DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

SIXTH ASSEMBLY

WEEKLY HANSARD

1 July

2005

Friday, 1 July 2005

Friday, 1 July 2005

MR SPEAKER (Mr Berry) took the chair at 9.30 am and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

Children and Young People Amendment Bill 2005

Debate resumed from 21 June 2005, on motion by **Ms Gallagher**:

> That this bill be agreed to in principle.

MRS DUNNE (Ginninderra) (9.32): The opposition will be supporting this bill. As the minister pointed out in her tabling speech, this bill is purely mechanical—to ensure that all the approvals for the operation of a facility under the Children and Young People Act are up to date and all the ts are crossed, essentially. My office sought and obtained a briefing, and I thank the minister's office for a comprehensive briefing. Our only reservation was that there may have been some outstanding court matter that may have been affected by any changes to approvals. We have been assured that there are no outstanding court matters and, as a result, we will be supporting the bill.

DR FOSKEY (Molonglo) (9.33): I support this bill as well. I recognise the government's need to fill in the legal holes that have been found around the validity of attendance, shelter, institution and detention centres, official visitors to these centres and the related standing orders. I am also aware that it is against common law rights to legislate retrospectively, as it may unfairly impact on ACT citizens who thought they had been operating in a legal manner. I do not believe that concern arises in this case as, firstly, the people who might be affected by the proposed legislation have been operating under the assumption that this legislation is already in place and, secondly, there is a safety clause under 418 (3) that prevents retrospective statutory instruments from allowing prejudicial provisions in relation to those affected.

The body most affected by this retrospective legislation is the ACT government. It will now legally have responsibility for these centres and the standing orders operating in relation to them. If legal cases were to come up with regard to the centres and the standing orders once this bill is passed, action would have to be taken against the ACT government rather than individual staff members who implemented what they thought to be legal actions. Although we may or may not be comfortable with the notion of retrospectively legalising a range of standing orders which we have not seen, it would seem to be the more responsible action, to give Quamby and the government the legal protection that we and they presumed was already in place. The more interesting part of the process now is the follow up, which includes a collation of the orders and procedures and the subsequent auditing of them by the human rights commissioner.

On a related matter, we had a motion in the Assembly from Mr Seselja this week centred upon the formation of a working group to evaluate Quamby's programs. In the context of that debate I received an informal agreement from the Minister for Children, Youth and Family Support to report to the Assembly on the work plan and outcomes from that group. I am using this speech to ask that the report be extended to include the human rights commissioner's audit of the Quamby detention centre, the chief executive's review

of the standing orders, as referred to in section 418 of the legislation, and the government's response to these papers in addition to outcomes of the working group's activity.

Given that the minister's department is to provide her with an analysis of the standing orders within three months of commencement, I would hope that we could set a time frame on the report, such as the last sitting week of the year. In the context of human rights concerns regarding Quamby and some of the issues of legality raised by this bill, I see that such a report would ensure that the review of standing orders would be conducted in a transparent manner.

MS GALLAGHER (Molonglo—Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (9.36), in reply: I thank members for their contribution to the debate on this important bill. As outlined in my presentation speech, the bill addresses problems that date back to the beginning of self-government in the ACT with regard to juvenile justice matters. These are not problems that have arisen overnight; they have a long history and relate to successive legislative changes over the period.

Specifically, the problems addressed in the bill include the declaration of Quamby Youth Detention Centre as a shelter and institution under the act, the declaration of community youth justice offices in their various locations as attendance centres under the act, the declaration of Marlow Cottage as a shelter under the act, the validity of the standing orders used at Quamby, and the appointment of official visitors under the act. Since discovering these problems, we have moved quickly to address the issues raised and bring legislation forward to give the necessary surety for the staff and young people of Quamby.

I introduced this bill last week on late notice and the scrutiny of bills committee has given it an in-depth and speedy response. I wish to place on record my gratitude to the committee for so quickly turning to the bill in time for this debate. I appreciate the committee's response and comments. Of course, I will respond in the traditional manner by way of a letter to the committee for addition to its next report, but I am obliged and happy to respond to the points made on the bill in this closing speech today.

At the outset I would like to reiterate some points made in my presentation speech and explanatory statement; that is, that in this bill we are addressing some fundamental housekeeping in our laws and practices that underpin the running of institutions such as Quamby and Marlow Cottage in the ACT. Our purposes are clearly set out and identified in the committee's report—to provide for the making of standing orders for places of detention, to expand on the regulation-making power under the act and to give retrospective statutory effect to a number of instruments made under the act. The essential aim of these measures is to prevent unnecessary litigation arising out of a technical oversight dating back to the beginning of self-government in the ACT.

There are three principal points raised in our committee's report. These are the principle against the retrospective operation of the law; privative clauses; and appropriate delegation of legislative power. I am grateful for this dialogue and turn to address each of those matters in principle. As stated above, I will give more details in my written

reply, but it is important for all members of this Assembly to have as much information before them today as possible when making decisions.

In addressing the retrospective standing orders to be made under proposed section 418 (2), the committee provided two case scenarios. Case one is whether, in effect, the existing standing orders are going to be remade and case two is whether, in effect, new orders will be made. The proposed regularising of the standing orders will be a combination of these scenarios.

In this bill the government is not dealing with new rules or new standing orders but, rather, taking the opportunity to regularise what has been occurring, by bringing the law into line and having a preliminary human rights review before the orders are made. Where possible, the existing standing orders will be regularised. However, there may be a problem with the existing orders, not only in form, that is, the statutory authority behind the orders, but also in substance, that is, the range of actions permitted under the orders.

That is why the government in this bill does three basic things: it provides a legislative base for the making of standing orders under the act; it provides an ability to make new interim orders within 28 days; and it ensures that the new interim orders will be subject to the Human Rights Act. In this 28-day window we will review and improve the standing orders to ensure that they are within the framework of the law and the Human Rights Act.

The standing orders will be within the matters set out in proposed section 403, including such things as safety, management, good order, powers of search, use of force, and medical care and examination. These will be interim orders and the sunset clause will cause the section to expire in 12 months. This ties in with the review of the whole of the act and allows the inclusion of these matters to be part of that process.

As to the matters raised by the committee in relation to proposed section 418 (4) and the question of the retrospective operation of laws and standing orders, it is the government's intention that this be subject to the whole of the Human Rights Act. The intention is for the standing orders to be within the authority of section 403 and to address any possible previous inconsistency that may have existed.

Any alterations to the standing orders are not intended to expose detainees to new criminal penalties; nor are they intended to expose staff to any new criminal penalties. Any exposure to civil action would be subject to the immunity in existing section 407 (2) (a). It would be extremely unlikely that a court would interpret such provisions as retrospectively criminalising the actions of young people or staff, in the absence of clear and express language. This is a fundamental presumption of the common law that is reinforced through the operation of the Human Rights Act. It is therefore important to clarify how the Human Rights Act will operate.

We have made it clear that, although the standing orders will operate as if they have been enacted by an act, they must be subject to the Human Rights Act. In our view, this means that the standing orders must be consistent with the Human Rights Act and protected by that act, and may only be subject to limitations that are demonstrably justifiable in a free and democratic society. In this respect we affirm the conclusion drawn by the committee.

With this in mind, the bill also requires the chief executive of my department to review the standing orders and provide me with a report within three months of the commencement of these amendments. This clause is necessary as the standing orders will be redeveloped over this period on the basis of advice from the human rights commissioner in relation to compliance with the Human Rights Act 2004.

As I indicated in my presentation speech earlier this year, after discussions between the department and the human rights commissioner, the commissioner began a review of Quamby. The purpose of this audit was to gain her advice on what changes were necessary to enshrine the principles of human rights in the practices at Quamby. We will be guided by her advice in reviewing the standing orders during this three-month period.
I thank the committee for noting that some words are missing from the explanatory statement. I will address that point in my formal response to the report. In areas of security and facility operational matters, the government considers that some of these matters should not be put into the public arena so as to cause risk to operations, personnel and others. That is why certain standing orders will be excluded from the provisions of the Legislation Act.

Proposed section 403B makes provisions as to persons to whom the chief executive must ensure copies of the standing orders are made available, including any exempt provisions. This is a reasonable safeguard as it is mandatory and, of course, does not preclude the chief executive from making the standing orders available to others. In order to ensure that the relevant statutory oversight officers and the judiciary have access to the full set of standing orders, including those relating to security provisions, the bill provides that the chief executive must always make all of the standing orders available for inspection by a judge or magistrate, community advocate, the human rights commissioner, an official visitor or the ombudsman.

Just to finish in relation to some of the questions Dr Foskey sought assurances on from me, I am happy to provide the Assembly with a report on the progress of Quamby and all the issues that are going on, including the work of the working party and an action plan relating to whatever comes out of the human rights audit once we receive that report by the end of this sitting year. I can give you that commitment today.

In closing, I thank members for their support and their preparedness to deal with this bill swiftly. I thank them particularly in respect of the fact that we have asked for such a significant piece of legislation to be dealt with in one week.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Order of the day—postponement

Ordered that order of the day No 2, Executive business, relating to the Water Resources Amendment Bill 2005, be postponed to the next day of sitting.

Territory plan—variation No 236
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 29 (1)—Approval of Variation No 236 to the Territory Plan—City West—Commercial A Civic Centre Land Use Policies, Exemption of Preliminary Assessments and Part D—Definitions, dated 30 June 2005, together with background papers, a copy of the summaries and reports, and a copy of any direction or report required.

