduate Program for people with a disability who have graduated from the University of Canberra; if so, what is the set number of places; if not, when will this set number be determined;

(2) What work has been undertaken to establish further linkages with other tertiary institutions across the ACT as indicated in the reply.

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

(1) Options around the implementation of the 2006 ACT Public Service Graduate Program are currently being considered. The Commissioner for Public Administration has flagged an initial target of 50% representation by people with a disability. Graduates with a disability from a number of universities including the University of Canberra would be eligible to apply.

(2) The Disability Coordination Office at the Canberra Institute of Technology has also been approached.

Roads—Gungahlin Drive extension (Question No 377)

Dr Foskey asked the Minister for Urban Services, upon notice, on 7 April 2005:

(1) In relation to the Gungahlin Drive Extension (GDE), has the Government let contracts for the construction of the GDE between the Barton Highway and Ginninderra Drive since September 2004; if so, to whom and for how much;

(2) Do any of the contracts include clauses similar to those in the Kenoss contracts under which Kenoss was able to claim $23 000 per week for each week during which it was unable to continue the work because of protest or court action;

(3) Is the work currently underway part of the original stage one contracts;

(4) Have any contract variations been made to the original Stage One contract;

(5) What measures have taken place to replace tree hollows after the landclearing works last year.

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

(1) Contracts have been let as part of the GDE works between Barton Highway and Ginninderra Drive since September 2004 for the supply of imported fill. These are as follows:

Delta Pty Ltd	$44,000
Hewatt Earthworks Pty Ltd	$240,350

(2) No

(3) No, the work underway is associated with the main construction contracts as stage one of GDE will require additional fill material. These contracts have been let in advance of the main construction contracts as suitable fill material has become available at minimal costs from major excavations around town.

(4) Contract variations are made once a contract has been let to establish an agreed value for a change to the required work. No stage one contracts have yet been let and therefore no variations have yet been agreed. However, the quantity of fill required to be imported as part of the stage one works has been reduced as a result of the contracts outlined above.

(5) During the tree felling operation some hollow logs were observed and marked for relocation by the Contractor to just beyond the cleared corridor to serve as future ground nests. No further measures have taken place to replace tree hollows after the clearing works last year, as advice was received from the Wildlife, Research and Monitoring (WRM) section of Environment ACT that they did not want nesting boxes put up in the Nature Reserve.

Roads—ACTPLA carpark (Question No 379)

Mr Seselja asked the Minister for Planning, upon notice, on 7 April 2005:

(1) In relation to the carpark for ACTPLA staff at Dickson, on what date was (a) ACTPLA and (b) the Minister first advised of problems with the carpark;

(2) What problems were advised with the carpark;

(3) Why was the carpark not closed at the time of the first notification of problems with the carpark;

(4) When will the carpark be reopened;

(5) What compensation will the Department be seeking from the owners of the carpark for the inability to use the carpark;

(6) What provisions have been provided for ACTPLA staff carparking in the interim.

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

(1) (a) Property ACT, as the Territory's property manager, and the ACT Planning and Land Authority, as the building regulator and lessee of part of the structure, both became aware of initial problems with the building on 19 January 2004.

(b) Whilst I was not formally briefed on the initial problems associated with the building in 2004, The Chief Planning Executive indicated informally to me that some issues existed and were the subject of further investigation by the building's owner. More recently I received a verbal briefing ahead of the Authority's intention to prevent its staff having access to the carpark from February 2005.

(2) Initial structural engineering advice in early 2004 indicated that there had been some movement in concrete panels on access ramps leading to the top deck of the carpark. There was also associated cracking apparent at the sides of the panels.

(3) The carpark was not closed at that time because of structural engineering advice provided to the Building Controller was that it remained suitable for continued use, providing access above level 6 was removed, structural reinforcement was provided to access ramps up to level 6 and barriers were erected to keep vehicles away from the edges of the access ramps.

The Authority in consultation with the other Dame Pattie Menzies tenant, ACT Procurement Solutions, took the decision to close access to the carpark by its staff on 25 February 2005 after receiving a copy of a subsequent report to the carpark owners by their structural engineer, advising that there had been further deterioration in the carpark structure and that he believed it was unsafe for further use. The Authority also wrote to the Carpark owners urging them to close the structure and issued a media release to inform other users of its concerns. The owners subsequently closed and secured the carpark.

From February 2004 the Authority, through the Building Controller, Property ACT and the Government Solicitor's Office, has actively sought action by the carpark owners to undertake structural repairs to enable full use of the carpark. Despite indicating their intention to undertake the required work, this did not occur. During this period, the Authority was provided with further structural engineering advice that the carpark remained suitable for continued use.

