DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

SIXTH ASSEMBLY

WEEKLY HANSARD

18 AUGUST

2005

Thursday, 18 August 2005

Answers to questions:

Thursday, 18 August 2005

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

Financial Management Legislation Amendment Bill 2005

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

Title read by Clerk.

MR QUINLAN (Molonglo—Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming) (10.31): I move:

> That this bill be agreed to in principle.

This bill provides amendments to the Financial Management Act 1996 and consequential amendments to the enacting legislation of relevant territory authorities. The Financial Management Act 1996 is the cornerstone upon which the effective financial management of the territory rests. For this reason, it is essential that the provisions of the act clearly and unambiguously convey financial requirements and obligations that result in effective, efficient and modern financial management practices. This bill strengthens the financial framework by standardising and improving governance arrangements for territory authorities.

The Financial Legislation Amendment Bill amendments will refine and enhance the corporate governance framework for prescribed statutory authorities. An effective system of corporate governance is important to facilitate responsible decision making and proper accountability. The existing governance provisions for a range of statutory authorities have been assessed as inadequate. Under existing arrangements, the governance provisions are largely fragmented in various enabling legislation and have been found in many instances to be inconsistent or incomplete. Good governance requires all concerned to be clear about their roles and responsibilities. An effective governance framework must clearly define the powers, roles and responsibilities of the responsible ministers, board members and chief executive officers. Without such definition, clear accountability for the achievement of objectives will be lacking.

This legislation will remove uncertainty and ambiguity about general roles and responsibilities concerning statutory authorities. It will provide a clearer framework for all concerned. In broad terms, the bill will provide a consistent set of financial reporting and corporate governance requirements that will be reflected in new and amended provisions contained in the Financial Management Act 1996. These changes will replace many provisions currently contained in the enabling legislation of particular statutory authorities.

The proposed amendments have been developed after consultation with each of the statutory authorities involved and the Auditor-General's Office. The bill makes it clear

that the Financial Management Act and relevant individual enabling acts regulate the governance of prescribed statutory authorities. For the purposes of the bill, prescribed territory authorities are classified into one of two main categories, namely, those with a governing board and those that do not have a governing board.

In order to provide a consistent governance framework to apply across a range of statutory authorities, the bill consolidates core provisions into the Financial Management Act that can be applied appropriately to prescribed statutory authorities. However, it will still be necessary for each enabling legislation to continue to establish the particular purpose of each statutory authority and contain any other legislative requirements specific to the particular statutory authority.

Core provisions that have been consolidated into the Financial Management Act include setting out the general roles and functions of the chair, deputy chair, governing board and chief executive officer; requiring statutory authorities to keep the government informed about any significant events impacting upon their operations; making clear the requirement for board members to act honestly and to exercise due care and diligence; setting out arrangements for dealing with conflicts of interest; requiring a statutory authority to ensure that no subsidiaries, if there are any, do anything that the authority does not itself have the power to do; enabling the government to notify statutory authorities of any general government policies that should be taken into consideration; providing a clear legislative basis for the removal of board members; and requiring ministerial directions to be in writing, and disclosed publicly. The bill contains a contemporary governance framework to improve the operational performance and accountability of various statutory authorities by removing existing legal uncertainties surrounding their roles and responsibilities.

The bill also contains the following significant areas of change to strengthen and modernise the ACT government's financial framework: providing more flexible arrangements for the annual scrutiny of performance measures by the Auditor-General, as foreshadowed in the 2005-06 budget, with the announcement of the revised performance management framework; broadening the appropriation framework to include territory authorities and territory-owned corporations, including additional accountability requirements to support key appropriations, amendments that will allow the cessation of quasi-service purchasing arrangements that currently exist between departments and authorities and territory-owned corporations, reducing the level of complexity and administration in departments; establishing an appropriate approval process for overdrafts or credit facilities to territory authorities; implementing an initial financial reporting change relating to the AASB's GAAP/GFS convergence project to harmonise government financial reporting practices; and refining the financial management responsibilities of chief executives of departments.

In conclusion, the amendments proposed in this bill are aimed at clarifying provisions within the act and promoting an efficient, effective and contemporary financial management and governance framework and supporting practices. I trust that members will support the bill. I commend this bill to the Assembly.

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

Public Accounts—Standing Committee
Statement by chair

MR MULCAHY (Molonglo): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Public Accounts relating to inquiries about certain Auditor-General's reports currently before the Standing Committee on Public Accounts. They are: review of Auditor-General's performance audit report No 2 of 2005: *Development application and approval process*; and review of Auditor-General's report of April 2005: *Review report: matters relevant to the office of the Special Adviser, Council of Australian Government and Intergovernmental Relations*.

On 5 May 2005, Auditor-General's report No 2 of 2005 was referred to the Standing Committee on Public Accounts for inquiry. On 12 May 2005, the Auditor-General provided the review report of April 2005 to the Standing Committee on Public Accounts for inquiry. Consequently, the committee received a briefing from the Auditor-General in relation to the reports and, on 8 June 2005, resolved to inquire further into each of the reports.

In relation to Auditor-General's report No 2 of 2005, the committee invited submissions from the government and specific community and professional organisations and will hold public hearings in September 2005. The committee is expecting to report to the Legislative Assembly on both Auditor-General's reports as soon as practicable.

Executive business—precedence

Ordered that executive business be called on.

Water Resources Amendment Bill 2005

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

> That this bill be agreed to in principle.

MRS DUNNE (Ginninderra) (10.40): The Water Resources Amendment Bill 2005 does two quite separate and discrete things. Firstly, it will allow the Environment Protection Authority to issue a public water utility with a licence that allows the water utility to take water in a quantity greater than that expressed in any particular water allocation from either the same catchment for which the application applies or another catchment. This part of the bill, for the most part the new section 35A of the bill, seems to be uncontroversial. It allows the water utility flexibility so long as it does not exceed its allocation.

I say it is seemingly uncontroversial because, although I have been briefed on this matter, supplementary information that I asked for at that briefing, which I will note was on 21 June this year, has not been forthcoming. I asked officials at that briefing to provide me with information about the quantum of the allocations from each catchment that we were interested in; the extent to which, if it had been the case in the past, the water utility may have exceeded its allocation from one catchment or whether there was a background problem that we were fixing up. I do not have a problem with the notion.

I thought very hard about whether the opposition should support this, simply because the environment minister's office have been absolutely and utterly unwilling to provide the information they undertook at that briefing to provide to me.

This bill came up for debate in June. It was listed for debate in June, and my office was very diligent in pursuing the environment minister's office to provide the information that they undertook. At the last minute they said, "We have some information, but it is not in a form that we are prepared to give to the opposition. So, no, you can't have it." There is really a problem with communication and with being open and able to debate legislation in an adult way. What it really boiled down to was that, in the end, somebody in the government decided that the opposition could not have this information. Either it is secret and they are hiding something that we as a community need to know or it was an act of complete venal hubris. I do not know.

On reflection, my instinct has always been that we should support this part of the bill. I reflected on it for some time and at one stage I was of the view, and suggested to my party room, that perhaps we should not support it because the minister's office, and presumably therefore the Minister for the Environment, was unwilling to provide us with the information we asked for. But, on reflection, we have decided that, notwithstanding the fact that the information has not been provided, this is an important measure and it should be supported.

So far as I can tell, and from the people that I have spoken to, this is an uncontroversial matter. But it is something that needs to be closely monitored to ensure that when a utility is dipping into one catchment, rather than another catchment, it is not having an adverse effect on the first catchment. This is an area that perhaps the planning and environment committee should take some interest in because it is about the quality of water and the impact of environmental flows. It is something that this whole place should take an interest in. I will be pursuing the matter on a regular basis to ensure that the allocations are as they should be and that the shandying from one catchment to another is not having an adverse effect on one or other of those catchments. So the Liberal opposition will support proposed new section 35A.

The second part of the bill is completely unrelated to the first. As the bill is currently drafted, it gives the minister the power to impose a moratorium on the Environment Protection Authority's ability to issue licences pursuant to the Water Resources Act. The government argues that this is necessary because catchments from which bores are operating in areas like Red Hill, Forrest and Yarralumla are under critical stress on account of the drought. The government has circulated amendments that will essentially keep that situation in place but will tinker with the mechanism that starts the moratorium, and I will address that during the detail stage.

The government argues that granting a moratorium on further access to water would provide an opportunity to review the criteria under which there is access to water. The government submits that, in the light of the prevailing drought conditions, it may be necessary to amend the criteria in the act that the Environment Protection Authority is obliged to consider when it is issuing a licence. The government have stated that they are primarily concerned with those waterways supplying essentially domestic bores. In the briefing the government advised that the review that they need to undertake, which

I understand from the estimates process and from the briefing has already commenced, will take about another year.

The bill, as it is currently drafted, has no sunset clause. It means the moratorium can go on forever and a day. I had proposed to move an amendment to implement a sunset clause, but amendments from the government essentially institute a sunset clause. The moratorium will last for two years. The moratorium will commence on the day this bill is enacted, and that is a matter of considerable concern that I will address again in speaking to the amendments.

There are serious doubts about proposed new section 63B, that is, the ability to create a moratorium, because it goes directly to the circumstances upon which a licence to extract water can be granted. It not only goes to environmental issues but also goes to property law and constitutional law. It is important to bear in mind that currently there is a case in the ACT Court of Appeal, that of Rashleigh v Environment Protection Authority, which has direct bearing on this piece of legislation. The principal reason the opposition will be opposing this part of the bill is that the property law issues at stake here are unresolved and are currently before a court. Environment Protection Authority officers have advised me that that matter is listed in the Court of Appeal for November and it is the contention of the opposition that the moratorium should not be instituted until the matter of Rashleigh and the. EPA is resolved in the Court of Appeal.

By way of background, the original case was in the AAT. The AAT found for the Environment Protection Authority. The applicant then took the Environment Protection Authority on appeal to the Supreme Court. The original case and the appeal dealt with complicated legal issues arising out of section 23 (1) (a) of the self-government act, which deals with the acquisition of property without just compensation. As I understand it, the Supreme Court found that a denial of licensing rights amounts to a denial of property rights. These points of constitutional property law, as they relate to sections of the Water Resources Act 1998, are currently the subject of legal appeal. It was an appeal that was instigated by the government. As I have said, for that reason alone, it would be highly inappropriate for us to proceed with this legislation at this stage.

If we were to support a moratorium, there should also be a sunset clause. That has been addressed to some extent by the government. Government officials say that it would only take them 12 months to undertake their review. I would have thought a 12-month moratorium would be sufficient, but it seems the government want to have a considerable leeway and they want their moratorium to run for two years. I think it is probably not worth the quibble over that.

There is another problem with the bill. It relates to proposed new section 63B, which would take away the right of anyone to appeal against any related decision through the application of the Administrative Decisions (Judicial Review) Act. I have spoken at length in this place about the capacity of this government to take away people's rights of appeal. There was one case where there was general agreement that, in a small, one-off case, that would be reasonable, and we did discuss it at great length in this place when we instituted the enabling legislation in relation to Gungahlin Drive.

But there have been a number of cases in the genetech legislation that provided for the removal of appeal against administrative decision through the AD(JR) Act. Here again,

in the Water Resources Amendment Bill, the basic right to the separation of powers, where the executive's decision should be subject to review, will be taken away. Despite a request from our office, the government has failed to give any compelling reasons that would justify inserting this section into the legislation. To allow legislation exempting executive decisions from review of the courts with seemingly no explanatory statement is a very dangerous precedent.

The government appears to put forward the position that it is all right to remove statutory rights to administrative review because common law rights still apply. That is simply a stupid argument. If we allow people to seek review under common law principles, why do we have to remove their statutory rights? We had this debate here when we looked at the Gungahlin Drive extension bill. Leaving people only their common law right is a very narrow right and it is very difficult to prove. It is now acknowledged that people do have rights to judicial review of administrative decisions and they should not be taken away in this place. The burden that the Assembly should require before exempting the executive from administrative review should be an exceptionally high one. But in this case the government has offered no reason that such an exemption should be made. It has defiantly not met its burden in demonstrating why we should support this part of the bill.

It is sometimes perplexing to hear the minister, in his other guise as the Attorney-General, talking about human rights. He touts himself as a civil libertarian. On this occasion he is being somewhat hypocritical. We are going pell-mell towards seriously curtailing people's rights. There is a certain arrogance in legislating on matters currently before the courts, a certain arrogance in trying to pass legislation that might put decisions in the courts in doubt. I would be particularly interested to hear what the Greens will be doing with the provisions for administrative review. The Greens also have quite high standards on civil liberties and I hope they will be taking some steps to protect the fundamental principles of the system that we are supposed to uphold in this place.

In summary, this bill, as with most bills that come from the government, is a bit of a curate's egg. We will be supporting the first part of the bill with reluctance, not because there is anything intrinsically wrong with the first part of the bill but because of the complete lack of cooperation that we have received from the minister and his office and officials on this matter. We will be opposing the amendments in relation to the moratorium and opposing the moratorium in the detail stage.

DR FOSKEY (Molonglo) (10.54): I thank Mrs Dunne for a very detailed analysis. I fear that I may be going to disappoint her because I am going to support the bill. I do not know whether she actually dealt with the difficulty of the issues. No-one ever said the Human Rights Act would be easy to apply, or I do not believe they did, and it is always going to be a balancing process. I was part of the Standing Committee on Legal Affairs which analysed the bill and we were always going to come across this issue of restrictions on human behaviour being weighed up against benefits to the environment. I guess this is a communitarian approach versus individual people's approach and, given that water licensing is now separated from land licensing, there is going to be a complexity of issues that we are going to have to deal with.

We will be supporting the Water Resources Amendment Bill, which essentially creates a moratorium on the granting of water permits and licences under the act while guidelines and criteria are developed to guide such decisions. We were particularly

pleased to see that changes to the amendments have been proposed that take into account comments from the scrutiny of bills committee. It can be quite demoralising to sit on a committee and produce report after report, but in this case we actually had a positive result. So that is something. I note, of course, that the government can easily obtain the Assembly's approval while it has a majority in the Assembly and I hope it is just as interested in continuing that approach in the next Assembly when it may not have one.

As the report makes clear, it is often a fine line balancing administrative convenience with principles of justice. In fact, we see this bill as a very welcome initiative because not only will guidelines and criteria be established to guide decision making related to the issuing of licences to take or allocate water, but also, according to the minister's tabling speech, there will be considerable scope for community input to the process, and this is welcome. We are hopeful that the work funded in the new 2005-06 budget allocation to study ground water resources will also inform this process.

Given the limited knowledge we have about ground water processes, particularly the effect of bore water abstraction on our aquifers, we look forward to the research findings from the four observation and monitoring bores in the priority subcatchments in the ACT. We see this work as very important and perhaps even a little overdue. As the demand for ground water is increasing in the ACT and as water restrictions continue, it is imperative that we gain a better understanding of our water resources. As you will all be aware, the Greens have been strong advocates of the need to fully implement and investigate ways in which we can conserve and efficiently use our water as the best strategy for managing this scarce resource.