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

Leave granted.

MR CORBELL: Variation No 236 proposes to provide for the implementation of the City West master plan that was endorsed by the government in May 2004. It proposes to revitalise the City West precinct by extending the commercial A land use policy, amending height controls and including objectives to provide for community facilities. The variation also includes changes to controls on building colour and preliminary assessments that will apply to all of Civic.

The draft variation was released for public comment on 6 August 2004, with comments closing on 3 September 2004. Three written submissions were received during that time. These submissions raised concerns regarding tenure for community groups, building height limits and the impact on the Australian National University. A number of minor revisions were made to the variation as a result of the consultation process.

In report 10 of June this year the Standing Committee on Planning and Environment made nine recommendations in relation to the variation. The committee's first recommendation was that the membership of the City West precinct committee be broadened to include a representative of community organisations and other existing occupants. In broadening this membership, the ACT government's target of 50 per cent for female appointees to committees and boards should be applied. The government notes this recommendation. However, the issue of membership of the precinct committee is beyond the scope of both the territory plan and this variation. It will be referred to the City West precinct committee for consideration.

The committee's second recommendation related to clarifying the proposed exemption from preliminary assessment for development in the Civic centre. This recommendation is accepted. The effect of the variation is to remove the need for mandatory preliminary assessments to be prepared for proposed buildings. Not only will this apply in the Civic centre but it will apply for all of Civic. The variation makes it clear that, in Civic,

preliminary assessments are not required for any proposal involving a new building that would exceed by more than 7,000 square metres the gross floor area of the building it replaces, if any, and/or where the proposed building is 28 metres or greater in height.

The third recommendation from the committee sought that the ACT Planning and Land Authority better clarify the scope of draft and recommended final variations when they have multiple objectives. In this instance, some stakeholders were unclear as to whether this variation applied only to City West or throughout Civic. The government agrees with this recommendation. The variation has been amended to clarify the changes that relate only to City West and the changes proposed to apply throughout Civic. The intention of the variation is for the controls relating to colour, construction and materials for new buildings and the exemption for preliminary assessment for development to apply throughout Civic. The remaining policy changes apply to City West.

Recommendation 4 of the committee suggested that the intertown public transport route, or IPT route, be removed from figure 3.2, which is the figure that identifies the proposed changes to the territory plan map. This recommendation is not supported. The IPT route that runs through City West currently caters for buses and is a corridor for possible future high-speed transit and light rail. It is important that the IPT route be reserved to accommodate the future public transport needs of the city. I do not believe it is desirable not to have a defined IPT route through this area. Therefore, the government will be maintaining the existing IPT route in a statutory document. We believe that it should be maintained as such. However, it should be subject to further review with the ANU as it develops its implementation plan for the ANU-City West integration precinct.

Recommendation 5 of the committee's report suggested that the government report annually to the committee on progress in meeting the five per cent affordable housing target for City West and the policies applied for meeting the target. The committee further recommended that student accommodation not be counted when monitoring progress towards achieving this target. These recommendations have been noted. The ACT government will respond periodically to the Legislative Assembly with advice on progress and meeting affordable housing targets.

With regard to student accommodation, the ministerial task force report entitled *Affordable housing in the Australian Capital Territory: strategies for action* of December 2002 revealed that students can be in housing stress more than young people overall. This report recommends that it is appropriate to provide accommodation for students as part of affordable housing and to take students into account when considering indicators for affordable housing. If students are not provided with appropriate purpose-built student accommodation, they will be competing for low-cost housing with other low income earners. If student accommodation is currently in affordable housing, then this opens the market for other low income earners.

The committee also recommended that a definition for RL617 be inserted into the territory plan—part D, definition of terms—through this variation. This recommendation is not supported, on the basis that the territory plan already contains a definition for RL, reduced level, under part D, definition of terms.

In subsequent variations a reference to relevant definitions will be included in the explanatory statement of draft and recommended final variations. The committee has

also recommended that the ACT Heritage Council report on the operation of the Heritage Act 2004 in relation to the implementation of the City West master plan in its 2005-06 annual report and/or subsequent reports as appropriate in the circumstances. This has been noted. The issue of the operation of the Heritage Act in relation to the implementation of the City West master plan is beyond the scope of the territory plan and of this variation. The issue has been referred to the ACT Heritage Council for its consideration.

The committee recommended that figure 6 either be removed from the variation or amended to better reflect the ANU's understanding of pedestrian routes. This recommendation is not supported. Main pedestrian routes in the Childers Street precinct were identified in preparing the City West master plan that was endorsed by the government in May 2004. Any change to the pedestrian routes identified in the precinct would result in the City West master plan being inconsistent with the territory plan. As a consequence of that, the implementation of the City West master plan would be frustrated, since all the development in the precinct must be in accordance with the master plan.

Figure 6, showing the City West-Childers Street precinct main pedestrian areas, is included in the variation to identify the main pedestrian areas in the Childers Street precinct so that the heights of adjacent buildings will not overshadow the main pedestrian areas. A similar diagram is included in the territory plan to indicate main pedestrian areas for the retail core in the city.

The committee's final recommendation was that the variation be amended to remove the proposed change to the territory plan map that will delete the urban open space land use policy from part of block 4 section 2 City and part of Marcus Clarke Street, and that the proposed commercial land use policy not be applied to this area. This recommendation is not supported. Section 2 City currently contains the Canberra Club and Canberra House on block 3, a surplus car park and a pocket park on block 4. This small park is popular for passive recreation use by employees in the city.

Most of block 4 is actually used for surplus car parking, even though it is designated as urban open space land use policy. Applying the commercial A land use policy to part of block 4 will allow for a new development site fronting Marcus Clarke Street and the enlarging of the pocket park. This area would remain as a pedestrian thoroughfare, since the intersection of Hobart Place and Marcus Clarke Street would remain open for pedestrian access, as well as being opened up for vehicular access. Urban design guidelines prepared for the area would ensure that overshadowing of the pocket park from new development is minimised in this inner city context. I commend the variation to the Assembly.

Papers

Mr Speaker presented the following paper:

> Study trip—Report by Mrs Vicki Dunne MLA—Sydney, 28 and 29 April 2005.

Dr Foskey: Mr Speaker, is it possible for me to ask that the report be noted?

MR SPEAKER: Yes, you can. It is really up to the minister. As there is no motion before the chamber, I cannot take it any further.

Unit Titles (Staged Development) Amendment Bill 2005

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

> That this bill be agreed to in principle.

MR SESELJA (Molonglo) (9.54): The opposition will be supporting the Unit Titles (Staged Development) Amendment Bill 2005. I note that the government has consulted with most of the key stakeholders in this area. The opposition also has consulted with those stakeholders and the general feedback has been that this will be a good amendment, that it will add a bit of certainty to the process for staged developments and that it will clarify the law in some areas. For those general reasons, we will be supporting the bill.

Some positives will come out of it. I think that it does provide a good balance between the interests of developers and purchasers. There are some important protections there for purchasers, in particular in the second stage of developments, without being overly prescriptive. The current law is restrictive in terms of staged developments and that, in some cases, can have some unintended consequences and can be unhelpful.

Among the positives that we see is the potential for a higher standard of product based on the staged process. There does appear to be greater design flexibility. The impact of the extended time frame on finances is an important point. The ability to monitor the adequacy of early stages of developments will lead to the ability to incorporate changes as a result in future stages.

The bill allows for unit title plan development on a staged basis and sale and settlement of sales prior to construction. The consumer is protected when buying off the plan and this bill has some fixed-term commitments for the developer under this legislation. The consumer's interests in later stages of development are protected as the bill allows owners in stage 2 of a development to vote on owners' corporation decisions for that stage. Those are the main positives.

As I said, we have consulted with the industry on this bill and generally the feedback has been positive. I will put on the record one major issue that was raised. Given the likelihood with staged project development of a stage being completed and occupied while other stages are progressed or plan to be progressed, concern was raised as to what protection has been built in to cover a developer going broke and being unable to progress the development to finality. That was one of the issues raised.

A second issue was in relation to ACTPLA's ability to manage the new freedoms given to developers. Obviously, there is going to be more onus on ACTPLA to manage this process and there was questioning of how successful it will be. I think that ACTPLA's role in this regard is crucial and we need to be assured that ACTPLA will have the necessary ability to do that.

The feedback from stakeholders has been that ACTPLA's titles section is efficient as it stands, but this legislation relies on the strength of that unit being preserved or enhanced. Given the job cuts in ACTPLA, we would certainly hope that there will not be cuts in this area in view of this change to the legislation. The minister might enlighten us on that when he responds.

In summary, Mr Speaker, the opposition will be supporting this bill. We do see some positives with it. As always, we will be watching closely how it is implemented and we look forward to the minister keeping us informed of the success of the legislation.

DR FOSKEY (Molonglo) (9.58): This bill brings the ACT into line with New South Wales and Victoria in facilitating staged development. It means, in effect, that developers will be able to build, sell and have occupied the first stage of a development before completing the building in later stages, as long as those later stages have development approval.

Whilst the basic concept is clear, there are a number of complexities involved, as the minister pointed out, such as protecting the amenity of residents living in completed units while further construction is carried out. I note that industry, territory agencies and the law society have consulted in the process of developing the bill and I guess we should be reassured. Of course, consultation is as consultation does, to paraphrase Forrest Gump, and the Greens take the view that a more detailed report on the consultation process used in developing legislation would be helpful.