The Authority and Property ACT have now engaged their own structural engineer to report on the current state of the carpark and the full extent of remedial work required.

(4) It is not possible at this time to determine when the carpark is likely to be reopened.

(5) The Authority is working with the Government Solicitors Office and Property ACT to determine the legal options available to the Territory as regards both structural sufficiency and obligations of the lessee to the sublessees including the Territory.

(6) Alternative parking for the Authority's staff is available at Southwell Park and some limited long stay parking areas in and around Dickson's commercial centre.

ACTION bus service—flexibus (Question No 380)

Mr Pratt asked the Minister for Planning, upon notice, on 3 May 2005:

(1) In relation to the introduction of the new ACTION flexibus evening services to various suburbs throughout Canberra, in the suburbs where the flexibus evening services will operate, what provisions have been made for passengers wishing to travel from their suburb at night, but who may not have access to a telephone, and who rely on regular routine services for pick-ups;

(2) How will ACTION ensure that passengers who have pre-arranged a pick-up time are not waiting beyond that time due to the subsequent bookings of other passengers and re-routing of the service after their initial phone call to ACTION;

(3) Will the ACT Government be reimbursing passengers for the cost of making the telephone call to 13 17 10 to book the flexibus service for example, by deducting the cost of the call from their bus fare; if not, why not;

(4) What are the cost savings or benefits to the ACT Government by the introduction of the flexibus system as opposed to the continuation of the previous system of regular timetabled buses;

(5) What are the financial figures relevant to part (4).

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

(1) ACTION customers have a number of options to book a flexibus. In addition to customers ringing the call centre to book a flexibus they are able to book by faxing a booking through the call centre, by ACTION's webpage on the Internet, in person at an Interchange information/ticketing office, or by post.

(2) If there is heavy demand for pick ups, ACTION will divert other services, to ensure waiting times for customers are kept to a minimum.

(3) No. Flexibus is a premium service, providing an additional service to customers.

(4) All potential cost savings obtained from ceasing to operate empty route buses at night have been used to increase frequency on the evening Intertown and route services and the new hourly area services. This has provided Canberrans with a demand responsive evening bus service. This is another measure the government is introducing to support the achievement of patronage targets in the Sustainable Transport Plan.

(5) Potential savings $210,000 could have been realised had the area services simply been introduced to replace the former 90min frequency route network. These savings have been reinvested into additional service delivery.

Littering—brochures (Question No 381)

Mr Pratt asked the Minister for Urban Services, upon notice, on 3 May 2005:

In relation to the placement of advertising leaflets onto the windscreens of ACT Legislative Assembly carpark vehicles on Thursday 21 April 2005 promoting the Government World Technology 2005 event, will the ACT Government be seeking to prosecute the promoters of this event for illegally placing these brochures on windscreens in contravention of subsection 13 (3) of the *Litter Act 2004*; if not, why not.

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

The Department of Urban Services was not aware that this incident had occurred. Accordingly, the Department is not in possession of any evidence to prosecute this matter. Notwithstanding this, contact has been made with the Sydney based company responsible for organising the leaflet drop. The Department advised the company that placement of leaflets on vehicles is illegal and that further instances may result in the issuing of a litter infringement notice to the company.

Dogs—attacks (Question No 382)

Mr Pratt asked the Minister for Urban Services, upon notice, on 3 May 2005:

(1) How many people have been reported to have been attacked by dogs in the ACT during (a) 2001-02, (b) 2002-03, (c) 2003-04 and (d) 2004-05 to date;

(2) In how many of the reports for each of the years above were injuries recorded;

(3) How many dog owners were (a) prosecuted, (b) fined or (c) warned for such incidents for each of the years above;

(4) How many dogs have been removed from their owners or put down as the result of dog attacks on people, in each of the years listed above;

(5) How many dog owners have been (a) prosecuted, (b) fined or (c) warned for having dogs off-leash in non off-leash areas in each of the years listed above.

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

The Domestic Animals Services (DAS) Database is limited in its search capacity. The following response has been generated from existing information on the database.

(1) & (2)

ATTACKS	2001-2	2002-3	2003-4	2004-CURRENT
Attacks - person/person and animal	101	88	67	67
INJURIES				
Injuries - person	94	76	59	59

NB Injuries include all reports of any injury sustained. This includes both minor injuries (eg scratches) and major injuries (eg large open wounds).

(3) (a) Limitations of the DAS database do not allow for defined searches for this question.