We were also pleased to see in the *Canberra Times* recently that Actew's Chief Executive, Michael Costello, had announced that the ACT has enough water until at least 2023 without a new dam. I do not think that Mr Costello has a crystal ball. However, in this case we agree. The Greens have consistently said that we do not need a new dam. With careful water resource management in the ACT, there is already more than enough water available for our basic needs. That was confirmed at a forum I was at last night where Mr Paul Perkins, who probably knows our water resources as well as anyone, said that we are the most well off of the capital cities in terms of being able to meet our environmental flow requirements and provide water for our needs.

Nevertheless, there is still a need for people to be further educated about wise water use and to think hard about appropriate water use in a dry country and harder still about what is an appropriate landscape in a dry inland city. This amending bill provides another opportunity for these principles to guide important decisions about water use in the ACT. I agree with the minister's comment that it is important that non-potable water use is managed efficiently so that holistic management of the water resources of the ACT occurs.

We agree with the other main change that this bill provides for, which is to allow Actew to take water from different catchments so long as, in doing so, it does not exceed its total water allocations across all catchments, so long as environmental flows are maintained, as required under the guidelines, and so long as there is scientific oversight to ensure that there is no adverse impact on aquatic habitats.

I just want to refer again to Mrs Dunne's comments. There was a challenge in the tail end of her speech. It just does seem to me that in a small Assembly like this, and especially amongst an opposition and a crossbench, there is a lot of scope for conversation. I would have really appreciated having a conversation with Mrs Dunne beforehand because I think I would have benefited from the detailed work that she has done. Perhaps we might have been able to work together a bit on this one because I actually think that we do have quite a few common interests.

MR MULCAHY (Molonglo) (11.00): I would like to make a few comments following on from what Mrs Dunne has had to say, focusing particularly on the issue of the moratorium about which I have had representations from constituents and people affected by the plan. The bill, as amended, will create a moratorium on the issuing of licences to extract and it would appear from the advices that it will be for a period of two years, commencing with the enactment of this bill.

The concerns that have been raised relate to the level of consultation that should have occurred. I understand that the response that Environment ACT have given to the opposition was that they consider that the media release that was issued when the bill was introduced in May suffices in that regard. I think that, on a matter as significant as this, a greater level of consultation should have occurred. Other issues that Mrs Dunne alluded to in relation to a matter before the courts, which I will make mention of briefly, suggests that a wait and see approach would be appropriate for the time being.

Obviously, the creation of a moratorium impacts not only on environmental issues, but also issues surrounding property law, and indeed constitutional law. It would seem from this legislation that it is the clear intention of the government to circumscribe people's access to ground and surface water. The moratorium is so the government can decide the size of the water resource and then work out a new scheme for access to the resource. But the long and short of it is that people's access to water will be curtailed. I guess what has troubled me through much of this debate, and we had discussions at estimates, is that I am concerned to try to feel comfortable that good science is behind the approach that is being taken in a number of these cases.

I am also concerned as to what the legal position will be in terms of people's rights, their property rights in particular, and I think that is an issue that warrants further consideration. Making particular mention of the case of Rashleigh v Environment Protection Authority, the ACT Supreme Court has found that the denial of licensing rights is an unlawful interference with property rights. Indeed, the court found during this case that pre-1998 leaseholders have an irrevocable right to use the bore water under their property. This is recognised by the act, which provides to the government:

> The right to the use, flow and control of all water of the territory, other than groundwater, under the land, the subject of a lease of territory land granted before the commencement of this section, is vested in the Territory.

The position of the law at the present time is that these residents have a right to use the water under their land. However, I should note that, while acknowledging this right, Justice Crispin also recognised the need for the use of bore water to be licensed, and this is in recognition of the environmental interests that are tied to this issue.

As has been mentioned, the EPA will appeal against the matter to the Court of Appeal. The matter is not listed for hearing until November 2005. In the case of Rashleigh and the EPA, the applicant applied for a licence for a bore for a particular period and was denied. The Supreme Court found that denial was a denial of property rights. If the Supreme Court so found in Rashleigh, it might also find the moratorium to grant new licences for bores for two years is equally a denial of property rights.

I believe lessees' rights to water gardens are very important, given the stated government policy is to preserve our garden city and to preserve what the government likes to call the urban forest. Our heritage and planning laws set great store by the layout and look of our suburbs and people with large blocks that cannot be subdivided, particularly in the areas of Red Hill and Forrest, need to work hard at maintaining the investment of years of painstaking work. The current water restriction regimes make this work quite difficult—indeed, one would argue impossible—without recourse to private bores. The government is making the important task of preserving that urban amenity impossible.

As Mrs Dunne has indicated, this matter should be adjourned until we know what the Court of Appeal rules in Rashleigh. In the meantime, the EPA can continue its investigation into the control of surface and ground water and come up with more solid material in terms of what is available and what is the impact of the current usage levels, which are by no means carrying a measure of certainty. I am that sorry the Greens have held to their position without considering the weight of argument that Mrs Dunne has put. I think it is always worth while—

Dr Foskey: I would have appreciated a discussion beforehand.

MR MULCAHY: Dr Foskey has said that they should have talked about it further. I do believe that there are very sound issues that have been raised here that therefore warrant reconsideration of established positions. I do not think it pays necessarily to come in here ideologically blind on some of these matters. We need to consider the rights of many of the residents of Canberra. We need to understand the challenges that are presented to people in maintaining the look of our city, notwithstanding the water restrictions that are in place. I would certainly ask the government to reconsider aspects of the legislation they have brought before this house.

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (11.06), in reply: I thank members for their contribution to the debate. I accept the difficulty that the imposition of a moratorium in such circumstances does represent for some members of the community. However, it is important to understand fully the basis and the reasons that the government is pursuing this initiative of applying a moratorium and why it is that it is reviewing the way in which the Water Resources Act operates, particularly in relation to ground water and access to ground water within the ACT.

The ACT, or Canberra, is not well-endowed with ground water. We do not have a great artesian basin beneath the city. There is, we believe—and our science is not as great as we would like—a very limited supply of ground water or artesian water serving the ACT. We do issue licences to the limit of what we believe to be the sustainable yield and, as members are aware, the government is progressively undertaking research and

analysis in relation to the extent of that water and appropriate sustainable yield. We believe, in relation to most of the water beneath the ACT in the various subcatchments that are represented, that that sustainable yield has essentially been reached in almost all of them.

With a limited supply, particularly in a period of drought, it begs the question: what is the highest use of that very limited resource and who should have the benefit of that limited resource? It seems to me an obvious question to ask. We have a water resource and we believe it is probably at or just about at its sustainable yield. It is appropriate that we look at and see in the first instance who is benefiting, whether that benefit is a benefit to the broader community, and whether the use of that water represents the highest possible use of the water, and that is what we are seeking to do. We need to put a moratorium on the current system that is in place. It is essentially a first come, best-dressed system, in other words, a system that is operated on the basis that if you have the capacity, through your individual resource, to access the water then you are at the top of the list.

It seems to me that that is a most inequitable way of allocating what is a scarce and increasingly valuable resource, particularly in an environment—and we have debated it in this place—where, as a consequence of the drought, broad community access to infrastructure such as school ovals has been seriously curtailed as a result of our incapacity to water and maintain those ovals. Let me put another part of the equation, and let us use the example that Mr Mulcahy uses. Should a wealthy owner of a large block in Forrest, a millionaire with the capacity to apply for and pay for the sinking of a bore, have his access to this limited resource measured against the fact that, around town, we have been forced to close a number of sporting ovals to our children and sporting groups?

There has been very lively debate within the Assembly around access to sporting grounds within Gungahlin—sporting grounds that were closed because of safety reasons—because we did not have the wherewithal to maintain them. This is part of the equation and this is what has driven this particular initiative. As a community, do we wish to maintain a system that allows, in Mr Mulcahy's example, wealthy residents, on large blocks, the capacity to maintain their gardens, as against the closing of school ovals and sportsgrounds in Gungahlin? It is an issue—

Mrs Dunne: It is not one or the other.

MR STANHOPE: It is one or the other. We have met our sustainable use—

Mrs Dunne: No, it isn't; they are different cakes.

MR STANHOPE: It is not a different case: it is exactly the case that we are investigating.

Mrs Dunne: I said it was a different cake; the Yarralumla cake is different from the Gungahlin cake.

MR STANHOPE: All of our subcatchments are essentially at sustainable yield. You cannot go and say; "There is excess water in Gungahlin, but we are at sustainability."

That is not true. That is simply not the case. We are at the limit, or thereabouts, of our sustainable yield in all of our subcatchments. We have experienced this just recently. I have another example. Should we maintain the same allocation of water, say, in the Yarralumla catchment that prevents the allocation of water to commercial enterprises? The government is currently engaged in close negotiations with the owner of the zoo in relation to his water needs. All we are seeking to pursue through this moratorium is whether there is a higher order issue in our capacity to provide water to a major attraction and employer, and commercial engine, such as the zoo or should we simply maintain the status quo of first come, first served: all water to those residents that can afford to access it?

We need to understand that of the 120,000 houses, or thereabouts, in the ACT, 150 currently have private water licences. To the extent that you can argue—well, you cannot argue at all—that access to a licence is in some way allowing us to maintain the essential nature or fabric of the garden city, it maintains it for 150 residents but it ignores the fact that the other 119,850 are basically out there complying with the water restrictions that are in place, and doing it remarkably well. But there is a group of 150 residents who, through their access to resources, have said, "I do not particularly want to have to apply myself to the rigour of a water restrictions regime so I'll bung down a bore to access water and I'll continue to use water as I always have."

We are seeking to drive a cultural change. We are seeking to ensure that we utilise water for higher order, or the greater good. We are seeking to ensure that we fully understand the nature of our ground water resource. We are determined to ensure that it is used appropriately and sustainably. The way it goes now—first come, first served—simply cannot be said to be fair and, essentially, it shows a lack of rigour around the way in which we deal with this valuable, diminishing, community resource.

A number of other issues have been raised in relation to the fact that there is legal action currently under way. For us to put off or postpone this legislation in light of that would simply maintain the status quo—we would still have a queue of individuals lining up for a licence—and we would not be able to institute a new look or a review or to achieve the objectives that we are pursuing through this particular amendment to the Water Resources Act.

A number of other issues were raised by the scrutiny of bills committee. On the basis of advice and further consultation with the Office of Parliamentary Counsel, the government has decided today to introduce amendments that reflect the comments of the scrutiny of bills committee, and I propose to move those, with the support of the Assembly. I thank colleagues within the Assembly for their contribution to the debate and look forward to their continuing support.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clauses 1 to 4, by leave, taken together and agreed to.

Clause 5.

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (11.16): I move amendment No 1 circulated in my name *[see schedule 1 at page 2939]*. I table a supplementary explanatory statement to the government's amendments.

The provisions of this amendment deal with the moratorium and deal with the refinement that I just alluded to. The Water Resources Amendment Bill allows the minister to declare a moratorium by means of a disallowable instrument. With this amendment, the moratorium is enabled through clauses in the bill itself. Consequently, this change provides the Assembly, subject to the passage of the bill, with the authority to instigate the moratorium. The minister would no longer be delegated the power to declare that moratorium. The issue of inappropriate delegation of vesting power raised by the Standing Committee on Legal Affairs disappears as the power to declare a moratorium would no longer be delegated to the minister.

The privative clauses that were in section 63B are no longer required and have been removed. These privative clauses were required to ensure that the ministerial decision to instigate a moratorium could take effect without the uncertainty that would arise if the decision were legally challenged. The removal of the clauses addresses the concern of the committee in relation to trespass on personal rights and liberties.

Another matter that has been considered in the amendment is whether the rights of individuals with proceedings before a court or tribunal would be curtailed by the moratorium. The amended bill would not curtail the rights of these individuals. The amendment includes a series of clauses in section 63B to ensure that any such matters that were initiated before commencement of the moratorium would be exempted from the moratorium provisions.

MRS DUNNE (Ginninderra) (11.19): The opposition will be opposing the amendment and the proposed new sections if this clause is amended. This amendment, rather than putting off instituting a moratorium for some time, is allowing the Assembly to decide that next week there will be a two-year moratorium on the issuing of licences for bores. We have to ask whether the community has been sufficiently prepared for the institution of this moratorium. I think the answer is no.

I asked the officials on Tuesday morning what public consultation had gone on, and what had been done to alert the community to the fact that there will be a moratorium The answer came back, “Mrs Dunne, when the minister introduced this bill into this place we put out a press release.” I asked, “Have you done anything since then to notify people that this moratorium is coming into place?” “No, Mrs Dunne, we haven’t.”

This is an open and accountable government. This minister, as the Leader of the Opposition, spent a whole lot of time saying just how open and accountable a Stanhope government would be. I suspect that not even the broadest interpretation of open and accountable government would say that one simple press release on an esoteric subject like the Water Resources Amendment Bill, which probably did not even get a run in the paper because it was probably seen as—I was going to say dry—a bit too esoteric to be

read about over your weeties. People who may have an interest in this probably do not know that it is going on. We are being asked today to decide that from right now, or the day after this bill is signed by the Chief Minister, there will be a moratorium. There is no introduction, no information, nothing out there in the public to allow the public to make any adjustments in that regard. This is an unacceptable way to behave.

The government was criticised by the scrutiny of bills committee for the way that it approached the subject so the government has come up with a different but equally bad solution. What it boils down to, and it was expressed at great length in the minister's response in the in-principle stage, is that the government does not really care. It is only about 150 people, and we all know that they must be wealthy people because they live on large blocks in places like Forrest and Yarralumla. I suspect that Mr Stanhope does not think that people in those areas vote for him—and I suspect also that Dr Foskey thinks that people in those areas do not vote for him—so they do not count. We immediately have this class war thing coming up: these are rich people on large blocks.

The minister asked, "Who is benefiting from these people being able to extract water and keep their gardens going?" Of course, the people who own the blocks benefit from it; there is no doubt about that. Yes, they will benefit. They will maintain their property values. But Mr Stanhope seems to fail to understand that these people are unable to make any other arrangement. As Mr Mulcahy said, because of the planning and heritage limitations on most of those blocks, they cannot subdivide their blocks. It is against the law. We made the decision in this place, in the previous two Assemblies, to prevent people from subdividing these blocks.

We also made decisions in the previous Assembly about what we require people who live in these areas to do with their gardens. They must maintain their hedges and they must maintain the heritage aspects of their plantings. We made decisions in the last Assembly about elements of the garden city in the oldest part of the garden city; the places that are affected most by this moratorium. It is not just the personal benefits that people gain from having a garden of a particular sort; it is about the impact it has on the streetscape and on the vistas. It is about the impact that it has on the whole of the territory.