I note that the bill's definition of "substantially inconvenienced" is limited to works on the same stage or common property. Clearly, there is potential for occupiers of a completed stage to be inconvenienced by the construction of later stages. Perhaps that is the price you pay for getting in on the first stage. I am not sure, however, that this is all entirely satisfactory and I am using this speech to flag those concerns and to call on the ACT government to ensure that its agencies track the impact of this legislation, particularly its impact on the amenity of residents.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

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

Construction Occupations Legislation Amendment Bill 2005

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

> That this bill be agreed to in principle.

MR SESELJA (Molonglo) (10.02): I can only assume that there will be no unforeseen amendments to this bill.

MR SPEAKER: It is always open to deliver a surprise.

MR SESELJA: I know that it is always open, but sometimes when there are detailed amendments it is nice to have a little bit of notice.

MR SPEAKER: It is not required.

MR SESELJA: I know that it is not required and I note that amendments proposed for the previous bill are not being pushed now and will be debated on another day. I look forward to examining the amendments for the previous bill.

The opposition will be supporting the Construction Occupations Legislation Amendment Bill. The bill contains a number of technical amendments. The reason for some of those amendments, from the discussions I have had, is that the main legislation was rushed through late in the term of the last Assembly. I guess this is what you get sometimes when you rush things through. I hope that in future we will take a little bit more time to consider important pieces of legislation so that we do not have to come back and make numerous amendments to it. The main point I would make is that, in future, we should not rush these things through.

In terms of the actual detail of the bill, the provision that an extension or renovation to a pre-existing building will not be required in all cases to meet current building code requirements, depending on the scope or extent of the changes undertaken, is an important amendment. It is sensible. Obviously, the building code is something that is changing quite often, which does provide uncertainty, and it can be of concern if things change after an extension or renovation has been approved. I note that this amendment is an improvement and I certainly welcome it. We see the provisions concerning the licensing of certifiers as a positive.

Turning to some of the concerns that were picked up in the consultation on this bill, I was told that there was concern about the potential for increased cost burdens with regard to this latest bill around the building code for bushfire zones and certification for owner/builders. These obviously need to be balanced with the importance of having proper safety measures being applied to renovation in any of these areas and it is important to get the balance right. We do not see that concern as being significant enough to oppose this legislation; we just put it on the record.

The actual cost of complying with the building code in bushfire zones does need to be monitored. We have had discussion in this place about the added costs of bushfire abatement measures and there is a need for balance in these areas. Obviously, we need to be protecting home owners from the effects of bushfire but also, if possible, we do not want to add too many cost burdens, being aware as we are that it is expensive to build a home these days. Costs have gone up quite significantly over the last few years, making things more difficult for first home buyers coming into the market.

In balancing community needs and community safety, we need to be mindful of the fact that cost rises in the building industry have a big effect on families looking to enter the market. I have spoken at length in the past and Dr Foskey often speaks about affordable housing. An area of importance to the provision of affordable housing is the need to try to cut red tape where possible and to try to keep building costs down as much as possible to allow people to have a reasonable opportunity to enter the housing market.

We will be monitoring this legislation closely to see how it works in practice, but we support the basic tidying up of a number of provisions. We support the general thrust of the bill. I have referred to an area of concern that was raised by one of the industry groups, but the opposition does not think that it is sufficient to justify opposing the legislation and will be supporting it.

DR FOSKEY (Molonglo) (10.07): Mr Speaker, this bill is a clean-up subsequent to the introduction late in the last Assembly of legislation, which has brought most of the construction occupations into a consistent framework. As the system has bedded down, a few inconsistencies and inefficiencies have emerged and I am happy to support the resolution of them.

The most obvious of these is the adjustment to the current building code as it applies to alterations or extensions to buildings designed and approved under previous codes. Clearly, there are occasions when it is neither practical nor valuable to insist that some requirements under the new code apply to minor extensions and variations as long as they accord with the existing building, are safe and so on. I appreciate the care that the department has taken to ensure that safety duties, such as in regard to asbestos, are not compromised. There are also changes to the definition about plumbing plan certifiers and there are new definitions concerning electrical installation and incidental electrical work.

The introduction of this bill throws up the usual questions about consultation. I am confident that these changes have emerged through communication and consultation with the industry. Perhaps such consultation could have occurred earlier. I think that it would help us in our deliberations if a record of such consultations were provided with the legislation.

MR CORBELL (Molonglo—Minister for Health and Minister for Planning) (10.09), in reply: I thank members for their support of this amendment bill. The first thing I would like to say for the record is that the introduction of this bill is not a case of the government coming back and fixing issues that have arisen as a result of some rushed job. Indeed, I do not think anyone could argue that the implementation of the construction occupations licensing legislation was rushed. It was not a rushed piece of legislation. It was a piece of legislation that took several years to develop, in consultation with the industry, but it is by necessity a very complex piece of legislation and obviously the implementation of the legislation has highlighted a number of issues that deserve clarification, which is the point of this amendment bill.

The Construction Occupations Legislation Amendment Bill contains several provisions across a range of building construction areas to clarify and improve the existing legislation. As members have noted, most of these amendments are minor and technical in nature and provide clarity to the legislation. However, the amendments relating to the

50 per cent rule are a consequence of industry concern about the practicality of the rule. This bill provides for a better application of that rule in the future.

Similarly, with the increasing attention and concern in the community relating to asbestos in homes, a gap was identified in relation to in situ asbestos in public infrastructure such as bridges and dams. The amendments recognise and address this issue by regularising existing industry practice. The asbestos provisions of this bill clarify the existing asbestos regime and ensure that it is understood that the asbestos requirements in the Building Act apply to all buildings and structures in the ACT, including bridges, dams and other types of public infrastructure. These provisions do not pre-empt the work of the asbestos task force; they simply clarify the regime. This will make the implementation of any recommendations of the task force simpler by ensuring that the regime is clearly understood.

The bill also deletes the clauses that would have put an end date to some of the asbestos provisions in the Building Act providing requirements to comply with the current asbestos regime. It was anticipated that the Building Act would not be the ultimate vehicle for such asbestos regulation. But for the time being, with the work of the task force ongoing, it is necessary that the asbestos provisions of the Building Act remain in place beyond September 2006, which is the date currently set down for their expiry. This amendment will save having later to extend the asbestos provisions as September 2006 approaches.

Clauses 1.3 and 1.4 of schedule 1 of the bill clarify that, where the Building Act requires work to conform to the act, work must also comply with the building code. This has always been the intent, but the clarification is considered beneficial. This provision applies particularly where work on a building triggers the 50 per cent rule, requiring the whole building to be brought into compliance with the building code. The 50 per cent rule requires that, where building work is being carried out on an existing building that amounts to 50 per cent of the volume of the building, the whole building must be brought into code compliance. Clause 1.4 provides certain exemptions to this rule to make it easier for building owners to meet the requirements.

The government recognises that in some instances it may not be practical for some part of the building to be retrofitted in such a way as to fully comply with the building code. For example, termite shields must be installed in brick walls at the time that bricks are laid. It would be impractical to take down existing brick walls to install termite shields. This provision will enable regulations to be made to provide for exemptions in such cases.

Clause 1.18 serves to clarify some of the wording in the examples provided in the building regulation, which provides examples of when the 50 per cent rule applies. This clause substitutes a new set of examples, which clarify wording but do not alter the intent of the examples. In addition to these provisions, clause 1.19 sets out technical requirements of exemptions to the 50 per cent rule. The requirements were formulated with extensive industry consultation.

The bill clarifies provisions in COLA that relate to rectification orders issued to people responsible for providing COLA construction services unlawfully and in a substandard matter. The bill removes any doubt that the rectification orders are applicable to

owner/builders and speculative builders, that is, those builders who acquire land to build upon and then immediately sell the new premises.

Obviously it is important that the government is able to require such people to rectify works that are substandard in order to protect someone who may purchase the property in the future. These provisions will help meet the objective of the COLA legislation to protect the community against unscrupulous tradespeople and those who might seek to take advantage of unsuspecting home owners.

The bill also protects home owners from unscrupulous tradespeople by strengthening the advertising provisions in COLA by inserting examples to clarify the intention of the legislation. Under section 83.1 of COLA, a person commits an offence if they do not include certain information in an advertisement. This information includes the person's name and licence number and, where the person is a corporation, the ACN.

Clause 1.25 inserts a number of examples of what does and does not constitute advertising. This is to clarify that items such as business cards, brochures and T-shirts constitute advertising when given to a prospective client. The advertising provisions also apply to radio and television advertising and signs. This type of disclosure is important to inform the public just who is providing services and ensures that tradespeople with poor reputations or those who have been subject to disciplinary sanctions cannot hide behind misleading advertising using alternative business names and avoid further disciplinary action by COLA's registrar.

Clause 1.26 makes a consequential amendment to cater for the fact that fire sprinkler fitting work is a separate occupation under COLA rather than a subset of water supply plumbing work. The amendment recognises that plumbers licences can cover the occupation of fire sprinkler work. When COLA commenced, it repealed several laws that were made redundant. Although COLA has substantial transitional provisions, there is doubt that COLA's enforcement provisions can operate where a person breached certain provisions of some of the repealed acts before COLA commenced. Clauses 1.27 and 1.28 clarify that people who broke the old laws can be held accountable under the new COLA provisions.