(b) There is currently no fine in the regulations specifically for dog attacks. Fines would be given for other offences under the *Domestic Animals Act 2000*, eg unregistered dog or a dog in a public place without a carer. The establishment of infringements for minor attack offences is to be considered in the upcoming review of the Act.

(c) All known owners of dogs that have been involved in dog attacks are, as a minimum warned by DAS. Since November 2003 seized dogs that have been released back to their owners are usually returned under formal conditions imposed under section 70 (3) of the *Domestic Animals Act 2000*.

(4)

	2001-2002	2002-2003	2003-2004	2004-2005
Number of dogs seized as a result of reported attacks on people and animals.	142	124	204	145
Number of seized dogs destroyed	Not known	Not known	85	59

(5)

Off-leash offences	2001-2002	2002-2003	2003-2004	2004-2005
(a) Prosecuted	24 over all 4 years			
(b) Fined	81	66	98	86
(c) Warned	Warnings are recorded in a ranger's field notebook and recorded on an individual dog's record. The collation of this date is not readily available.			

Vandalism—wheelie bins (Question No 383)

Mr Pratt asked the Minister for Urban Services, upon notice, on 3 May 2005:

(1) How many ACT Government wheelie bins have been destroyed or damaged by vandalism or other means in the ACT during (a) 2001-02, (b) 2002-03, (c) 2003-04 and (d) 2004-05 to date;

(2) What was the cost of wheelie bin replacement for each of the years listed above as a result of such actions.

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

(1) Contractual arrangements prior to 28 April 2003 did not require such records.

2002-03	856 destroyed in January 2003 bushfires. 690 destroyed or damaged from 28 April 2003 to 30 June 2003 Note: This figure includes the new contractors replacing a number of bins that the previous contractor neglected to replace.
2003-04	2,698
2004-05	2,670

(2) The cost of replacement bins is not available as it is included in the contract rate. The exception is for the cost of bins replaced after the January 2003 bushfires, which totalled $17,241.01.

Roads—Northbourne Avenue (Question No 384)

Mr Pratt asked the Minister for Urban Services, upon notice, on 4 May 2005:

(1) What is the current width of each of the traffic lanes travelling in both directions along the entire length Northbourne Avenue;

(2) Are these lanes now wide enough, since the introduction of on-road cycle lanes, to accommodate all emergency services vehicles, including fire tankers, that need to travel along this major road; if not, why not;

(3) What is the width of ACT fire brigade tankers;

(4) Are there any other main roads in the ACT that, since the installation of on-road cycle lanes, have had their widths reduced to the extent that they are narrower than emergency services vehicles; if so, which roads and what is the lane width of those roads.

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

(1) The kerb side traffic lanes are 3.2 metres wide. The centre lanes and median lanes are 3.0 metres wide;

(2) The lanes are wide enough to accommodate all standard width vehicles including fire tankers;

(3) The ACT Fire Brigade advise that the maximum width of fire tankers is 2.5metres in accordance with road regulations.

(4) No.

Roads—Tharwa bridge (Question No 385)

Mr Pratt asked the Minister for Urban Services, upon notice, on 4 May 2005:

(1) What structural problems were recently revealed by a routine maintenance check on Tharwa Bridge;

(2) What are the safety concerns in relation to these structural problems;

(3) When will repairs be completed and when will the bridge be re-opened for general use;

(4) How much will these repairs cost;

(5) If the bridge is not repairable, why not;

(6) Will a new bridge need to be constructed to replace the existing bridge.

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

(1) Rotting has been identified in a number of the timber members of the bridge.

(2) The Tharwa Bridge is not considered safe for use by general traffic.

(3) Roads ACT are currently assessing options for the bridge, which will remain closed until further notice.

(4) See (3).

(5) The bridge is repairable.

(6) See (3).

Policing
(Question No 386)

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 4 May 2005:

(1) Further to an article in The Canberra Times, pages 32-33 on 27 March 2005 entitled "Out on the beat with the territory's top cops", why are lone police officers given responsibility for arresting drink drivers and other offenders, when it would not be deemed appropriate for lone officers to be doing so without backup present;

(2) Why are lone officers being sent out on patrol to conduct apprehensions and arrests;

(3) Are police numbers sufficient to ensure that two or more officers per vehicle are on patrol at any one time; if so, why on the occasion referred to in the article was a lone officer undertaking arrests;

(4) How many police patrol car shifts on average are manned only by a lone police officer.

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

(1) A policy has been developed by ACT Policing in conjunction with the Australian Federal Police Association for the deployment of single officer patrols. The policy provides protocols which ensure appropriate safeguards and the exercise of due care by ACT Policing.