Taking away the ability of these people to maintain their gardens will have long-term impacts upon the garden city and the urban forest. At some stage in the future, we will be debating the Tree Protection Bill. I will be moving amendments to the Tree Protection Bill to make it a tree-harming activity to fail to water your trees. If we are going to have legislation to protect trees, let us have real legislation to protect trees. Do not use this legislation to take away people's rights and responsibilities under legislation to maintain their heritage-listed gardens and their heritage-listed streetscapes in a way that this Assembly and this legislature, over a very long period, has demanded of people.

Mr Stanhope said some fairly spectacular things in his closing remarks. He said, "We are driving cultural change." This moratorium will not do anything to change the way people water their gardens. It will not do anything to cause them to think that they can get the same result with less water, to have a more efficient watering system. There is nothing in this about cultural change. There is nothing in this about communicating better, smarter ways of maintaining your garden. There is nothing in this that creates communication

between the government and the regulators, the people who are concerned with water conservation and the people who want to use water.

I am entirely in favour of cultural change about the way we manage our gardens. I believe, as I said to Mr Mulcahy when we were discussing this the other day, that you can have your cake and eat it. You can maintain the garden city. You can maintain the look of the city. You can maintain the streetscape and you can conserve water. But you have to be smart about it, and you have to communicate that smartness, that cleverness, to the people who are using it. Yes, people will continue to use water in the way that they always have unless you communicate with them. There is nothing in this moratorium legislation that allows people to communicate that.

This government has failed in almost everything that it has done in relation to conserving water out of doors. It is quite happy to impose and allow Actew to impose water restrictions, but it has done very little to help the horticultural industry, to help gardeners make life better in Canberra so that we can preserve our garden city and still comply with a better, more efficient way of watering. The agricultural industry has done it so that we do not lose water through irrigation, so it goes back into the ground water system. There are ways and means of ensuring that you water things so that you only put on enough water to allow for plant growth and transpiration.

There is nothing that this government has done to help people maintain the amenity that we have come to expect in Canberra and, at the same time, conserve water. There is only the large, monolithic, corporatist moratorium approach. The moratorium is a bad way to do it. The Liberal opposition will be opposing it for all the reasons that I have stated and Mr Mulcahy has stated. We will be opposing this amendment and we will be opposing this clause later in the day.

DR FOSKEY (Molonglo) (11.29): I think what we are looking at here is a conflict of values or something of that kind. The hardship that may be suffered by the people who have been using ground water to keep their gardens green is, I think, being exaggerated by Mrs Dunne at this point. I am not familiar with bore water gardens in Yarralumla, but I walk around Deakin and, of course, I appreciate the greenness in a drought, as we all do, but I also can see that sometimes when people have a lot of water on tap they tend to create gardens that are addicted to water. I hope that one of the things people have learned during Actew's education campaign is that you can train your garden to exist on less water. There are ways of watering that allow you to minimise your water use and maintain greenness.

I do not think it is the place of this legislation to have in it some way to help ground water gardeners to change their way of gardening. I hope that the people who will be affected by this amendment—and I am not sure of this so I will ask Mr Stanhope to respond to this in his closing speech—will be contacted in a way that lets them know that they may be giving up some private rights to water, as they may believe them to be, and I think that all that needs a change. They should be given hints and ideas on where they to go to find out ways of maintaining their garden over the period. Also, it is quite possible that, at the end of this moratorium, they will not regain their water rights as they see them and as they have had them. We are looking at change here and change is always hard for some people. I believe the government should be making it as easy as possible for this change to be initiated.

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (11.32): I just wish to make the point, Dr Foskey, that the legislation has no retrospective application. It does not affect an existing licence holder at all. There is no impact at all on existing licence holders. The impact is prospective. The review will simply affect, in the future, the way in which we make decisions around the granting of licences. We are looking, as I indicated, for a way of ensuring that the greater good, the community benefit, would be met through an allocation of leases, rather than the ad hoc first come, best dressed approach that currently applies. I am making the point about a way in the future to allow us to look at whether watering a school oval is a higher order use than the private use of a very limited and increasingly valuable resource. There is no retrospective effect: the proposal, the moratorium, will not impact on any existing licence holders.

Dr Foskey: Sorry, I got the wrong impression.

MR STANHOPE: Yes, we all did.

MRS DUNNE (Ginninderra) (11.33): It is also important to note about these amendments that the government has admitted that it does not know anything or it knows very little about the water resource. This has been a failure of government over a very long period, and not just a failure of this government. The water resources legislation has been in operation since 1998 or 1999, I cannot remember exactly when, and the issue of ground water was important at the time this legislation was passed. I remember the late Gary Crostin briefing me on the importance of ground water and how little we knew about the ground water processes.

I think it has been a failing of successive governments—I do not have a problem with saying so—that we have waited until we have got to a crisis before saying, "What are we going to do about our ground water? What is there and what do we know?" We need to put that in perspective because, when the Chief Minister and Minister for the Environment says that our ground water in some catchments in the urban areas is completely allocated or all but allocated, we do not know exactly how much ground water we have.

We know it is not a vast amount, like that in the Great Artesian Basin. Madam Acting Deputy Speaker, you know that I am a person who considers that we have to be very cautious about these things, and I have spoken at length on a number of occasions about the importance of preserving ground water, particularly in the Great Artesian Basin. We are talking about a body of water that is held in the ground. When the minister talks about its being overallocated, he is talking about the top 10 per cent of that water being available for extraction. We do not know exactly how big that body of water is.

The Chief Minister might be giving the impression that all of that water is being extracted, but that is not the case. It is the top 10 per cent that is available for extraction through bores and through the collection of surface water, and that is all. Let us say that 700 megalitres falls into a catchment every year. There is then 70 megalitres available for extraction. The Chief Minister and Minister for the Environment is saying that for a particular catchment we may be getting close to extracting 70 megalitres a year. Yes, it is on a first come, first served basis but that is how we do a whole lot of things in public

policy—from collecting taxes to allocating public housing. What we are extracting here is, we think, towards the limit of a limited subset of the amount of water that is available. That point needs to be made.

We are not saying that you should not go out and do the science. You do not need the moratorium to go out and do the science. These officials are doing it now. It is happening now. There are surveys going on. What we are saying is that, because of the doubt about the property laws associated with this, do not institute the moratorium. It does not mean that your hands are tied. You can go out and do the science and then the minister can come back in here and tell us what is the state of affairs. He and his colleagues have been responsible for looking after the environment for nearly five years and they have sat on their hands.

Back on World Environment Day in 2002, we passed a motion about the importance of water and one of those issues was ground water. We have been thinking water and acting water in various forms ever since. However, there is a lot of thinking and not much action in the water resources management plan, and this government has been sitting on its hands on ground water. Ground water has always been an issue and, for the past four years, this minister has done nothing about it. His solution is to say, "I really don't know what's going on, so what I will do is I will penalise anybody who wants to extract ground water." People coming up to a third year of drought might be thinking that they cannot keep going like this, that if they do not do something their heritage garden will die.

What this minister has done, with the help of Mr Corbell, is to say that we must preserve the garden city, that people cannot subdivide their blocks, that they must keep their heritage garden and their streetscape. All of those things are not just a private good; they are a public good. Whether it is a higher public good than watering an oval is yet to be determined, but the Chief Minister cannot come in here and say that it is purely a private good. These are legislated things required by this Assembly and what are they doing? They are turning off the tap. That is why the opposition will be opposing this amendment.

MR CORBELL (Molonglo—Minister for Health and Minister for Planning) (11.39): Mr Stanhope has asked me to take carriage for the remainder of the bill, as he has to attend a commemoration function for Vietnam veterans this morning. I will keep my comments brief but I do want to respond on the issue of planning provisions as they relate to water use, which is an argument that Mrs Dunne has raised. I have to say that the two are not mutually exclusive nor are they mutually incompatible. That is the issue that should be put on the record here today.

Maintenance of the garden city character, maintenance of the subdivision pattern, which is critical to the early garden city suburbs, particularly in the older suburbs of Red Hill, Forrest and so on, is not incompatible with a requirement for better and more efficient use of water. If Mrs Dunne is advocating that we should proceed to permit subdivision of these blocks, I welcome her argument, but I do not accept that the subdivision pattern, in any way, is at odds or contradictory with the objective of trying to ensure the more efficient use of the water resource, in particular the protection of the ground water resource.

A range of mechanisms can be used through smart landscaping to reduce water use, even on large blocks. We understand those principles. We understand that it can be done. There are excellent examples of dry land landscapes that are visually and aesthetically pleasing, that can maintain the garden city character of some of these older subdivisions without simply saying that the only solution is to allow the people to sink a bore. That is a nonsense argument. If the Liberal opposition really believes that the only way to maintain the garden city character is to sink a bore for large blocks—

Mrs Dunne: You should have come into the debate earlier, Simon, you would have understood—

MR CORBELL: I was listening to it upstairs, Mrs Dunne. I was listening to you very closely. The Liberal Party's arguments on this issue simply do not make sense. There is a range of mechanisms available to ensure that gardens remain visually and aesthetically pleasing but also are much more efficient in the use of water and which will avoid the need for simply saying that the solution is to sink a bore. This is a prudent, balanced and conservative, and rightly conservative, approach when it comes to the use of a ground water resource, because the ground water resource is limited. For that reason, I think the arguments on planning grounds are not strong from the Liberal opposition and this amendment should be supported.

Question put:

That **Mr Stanhope's** amendment be agreed to.

The Assembly voted—

Ayes 7		Noes 4
Mr Corbell	Mr Hargreaves	Mrs Burke
Dr Foskey	Ms MacDonald	Mrs Dunne
Ms Gallagher	Ms Porter	Mr Mulcahy
Mr Gentleman		Mr Seselja

Question so resolved in the affirmative.

Amendment agreed to.

Clause 5, as amended, agreed to.

Clause 6.

MR CORBELL (Molonglo—Minister for Health and Minister for Planning) (11.46): The government will be opposing this clause. The proposal is to remove this clause from the bill. It is a privative clause to ensure that the provisions of the Administrative Decisions (Judicial Review) Act 1999 do not apply to a decision of the minister in relation to the declaration of a moratorium. This clause is no longer required, as the minister will no longer be empowered to declare a moratorium. The removal of this

clause further addresses concerns raised by the Standing Committee on Legal Affairs in relation to trespass on personal rights and amenities.

Clause 6 negatived.

Title agreed to.

Bill, as amended, agreed to.

University of Canberra 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) (11.48): The provisions within the University of Canberra Amendment Bill were first introduced as part of an omnibus statute law amendment. This process, rather than the content of the provisions, caused some controversy and these provisions were withdrawn earlier this year and reintroduced as a freestanding bill. I understand that these provisions are essentially template provisions necessary for all jurisdictions to adopt and they have some implications for commonwealth funding. I also understand that the University of Canberra has perused this bill and that, whilst it had some concerns at the outset, it is now comfortable with the provisions of the bill and keen to have them passed. As I have said, this is essentially template legislation but it ramps up the responsibilities for members of the university councils and imposes more responsibility on them so as to facilitate higher levels of commonwealth funding. The opposition will be supporting the bill.

DR FOSKEY (Molonglo) (11.49): The ACT Greens will be supporting this bill, which assists the University of Canberra to meet an Australian government benchmark for university funding. Many issues have been raised about university governance over the past few years. An Independent Commission Against Corruption report raised questions about the risk of corruption in universities' commercial activities; something the commonwealth government at the time was not inclined to take on board.

Since then issues regarding the governance of universities themselves have come up fairly often around Australia, although with varying degrees of justification. In 2001, the National Tertiary Education Union passed a resolution on intellectual freedom in university governance. It argued that good representative governance was essential to support the intellectual freedom that universities have a responsibility to uphold. It is probably not surprising that those concerns are not at the heart of the commonwealth government's national governance protocols that lay out the benchmarks for additional funding and have driven this bill. They are focused more on corporate responsibility.

Of particular interest here is the requirement for a university to establish policy and procedural principles consistent with legal requirements and community expectations and to build in accountability requirements and sanctions when the duties are breached. There is a financial benefit to the university once this legislation is passed, so I am doubly pleased to support it on behalf of the ACT Greens.

The linking of a funding formula with governance requirements is understandable in this context. It reminds us, however, that the commonwealth government is taking a similar approach in its insistence on universities offering AWAs to new employees. It also ran a few unusual projects linking a lot of education money to pictures of Simpson and his donkey, and on the insistence of operating flagpoles. I am sure that Ms Gallagher could list a range of instances where commonwealth interference in state education systems is not so welcome. However, in this instance the requirements of the commonwealth are not so onerous for the University of Canberra and, indeed, may enhance its accountability, its procedures, and other aspects of governance.

MS GALLAGHER (Molonglo—Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (11.52), in reply: I thank members for their contributions. The bill amends the University of Canberra Act 1989. The amendments made by the bill embed national governance protocols agreed to in late 2003 by universities and Australian ministers with responsibility for higher education. This bill will ensure that our university benefits from a robust governance framework, in keeping with the national and international trend for corporate entities to embrace best practice governance.

The bill is identical to the amendments that were first put forward as part of the government's Statute Law Amendment Bill 2005, also known as the SLAB, which Mrs Dunne referred to earlier in the debate. Appropriate agencies were consulted earlier this year as part of the SLAB process. Following the advice of the legislative steering committee in late March this year, I agreed to submit the amendment to this Assembly as a separate bill, because I support the national governance protocols, and the ACT government wants the university to be able to access the extra funding that flows from adopting them.

As I pointed out when this bill was introduced, it does not change the number of university council members, or the composition of the membership. The range of university stakeholders currently provided for in the act remains, and comprises the university executive, a person elected by graduates of the university, three members of the academic staff elected by members of that staff, a member of the general staff elected by members of that staff, two students of the university elected by students from the university, and up to 10 persons appointed by the Chief Minister.

The amendments specify the duties of the university council members consistent with the national governance protocols, including providing for sanctions when duties are breached; amending the protections to be available to members, consistent with the Corporations Act; further quantifying the circumstances in which members must vacate their office to include disqualification as a company director under the Corporations Act; amending the manner in which the deputy chancellor is appointed to the council, because the protocols specify which positions are appointed by virtue of office; and limiting the maximum term of council members to 12 years.

I will be moving a minor amendment to clause 9, and I will speak to that when we come to it in the detail stage. This bill will provide an improved governance framework that protects the interests of students and staff at the University of Canberra. The bill will ensure all council members continue to work for the good of the university. I thank

members for their support, and I also acknowledge the efforts of the Canberra university, and officers from the Department of Education and Training for their work on this bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MS GALLAGHER (Molonglo—Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (11.55): I move amendment No 1 circulated in my name. *[see schedule 2 at page 2941]*. I present a supplementary explanatory statement to the amendment.