Clause 1.29 updates a reference to the title of the national plumbing standard. Clauses 1.30 to 1.32 make minor amendments to ensure that bodies politic can obtain builders licences. That will ensure that those ACT government agencies that need to do building work are not necessarily prevented from obtaining a builders licence. An obvious example is the Department of Urban Service.

Clause 1.33 allows corporations and partnerships to become licensed plumbing plan certifiers. Currently, only individuals can be licensed. The government recognises that there is a shortage of such specialist certifiers. This amendment is expected to increase the number of licensees, easing the burden on the few existing licensees. The plumbing industry has indicated its strong support for this amendment.

Clause 1.34 clarifies that government building surveyors are not required by COLA to hold professional indemnity insurance as a prerequisite to being licensed. Government will provide that insurance rather than the individual, as was the case before COLA

commenced. Clauses 1.34 to 1.55 make other minor and technical amendments to the regulations.

Mr Speaker, the COLA legislation has provided a significant improvement to the manner in which construction occupations have been regulated in the ACT. It has provided the registrar with greater flexibility with which to police infringements, and has allowed better means through which to achieve industry compliance. This bill will further contribute to those improvements by clarifying the intention of the legislation and thereby strengthening some of its provisions. I thank members for their support of this bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Leave of absence

Motion (by **Mr Corbell**) agreed to:

> That leave of absence from 2 July 2005 to 15 August 2005 be given to all Members.

Supplementary answer to question without notice
Planning

MR CORBELL: Mr Speaker, before moving the adjournment motion, I want to provide an answer to a question that Mr Seselja asked of me in question time yesterday. In question time yesterday I undertook to check my own records and those of my office about the discussions with the Chief Planning Executive in relation to my proposed direction for the ACT Planning and Land Authority to apply a policy of sympathetic and complementary design for the type of development permitted to occur within the A10 land use policy areas for the suburbs of inner south and inner north Canberra. Mr Seselja asked:

> On what date did you hold the discussions with Mr Savery, who else was present and where was the meeting held? What records were kept of this meeting or discussion and why is it that Mr Savery, when responding to a freedom of information request in May, could not remember having this discussion?

Firstly, I want to make it clear that Mr Savery's response to the FOI request did not state that he could not remember having this discussion. Mr Savery's advice was that no written record could be found of the discussion.

Mr Speaker, my records show that I met with several Griffith residents to discuss the impact of the A10 policy on 7 September 2004 at 11.30 am. That meeting occurred in my office in the Assembly. Also attending that meeting were Mr Savery, my media adviser, my planning adviser and another officer from the Planning and Land Authority.

Following this meeting on 7 September 2004, I discussed with Mr Savery options for a sympathetic and complementary design for development within the A10 land use policy areas for the suburbs of inner north and inner south Canberra. I considered this matter further and on 8 September 2004 I contacted Mr Savery. I told Mr Savery that I intended to direct the ACT Planning and Land Authority to apply a policy of sympathetic and complementary design for the type of development permitted to occur within the A10 land use policy areas for the suburbs of inner south and inner north Canberra.

In accordance with the provisions of section 12 of the Planning and Land Act, I gave the Chief Planning Executive an opportunity to comment on the proposed direction, and before giving the direction I took into account the authority's comments on my proposed direction. This occurred in my discussions with Mr Savery on 8 September 2004 and, as required under the act, I took the authority's comments into account before giving the direction.

A note for file dated 8 September 2004 in my adviser's office outlines the steps taken in relation to this direction, and I am happy to provide this for the information of Mr Seselja and other members. An accompanying note for file from Mr Savery records his understanding of the process in relation to the direction. I understand that Mr Savery's note was not discovered as part of the response to the FOI because the officer who held these documents was on leave. Mr Speaker, for the information of members, I table the following papers:

> A10 land use policy—Answer to question without notice asked of Mr Corbell by Mr Seselja and taken on notice on 30 June 2005—Notes for File—
>
> > Direction to ACT Planning and Land Authority by Simon Corbell MLA, Minister for Planning, dated 8 September 2004.
> >
> > Ministerial Direction to Authority from Neil Savery, Chief Planning Executive, dated 9 September 2004.

Adjournment

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

> That the Assembly do now adjourn.

Mr John Malouf
Mr Tim Keady

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (10.23): I would like to take the opportunity in the adjournment debate today to acknowledge the very significant contribution to the ACT, to the people of the ACT, to the ACT government and to the Legislative Assembly of two officers who are departing the service. It is with enormous regret—and I think it is a regret we would all share—that I report that Mr John Malouf has retired. He was the departmental liaison officer in my office for almost the last four years, since I became Chief Minister. I understand he also served both

Mr Stefaniak and Mr Humphries in their periods as Attorney-General and minister for justice.

Mr Malouf was exemplary in the conduct of his duties. I am very aware and conscious—and I think everybody in this place is—of the sometimes difficult line a departmental liaison officer is required to tread. It is a position in which the occupant is required to observe the highest standards of public service but it must be done within the confines of a political office and a political environment. I am very aware that it is not always an easy task. I think it has to be said that John Malouf has exemplified the professionalism of ACT public servants and of those who serve in this place in the role of departmental liaison officer.

It has been a great privilege for me to work with John Malouf. He has been wonderful to work with. He was professional and energetic, and always willing to assist—a human being that it was a privilege and a pleasure to be associated with and to be around. I will miss John enormously. I wish him the best in his retirement. He tells me that some quite active plans have been made for him by his wife. He is looking forward very much to a very active and enjoyable retirement. I am sure I speak for everybody in this place when I wish John Malouf a happy and long retirement, and I hope we continue our relationship with him in the future. It has been absolutely fantastic working with John, and I appreciate everything he has done for me, for the Assembly and for the government.

I would also like to take the opportunity today to acknowledge that the chief executive officer of the Department of Justice and Community Safety, Mr Tim Keady, will be leaving the services of the ACT to take up a position as a magistrate in the New South Wales local court. Mr Keady has just one more week of his term of engagement left. I think I again speak for everybody in this place who has had the occasion to work with Tim Keady or be the recipient or beneficiary of his very steady, always excellent and professional advice over the past nine years.

It is noteworthy that Mr Keady is the longest serving chief executive within the ACT government, having been appointed to the position he now occupies nine years ago. During that time he has also served successive attorneys of both political persuasions over extended periods. I am sure Mr Stefaniak will join me in saying that there has never, on any occasion in that time, on either side of politics in this place, been any suggestion that Mr Keady has been anything other than the most thoroughly professional exponent of the art of public service and leadership. He is the classic exemplar of frankness and fearlessness, honesty and objectivity in providing advice to a government or a minister.

Mr Keady has a wonderful record of achievement as head of the department of justice. He has led major reform in a whole range of areas from corrections, through the courts, into every aspect of community safety and justice. If one were to do an accounting of the enormous reform, change, significant projects and issues that have been a feature of the role of the chief executive of the department of justice within the territory during his years in this position, one would have a full understanding of the enormous contribution that Tim Keady has made, through the ACT government, to the people of the ACT. I wish Tim Keady all the best in his future career as a magistrate. He will adorn that profession just as he has adorned the role he has carried and fulfilled for the past nine years.

Mr John Malouf
Mr Tim Keady
Tsunami benefit dinner

MR SMYTH (Brindabella—Leader of the Opposition) (10.28): On behalf of the opposition I also extend thanks to Mr Malouf and Mr Keady for their service; and I am sure others will have words to say.

I would like to bring to the attention of members a dinner and a group. The dinner was held last Thursday, 23 June, at the CIT restaurant on Constitution Avenue. It was organised by the Indonesian communities in Canberra network group, and there was a coming together of other groups that formed another group called the Aceh and North Sumatra Rebuilding Fund, or ANSURF project, to assist victims of the Boxing Day tsunami. I think the real value of this group is that they have tracked down Indonesian citizens who have previously lived in Canberra—people who, in the main, studied in Canberra—who were affected by the tsunami. The funds raised will go to help those people. I would like to quote from a document headed, "The families being supported by the ANSURF project." It says:

> As widely publicised, many of the children were dislocated from their family and friends. Some are now confirmed to be orphans, as is the case with Muhammad Mafiz Ilmi, the child of Mr Baihaqi, a 1993/94 graduate of the TESOL program at the University of Canberra. Mr Maihaqi, his wife and two other children died during the tsunami, leaving only one child who is now looked after by his grandmother in Banda Aceh. The Ansurf project will contribute to his school needs and future education.
>
> Mr Moestafa, another graduate of the TESOL program at the University of Canberra, was completing his Masters degree in the Netherlands when the tsunami hit his home in Aceh. Mr Moestafa lost his wife and two children.
>
> Another ex Canberra family affected by the tsunami is the family of Mr Aslam Nur, who graduated from a master's program at the Australian National University in 1994-96. Mr Nur, his wife and a 12 year old daughter survived the tsunami although their house suffered extensive damages. With the help of his neighbours and friends, he is now busy rebuilding his house, after also busy helping out other neighbours and friends to rebuild their homes and properties.

The night of the dinner was a great night. I suspect there were about 100 people there. As a bonus it was held in the CIT restaurant, which provided a couple of Indonesian chefs that evening, so we had an Indonesian meal cooked by Indonesians in our local CIT. The number of Indonesian organisations in the ACT is interesting.