Experienced officers only are deployed as single person patrols. Single officer patrols include all motorcyclists and some Team Leaders. Single officer patrols are not directed to attend any potentially threatening or violent incident as the first responding vehicle. Team Leaders are intended to supplement other patrols and provide supervisory support but are not intended to be a first response function. The officer is empowered to apply personal judgment and discretion in all circumstances.

Police communications protocols provide procedures which are strictly followed by patrols when conducting roadside vehicle stops. The procedure requires the patrol to notify police communications of their location, to detail the subject vehicle and to advise when the incident is complete. Any difficulties met by the patrol can be broadcast by an emergency transmission with back-up patrols immediately directed to the location.

(2) Single officer patrols are not directly tasked to conduct apprehensions or arrests. Such actions may arise from normal patrol function and are conducted in accordance with prescribed guidelines to protect the safety of officers. The officer is empowered to apply personal judgment and discretion in all circumstances.

(3) Police numbers are sufficient to ensure that all patrols, with the exception of those noted at answer (1), contain a minimum of two officers. It is common practice for single officer patrols within Traffic Operations to effect arrests.

Traffic Operations instituted a revised roster structure on 10 March 2005. All night vehicle patrols since that time have consisted of a minimum of two members. Police motorcyclists may, at the member's election, continue patrol until 11pm.
The deployment of single officer patrols by Traffic Operations during daylight hours remains an appropriate and preferred operational efficiency.

(4) It is too resource intensive to obtain data identifying the number of shifts manned by single officers. This would involve manual examination of daily patrol allocation sheets.

Children—autism
(Question No 387)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 4 May 2005:

(1) Further to Issue 7 Autumn 2005 of the newsletter of Disability ACT, Community Partners in Disability, which has an article headed *Overseas experience—Early intervention: ACT on track for success*, is there a service in the ACT that provides long-term integrated education and residential care for children with an autism spectrum disorder (ASD);

(2) How many parents in the ACT requested long-term integrated education and residential care, comparable to services that Sunfield residential school provides, for children with ASD;

(3) How many children with ASD from the ACT currently receive long-term integrated education and residential care that is comparable to services that Sunfield residential school provides;

(4) What services in the ACT provide a staff student ratio for children with ASD like that provided by Sunfield residential school which provides 3¾ staff one child in care 24 hours a day, seven days a week;

(5) Further to Sunfield's use of the Treatment and Education of Autistic Children and related Communication Handicapped Children (TEACCH) discipline, (a) which ACT government services for children with ASD adhere to the TEACCH discipline, (b) how much TEACCH treatment is provided for children with autism in the ACT and (c) how many Therapy ACT staff have specific training in TEACCH and what form does that training take;

(6) Further to Sunfield's conduct of research, (a) which ACT Government services have published in peer reviewed research outcomes and (b) what are those publications;

(7) Further to Sunfield residential school's 300 staff providing exclusively specialised services for students with ASD, which ACT Government services have staff who provide exclusively specialised services for students with ASD;

(8) Further to Professor Hilton Davis's Parent-Advisor Model and that the Department of Disability, Housing and Community Services (DHCS) will be implementing this approach and several recognised experts in ASD treatment have published research reviews in the last decade, (a) which of those reviews recommended Davis's Parent-Advisor Model, (b) which reviews mentioned Davis's Parent-Advisor Model and (c) how many Therapy ACT staff have specific training in Davis's Parent-Advisor Model and what form does that training take;

(9) Does the article imply that "a lot of the work around autism in the ACT is evidence-based" and numerous reviews published by recognised experts, over the last decade or so, consistently say that autism-specific Applied Behaviour Analysis (ABA) or Intensive Behavioural Intervention (IBI) has the strongest, the best or the only empirical evidence available; if so, (a) how much autism-specific ABA or IBI treatment does DHCS provide for children with autism and (b) what proportion of treatment for autism provided by the ACT Government is autism-specific ABA or IBI.

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

(1) Given the detailed technical nature of the Member's question, I would be happy to arrange a briefing on the article for the member if she wishes.

Social welfare—support services (Question No 388)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 4 May 2005:

(1) Further to the reply to question on notice No 287, when will the client satisfaction survey be finalised that will provide a comparative measure against the last survey conducted in 2002;

(2) From where will copies of the report be able to be obtained.

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

(1) The Individual Support Services client satisfaction survey will be distributed in late May. Families will have four weeks to reply to the survey. All data received will be forwarded to the department's Data and Research unit for analysis. A report will be prepared which will include analysis of data against previous surveys. It is expected that a report will be available late September 2005.

(2) The precise method of distribution for this report has not been finalised.