We are amending the provisions for sanctions in the University of Canberra Amendment Bill. I recently wrote to Mrs Dunne, in her capacity as shadow education minister and as manager of opposition business, and to Dr Foskey, explaining the need for a minor amendment to this bill to ensure full compliance with the national governance protocol. The specific protocol is:

> 7.5.15 Protocol 3: the higher education provider must have the duties of the members of the governing body and sanctions for the breach of these duties specified in its enabling legislation.

New section 12A specifies the duties of the members of the University of Canberra council. The current text of new section 12A (4) provides for sanctioning of members if they breach subsection (1). The duties of members are spread across subsections (1) and (2) and this amendment simply nominates a breach of either subsections (1) or (2) as grounds for sanction.

Amendment agreed to.

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

Bill, as amended, agreed to.

Unit Titles (Staged Development) Amendment Bill 2005

Detail stage

Bill as whole.

Debate resumed from 1 July 2005.

MR CORBELL (Molonglo—Minister for Health and Minister for Planning) (11.57): I seek leave to move together amendments Nos 1 to 6 circulated in my name.

Leave granted.

MR CORBELL: I move amendments Nos 1 to 6 *[see schedule 3 at page 2941]*. I table a supplementary explanatory statement to the amendments.

These government amendments are in response to further feedback from a range of stakeholders with an interest in this legislation, in particular industry stakeholders but also other territory agencies and the ACT Law Society. For the benefit of members I will briefly outline the purpose of these amendments. Amendment 1 provides for new clauses 10A, 10B and 10C.

New clause 10A inserts a number of new sections. These sections make provision for the amendment of the development statement for an uncompleted stage of a staged development and refer to the criteria that need to be met or to be taken into account by the Planning and Land Authority where agreement has been obtained for the amendment and where agreement is not available due to various circumstances. A new clause 10B inserts provisions to restrict the application of section 32 to amendments to the development statement to which section 31A does not apply. New clause 10C inserts the provision to restrict the application of section 33 to amendments made under section 30 (2).

The second amendment arises for the renumbering of the act following republication. The third amendment provides for a new clause 14A, which inserts a new section 64A. This section deals with contributions to the general and sinking funds for a staged development where the development has not been completed. Amendment 4 provides for a new clause 16, which omits proposed section 110A (2) and substitutes a new section 110A (2), with respect to those who are entitled to vote on a motion for an uncompleted stage or a completed stage of a staged development.

Amendment 5 provides for a new clause 17 which inserts a new section 132 (3). This section inserts a new definition of "parcel" for a staged development. The definition is restricted to buildings at completed stages, so the owners' corporation only has to insure the building in the completed stages. Finally, amendment No 6 is to the schedule. Amendment 1 (1) provides for a new section 179 (5) by substituting section 179 (5) in the Land (Planning and Environment) Act 1991. This section has been punctuated to assist in interpretation. I commend the amendments to members.

MR SESELJA (Molonglo) (12.01): As flagged when we discussed this recently, the opposition is happy to support this bill and will also be happy to support the amendments. These amendments were brought forward in the last session of the Assembly and we wanted some time to consider it. The minister agreed to adjourn the debate, so we appreciate that. We have had the opportunity to have a briefing with ACTPLA officials, and that was most helpful. We have also consulted with industry groups. In the main, the feedback was that the bill as a whole is a step in the right direction and that the amendments are necessary in some cases and certainly helpful for the most part.

The last time this bill was before the Assembly I spoke about the improvements that this bill will provide in the staged construction of multiunit developments and of the protection that this bill provides for owners in relation to common property and multistaged developments. Finding that balance between favourable conditions for the

construction industry and the protection of the rights of owners of units is the key and this bill does seem to go some way towards doing that. I also spoke of the importance of the role that ACTPLA will play in ensuring compliance during the construction of multistaged developments and this bill prescribes a number of conditions in relation to amenity for multistaged constructions.

These will only be of practical benefit if the supervision and compliance are well managed. I look forward to ACTPLA conducting this thoroughly. No doubt the industry and others in the community will be watching that closely to see how it is managed. Once again I thank the ACTPLA officers who provided the briefing. As I said, it was most enlightening and did take a little bit of time, because some of the amendments were a little bit on the technical side. Just restating, we have received feedback from industry and no real concerns have been raised, so the opposition will be supporting the bill and the amendments.

Amendments agreed to.

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

Bill, as amended, agreed to.

Occupational Health and Safety Legislation Amendment Bill 2005

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

> That this bill be agreed to in principle.

MR MULCAHY (Molonglo) (12.04): The bill amends three items of legislation: the Occupational Health and Safety Act, the Dangerous Substances Act and the Long Service Leave Act. The first two require periodic reviews of their operation and effectiveness. These amendments provide for the minister firstly, to conduct the reviews instead of requiring her to arrange an independent reviewer and, secondly, to report to the Legislative Assembly before the Assembly's third sitting day in 2008. They also provide for the reviews to be generic, rather that individual matters for review being specified in legislation.

Amendments to the Long Service Leave Act correct anomalies that had the unintended effect of breaking continuity of service for members of the defence force and people temporarily employed outside the ACT. The opposition regards these amendments as commonsense improvements and we will support them.

At present, the Dangerous Substances Act must be reviewed as soon as possible after 30 June 2005, and the OH&S Act must be reviewed as soon as possible after 30 June 2007. These amendments bring them into line with a common reporting time of as soon as practicable after 30 June 2007. In any case, a report must be presented to the Legislative Assembly before the Assembly's third sitting day in 2008. That provides a reasonable length of time over which trends and practices can be properly evaluated and the impact of legislation assessed and reported on with a high level of confidence.

Both the OH&S Act and the Dangerous Substances Act presently stipulate that the reviewer must not be a public employee employed in an administrative unit that is responsible for the administration of the acts. They also stipulate that the reviewer must not be subject to direction by the minister or the chief executive in carrying out the review. These amendments delete those requirements and give the minister the freedom to decide who does the review.

At face value, removing the independent reviewer and giving the minister the flexibility to make arrangements for the conduct of the reviews of the OH&S Act and the Dangerous Substances Act may appear as a loss in accountability. However, at present the minister arranges for the person to do the review, so it is she who decides who does it. She also sets the terms of reference; so in practice the reviewer is not as independent as one might first consider when reading this legislation.

The amendment requiring the minister to review the operations of the acts does not change anything in practice. The present OH&S Act specifically requires the review to include an assessment of the impact of the 2004 amendments, which tighten up the process for issuing infringement notices and provide for an increase in penalties for non-compliance with directives, and the operation and effectiveness of the provision for entry to workplaces by authorised representatives, that is, union right of entry. The proposed amendments delete those assessments being stipulated in legislation. Therefore, I would like the minister to put beyond any doubt that the impact of these items will be assessed as soon as possible after 30 June 2007. Obviously, l would be grateful for her assurance on this matter.

In our view there is no doubt that the impact of union right of entry to a workplace needs to be reviewed. It has been imposed against business under the guise of OH&S at a time when union membership and relevance are at historically low levels, as I have said on previous occasions.

Mr Gentleman: It has been growing.

MR MULCAHY: For the benefit of Mr Gentleman, it is down to 18 per cent, as much as that may be a depressing figure. We have one of the lowest levels of union membership in the nation. The unions once came to me many years ago and said; “How do we improve our marketing to get more people involved?” I took one look at the people representing them and I thought; “Mm, you have quite a challenge.” Their relevance to the proceedings is something that needs to be looked at.

I well remember the ferocity of people within the electorate of Molonglo, particularly the businesses, when we met at the convention centre prior to the election over their concern about some of the union right of entry issues that were seen as taking a very partisan approach to the administration. So we look forward to a review of how that is working. It creates a level of suspicion that does nothing to promote Canberra as a business-friendly location. There is much opposition to this policy of government and it provides a classic example of a government impost that affects business confidence, regardless of how the power is used. A broad-ranging review of its impact is clearly necessary.

At present, the Dangerous Substances Act specifically requires the review to include the effectiveness of the act in regulating the supply of fireworks in the ACT and the social and environmental effects in the ACT and elsewhere of the use of fireworks supplied in or from the ACT. The proposed amendments also delete those assessments being stipulated in legislation. Since the government already conducts an annual comprehensive review of fireworks regulation after every Queen's Birthday long weekend, the opposition sees no reason for that work also to be required by legislation. The annual review happens anyway. However, again I would welcome the minister's assurance that the effectiveness of regulating the supply of fireworks will be reviewed.

The Long Service Leave Act requires that an employee have a continuous period of service with one employer. However, when calculating an employee's period of service, several interruptions are deemed not to break continuity of service. These include interruptions due to events such as an industrial dispute provided the employee returns to the employer in accordance with the terms of settlement of the dispute; injury in the course of employment; and termination of service by the employer provided the employee returns to the employer's service within two months. These and other interruptions are not included in calculating the total period of service but they do not break continuity of service.

The long service leave amendments correct anomalies that had the unintended effect of breaking continuity of service for members of the defence forces and for people temporarily employed outside the ACT. They clarify that employees who undertake military service and employees working temporarily outside the ACT retain continuity of service. I congratulate in particular the Housing Industry Association for identifying the problems with the long service leave legislation as it applied to some defence force employees and employees working temporarily outside the ACT. I am advised that the HIA alerted the minister, and as a consequence the minister has responded with these amendments, which we support.

We had some initial concerns about the amendments to the review arrangements, but if the minister is prepared to assure the Assembly that the impact of the 2004 amendments, union right of entry under the OH&S Act and fireworks under the Dangerous Substances Act will be reviewed, I submit to the Assembly that nothing is lost. Finally, I commend and thank the minister for making her officers available to provide briefings to my office and to answer questions about the legislation and related matters.

DR FOSKEY (Molonglo) (12.12): I will be opposing this bill. I understand very clearly that the occupational health and safety legislation passed by the Assembly last year which, among other things, gave unions and occupational health and safety representatives the right to enter workplaces, and the Dangerous Substances Act passed earlier in 2004, which incorporated new regulations to govern the sale and use of retail fireworks, work closely together.

I can understand the arguments the government has put to justify this bill, which rolls the two proposed specific and independent reviews of this complementary legislation together into the one generic and internal process. However, for the government to do this at what was to be the drop of a hat is a betrayal of the process that it engaged in in

good faith with a range of community and business groups as well as the crossbench in the Assembly when the bills were passed last year.

The ACT Greens were pleased to support this overall legislative approach when it was introduced. Between them, the Dangerous Substances Act and the amended Occupational Health and Safety Act established a safety duty for businesses, employers and managers in how they treat their work force and how they handle their workplaces. It was a fairly profound change in approach which to an extent reversed the onus of proof and now requires those people responsible to be able to demonstrate that, on the balance of probabilities, they take due precautions when it comes to dangerous substances, and that they have in place an appropriate occupational health and safety regime.

Last year's dangerous substances bill marked the introduction of this wide-ranging regime. It made other significant changes in regard to control and management of a range of substances and of oversight in compliance measures. Members might recall there was some pressure on the Assembly to pass the legislation fairly promptly at the time, as incorporated in the regulations to the act was a new retail fireworks regime. Members would also recall that retail fireworks had been contentious in Canberra over the past few years, with their use across extended periods of time in mid-2003 and their seemingly uncontrolled availability leading to a growing clamour for them to be banned.

The new retail fireworks regime embedded in the regulations to the Dangerous Substances Act was this government's final attempt to arrive at a more acceptable form of availability. The time frame leading up to the June long weekend last year was tight. The OH&S bill later in that year was particularly contentious because it gave union occupational health and safety representatives the right of entry to workplaces, something that, following a strenuous public relations campaign conducted by Canberra's business organisations, was felt by many small businesses across the territory to be quite threatening.

The ACT Greens, through the office of MLA Kerrie Tucker, were intimately involved in the final stage of the development of both those bills, in fairly positive collaboration with the government and at various times with the others on the crossbench, and in supporting them through the Assembly. One of the concessions the government was not unhappy to make at the time was to build in an independent review of the Dangerous Substances Act with a particular focus on the social and environmental impact of retail fireworks in the ACT and elsewhere.

Similarly, given the hostility and distress that had built up over the union right of entry provisions, there did not appear to be a great problem in putting an independent review of the revised OH&S Act in place and in ensuring that in conducting this review specific attention would be given to the impact of these contentious provisions. Those agreements were reached in that debate without, it would seem, any strong resistance or argument by government.

If this bill is passed, the government remains committed only to a combined review of the operations of this scheme, with no specific focus on the most contentious matters and no guarantee of independence. My personal view on the new fireworks regime is that it is a decided improvement of the previous systems and, if the government took legal

action against fireworks merchants who broke the law rather than friends of animal liberation having to draw attention to them, it could work even better.

However, I would be very interested to see what a more comprehensive review of the new regime would show. Similarly, I have not yet heard of any disruption to workplaces caused by visits of union representatives on an occupational health and safety pretence—although this early in the process, and without an investigatory assessment of the impact of these provisions, I am not in a position to make such a judgment.

My concerns lie chiefly with the approach. This is not a greatly different government from last year's. The agreements it made last year to gain support from the crossbench were also made de facto through the crossbench with the community and business groups whose concerns have been represented in those negotiations. This is the government simply remaking the legislation because it is more convenient and because it reflects poorly on the regard it has for those people and those organisations that it has worked with in the past. It goes something like this: "We will work with you if we have to and, as soon as we do not have to, we will not." That is a very poor principle by which to run government. On the other hand, it is a strong indicator that a minority government is required to hold some important values and the Canberra electorate would do well to note them—in essence, cooperation and trust.

This is not the first example of government making decisions of convenience in a way that undermines the trust of its community partners. I have no doubt that it will not be the last. This bill is clear evidence that government's inevitable inclination is to slide towards decisions of convenience on the presumption that its instincts are correct and that a more participatory approach to government will only develop if constraints remain on and cooperation is required of those in power. I think this is the message the community will take from this, at least those community groups that were so involved in the process last year.

I am a little surprised that the Liberal opposition is agreeing to this legislation with so little demurring. I would have thought that, after all the complaints, the business community would have wanted a much more rigorous evaluation of the legislation, but apparently everything is fine there. I understand that the minister has given commitments to ensure that the particular issues of concern in these acts that I have referred to will be looked at specifically during the internal review. I look forward to hearing those assurances at the conclusion of this debate. Of course, the Greens will be looking with interest at, and requesting to see, a copy of the reports that come out of the evaluation.

MS GALLAGHER (Molonglo—Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (12.20), in reply: The legislation we are considering today amends the review of act requirements in the Dangerous Substances Act and the OH&S Act. The amendments refocus the reviews on the broad operation of the regulatory regimes established by the act, align their timing, and provide flexibility to the minister in establishing arrangements for their conduct.