The Indonesian community network consists of 14 groups. It involves the Indonesian embassy, the Australia Indonesia Muslim Foundation, the Indonesian Society of the ANU, the Indonesian Student Association in the ANU, the Indonesian Students Association in the University of Canberra, the Indonesian Students Association in the ACT, Indonesian research and lecturers in the ACT, the Indonesian Catholic community in Canberra, the Australia Indonesia business and education network, the Australian-Indonesian families association, the Minaret group, the Indonesian Christian community in Canberra, the Canberra Indonesian Teachers Association and the

Indonesian business council in Canberra. So there is clearly quite a lot of activity in the area on their behalf.

The group's main coordinator is Ms Ami Sudjiman-Spinks. The group's secretariat consists of Inez Nimpuno and Yulia Immajati. They organised a tremendous night. There was some fundraising, including an auction. I think it is worth recognising the sponsors in this case. The Indo Cafe, Hays Construction & Property, and Java Style from Fyshwick made donations of time and effort and the goods that were auctioned.
The highlight of the night for everyone was the performance of the saman dance from Aceh by, I believe, seven local girls of Indonesian extraction. These girls, between the ages of 10 and 16, had been practising the dance for some time, and their vocal support pulled out about an hour before the dinner. So an hour before the dinner the girls learned the song that had to be sung to accompany the dance.

I think people were mesmerised, so the opportunity for the girls to do a second dance at the end of the evening was auctioned for several hundred dollars. The money was raised, so we got the performers back for another round of dancing. It was great to see a dance from Aceh, the area that was so badly devastated by the tsunami on Boxing Day. Those girls really added to the occasion. I think there will be more activities, as we all know that this is not over. There will be a need for ongoing fundraising.

Ms Siobhan Leyne
Northern Territory government

MS MacDONALD (Brindabella) (10.33): I want to raise two matters this morning. The first one is to say farewell to Siobhan Leyne, who is leaving the Assembly after working in this place for a few years. Most recently, I worked with Siobhan as secretary for the estimates committee but, in the previous Assembly, Siobhan was secretary to the health committee. I was deputy chair of that committee at that point. I wish Siobhan the best for the future and thank her for her efforts in this place.
Turning to the other matter, I am aware that on Wednesday of this week the new parliament in the Northern Territory was sworn in. I want to congratulate Clare Martin, the Chief Minister of the Northern Territory, and her team for their sterling effort in the most recent Northern Territory election. The results were declared last Friday and we had the swearing in this Wednesday.

We have seven new members in the Northern Territory Legislative Assembly. They are Chris Nat, Ted Warren, Kerry Sacilotto, James Burke, Robert Knight and Alison Anderson—and also Barbara McCarthy, who replaced Labor Party member Mr John Ah Kit. That was an increase of six seats in the 25-seat parliament for the Labor Party. I understand there was a swing of around 12 per cent to the Labor Party in this most recent election and a 10 per cent swing against the Country Liberal Party. That seems to indicate that the people of the Northern Territory have lost total faith in the Country Liberal Party. It seems to indicate to me—of course I am biased, being a member of the Labor Party—that the Country Liberal Party is a political party bereft of ideas. One wonders how they will continue.

Moving on and being a little bit more positive, I reiterate my first comments and say congratulations to Clare Martin and all of her team, the people who retained their seats—new blood for the old—and also the six new Labor Party members who got in. I understand that Mr Ted Warren, the member for Goyder, has picked up a rural seat with a swing of 14.3 per cent to Labor. A good friend of mine, Lucio Matarao, was a very strong campaigner for Ted and assures me that he will make an excellent member.

General Peter Cosgrove

MR STEFANIAK (Ginninderra) (10.36): At midnight last night—or 2400 hours military time—a great Australian hung up his uniform. Chief of the Defence Force, General Peter Cosgrove, retired after a magnificent military career. He started at RMC and graduated from there in 1968. He went to Vietnam as a platoon commander and there won a very coveted medal for bravery, the Military Cross, which is one down from the Victoria Cross, or the Star of Courage as it now is in the Australian Army. He then progressed through the ranks.

I first came across Peter when he was on promotion as a major at the infantry centre at Singleton, where I played rugby against him. He played for the army and I played for Muswellbrook. I got to know him very well then, and followed his career with interest. He has had 12 commands in all. I next caught up with him back in 1996-97 when he was commandant at RMC. From RMC—he did not stay there all the time he had to—he went to 1st division, which was the ready deployment division of the Australian Army. Of course, when East Timor happened he was johnny on the spot and went to East Timor; and the rest is history.

Peter Cosgrove has been described—and I can certainly agree with this—as one of the three greatest Australian senior officers since the Australian Army was formed, the other two of course being General Sir John Monash and Sir Thomas Blamey. Unlike Sir John Monash, he had probably never fought in such a major war with such a major effect. General Monash, of course, in 1918 effectively won the war on the western front with the Anzac corps and the Canadians.

What Peter Cosgrove did in Timor was absolutely brilliant; the tactics were excellent. The diplomacy he showed and the ability to utilise the contacts both he and more junior officers, and even NCOs, had with their Indonesian counterparts prevented what could have been a disastrous bloodbath. It was an incredibly smooth operation. It paid a debt that I think most Australians realise we owed to the East Timorese dating back to World War II and expunged some of the shame that had occurred since 1975. As a result of the brilliant job General Cosgrove did in East Timor he developed, I think, a magnificent partnership with the current Prime Minister, John Howard. He has progressed to the epitome of his profession not only as Chief of Army but also as Chief of the Defence Force.

Peter Cosgrove is exceptionally well regarded not only in Australia but also internationally, especially by the allied armies we deal very closely with, such as the United States and the British army. He is a soldier's soldier. He knows exactly how to get the best out of diggers and his subordinates. He is the first to give credit to his troops,

who he regards as the finest in the world. The troops certainly credit him. He would be one of the finest officers we have ever seen.

Peter Cosgrove has conducted himself in the finest traditions of the Australian army and the Australian Defence Force and, as a soldier, he will be greatly missed. He will hopefully have a bit more time to engage in a number of his other passions. He plays golf and is a very keen rugby man. When he came back to RMC, compulsory sport was not on the curriculum and had not been for some time. Peter Cosgrove saw that sport was so important for the development of junior officers that he wanted to get them back playing compulsory sport, especially his beloved rugby. I was delighted to be able to assist him there. He is patron of a number of organisations including the ACT vets where, like the rest of us, he is sensible enough not to play. When he was general officer commanding in East Timor he sent a magnificent, stirring message to the Wallabies immediately before their World Cup grand final which was read out to the team by Rod McQueen. As Rod relayed to me later, it was a very emotional time.

I do not think Peter is going to be much use to Lynn in the kitchen; she reckons he needs a compass to find his way around there, but he certainly will be able to spend a lot more time with Lynn and his family. To Peter Cosgrove—an extraordinary soldier, an extraordinary Australian—I say thank you on behalf of our little ACT community; and well done on a brilliant job. I am sorry. Mr Pratt served with him too, I am told. Pratty was his 2IC back in 1976.

Industrial relations

MR GENTLEMAN (Brindabella) (10.41): I rise today to talk about an important issue facing many in our community in the context of the federal government's proposed changes to industrial relations law. This debate necessarily occurs within the context of the "your rights at work" campaign currently being run by the labour movement. Owner-drivers, particularly owner-drivers of trucks in the ACT, operate in a largely unregulated industrial environment. They are the poster children of the deregulated market economy, small business owners who operate on a contract basis and compete for business and ensure market efficiency in the transport sector. Well, that is the idea, anyway. In reality, what comes with this freedom is a lack of protection for owner-drivers, many of whom face steep repayments on their vehicles and stiff competition to win contracts of carriage that keep their incomes ticking over.

Many owner-drivers have standing arrangements with decent employers. Some do not, however, and these drivers are offered no protection at all. In a deregulated industry this comes only in the form of goodwill protection from genuine and fair employers. For these drivers, unfair contracts are pretty much tough luck. There are few avenues of redress for unfair contracts and there are no minimum standards with which contracts of carriage must comply. These contracts are individually negotiated and in many cases are not deemed to be employment contracts. As a result, they do not invoke the historical protections of employment relationship. In fact, these contracts invoke no protections at all, and in many cases are subject to the whim of head contractors, operators and employers.

I recently heard of an ACT owner-driver who has been working as a courier, couriering for an ACT company—in fact an agent of the federal government. This courier is

bringing in $23.50 an hour and sometimes less. For an owner-driver working on a contract of carriage this means that, for $23.50 an hour or less, the driver is paying for the vehicle, insurance, superannuation, workers compensation, income tax and any other costs associated with the employment, with no guarantees of work. The minimum cost of running this courier van is $38.50 an hour. The contractor is expecting owner-drivers to pay $15 an hour just for the privilege of delivering government mail.

This is not employment, and it is not a fair contract. This is an example of outsourcing the costs of labour and expecting others to pick up the tab. The realities in a deregulated labour market are that the only ones who can pick up the tab are those who have very little choice about doing so. The federal government, despite all the rhetoric, is not encouraging small businesses and is not supporting these owner-drivers in getting on their feet. They are outsourcing the costs of labour and expecting others to pick up the tab.

This situation occurs every day across the ACT and across Australia. It is driving owner-drivers into debt and into poverty, and it is also causing some serious safety concerns. As owner-drivers are put under more and more financial pressure, they are forced to work harder, drive for longer hours and, in some cases, cut corners on maintenance and repairs. The unregulated nature of the transport industry and the unfair nature of some of these contracts are not only driving some owner-drivers into debt, they are also driving many into danger.