As it stands now, the Dangerous Substances Act requires an independent review of the operation of the act as soon as practicable after 30 June 2005. Similarly, the OH&S Act currently requires an independent review of the Act, passed last year, as soon as

practicable after 30 June 2007. These review provisions were initiated through amendments by the crossbench during debate on both bills in March 2004 and June 2004.

The Dangerous Substances Act creates a modern duty-based framework for the regulation of dangerous goods and hazardous substances, and anticipates international developments in integrated chemicals management. The OH&S Act, as amended, creates an enhanced compliance and enforcement framework for workplace safety in the ACT. This framework is paralleled in the compliance and enforcement provisions of the Dangerous Substances Act. Both acts, as amended, establish complex and innovative regulatory regimes.

Legislative requirements to review the operation of significant new laws are not uncommon and ensure that, following a sufficient period; a sound assessment of the workability of the legislation and its effectiveness in meeting its objectives can be made. However, the government believes that the period of time needed to adequately and comprehensibly assess the legislation should be longer than that currently specified in the Dangerous Substances Act. In seeking to amend the provisions along the lines I will now outline, the government maintains its commitment to the robust review of both these important bodies of legislation.

The Dangerous Substances Act is amended by clause 4 of the bill. The review of act provisions at section 224 presently require a reviewer must not be a public employee employed in an administrative unit that is responsible for the administration of either the Dangerous Substances Act or the OH&S Act; nor should the reviewer be subject to direction by the minister or the chief executive in carrying out the review. While the government is committed to reviewing the Dangerous Substances Act, it questions the need for the current specific requirements regarding arrangements for their conduct. The exclusion of public servants involved in the administration of the legislation from the role of reviewer unnecessarily limits the options that I, as minister, may wish to consider in establishing a review process.

The current requirements could potentially impose considerable costs on the conduct of the review through the need to engage an independent reviewer. The public servants who developed this legislation are experts in the area, and their core duty is to develop and evaluate appropriate legislative regimes. The work of an independent reviewer will, undoubtedly, duplicate much of this work. The merits of an independent review and the public expense it would attract should be a matter for the minister to take into consideration when a review is being set up.

The government recognises that a serious review exercise requires a reviewer to proceed in an objective and impartial manner. This imperative should inform the conduct of all reviews. A requirement that the reviewer not be subject to a direction by the minister or chief executive when carrying out the review, however, is not representative of the general approach to legislative reviews. It could place unnecessary constraints on the framing of the review's terms of reference and its arrangements that go beyond the objectivity and independence of the findings. This requirement is also subject to amendment in this bill.

The regime established through the Dangerous Substances Act is broad and complex, and is supported by a wide range of regulations for explosives, including fireworks, storage and safe handling, asbestos awareness, asbestos prohibition, and the licensing of security sensitive substances such as fertiliser grade ammonium nitrate. Additional regulations will be developed for health surveillance, control of carcinogens and transport in the coming period. While the current provision mandates a focus on fireworks, it would not be sensible for the government to review such a narrow aspect of a broad subject matter dealt with under the dangerous substances regime in isolation.

As I have just outlined, fireworks are merely one small element to be examined in an extensive review of the dangerous substances legislation. Nonetheless, the review will include an assessment of the effectiveness of the act in regulating the supply of fireworks in the ACT, as well as the social and environmental effects in the ACT and elsewhere of the use of fireworks supplied in, or from, the ACT.

In making these amendments the government is seeking to maintain both the breadth and particularity of the original terms of section 224. The government conducts a review of fireworks provision in the Dangerous Substances Act after every Queen's Birthday long weekend, to assess the suitability of the current regime. We do not merely pass legislation and leave it to sit, unchecked, on the statute book for years to come. We continuously monitor ACT law to ensure it is keeping pace with changes in the territory. The Dangerous Substances Act was only enacted in March 2004, and we do not believe a review just over 12 months after its passing would enable a full analysis of the dangerous substances regulatory regime. Sufficient time should be allowed to pass before a review takes place, so the regime as a whole can be properly assessed.

The government is also of the view that there are potential synergies in aligning the timing of the review of the Dangerous Substances Act with the timing of the review of the OH&S Act. Accordingly, clause 4 substitutes the current provisions in section 224 of the Dangerous Substances Act, and requires the minister to review the act as soon as practicable after 2007, a date that will now correspond with the date the review of the OH&S Act must be conducted. The amended section also requires the minister to present a report on the outcome of the review to the Assembly on or before the third sitting day in 2008. I hope that addresses one of Dr Foskey's concerns. Understandably, the date of the expiration of the section also has been changed, and will now expire on 30 June 2008.

This bill also introduces technical amendments to the Long Service Leave Act to remedy unintended changes, which Mr Mulcahy outlined earlier in this speech. I also thank the Housing Industry Association for contacting my office and alerting us to the unintended consequences of the changes made earlier this year. Those concerns of the HIA, as outlined by Mr Mulcahy, have been dealt with in this bill. The amendments to clause 5 address the problem outlined, and the passage of the bill will limit the possibility of employees being disadvantaged as a result.

Section 230 of the OH&S Act is amended by clause 6 of the bill. Like its equivalent in the Dangerous Substances Act, the review of act provision presently requires that the reviewer must not be a public employee employed in an administrative unit that is responsible for the administration of the act, nor should the reviewer be subject to

direction by the minister. The government's view is that the potential costs of establishing an independent review, plus the restrictions imposed, both on the minister and public servants working in this area, are unreasonable, and would not necessarily deliver the best outcome to the territory.

Like the Dangerous Substances Act, the current review provisions in the OH&S Act expressly require the review to examine a specific area, namely, the reformed compliance model. Again, these amendments do not preclude the review from examining these areas. They are areas about which concerns were raised in debate on the original bills and, of course, they would be involved in and, I imagine, be at the forefront of any review that is undertaken in the future. So clause 6 substitutes the current provisions in section 230 of the OH&S Act. The section requires that the minister most review the act as soon as possible after 30 June 2007. This date has not been altered. The section also obliges the minister to present a report on the outcome of that review to the Assembly on or before the third sitting day in 2008.

The Dangerous Substances Act and the OH&S Act, as amended, are landmark legislation. There is a strong case for reviewing the regulatory regimes established by the acts, and we are committed to undertaking these reviews. Nevertheless, the conduct of these reviews will represent a considerable allocation of public resources, regardless of who is ultimately selected to undertake them. As such, it is every important that these resources be put to the best possible use to achieve an outcome that benefits the territory. The amendments proposed by the government today will promote a thorough analysis of the workability and effectiveness of these two complex and complementary regimes after a reasonable time has passed.

I also give a commitment that both reviews will include all stakeholders from the community and from business, and will seek submissions from all of the groups interested. There is no reason that the stakeholder input would be any different in a review being undertaken by a public servant as opposed to an independent reviewer. Stakeholders, of course, are vital to the success of any review of any legislation, and I give my commitment on that. I thank members for their contributions and thank the Office for Industrial Relations for the work in putting this amendment bill together. I look forward to the passage of this bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Sitting suspended from 12.32 to 2.30 pm.

Ministerial arrangements

MR STANHOPE: For the information of members, I wish to advise that the Treasurer and Minister for Economic Development and Business is on Assembly business elsewhere today. He regrets that he is unable to take questions in question time this

afternoon. If there are questions for the Treasurer or Minister for Economic Development and Business, I would be happy to assist.

Questions without notice

Nurses—attrition rates

MR SMYTH: My question to the Minister for Health is in relation to nurse turnover rates in the ACT. Minister, in your answer to question on notice 444, you advised that 188 nurses at registered nurse level 1 were recruited in 2004-05. However, in that same period, 100 level 1 registered nurses resigned, an effective attrition rate of 53 per cent of the intake and 16 per cent of the total number of level 1 nurses employed in ACT public hospitals. Minister, why is the attrition rate so high for level 1 registered nurses?

MR CORBELL: I thank Mr Smyth for the question. One of the key factors influencing nurse turnover is the rapid aging of the nursing workforce. The nursing workforce is a rapidly aging workforce. Whilst we are seeing good numbers of younger nurses joining ACT Health across the range of its services, we are still seeing—given the average age of the workforce is the mid 40s—an increasing number of older nurses leaving the workforce due to their age and due to lifestyle choices that they are making. This will remain an ongoing pressure for the ACT government, regardless of its political persuasion, in managing the workforce and, indeed, in addressing changes in the composition of the workforce.

For that reason, this government is the first government to establish a workforce plan for ACT Health and an assessment of workforce needs into the future because, whether it is in nursing, whether it is in allied health, whether it is in a range of other health specialties, that is, some medical specialties even, we need to have a comprehensive strategy in place to address recruitment and retention issues. I am pleased to say we now have that in a very wide variety of areas across ACT Health and we will be continuing to use those strategies to address these issues as we continue to face, obviously, areas of workforce shortage, nationally and internationally, and the aging of the workforce in areas such as nursing.

MR SMYTH: Minister, given the high level of attrition of level 1 nurses, does it not show that your strategy is, therefore, failing?

MR CORBELL: I can't stop people getting older and retiring, Mr Smyth.

Surveillance cameras

MR PRATT: My question is to the Chief Minister. Chief Minister, in question time yesterday you said that you would most likely be increasing the number of CCTV cameras in the ACT, and that you already had a disaster evacuation plan for the territory in place. In contrast to your latest position, however, you said in the *Canberra Times* only three weeks ago, on 25 July, that you were reluctant to install surveillance cameras throughout Canberra's public places, that you would prefer to spend more money on police officers for the territory rather than install security cameras around the city. You also attacked the positions taken by the Prime Minister and the state premiers on increasing anti-terrorist measures after the recent London bombings as "knee jerk and populist responses." Chief Minister, what exactly has motivated your uncharacteristic

backflip in the last three weeks and when will you brief the community on how to evacuate in the event of an emergency?

MR STANHOPE: In the long preamble to the question there were a number of assertions, some of which I acknowledge, some of which I reject and some of which simply do not follow logically or are invalid assumptions about things that I have said or positions I have taken in relation to CCTV cameras or security generally. The concern I expressed about knee-jerk responses to terrorism was a response to the fact that governments, led by the commonwealth, have been cooperating very closely over a number of years in the development of a range of security responses as a result of the international security situation that we face—the terrorist attacks that have become a scourge around the world. We work in a methodical, coherent, structured way through agencies, programs and policies that have been developed in cooperation with governments over the last three to four years.

It does concern me that in light of the very structured processes and arrangements that have been put in place that the Prime Minister from afar, as a result of an apparent observation of police work post-bomb in London, suddenly had a brainwave that he had seen and experienced things that suggested to him that what we now needed was a national identity card. The first of the pronouncements from Lords—that is, the cricket ground—was that the first thing we needed was a national identity card. At the COAG meeting that I attended on, I think, 1 June or 2 June, the issue of a national identity card was specifically raised and rejected by the Prime Minister and premiers. Yet six weeks after a COAG meeting—attended by the Prime Minister, chaired by the Prime Minister, on an agenda submitted by the Prime Minister, where the issue of a national identity card was raised and explicitly dismissed—the Prime Minister, in a pronouncement, in company I do admit with some of my state colleagues, said that the way forward was to pursue that. That is what concerned me, Mr Pratt, and that is what I was responding to: knee-jerk responses to fulfil a perceived political need.

I attended a meeting, chaired by the Prime Minister, in the first week of June, at which the question of a national identity card was raised and dismissed as not relevant. Six weeks later, the Prime Minister raises it again from afar and says that it is now something we should pursue. You tell me that there is not just a touch of adhockery in that. There is, and that is what concerned me: that, around a table at a meeting of leaders, a specific initiative is dismissed as not relevant or not appropriate and yet within six weeks it is suddenly appropriate and must be debated. That is adhockery. That is knee-jerk decision making. That was the point I was making, and I stand by it. That was adhockery and that was a knee-jerk response to the major issues that we face in relation to security.

Mr Smyth: Oh! So why did you change your mind?

MR STANHOPE: It was in the context of comments about national identity cards and the fact that "Oh, we need to investigate this." It is interesting that the Prime Minister has gone silent on both proposals. To the extent that the issue of CCTV cameras is now being pursued at officer level with the commonwealth, suddenly—particularly when the question of costs and resourcing has been raised with the commonwealth—there has been a touch less enthusiasm from the commonwealth in relation to CCTV cameras and their utility than one would have been led to believe at the time that the statements were being made.

Mr Smyth: Oh! So why did you change your mind?

Mrs Burke: Yes, what about your mind. Use the Prime Minister as an excuse.

MR SPEAKER: Order!

MR STANHOPE: I have announced that the ACT will, and we discussed this in question time yesterday, pursue an audit and investigation of the utility, the management, the placement and the possible use of CCTV cameras in other areas within the ACT. We will do that and that is what we are doing. It is a very reasonable thing to do. As I said yesterday, even within the ACT, having regard to the relatively small number of CCTV cameras that we have, there are, I believe—and I will await the outcomes of the audit—four separate ACT government agencies with responsibility for them. I just do not think that is desirable.

MR SPEAKER: Supplementary question, Mr Pratt?

MR PRATT: Thank you, Mr Speaker. Chief Minister, what has changed in terms of the ACT security risk in your mind? Why has it taken you so long after the 2002 Bali bombing to start beefing up security?

MR STANHOPE: Well, we haven't—that is just an absolute nonsense—

Mr Pratt: You have got all of these avenues that you have not even touched.

MR STANHOPE: It is a matter of major concern—I understand Mr Pratt has been the recipient of briefings from those officers within the ACT—that Mr Pratt stands up in this place and says the ACT government has done nothing since Bali. That defies the fact that I know of the detailed briefings that he has had. The concern for me is that—if he can stand up here now and say that he believes nothing has been done on the basis of the confidential briefings he has received—he is dumb.

Mr Pratt: I didn't say that.

MR STANHOPE: He has been given the most detailed briefings—

Mr Pratt: I didn't say nothing has been done.

Mr Smyth: He didn't say that: he said you!

MR SPEAKER: Order, Mr Pratt. Order, Mr Smyth.

MR STANHOPE: He has been given the most detailed briefings by the ACT's most senior security officials on the detail and the depth of the planning that has been undertaken in the ACT and he stands up in this place and says that nothing has happened, it has taken this long—

Mr Pratt: I didn't say nothing has happened.

MR SPEAKER: Order!

MR STANHOPE: Well, I wonder if there is any sense in wasting the valuable time of my officers, in giving detailed confidential briefings to the shadow minister for emergency services, if he is going to come in here and say nothing has been done. He obviously either did not listen or he simply does not understand.

Mr Pratt: There are a lot of measures that you have not even started on.

MR SPEAKER: Order!

MR STANHOPE: It really does make a final point about this legal action in which Mr Pratt is embroiled, why it is that his colleagues with him in incarceration actually believe he needs to be sued for putting their lives at risk in a security situation.

Mr Pratt: There are a lot of orders that you haven't even commenced.

Mr Mulcahy: Point of order.

MR SPEAKER: Order! Chief Minister, resume your seat for a moment. Mr Pratt, I have called you to order at least three times. I warn you. Have you got a point of order, Mr Mulcahy?

Mr Mulcahy: Yes, Mr Speaker. You ruled yesterday on the matter of sub judice, canvassing matters that were coming before the courts and it seems the Chief Minister is straying from that ruling. I would ask you to bring him back to the matter of the question.

MR SPEAKER: I will not have any comment about matters that are going to come before the courts, Chief Minister. But I must say it is very difficult to hear what anybody is saying in this place because of the interjections, and it will not be tolerated. Chief Minister.

MR STANHOPE: Thank you, Mr Speaker. It is a matter of grave concern to me in a circumstance where the government has shown courtesy to the opposition and the shadow minister, that is, the shadow minister, who is also our now noted anti-police shadow minister, the police-bashing shadow police minister, and we know the regard with which he is held by the ACT Police in relation to his very noted and detailed police-bashing. It is a matter of grave concern in relation to the courtesy which the government has extended to the opposition—to both the Leader of the Opposition and the shadow minister for emergency services in relation to security briefings, which, in many respects, must be regarded as and remain confidential because of the nature of some of the information that is being provided by the government to the opposition—that the opposition abuses that courtesy, abuses that trust, when it comes in here and claims that nothing has been done.

They know very well—exactly and precisely—what has been done and they have had the opportunity to question in close detail the senior ACT government officials responsible for security. Perhaps they have not taken the opportunity, perhaps they are too lazy, perhaps they do not care, perhaps it is all about using terrorism, and our response to the

security situation in the ACT, to raise anxiety and to score these shallow political points in an environment where they know that the allegation that nothing has been done is a simple nonsense. It is simply not true and they know it is not true.

They have been offered every possible opportunity to discuss, to question all of our officials in relation to these issues. None of my officials has ever come back from a briefing for the Leader of the Opposition or the shadow minister and said, "Look, we were asked questions which we deigned not to answer." They have not come to me and said, "Look, the Leader of the Opposition asked me this question and I felt it inappropriate for me to respond." They have not been asked a single question that they did not answer, and you come in here and claim nothing has been done. That is outrageous. It is an outrageous abuse of the generosity of the confidential briefing that we provided to you.

Fire management unit

MR SESELJA: My question is directed to the Minister for Urban Services. Minister, why have you diluted the fire management unit in the urban services department, to the point where it will now comprise just one operator?

MR HARGREAVES: The fire management response with regard to the urban edge and rural areas in the ACT has, in fact, not been shrunk. It has not been rendered less effective; it has been rendered more effective by the more appropriate placement of personnel.

MR SESELJA: Mr Speaker, I have a supplementary question. Minister, how can the public be assured that its urban assets will be protected, given that you have gone against the McLeod recommendations, which called for the firefighting capabilities of urban land managers to be strengthened, not diminished?

MR HARGREAVES: The community out there can be assured on two counts: first, that we have enhanced our fire response capability; and, second, that it is the Stanhope government in power and not the Liberals.

Industrial relations—reforms

MR GENTLEMAN: My question is to the Minister for Industrial Relations. I understand that state and territory workplace relations ministers met recently in Melbourne to discuss, among other things, the commonwealth's proposed industrial relations reforms. Did the commonwealth minister provide further details of these changes, and what was the outcome of that meeting?

MS GALLAGHER: I know members opposite are particularly interested in this answer, having accepted wholly the commonwealth government's line that these are good changes for Australian workers and for workers in the ACT, but they need to take the time to listen to the evidence about some of the detrimental impacts we are gleaning from the very little detail that we have been provided with by the commonwealth and to look at how the changes will be applied.

State and territory ministers were lucky enough to have a meeting with the federal minister in Melbourne a couple of weeks ago, after the federal minister had cancelled the three previous meetings that were due to be held post the federal election, to discuss with the federal minister the industrial relations changes and the impact they will have on working people around the country. The commonwealth was unable to provide state and territory ministers with any detail of its proposed laws other than to say they were being drafted, it was a serious drafting process and it would not be in a position to talk with anyone about these laws until they were introduced into federal parliament supposedly in October. This is despite the commonwealth minister's repeated assurances to me as the ACT minister, but also to the Victorian and Northern Territory ministers, that on laws that will have immediate effect—that is in our jurisdictions as opposed to the other jurisdictions around Australia—about consultation prior to introducing legislation that will affect workplaces in those jurisdictions.

Having reneged on that commitment, which it has given numerous times—that is, by not only the current minister but also the previous industrial relations minister—the commonwealth government was unable to give us any details other than what it has provided to the media. So, after nine months of talk there is still no detail of these changes—how they are to be applied; when they are to be applied; and what process we might have to discuss these laws with the commonwealth government—other than the rather disturbing facts the government has provided to the media and comments that the Prime Minister and the workplace relations minister, Kevin Andrews, have made over the past nine months.

The ministers who attended this meeting were hopeful that we could get commitment from the workplace relations minister that no worker would be worse off under these proposals. A similar commitment was sought to that given by John Howard in 1996. We asked Mr Andrews to re-affirm that commitment. However, he refused to sign a guarantee that no Australian worker would be worse off as a result of these proposed changes and made it clear that he would not be in a position to sign that document at any time in the future.

The laws, as we have been told in general, will have immediate impact in the ACT once they are passed by federal parliament. That is, the ACT will become the guinea pig for the rest of Australia to see how these laws are applied. They will exempt 95 per cent of the ACT private sector work force from unfair dismissal laws. That means that around 100,000 workers in the ACT—juniors, casuals, apprentices, shift workers, permanent workers—will no longer have access to a low-cost, independent remedy should they be dismissed unlawfully. That makes the workplace more vulnerable, as 100,000 workers in the ACT can be sacked on the spot for no reason at all and have no access to remedy other than funding their own case to the Federal Court. I do not know how many juniors and apprentices are in a position to fund such legal action.

The changes to minimum award standards and the commonwealth's proposed minimum standards that are being talked about will mean that professionals such as nurses could lose up to 33 per cent or around $18,000 per year from their salaries. Restaurant workers could have wages cut by 20 per cent. Hotel receptionists could lose up to $9,000 a year. Tradespeople could have a pay cut of up to 16 per cent, including the loss of payments for supervising and specialist qualifications, and cleaners could lose up to 27 per cent.

These changes will lead to poorer outcomes. What is worse, the federal government knows they will lead to poorer outcomes—more power for employers, less for employees.

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

MR GENTLEMAN: I ask the minister a supplementary question. The minister mentioned that the coalition's policies might affect families in particular. I note last week the Australian Industrial Relations Commission handed down its decision in the family test case. Did the ACT government have a role in the decision—

Mrs Dunne: Point of order: there is considerable preamble to these questions.

MR SPEAKER: That is a fair point. The member will come to the question.

MR GENTLEMAN: Did the ACT government have a role in the decision in this test case, and is it threatened by the commonwealth's proposed industrial relations changes?

MS GALLAGHER: The ACT government did have input into the family test case. We joined with other states and territories in providing a joint submission, arguing for these changes. The Industrial Relations Commission's statement on the case acknowledged that the provisions are "based to a large extent on the proposals of the States and Territories." The decision means that eligible employees will now be able to request an extra year of maternity leave, to work part time until their child is of school age, and an additional four weeks of simultaneous, unpaid parental leave, on top of a right to four weeks simultaneous paternal leave at the birth or adoption of a child. This gives employees the potential for up to 104 weeks unpaid, shared parental leave.

Employers will have to consider the employees' circumstances and may only refuse these requests on reasonable grounds related to the effect on the workplace or the employer's business. These grounds can include cost, lack of adequate replacement staff, loss of efficiency and impact on customer service. Parties reached agreement during conciliation on unpaid emergency leave and communication during parental leave. Employees will also be able to use up to 10 days personal leave for carers leave, and all employees, including casuals, will be able to have up to two days unpaid leave in case of family emergency.

These changes mean that approximately 100,000 ACT private sector workers who have direct award coverage can now enjoy real options for work-family balance. Awards can be varied on application to include the new provisions and coverage may extend further if the decision flows on to certified agreements. This is a great outcome for families in the territory, however it is already threatened by the commonwealth government's determination to undermine workers' rights and working families. Mr Howard has already stated that the federal government will not guarantee that this decision will be protected in his coming reforms.

We challenge the federal government to ensure that critical rights, such as balancing work and family, are protected in his new scheme. Otherwise, this decision could have little effect for those employees on certified agreements and AWAs. I am deeply concerned that the capacity of the Industrial Relations Commission to hear and decide

test cases like the one on which it has just handed down a decision will be under threat when the new industrial relations system is introduced by the federal government. It is one area that Mr Howard has been clear on: reducing the powers of the Industrial Relations Commission.

Mr Howard suggests that the case is an example of his brave new world, where flexible employers will grant enterprise workers their every wish under gold-laced AWAs. Instead, figures from the Australian Bureau of Statistics show that only 7 per cent of AWAs registered to date have provision for maternity leave. Further, women on AWAs earn, on average, $5.10 an hour less than men, and research also suggests that secret contracts offer less flexibility for work-family balance and provide less job satisfaction. I am fearful of the impact the increased use of AWAs, unmitigated by the family test case, will have in the ACT. ABS data show that the ACT has the highest percentage of female participation in the work force of any state or territory and, further, our percentage of women in the work force with children under four is some 10 per cent higher than the national average.

Clearly, the reforms proposed by the federal government will have a major impact on the life balance of women and families in the territory. The test case currently offers hope to those families so they can strike an appropriate balance between work and families. Unfortunately, the commonwealth government is seeking to rip this right away from workers before they have had an opportunity to use it.

Dragway

DR FOSKEY: My question is directed to the Chief Minister. I note the petition that you tabled on Tuesday signed by 1,516 citizens questioning the existence of an environmental study that must be approved before the proposed dragway moves beyond a feasibility study. Could you please provide the Assembly with an update on the progress of that environmental study, including who is conducting it? Could you please table the terms of reference in the Assembly by the end of the day?

MR STANHOPE: Thank you for the question, Dr Foskey. I do not have that detail. I am very aware that a range of studies is currently being undertaken in relation to the proposal to construct a dragway in the Majura Valley. There is a heritage study. There has been a study focusing particularly on prior occupation or use of the site by indigenous peoples. The heritage study is incorporating a study of issues in relation to that. There is also a continuing study in relation to noise, which, of course, has an environmental component of its own force. It is an environmental investigation. There is also, as you suggest, a further study in relation to the environment.

The dragway committee, chaired by Geoff Cannock, I know has been particularly vigorous. It is involving itself, particularly through the membership on the dragway committee of the chairs of both the north Canberra and Hackett community associations, with the communities of north Canberra in all of its work and deliberations. I know members of the committee have been very active in seeking to cover all the issues of concern to all residents within north Canberra, as well as those within the Majura Valley.

I will take advice immediately, Dr Foskey, on the documentation that is available and that could be readily provided today. I am certainly happy to take the question on notice

and to respond to you in relation to all parts of the question. Yes, I am more than happy today to provide to the Assembly those documents that are available and readily able to be provided. I do not know what they are. It might be that there are some documents that it would not be convenient or appropriate to table today. I simply do not know. I will take advice on that. But I am more than happy to provide everything that is available to you and to the Assembly.

DR FOSKEY: I ask a supplementary question. Mr Stanhope, I wonder if you could explain why it is that there is not anyone on the advisory committee with environmental expertise?

MR STANHOPE: It is a question that I think any organisation, and particularly any government, faces with any committee. A decision was taken about the membership of the dragway committee that was inclusive of motor sport within the ACT. It was inclusive to the extent that it included the chairs of the North Canberra Community Council and the Hackett Community Association and has as a specialist member a noise expert from the University of New South Wales at ADFA. It is chaired by Geoff Cannock, the Chief Executive Officer of the Royal Canberra Agricultural Society. I think it is a particularly good committee. It is a committee, of course, focused on motor sport, but with the chairs of both the North Canberra Community Council and the Hackett Community Association as full members, there was a genuine commitment by the government to ensure that the broad interests of residents were involved.

In relation to the studies that are being undertaken, they are being undertaken through full access to specialists. There is no inhibition on any resident Canberran making submissions involving themselves, just as the residents of north Canberra are doing, and doing very energetically. In relation to the environmental studies into noise and other environmental impacts, the government welcomes responses from all people within the community, including, of course, anybody with a particular focus on the environment.

Public service

MR MULCAHY: My question is to the Minister for Industrial Relations. The minister will recall admitting to a gaffe that in granting pay increases amounting to some $50 million to the ACT public sector she did not seek any productivity improvements or any gains in terms of more or better services to the community. She compounded the gaffe by asserting that productivity gains in return for pay increases meant a reduction in employment conditions. By contrast, however, in addition to what her government's economic white paper says about the importance of productivity growth for raising living standards, the Chief Minister has now come on board, saying that productivity growth is a legitimate goal of business, including government, which is a business in its own right.

MR SPEAKER: Is this a speech or a question, Mr Mulcahy?

MR MULCAHY: I am just giving the minister information, Mr Speaker.

MR SPEAKER: Come to the question.

MR MULCAHY: My question to the minister is: do you repudiate this embarrassing contradiction by the Chief Minister in his statement of 30 July 2005?

MS GALLAGHER: I thank Mr Mulcahy for the question. I always enjoy getting a question on industrial relations, particularly when we are poles apart in our philosophies about it. They are always enjoyable questions to answer. Mr Mulcahy, in his long introduction to that question, forgot to balance out and to use my argument at the time about productivity savings in delivering those wage outcomes. The fact is that those opposite had delivered a real wage cut to ACT public servants when they were in government and we were not in a position to reduce conditions or seek productivity savings in order to deliver a pay increase. Our public servants were so lowly paid, so far behind the commonwealth salary levels, that we had to play catch-up.

I have made no secret of that. I know that Mr Mulcahy loves to talk about it as being a huge embarrassment to me that we have actually made appropriate wage offers to our public servants, but it is something that I am not ashamed of. It is something that this government is proud of that we were in a position to prioritise allocations of funding in order to have a well-resourced public service, well-paid teachers, well-paid nurses, well-paid clerical staff and well-paid ambulance officers and firefighters in order to have a functioning and effective public service. This is something that I would argue we probably did not have when we came to government, because everybody was walking out the door. Nobody wanted to work here. They were going over to the commonwealth. Separations rates from the ACT have significantly reduced since staff in the ACT public sector have been remunerated in a proper and fair way by this government. That was the aim of the delivery of those wage outcomes in the certified agreement.