We now face further changes to industrial relations which may see both an expansion of a deregulated labour market, so that conditions like this proliferate in sectors additional to transport, and further degradation of conditions in industrial relations. This is what deregulation really means. In engaging in the debate about the future of Australian industrial relations and employment relations here in the territory, it is important that we consider examples such as these and consider what changes we can make together, to prevent the exploitation of people's labour and ensure minimum protections for all workers, no matter how they are employed.

Budget

MRS DUNNE (Ginninderra) (10.45): Going through the 2005-06 budget papers, especially for a second or third time, you cannot fail to notice the recurrence of certain key words. Of course "sustainability" is one. Everything this government does is apparently sustainable in one sense or another. There is also the word "community". Indeed the very title of the Treasurer's presentation speech was "A budget for the community". The community, he said, had been consulted so that community needs could be addressed and the whole community included. That is, of course, unless you are part of the non-government schools sector. That is why I was slightly surprised to discover that this very same government has decided that it cannot, or will not, provide a relatively modest amount of start up capital for a proposed Canberra community television initiative. Certainly this is a government which, on its own reckoning is of, by and for the community.

This project followed the demise of Capital news and Prime news in 2001, which sought to provide a local news service along with local programming and, of course, local production. In addition, it would provide a much-needed gateway for young Canberrans

to the television industry and aim to be financially self-sufficient. Technically the aim was to allow the station to operate on TransACT, GrangeNet and the wider internet and, after the regular flow of television material was up and running, to apply for the free-to-air community broadcasting licence in the ACT.

Groups such as TransACT, CSIRO, the Australian museum, the war memorial, the city's universities, arts and community groups, and even some aspects of government itself, including the ACCC, the tax office and the ACT Multicultural Council, have expressed interest in supporting the project since its inception in 2002. So it was surprising that, when promoters of Canberra community television took up their proposal to government after they sought advice from the Chief Minister's office—they took their proposal to Business ACT in December 2004 and Business ACT said, "This is the place you need to be," and the proposal for their pilot was put forward—many months later the government rejected the request, saying it was prepared to put up $25,000 in sponsorship money but only if the project got up and running and they found their start up funds elsewhere. The government gave no reason for this decision.

On the face of it, the response is not only disheartening but also inexplicable. Here is a project that encapsulates all the things the Stanhope government claims to hold dear—community, innovation, education, job development and the promotion of Canberra as the country's centre of creativity. Contrast this decision with some of the activities, if not virtual activities, the government is prepared to finance during the budget. Perhaps I should not labour the arboretum. We all know that we love the arboretum.

In addition to the $2.1 million of strategic projects in the Chief Minister's Department there, $2.3 million is earmarked for the Chief Minister's communication output class, aka the Chief Minister's propaganda unit. Leave aside what is covered by the $34 million devoted to the Chief Minister's strategy policy which the budget papers tell us used to provide ongoing advice in relation to whole-of-government policy development and implementation. We have a whole range of other things. There is, as I have said, the minimum of $14.1 million for the arboretum, which we know is nothing like the costs for this vanity project which, if it goes ahead, will cost so much that the government does not dare tell us what that will be. We know that ACIL Tasman says it will not work.

We have $7.3 million for the Human Rights Commission; the cost of the Chief Minister's decision to intervene in the bushfires, which is so far $1.5 million and climbing; the vanity project of the Belconnen busway at $100 million; and a smaller vanity project for Mr Corbell of $6.7 million for real-time bus information. All of these things could have been provided. I wonder why the government does not want to sponsor this organisation and sponsor this great community innovation.

Yesterday the minister said he did not know anything about it but he was "sure that we would look favourably on it". I think perhaps Business ACT has rejected it because the station might be too independent and the venture would not necessarily support the sectional interests of the ALP but rather the whole community; and heaven help anyone who might be critical of the Stanhope government. I suppose the other possibility is that supporting such a project would be too close to endorsing Liberal Party policy, which was lampooned by the Treasurer before the election. He was always quick to say that film and television was not the way of the future, and he now means to prove it.

Ms Siobhan Leyne

DR FOSKEY (Molonglo) (10.50): I wish to speak about the same two topics as Ms MacDonald addressed. I want to speak fulsomely about Siobhan Leyne, who is leaving us today. I know she is leaving with very mixed feelings. Siobhan has been here for three years and has made many solid friends, I am sure, from all parts of the Assembly. She was secretary to the health committee for the last Assembly. That meant she worked very closely with my predecessor, Kerrie Tucker. She was very involved in the production of two reports—the *Health of school aged children* and the *Pregnant pause* report, which we have laboured over quite a bit lately. I was talking to Siobhan the other day, and I know she leaves with mixed feelings.

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

Question resolved in the affirmative.

The Assembly adjourned at 10.52 am until Tuesday, 16 August 2005 at 10.30 am.

Answers to questions

Emergency Services—staff (Question No 372)

Mrs Dunne asked the Minister for Police and Emergency Services, upon notice, on 7 April 2005:

(1) How many of the 63 staff positions employed at the Emergency Services Authority (ESA) to fill positions in the past two years, that is to say staff that work for ESA but not any particular front line emergency agency, were advertised;

(2) If any of these positions have not been advertised, why not;

(3) Of these 63 staff, how many have been employed on a temporary basis, be it pursuant to the Public Sector Management Act 1994 or the ESA Certified Agreement;

(4) Of those people employed on a temporary basis, what are the terms and length of their employment agreements;

(5) Of the six temporary staff working on the Incident Management, Communication, Command and Control (IMC3) team, what precisely are the skills they possess such that the ESA believes that other suitable applicants could not be found if the positions were advertised in the wider community;

(6) What is the precise nature of the work that each of the members of the IMC3 team undertake;

(7) What is the previous employment background of each of the members of the IMC3 team;

(8) Has the authority head-hunted any employees or people performing contracting work; if so, what was the head-hunting process that was undertaken;

(9) Is there any provision in the Public Sector Management Act 1994 for head-hunting prospective employees;

(10) If any employees were head-hunted, why;

(11) If any positions were filled by people that were head-hunted, were these positions also advertised either (a) to the general public, (b) within the ACT Public Service or (c) within the ESA.

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

(1) 53

(2) 8 are filled on a temporary basis. 2 were filled by transfer from other ACTPS departments

(3) See answer (2)

(4) 2 – Employed under the ESA certified Agreement Conditions on Contracts of 6 months or less.
6 – Contracts of 18 months. 5 of the contracts are under the ESA certified Agreement Conditions and 1 is employed under an Australian Workplace Agreement.

(5) Strategic/project planning, project management, procurement, change management, business process re-engineering and in-service support skills, knowledge and experience associated with command, control and communication (both voice & data) systems, and information management systems. Proven capacity to work together as a team to deliver technology projects.

(6) 1. Chief Information Officer
2. Capability Manager – Command, Control and Communication Capability Planning, Delivery and In-service Support
3. Capability Manager – Information Management Capability Planning, Delivery and In-service Support
4. Office Manager – Program Management Support and Business Implementation
5. Manager – Asset Management
6.In-service Support Officer - In-service Support & Business Implementation
7. Manager – In-service Support

(7) 1. Director, Dept of Defence (20yrs experience + post graduate qualifications in IT and Project Management)
2. IT Consultant (20yrs experience + trade qualifications & professional training)
3. Director, Dept of Defence (30yrs experience + trade qualifications and professional training)
4. Software Engineer/Analyst Programmer (5yrs experience + post graduate qualifications - PhD in Information Management)
5. Asst Director, Dept of Defence (30yrs experience + professional training)
6. Program Management Support and Business Implementation, Dept of Defence (4yrs experience + professional training)
7. Asset Manager, Dept of Defence (30yrs experience + professional training)

(8) Due to the short time frame needed to implement the radio project experienced staff were needed. Because of the high profile of this project in both the community and related industry the ESA was approached by a number of private providers and commonwealth government employees with expertise in this field. The people that were employed to undertake the project were selected for their demonstrated skills and experience in this area and their ability to identify the best solution to meet ESA requirements.

(9) I refer the member to the Act

(10) Refer question 8

(11) No

Housing—offers (Question No 393)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 21 June 2005:

(1) How many offers are made to an applicant processed as (a) Priority One or (b) Priority Two for Public Housing assistance;

(2) If an offer for an appropriate form of accommodation, consistent with eligibility criteria for a public housing applicant, is declined is priority approval rescinded for that applicant;

(3) Does the applicant return to the normal waiting list after declining an offer as a priority applicant.

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

(1) (a) Two
(b) Two

(2) No. If the first offer is declined the applicant remains on the applicant list at their original priority category.

(3) No. see above

Digital Divide program (Question No 400)

Mrs Burke asked the Chief Minister, upon notice, on 22 June 2005:

(1) What resources is the Government committing to the Digital Divide program in the ACT;

(2) What funding has been allocated to the program during (a) 2001-02, (b) 2002-03, (c) 2003-04 and (d) 2004-05.

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

(1) The Government has provided over $2m in funding toward the Digital Divide program during the period 2001 to 2005, including $1.43m for the Community IT Access Plan (CITAP).

The CITAP, which will be completed on 30 June 2005, contained key initiatives that were designed to be inclusive and ongoing. Specifically, the impact of the ACT PC Reuse Scheme and public access to IT through ACT Libraries and community centres should continue to have lasting, positive effects beyond the completion of the program.