I know that Mr Mulcahy does not agree with that. I know he thinks that we should have taken away conditions and not offered as much money as we did. He has been quite clear about that. He cannot bear the fact that a teacher gets paid about $45,000 or that a nurse gets paid about the same amount. He think that that is an extravagant salary to be paid for the work that they do. We know that that is Mr Mulcahy's view on these matters. I am very comfortable with the position that the ACT government has taken in bargaining and I know that the Chief Minister and I are as one in our minds on this matter.

MR MULCAHY: Minister, what sorts of productivity gains will you seek in the next round of public sector pay negotiations?

MS GALLAGHER: Mr Speaker, it would be a most unusual turn of events for me to disclose to the Assembly the bargaining strategy of the government prior to commencing the negations. I think that the negotiations are due to commence in about 18 months. I can tell you that even in 18 months time we will not be providing to the Assembly the government's bargaining strategy for dealing with the ACT public service.

I can tell you, Mr Speaker, that in 18 months time, once the full effect of the federal industrial relations changes have come into force in the ACT, the ACT government will, as we do now, negotiate collective agreements with our employees and seek to ameliorate some of the more detrimental impacts of the commonwealth's changes that will be in place at that time to ensure that we can offer protections to our workers, our employees, that unfortunately the private sector workers will not be able to have.

Mr Smyth: You have not seen the legislation.

Mr Mulcahy: There has been a 14 per cent real growth in wages under the Howard government.

MS GALLAGHER: I know that those opposite love the federal government's proposed reforms. I heard them say during my previous answer, "Justify this. Tell us how these changes are going to be detrimental." I would argue that the opposition should be telling us, because nobody has been able to say how these changes are going to have a good impact on anyone or how taking unfair dismissal rights away from 100,000 workers in the ACT is going to be good for workers.

Mrs Burke: Unless you have run a business, you will never understand.

MS GALLAGHER: How is stripping back industrial awards going to be good? How is no longer having a no disadvantage test going to be good? How is promoting the use of secret contracts over collective agreements going to be good for ACT workers, or abolishing the powers of the Industrial Relations Commission? No longer will the Industrial Relations Commission be able to check collective agreements to make sure that they meet the no disadvantage test.

Mr Mulcahy: It's a dinosaur.

MS GALLAGHER: No longer will they be able to resolve disputes on behalf of employees at the request of employers or unions. How is that going to be a good change for ACT workers? I would say that the challenge to the opposition in accepting the federal government's line that these changes will be good for the ACT is to show us the reasons that the system we have in place now, the protections we have in place now, for working people need to be changed, need to be stripped right back.

Mr Smyth: A 14 per cent real increase in wages in nine years.

Ms MacDonald: I take a point of order, Mr Speaker. Would you mind reminding particularly Mr Smyth and Mr Mulcahy, and Mrs Burke on occasion, of standing order 39? I think that they have forgotten what it says.

MR SPEAKER: Interjections are highly disorderly, but I thought that the minister was doing pretty well.

MS GALLAGHER: In conclusion, Mr Speaker, details of the bargaining strategy of the ACT government with the public sector unions in such negotiations and the content of what might or might not be in future certified agreements will not be tabled in the Assembly. But I can assure those opposite, because I know that they are concerned, that we will be looking to maintain conditions to protect current employment standards and make sure that the changes that the federal government is seeking to implement across the ACT are addressed by the ACT government in areas that we can. I believe that we will become the employer of choice in the territory.

Health—elective surgery

MRS DUNNE: My question is to the Minister for Health. Minister, the June patient activity data sets tabled by you the day before yesterday showed that there were

22,340 elective surgery admissions during 2004-05. In the previous year, there were, in fact, 27,515 admissions. In 2002-03, there were 26,618 admissions. Are you holding all those numbers in your head?

Given that, in 2004-05, there were 5,000 fewer admissions than in 2003-04 and 4,000 fewer admissions than in 2002-03, how can you claim that there were record numbers of elective surgery procedures performed in 2004-05, as you have consistently done?

MR CORBELL: The facts speak for themselves. I will need to check the figures because I do not have them in front of me but I think, in the last financial year, we had the second highest ever level of elective surgery activity. The facts speak for themselves. That is the situation.

MRS DUNNE: My supplementary question is: how can the minister explain the so-called higher than ever rate of admissions when the figures themselves show that there were 22,000 in 2004-05 compared to 27,000 in 2002-03?

MR CORBELL: It sounds like the second highest level to me.

Policing—Higgins

MR STEFANIAK: My question is directed to the minister for police. On 12 July this year you kindly attended Castieau Street, Higgins, with me and spoke with residents who had concerns about speeding vehicles in the street. You promised to do a number of things—specifically, one was to have your office arrange to get a police officer there to speak to the residents. I spoke to one resident yesterday who was meant to be contacted. To date, no contact has been made with the residents to arrange this meeting. Will you now undertake to have your office organise this meeting as soon as possible as you promised?

MR HARGREAVES: Absolutely Mr Stefaniak.

Housing—Ainslie Village

MRS BURKE: My question is directed to the Minister for Disability, Housing and Community Services. Why is there any need to change the tenancy management model currently run by Centacare to some form of community housing association predominantly run by existing residents at Ainslie Village? Is this change in management the best outcome for residents at Ainslie Village?

MR HARGREAVES: A number of residents at Ainslie Village feel that their involvement in the management of that village is not finding its way into management decisions. It is not about disenfranchising people; it is not about a lack of democracy and all that sort of thing. It is about whether you do things with people or do things to people.

There have been discussions between officers of my department and the residents of that village. There have been discussions with Centacare. To my knowledge, it is time for the management regime to be reviewed. It has been in place for quite some time and it is time that it be reviewed. And it has been reviewed. I am pleased to advise the Assembly

that arrangements will be put in place for more involvement on the part of the residents of that village. There will be greater accountability of the activities in that village to the residents of that village.

It is also my understanding that the conversations with Centacare have been fruitful. The people from Centacare who have been speaking to us are quite happy with the arrangements that will ensue. I am particularly encouraged that the administrative regime, the management regime, at Ainslie Village that will ensue after the changes will be for the better for those people who live there.

The people at Ainslie Village need assistance, security and a sense of ownership and home. It would be inappropriate for any government, in funding a management regime within that village, to do anything but that. That is the whole idea.

MRS BURKE: Mr Speaker, I have a supplementary question. What support mechanisms will you put in place to ensure that some of the more vulnerable tenants continue to receive the required level of specialist care, given that an organisation such as Centacare will not be there to provide full assistance to tenants?

MR HARGREAVES: Mrs Burke presumes that Centacare will not be there at all. That is incorrect. The regime that will apply in Ainslie Village will mean enhanced support to those people. It will encourage peer support for those people. It will be a new direction, and a direction that is embraced by Centacare.

Health—smoking

MS MacDONALD: Mr Speaker, my question is to the Minister for Health, Mr Corbell. I note from today's press that the government is moving to ban the sale of fruit flavoured cigarettes. Minister, would you please inform the Assembly how this move is yet another demonstration of the government's commitment to protect the health of young Canberrans?

MR CORBELL: I thank Ms MacDonald for the question. ACT Health Protection Services do regular investigations of tobacco retailers to ensure that they are complying with the conditions of their licence. During those investigations, they have detected the sale in Canberra of fruit flavoured cigarettes. I brought one of those in here to show members. This one is called lemon fresh cigarettes. Another one is called strawberry flavour cigarettes. As you can see, the packaging is designed to be very appealing and attractive. The smell of the flavouring is very strong.

These cigarettes send exactly the wrong message to young people in our community. They send the message that smoking is tasty; that smoking is a bit like having a lolly or a flavoured soft drink; and that it has no serious health impacts. Quite clearly, we do not consider, as a government, this to be an appropriate or responsible approach to the sale of tobacco in our community.

For that reason, I announced yesterday that the government would be acting to ban the sale of fruit flavoured cigarettes in the ACT. We will be the first state or territory to do this. We will do this initially by inserting conditions into tobacco licences that prohibit

the sale of these types of cigarettes. In the medium term we will also seek to amend the Tobacco Act to ban the sale of these cigarettes.

These cigarettes have been imported from Hong Kong. They are called DJ Mix cigarettes. They are distributed by a Sydney-based company, ironically called Trojan Tobacco. We will be, as I have indicated, the first jurisdiction to move in this way. I will be urging my state and territory counterparts to also take this approach.

The Australian government has indicated that it is in no position to prohibit the sale of these cigarettes. I am not sure whether that is the case. I think they could potentially prohibit their importation, but that is something that is probably worthy of some further investigation. This comes at a time when the level of smoking amongst young people in our community is on the decrease. Allowing the sale of these products, in my view, would be very much counterproductive to that trend.

There is very clear data that shows that a person who begins smoking as a teenager has a far greater risk of developing smoking-related diseases as an adult, is at risk of more serious diseases and has a less successful chance of quitting. If you start early, it is harder to quit. For all these reasons, these cigarettes will be banned from sale in the ACT quite soon. I will be urging my state and territory counterparts to follow our lead.

Multicultural affairs

MS PORTER: My question is to the Minister for Disability, Housing and Community Services. Can the minister please inform the Assembly of recent developments in the multicultural affairs portfolio?

MR HARGREAVES: I thank Ms Porter for the question. I acknowledge and appreciate Ms Porter's ongoing involvement and interest in multicultural issues in this town.

The ACT has a unique multicultural community. Unlike in other cities around the world, Canberrans of all cultural backgrounds live side-by-side in harmony. The social cohesion in the ACT that is demonstrated by tolerance and respect for all cultures and religions continues to be strong. Fortunately we have not experienced significant instances of racial or religious intolerance that other cities have experienced. I sincerely hope we never do.

Multiculturalism and the active participation of diverse cultures in the city's governance is alive and well here. It underpins the success our community has had in maintaining a harmonious environment for all. The ACT government provides funding through the multicultural grants program to support cultural events and participation in the national multicultural festival, which encourages organisations to foster a climate of inclusion based around their culture. The festival, over 10 days, showcases Canberra's rich tapestry of cultural diversity, and participation in the national multicultural festival is increasing, with the festival this year attracting 125,000 people from all backgrounds over 76 events.

Next year we expect it to be even better, and I have recently announced the addition of a new event in the 2006 festival, a harmony parade through the city. The parade will be an exciting event and is in response to countless requests to celebrate and showcase the

best of the Canberra community through highlighting community groups, clubs, organisations, schools and social groups in the ACT—a real demonstration of the social cohesion that exists in our city.

The ACT government also provides funding for community language schools so that members of the multicultural community can teach their respective culture and language. Last week I had the opportunity to announce the recipients of the 2004-05 multicultural radio grants. The 2004-05 multicultural radio grants, totalling $100,000, are aimed at assisting multicultural broadcasters in undertaking multilingual programs on the two multicultural radio stations, 2XX and CMS. This grants program provides financial support to many community broadcasters, among other things, who, in turn, provide key information in different languages to those Canberrans whose first language is not English, therefore contributing towards alleviating isolation within our community. This year, 42 organisations received grants to continue development of innovative projects that contribute to sustainable communities by highlighting cultural diversity and social harmony.

Finally, I am pleased to advise that the new multicultural centre is on track to be completed by the end of November, with the peak multicultural organisations and those from the new and emerging communities accommodated in December. This represents the fulfilment of the Stanhope government's election promise to Canberra's multicultural communities.

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

Supplementary answers to questions without notice
Health—elective surgery

MR CORBELL: Further to a question in question time today by Mrs Dunne, in which she asked me about elective surgery, I will provide some additional information for the information of members. At the end of June this year, there were 4,645 people on the ACT public hospital elective surgery waiting list. In 2004-05, 8,369 people received elective surgery. This is the second highest number on record. The highest ever on record was in 2003-04 when 8,435 people received elective surgery.

Quamby Youth Centre—human rights audit report
Paper and statement by minister

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (3.24): For the information of members I present the following paper:

> Human Rights Act, pursuant to subsection 41 (2)—human rights audit of Quamby youth detention centre, dated 30 June 2005 (prepared by the Human Rights and Discrimination Commissioner).

I seek leave to move a motion authorising the publication of the audit.

Leave granted.

MR STANHOPE: I move:

That the report be authorised for publication.

Question resolved in the affirmative.

MR STANHOPE: I move:

That the Assembly takes note of the paper.

MR STANHOPE: On 1 July 2005, the human rights commissioner furnished me with the report of the human rights audit into the legislation and practices surrounding the Quamby youth detention centre. The Quamby audit was conducted under section 41 of the Human Rights Act 2004. This provision enables the human rights commissioner to review the effect of territory laws on human rights. It is a vital element of the dialogue model under the Human Rights Act and serves to guarantee that the measures of our human rights performance are dealt with in an open and transparent way.

The audit reviewed the effect of the Children and Young People Act 1999 on the rights of detainees at Quamby. As far as possible the review also sought to examine the effects of polices and guidelines at Quamby, focusing on the operational procedures applied by Quamby staff. The Quamby audit marks the first occasion on which the statutory audit powers under the Human Rights Act have been exercised and the first time that operational practices at Quamby have been assessed against human rights standards. It demonstrates the value of these powers in the human rights dialogue that has taken place in the territory. This is the sort of dialogue and action on human rights issues that is making a lead for the rest of the country.

The aim of the audit was to provide information and analysis to inform the government's review of the operational, legislative and policy framework at Quamby and to assist the process of ensuring that the new youth detention facility will operate in accordance with the human rights standards. Most of the recommendations do not result from obvious breaches of the Human Rights Act. In many cases, the review identifies practices that engage human rights, but does not make findings as to proportionality. In these cases it recognises that breaches of the Human Rights Act depend on the circumstances. In effect, they can only be assessed on a case-by-case basis.

Members should note that the report was a cooperative effort by the human rights commissioner and the Office for Children, Youth and Family Support. In a very real sense the department was seeking input from the commissioner for improving the operations of what is recognised as an outdated facility, and the minister has publicly stated that she will be guided by the report in reviewing Quamby's legislative framework and operating procedures. To that end she will be tabling a formal government response to the audit report. This is consistent with the aim of the report and with the tenor of the recommendations.

Reports such as these show that the Human Rights Act is being worked out in a spirit of cooperation between the bodies with responsibility for that task. The process shows that the Human Rights Act is not an obstacle to good administration, but an essential element

in the path to achieving it. The Human Rights Act has given us the opportunity and the incentive to look again at whether our legislation, policies, practices and procedures are compliant with basic standards in our society. The process helps us to make human rights real in the territory. This is why we brought in a Human Rights Act, to provide a real threshold to measure ourselves against. I thank the human rights commissioner for the valuable contribution to the human rights dialogue.

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

Papers

Mr Stanhope, on behalf of **Mr Quinlan**, presented the following papers:

> Australian Capital Tourism Corporation Act—Australian Capital Tourism Corporation—
>
> Pursuant to subsection 23 (8)—business plan 2005-06.
> Pursuant to subsection 28 (2)—quarterly report—April to June 2005.