(2) Digital Divide program funding allocations are as follows:

(a)	2001-02	$581,000
(b)	2002-03	$724,000
(c)	2003-04	$505,000
(d)	2004-05	$201,000

Development—Lanyon Valley (Question No 404)

Mr Pratt asked the Minister for Planning, upon notice, on 22 June 2005:

(1) In relation to plans for the Lanyon Valley region, the Lanyon shopping centre and surrounds, when will a master plan for the Lanyon Valley region be developed;

(2) If a master plan is not planned for the near future, why not;

(3) How can residents of the Lanyon Valley region provide input to the Government into future plans for this region;

(4) Will the Government be releasing vacant land around the Lanyon Valley shopping centre for development; if so, when and for what purpose; if not, why not;

(5) What future public or community infrastructure is planned for development at the Lanyon Valley shopping centre and the surrounding areas.

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

(1) The planning for the Lanyon Valley and the shopping Centre was undertaken and completed in 1989.

(2) The planning for this area is incorporated into the Territory Plan and is still relevant and sufficient to guide continued development. No new master plan is required.

(3) The Government is not intending to review the planning in this area in the foreseeable future. Residents of the Lanyon region have the opportunity to provide input into the manner in which the region is developed by raising issues through the Tuggeranong Community Council, by commenting on individual development applications and, of course, through public consultation on broader strategic initiatives that affect Canberra.

(4) The remaining vacant land around the Lanyon Valley shops is reserved for further commercial and community use. This land will be developed for these purposes as the demand for these services is warranted.

(5) The ACT Planning and Land Authority and the Land Development Agency are considering an application for a direct grant of land for a new supermarket in the shopping centre. Additional community services will be considered, in accordance with the relevant land use policies as the demand arises.

Roads—warning signs (Question No 405)

Mr Pratt asked the Minister for Urban Services, upon notice, on 22 June 2005:

(1) Why were warning signs not erected to advise motorists travelling from Civic to Woden not to take the exit onto Lady Denman Drive due to its closure on 3 May 2005 for road works, forcing motorists to double back unnecessarily and leading to significant congestion;

(2) Will the contractors or departmental officers responsible for such signage be held accountable for this lack of notification;

(3) What is the current ACT Government policy in relation to the erection of warning signs for motorists in places where road works are taking or about to take place.

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

(1) An approved Temporary Traffic Management plan was in place for the road closure along Lady Denman Drive on 3 May 2005. Advanced warning signs stating the closure, were erected prior to the off ramps leading to Lady Denman Drive. Unfortunately the size of the advanced warning signs, constructed by a contractor were not to Australian Standards. This could have contributed to motorists' confusion.

(2) The contractor responsible for the construction of these warning signs has already been rebuked. He has been instructed to produce new signs as per the Australian Standards before any future approval will be given to Temporary Traffic Management Plans for his work.

(3) The ACT Government requires that all contractors implementing temporary traffic arrangements (including warning signs) within the ACT conform to the appropriate Australian Standards. For any road works that include road closures, these plans are required to show warning and detour signs in advance of the closure. All road closures on gazetted roads are advertised in the local newspapers seven days prior to the closure date.

Roads—Canberra Avenue (Question No 406)

Mr Pratt asked the Minister for Urban Services, upon notice, on 22 June 2005:

(1) In relation to Canberra Avenue and the build up of commuter traffic to and from Queanbeyan during peak hour periods, as reported in the Queanbeyan Age on 17 June 2005, page 1, why have the traffic lights recently installed at the intersection of Canberra Avenue and HMAS Harman been adjusted to give precedence to HMAS *Harman* traffic during peak hour periods, rather than the congested Queanbeyan-Canberra traffic;

(2) Why will the ACT Government not give consideration to changing the control of these traffic lights from the ACT's signal system to the RTA SCATS system as suggested by the Queanbeyan City Council as a solution to alleviate this traffic congestion;

(3) As there are an estimated 10 000 Queanbeyan residents and 3 500 Canberra residents commuting to work each day along Canberra Avenue, according to ABS figures, what measures will the ACT Government be undertaking to alleviate this traffic congestion;

(4) If no measures are planned to be undertaken, why not;

(5) Will the ACT Government be considering an upgrade of Canberra Avenue in light of growing commuter traffic along Canberra Avenue and the future addition of the Defence Headquarters at Bungendore; if not, why not;

(6) Will the ACT Government enter into negotiations with the Queanbeyan City Council with the intention of finding a practical solution to this problem; if not, why not.

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

(1) These traffic lights have never been adjusted to give precedence to HMAS Harman traffic during peak hours, although the fact that these lights were not coordinated with the lights at Gilmore Road in Queanbeyan may have at times given that impression.

(2) If one of the sets of traffic lights were to be transferred from one control system to the other, it would be more sensible for the Queanbeyan lights to be transferred to the ACT SCATS System, which is operated and controlled locally, than for the HMAS Harman lights to be transferred to the RTA NSW System, which is controlled from Wollongong and Sydney.

(3) Roads ACT officers have been working closely with officers from Queanbeyan City Council and RTA NSW to resolve the issue. A method has been devised whereby morning peak period coordination between the two sets of light can now be achieved even though the lights are operating on separate computer systems. This method of operation was introduced on 29 June 2005.

(4) Please see (3) above.

(5) The Government is committed to its Sustainable Transport Policy that encourages greater use of more sustainable modes of transport such as public transport and cycling as well as strategic augmentation of the road network. The future addition of the Defence Headquarters at Bungendore is likely to result in an increase in traffic travelling in the opposite direction to the normal peak traffic flow, the direction in which there is ample road capacity.

(6) Please see (3) above.

Littering rates (Question No 408)

Mr Pratt asked the Minister for Urban Services, upon notice, on 22 June 2005:

(1) In relation to research showing that littering rates in the ACT are the worst in the country, as outlined in *The Canberra Times* on 6 June 2005, page 20, and in light of the littering survey commissioned by the Beverage Industry Environment Council where it showed that 21 per cent of respondents littered because they couldn't find a rubbish bin, will the

ACT Government now increase the number of rubbish bins at locations where littering is likely to occur; if not, why not;

(2) In relation to the findings of the survey that cigarette butts made up more than 50 per cent of all litter and 23 per cent of discarded butts were because smokers couldn't find an ashtray, why is the ACT Government not enforcing the Littering Act against smokers who discard their butts, given that these butts make up half of all the litter discarded in the ACT;

(3) Will the ACT Government be implementing some kind of publicity campaign to reinforce the dangers and illegality of such behaviour, or undertake some other stronger enforcement measure as incorrectly discarding cigarette butts is dangerous in terms of the fire risk as well as just simply littering; if not, why not;

(4) What will the ACT Government be doing overall to improve the littering problem in the Territory in light of the results of this survey.

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

1. In relation to litter removal in urban as well as national parks, it has long been ACT Government policy that people using neighbourhood parks and other public places are responsible for the collection and disposal of their own litter, including dog faeces. In most instances, this means that people would take their litter home for either composting or hygienic disposal in their wheeled bins. Litterbins are, however, provided at shopping centres, in high-use public district parks and other locations where the number of visitors involved exacerbates problems with litter. Canberra Urban Parks and Places will also consider providing bins for litter in other public places where specific problem sites become apparent.

2. The ACT Government can issue on the spot fines of $60 for unlit or extinguished cigarettes or $200 for discarding a lit cigarette under the new *Litter Act*, but we would prefer to work with smokers to make sure they see the sense in modifying their behaviour. During March the ACT Government launched the Butt Free City Education Campaign across the CBD, with the by-line *please butt it, then bin it.* This education campaign was an initiative of the Department of Urban Services in partnership with the Butt Littering Trust. Research by the Butt Littering Trust indicates that 58 per cent of smokers inappropriately dispose of butts in various outdoor settings, with many not even thinking it constitutes littering or believing it has serious environmental consequences. Enforcement of correct disposal of butts is to follow if the recent education program does not significantly improve the situation. A recent blitz on littering adjacent to charity bins has been successful and a blitz on commercial litter in laneways is underway.

3. The Butt Free City education campaign was instigated to encourage smokers to be more concerned about how they dispose of their butts so they do not need to be cleaned up. These 'butt hot spots' included City bus interchange, City Walk, Garema Place, Ainslie Avenue, Hobart Place, Moore Street (near the Health Building), Akuna Street and the taxi rank on Bunda Street. A team of people approached smokers in these areas to discuss the environmental impact of littered butts, provide information on disposal options and generally encourage correct disposal. Environmental information cards and personal ashtrays were handed out to smokers around the city's 'butt hot spots' during March. The information cards listed the many impacts of littering cigarette butts and encouraged correct disposal. My department is also currently exploring a proposal of having cigarette disposal units supplied and maintained free in high use areas by a private company for the rights to advertise on them.

4. With regard to littering generally, 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 Landcare, Adopt-a-Road, Adopt-a-Wetland, Clean-Up Australia Day; and a campaign targeting illegal dumping at charity collection bins and litter and dumping in public laneways in Civic and main shopping centres. The Government is also participating in the Keep Australia Beautiful, Sustainable Cities' program to be launched in Canberra shortly. The introduction of the new *Litter Act* in September 2004 provides a more effective piece of 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 $1000 for an individual and $300 to $5000 for a corporation depending on the type of littering.

Civic Library flooding (Question No 412)

Mr Pratt asked the Minister for Urban Services, upon notice, on 23 June 2005:

(1) In relation to the Civic Library flooding, which occurred on or around Monday, 20 June 2005, when exactly did this flooding occur;

(2) Why did the flooding occur;

(3) How long was the Civic Library closed as a result;

(4) Were any equipment or library materials damaged; if so, what was the value of goods lost;

(5) How many library users were inconvenienced as a result;

(6) What has been done to rectify the problem and ensure that flooding does not occur again.

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

(1) The flooding occurred at about 11:00 PM on Friday 17 June.

(2) The connection between the dishwasher in the Civic Library staff amenities area and the water supply became detached.

(3) The Civic Library was not closed at all.

(4) No equipment or library materials were damaged. It is not clear yet as to whether the library will need to replace some carpet tiles that were waterlogged.

(5) Because 4 of the 7 public access internet PCs at the library were located in an area where carpet tiles had to be dried out, and were therefore not accessible to the staff or public, some customers were inconvenienced by reduced access to public internet PCs (i.e. 3 instead of 7) than normal on Saturday 18 and Monday 20 June.

(6) A more robust connection between the dishwasher and the water supply has been installed.

Public Library's online system (Question No 414)

Mr Pratt asked the Minister for Urban Services, upon notice, on 23 June 2005:

(1) Has the ACT Library online system been out of use for the past week and possibly longer; if so, what is the reason for this down time in the use of the library web site;

(2) If the reason is in relation to web site maintenance or upgrade, what exactly is being done;

(3) How long has or will this online system be unavailable to users;

(4) How many users have or will be affected;

(5) What is the cost to the ACT Government of this maintenance or upgrade;

(6) When was notification given to users and the public that this maintenance or upgrade would occur and how were users notified;

(7) Why is the online system unable to be kept online during business hours with maintenance to occur after hours;

(8) Who is contracted to manage the ACT Library's online system and how long is that contract for.

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

(1) Yes, the online system was unavailable to users from Wednesday morning 16 June until COB Wednesday 23 June 2005. Horizon, the ACT Public Library's Library Management System (LMS) was routinely scheduled for upgrading on 16th & 17th June 2005 to accommodate incremental enhancements to customer service. Problems became apparent during upgrade processes, despite successful testing in the test environment.

(2) The system vendor, InTACT and ACT Library and Information Services staff continued to work collaboratively to find a solution to the problem during last week (Monday 20 – Wednesday 22 June), when it became evident that the catalogue could not be restored for the weekend of 18 and 19 June.

(3) The online system was unavailable to users from Wednesday morning 16 June until COB Wednesday 23 June 2005.

(4) It is difficult to measure because of the many different ways customers use the online catalogue. Between 800-1800 customers login to the My Account function per day.

(5) The upgrade is part of the ACT Public Library's annual maintenance agreement with the system vendor.

(6) Customers were notified from Monday 6 June, 2005 through a media release, notices in the libraries at service desks, a message on the Library's website and an automated telephone message through the ACT Public Library's Customer Information Centre.

(7) As this was a significant enhancement that would take several days to complete, I am advised that the work was scheduled giving consideration to minimising the disruption to the community, noting the 24 X 7 nature of this service.

(8) InTACT supports the servers and the network and has done so since InTACT's establishment. Dynix, the system vendor, is contracted to support the library management software until 2 July 2009.

Road Ready Plus program (Question No 415)

Mr Pratt asked the Minister for Urban Services, upon notice, on 23 June 2005:

(1) In relation to the Road Ready Plus (P-OFF) workshop being offered by the Department of Urban Services to P-Plate drivers for a fee of $70.00, why is a P-Plate driver who has only had their 'P' plates for six months or more, allowed to waive the rest of the two and a half year provisional licensing period after only a three hour long course;

(2) How can three hours of workshop instruction compensate for three years of actual driving experience;

(3) Why is the ACT Government undertaking this type of revenue raising while compromising the safety of drivers and other road users by allowing P Plate drivers to discard their plates after only six months instead of the required three years;

(4) How many people have (a) undertaken this course to date and (b) had their P-Plate status reduced as a result;

(5) How often will this course be run;

(6) How many people does the Government expect will undertake this course on a yearly basis;

(7) How much in fees does the Government expect will be received from course participants in 2004-05 to date and future years.

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

(1) A Provisional Licence holder who completes the Road Ready Plus course continues to hold their Provisional Licence for three (3) years. The completion of the Road Ready Plus Course does not alter the class of driver licence. Successful completion of the course provides the participant with an additional 4 demerit points and means they are no longer required to display a P plate on the vehicle they are driving.

All other conditions relating to a provisional licence apply, such as a the maximum permitted blood-alcohol concentration for provisional licence holders being below 0.02, and further demerit points will not be available until a full drivers licence is held.

(2) The Road Ready Plus Course is one aspect of a unique integrated graduated licensing system in the ACT which is now recognised across other jurisdictions as a leading example of education and support for young drivers.

Road Ready Plus aims to provide support for young people holding provisional licences during their period of highest risk as new solo drivers by enabling them to identify, relate to and therefore avoid high risk behaviours and potentially high risk situations.

(3) The Road Ready Plus Course is conducted by a private contractor on a user pays basis. The course is also available through the CIT and a number of youth services for young people requiring assistance with literacy and numeracy issues. The ACT Government, in fact, meets the cost of the publication of Road Ready and Road Ready Plus course materials and also subsidises interpreter and direct assistance costs for people from non-English speaking backgrounds or who require literacy or numeracy assistance.

(4) Since the course commenced in February 2001, 4,715 young people have completed the course. All drivers are required to complete 3 years on a provisional licence.

(5) Road Ready Plus is conducted by Freebott Pty Ltd from two sites located in Watson and Woden. The frequency of courses is driven by demand. Ninety three courses were held in the 12 month period may 2004 to April 2005. At least six weekend courses, two weekday and two evening courses are offered each month. Additional courses are also available during school holidays.

(6) In 2004, 1,426 young people completed the course. To date in 2005, 852 people have undertaken Road Ready Plus.

(7) All income derived from the course fees remains with the service provider.

Prison—indigenous consultations (Question No 416)

Mrs Burke asked the Minister for Arts, Heritage and Indigenous Affairs, upon notice, on 23 June 2005, (redirected to the Attorney-General):

Which Indigenous groups were consulted and when in regard to the site for the proposed ACT Prison.

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

Communication and consultation with all community, including Indigenous, groups with respect to the prison site followed the Preliminary Assessment procedures laid down in Part IV of the *Land Planning and Environment Act 1991*.

In addition over the period 29 June to 1 July 2005 Mr Walter Bell of Buru Ngunnawal group, Mr Carl Brown of Ngunnawal Aboriginal Corporation and Mr Joe House of Ngunnawal Local Aboriginal Land Council participated in the Heritage Survey of the site for the Alexander Maconochie Centre (AMC).

Furthermore, the AMC Project office has communicated with the following Aboriginal groups with respect to the project: Mr Fred Monahan and Members of the Aboriginal Justice Advisory Committee (AJAC) 11 September 2003 and 30 June 2004; Ngunnawal Elders Group and Mr Keith Brandy 27 February 2004; Ms Lynette Ella and representatives from the Office of Multi-Cultural Affairs 20 October 2003 and 24 February 2005; Mr Harry Williams and Mr Joe Hedger (AJAC) 6 May 2005.

In addition the Manager of the Indigenous Services and Cultural Diversity Unit within ACT Corrective Services has attended meetings of the AMC Design Working Group on 6, 13, 20 and 27 May 2005 and 8 and 16 June 2005.

Development—Lyons service station site (Question No 419)

Mrs Burke asked the Minister for Planning, upon notice, on 23 June 2005:

(1) Has ACTPLA received the outcomes of the viability study into the possibility of a variation to the lease at the Lyons Service Station site that would allow for an alternative use of the site;

(2) If the study has been completed, what were the outcomes and recommendations;

(3) Will the viability study be made public; if so, where can copies be accessed.

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

(1) Yes

(2) The study concludes that the lessee has been unable to obtain a viable commercial supply of fuel for the site. The study further concludes that given the lack of fuel supplies an acceptable alternative use for the site would be residential with an A7 Area specific overlay. However, further clarification is being sought from the lessee in terms of the methodology underlying the conclusions and recommendations of the study.

(3) The viability study is not a document that forms part of a statutory process, and as such the Authority has no right to release this document to the public. However, interested persons could approach the lessee directly to request a copy of the viability study from the lessee.

Courts and tribunals—proceedings (Question No 425)

Mrs Burke asked the Attorney General, upon notice, on 28 June 2005:

If a person has applied and successfully had their personal details (name and address) removed from the Australian Electoral Roll, why is it in some cases that an individual's name and address appear on the case record of proceedings, where cases are heard before the Administrative Appeals Tribunal or the Residential Tenancies Tribunal.

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

Where any party to a proceedings in either Tribunal has a concern about being identified through the record, that concern can be communicated to the presiding member at the time the documents are filed or at the hearing. The Tribunal would then consider the request and may make appropriate orders to suppress identifying information.

Taxation—rental properties (Question No 448)

Mrs Burke asked the Treasurer, upon notice, on 30 June 2005:

What step is the ACT Government taking to review and reduce the high fees, taxes and charges that are placed on private landlords in relation to maintaining a residential rental property?

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

In the 2005-06 Budget, the Government reduced land tax rates and increased the thresholds at which higher rates take effect, in order to limit the average increase in land tax to CPI growth of 2.4 per cent. This initiative is estimated to reduce land tax revenue by $8.1 million. Further details are provided in Budget Paper No 3, 2005-06 Budget.