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

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

> Land (Planning and Environment) Act, pursuant to section 216A—Schedules—leases granted, together with lease variations and change of use charges for the period 1 April to 30 June 2005.

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

Leave granted.

MR CORBELL: Section 216A of the Land (Planning and Environment) Act specifies that a statement be tabled in the Legislative Assembly outlining details of leases granted by direct grant, leases granted to community organisations, leases granted for less than market value and leases granted over public land. The schedule I have tabled covers leases granted for the period 1 April 2005 to 30 June 2005.

During the quarter 17 leases were issued by direct grant. Of these, three were granted using Disallowable Instrument 220 of 2003. The first lease was granted over block 1 section 91 city to National ICT Australia Limited on 19 May 2005. The lease was granted to enable the construction of an information and communications technology centre of excellence.

The second lease was granted to Aldi Foods Pty Ltd on 19 May 2005. The lease was granted to enable the construction of an Aldi supermarket. The third lease was granted to Georgia Koundouris and Aristidis Eric Koundouris on 14 April 2005. The lease was granted to enable the expansion of the existing supermarket located on block 15 section 204 Wanniassa.

For the information of members, I also table two other schedules relating to approved lease variations and change of use charge payments received during the same period.

Quamby Youth Centre
Human rights audit report—government response

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

> Human Rights Act—human rights audit of Quamby detention centre—government response, dated August 2005.

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

Leave granted.

MS GALLAGHER: Today I table the ACT government's response to the human rights audit of Quamby detention centre. The audit was conducted by the Human Rights and Discrimination Commissioner, Dr Helen Watchirs, during May and June this year and was presented to the Attorney-General on 1 July 2005.

The audit was a high-level review of fundamental human rights principles and examines the current legal framework and operational practices at the facility, including humane treatment, segregation, privacy and information and communications. Members will recall the government released its response to the audit report on 3 August, together with the site selection report for the new ACT youth detention centre.

The audit was undertaken with the full cooperation of government and in collaboration with government. Significantly, the audit report marks the first occasion on which the statutory audit powers under the Human Rights Act have been exercised and the first time operational practices and procedures at Quamby have been assessed against human rights principles. The audit report is therefore a demonstration of the Human Rights Act in action and sets an example to other jurisdictions that have not embraced such legislation.

As the Chief Minister noted at the launch of the report, human rights is not a reward that is bestowed on selected people in the community. It is a fundamental and universal right. The treatment of detainees, in particular juvenile detainees, has long been the subject of human rights scrutiny, and quite legitimately, because these people are amongst our most vulnerable citizens. This government is appreciative of the human rights commissioner for highlighting the areas in which we are not meeting our responsibilities under the act.

Many of the issues associated with Quamby have a long history, indeed dating back to the beginning of self-government in the ACT. To take one example, since 1989 until quite recently, the detention facility was operating without a proper legislative basis. When this was brought to our attention, we acted quickly to rectify the situation. We accept the adverse findings in the audit constructively as a further step on the road to better governance.

It is important to note that there are also positive aspects in the audit. The commissioner was impressed with the high level of commitment and professionalism of Quamby staff, highlighting that Quamby was the recipient of the 2002 National Training Authority Award for Excellence in Training in a correctional environment. The audit recognised that the department supports and encourages staff who wish to increase their qualifications, noting that 90 per cent of staff had completed a Certificate 4 in Community Services (Child Protection, Statutory Supervision and Juvenile Justice). Importantly, the audit did not find any instances of serious abuse, but rather highlighted issues of concern.

When juveniles enter Quamby, it is usually the last step of many in the intervention process. As the human rights commissioner noted, young people are sent to Quamby as punishment, not for punishment. I believe strongly in this principle, but I also believe that there must be an understanding amongst our young people that there are consequences to actions. This life principle is the basis of successful citizenship. It underpins the way we manage young people in detention and our response to the recommendations of the human rights audit.

The audit report contains a list of 52 recommendations. Of these recommendations, the ACT government has agreed to 25 and agreed in principle to the remainder. We are adopting a staged approach to meeting these recommendations. This is not because we are idle or lack will. It is necessary because the current physical structure of Quamby imposes severe restrictions on the capacity of the department to manage the diverse needs of its residents. These restrictions have been well documented.

To date four of the audit's recommendations have been implemented in full. These are recommendations 2.3 relating to the use of the seclusion cell; recommendation 7.5 relating to cardio equipment for female detainees; recommendation 15.1 relating to management oversight of videos and DVDs; and recommendation 15.2 relating to the delivery of weekend newspapers.

The vast majority of the audit recommendations relate to the areas of classification and placement of detainees, the behaviour management system and personal cell and correspondence searches. A review of the current standing orders for Quamby is currently under way and will be completed by the end of next month. As part of this process there will be a review of policies and procedures for Quamby. Importantly, these reviews will address 30 of the 52 recommendations.

A further review of the behaviour management system has also commenced and it is expected that this will be completed by October. Janet Rickwood, a former official visitor, has been engaged to undertake the review of the behaviour management system and additional experts will be consulted during this review, due for completion in October. These reviews will also inform the operation of the new facility and be undertaken in close collaboration with the Office of the Community Advocate and the Human Rights Office.

The limitations of the current youth detention facility have meant that segregation of detainees on the basis of gender, age or whether the detainees have been sentenced or are on remand has been problematic. The current facility is also inadequate in relation to

segregating detainees in terms of disability, health or mental health issues or substance issues. To assist in relieving the pressures the ACT government has purchased a transportable accommodation unit, which will allow for increased capacity and flexibility in the classification and placement of residents.

Pending the development of the new facility, it is critical to overcome some of the inadequacies of the existing centre. The new accommodation unit will provide two separate units, totalling 14 bedrooms, central dining and recreation rooms, laundry facilities, a central officer station and secure entry. The time frame for procurement, installation and commissioning of the unit is expected to be five months.

Recognising the current youth detention facility is inadequate and in urgent need of replacement, the ACT government has committed $40 million to the construction of a new facility that will be operational in 2008. On 3 August I released a report identifying four possible sites for the new centre and these are now subject to public consultation.

In conclusion, this government aspires to uphold basic human rights in its dealing with every member of the community, including those who have come into contact with the criminal justice system. This is a fundamental measure of democracy. I commend to members of the Assembly the government's response to the human rights audit of Quamby detention centre.

Personal explanations

MR PRATT (Brindabella): Mr Speaker, under standing order 46, I seek leave to make a clarification.

MR SPEAKER: Do you claim to have been misrepresented, Mr Pratt?

MR PRATT: This is in relation to question time today, Mr Speaker.

MR SPEAKER: Yes, Mr Pratt.

MR PRATT: Thank you, Mr Speaker. Today in question time the Chief Minister misrepresented a supplementary question that I asked, and I just want to clarify that. The Chief Minister stated, in response a question I asked on to the issue of security measures undertaken in the ACT, that I had alleged that, "Nothing has been done," that that was the nature of the question. The supplementary question I asked in fact said no such thing. In fact, we have known for quite some time that CBRN, urban SAR and police counter-terrorist measures have been developed over time.

MR SPEAKER: You cannot start a debate about these issues, Mr Pratt. If there is a personal explanation, you have got to stick to the area where you have been misrepresented and then leave the matter. My leave to you to make a personal explanation cannot be used as an artifice to continue the debate about an issue.

MR PRATT: Thank you, Mr Speaker. The supplementary question, as I clarify it now, took aim at Mr Stanhope's ambivalence about a number of other essential measures. That is what the question was about. It was about other essential measures. I talked about

the CCTV and the evacuation plan measures. That is what the supplementary question was aimed at.

Secondly, Mr Speaker, may I say that, in relation to the issue of "the knee jerk and populist response" comment that Mr Stanhope made, that was an issue in the question. He stated that that was in relation to the issue of ID cards only. I would like to point out that that is not right. I would like to—

MR SPEAKER: You are entering into the debate on the subject.

MR PRATT: So I cannot clarify that issue at this point, Mr Speaker?

MR SPEAKER: No. You cannot start a debate about the issue, Mr Pratt. I give leave for personal explanations for members to explain where they have, in this case, personally been misrepresented, not about how one or another person in this place has described a particular issue. This is not a debating device. You cannot use it as a debating device.

MR PRATT: Fair enough, Mr Speaker. Then I shall leave it at this point and simply say that the nature of my supplementary question did not allege or imply that nothing has been done by the government or the services about counter-tourist measures. I will deal with the other issue separately.

Investment prospects
Discussion of matter of public importance

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

> The outlook for Canberra's social and commercial appeal to investors and residents.

MR SESELJA (Molonglo) (3.42): The city of Canberra, designed and planned from its inception by Walter Burley Griffin, an architect considered one of the foremost exponents of his craft at the time, has a unique place in our nation. Not only is it Australia's national capital, home of government and the central focus for our democracy, but also it is the hub of the vibrant, productive and growing region that forms part of the south-eastern region of New South Wales. It is home to some 320,000 residents who for many years enjoyed a standard of facility and living that was the envy of other Australian cities, mainly due to the economic contributions of the federal government in a time prior to self-government for the territory.

At that time this city was a public service town. Most of its residents came here for government jobs and, as the home of a number of key defence personnel, there was also a somewhat transient population as postings and transfers took people to other cities after brief stints in the ACT. The city is now faced with different challenges. With the advent of self-government, the responsibility for our roads, our infrastructure and our services has switched to the ACT government. We have a growing number of small and medium—sized businesses here in the ACT and we have a growing pool of self-employed workers. That has assisted with expanding our population and our revenue

base. However, we will always depend to a significant degree on the activity of the federal government and its public service. This is, of course, an important and welcome part of the nation's capital.

Today I and other members of the opposition will be highlighting a number of issues that will impact on the future of the social and commercial appeal for investors and residents in the ACT. These concerns have been spoken of widely in the media in the past weeks. I know from my meetings with local residents, with business people, with young families and from recent forums that these issues are of concern to many people in Canberra.

The first issue I would like to address is the growing generational divide here in Canberra and also in Australia. We continue to hear about our ageing population. In an answer to a question today, Mr Corbell said, "I can't stop people retiring and getting older." Well, that is absolutely true, but it is up to government to start coming up with strategies for dealing with an ageing population. In Canberra I think the key will be retaining and attracting our young people in order to avoid a significantly ageing population.

There has been much discussion in recent times about the need for aged care facilities and some of the future needs of an ageing population, and that is a debate that is going to continue. But one of the concerns I have, and I am sure many others have, is that there will be a generational divide. The generational divide I speak of is that at the moment—and statistics show this—we have a large, ageing population that controls more of the wealth than has ever been the case in the past. This could result in a real divide between rich and poor, our older and younger residents, and it is a phenomenon that has not existed in this country before.

One of my concerns and one of the matters I am flagging today is that, by dealing with this issue now, we can avoid having a significant generational divide in the future. Without overstating it, we do not want to see a position in the future where young people bringing up families in Canberra and around Australia, but particularly in Canberra, are so burdened by taxation in order to look after older residents that it becomes virtually impossible to get ahead and to own a house. If some of these issues are not addressed, all sorts of resentment and generational divide and, without overstating it, generational warfare could result. This is a concern and, as the youngest member of this Assembly, I feel it is important to speak about some of these issues for the future.

One area of interest to the Canberra community has been the size of our city, its optimum population and its future growth or otherwise. I think this is crucial to the issue that I have just raised. In May this year, with great pleasure and delight, the Chief Minister launched a report by Clive Hamilton of the Australia Institute into the potential future population growth of the ACT. Despite the various opinions that abound about Mr Hamilton and his Australia Institute, it seems to me that the report already had a conclusion and just needed the detail to support it. It set out to kick not only the building and construction industry, but also to basically say that growth and development is bad and that we will be just fine if we stay exactly how we are.

I think that is unfortunate. I think it is short sighted. Growth in Canberra is going to be an important factor in our countering the negative effects of an aging population. I think if we stay where we are in growth at around the 320,000 to 330,000 people mark, it will

raise some serious social issues and some serious economic issues for us in the future. I think there is some sort of idea in some quarters, sometimes expressed by people like the Australia Institute, that somehow the building and construction industry or developers are greedy and bad for Canberra. I think that is unfortunate. It does not recognise the importance of that sector to the economy of Canberra.

Workers here spend money. They shop, they buy supplies and they train our young tradespeople. They pay rent. The MBA have stated that, for every $1 million spend on construction, about 15 jobs are provided. That is important and, with billions of dollars of development in the pipeline, that obviously means many thousands of jobs in Canberra in the building and construction industry. This sector is obviously an important part of our growth. It is not the only part of our growth, but it is not a sector that should be dismissed and demonised as some would have it.

The Australia Institute report highlighted one interesting fact that I think should be noted. It is that young people, those aged between 18 and 34, those who will make up the future of the city in the years to come, were more likely to support an expansion to the size of the city in the future. This just brings me back to my earlier point about the importance of growth. It is in the interests of not only our aging population but also our young people that our population grow, that we retain young people and that we attract young people to Canberra, those who have left and those who come from other places. If our young population continues to dwindle, we will be in a situation where the kinds of services that the elderly need will not be affordable. We will also be in a situation where young people, young families and the working population will have more and more of a taxation burden in order to deal with these issues. Obviously demands on hospitals, roads, public transport and public infrastructure are going to become more of a concern, but I think that growth, retaining young people and attracting young people back to the region, is going to be part of this.

Current growth rates are a cause of concern. In the last year or two in the ACT the growth rate was about 0.2 per cent, whereas in the region the growth rate was somewhere around 1.7 per cent. That is above the national average, so it shows there is a demand for people to live in the Canberra region. I think it is incumbent upon government to provide the kinds of conditions that would attract people to actually settle in Canberra and to stay in Canberra, rather than necessarily choosing places like Yass, Queanbeyan, Goulburn, Murrumbateman and other surrounding areas.

There has been a lot of talk in recent years about sea change, and the other day for the first time I heard the term “tree change”. It is about not just older populations, but other people leaving larger cities like Sydney and Melbourne for a simpler and more relaxed lifestyle in areas like the Sunshine Coast. The Sunshine Coast has overtaken Hobart as the tenth largest population centre and the Gold Coast is now larger than the ACT. But I think Canberra is actually in a pretty good position to take advantage of this because Canberra actually offers much of what sea changers or tree changers are actually looking for. Canberra has many of the benefits of a big city, many of the facilities, but it does not have a lot of the disadvantages of living in a very big city like Sydney or Melbourne.

Our travel times to work are much less than in those cities. We are still, in the main, more affordable, although that is becoming less the case, and that is something I will deal with in a moment. Educational opportunities in Canberra are good and we have a lot of

roads, schools and facilities of a high standard. So we have a lot to offer to people looking to move from the bigger cities and I think we need to start taking advantage of that. I would expect that, with some forward thinking, the ACT would encounter much more significant growth rates in the future and I think that would be a good thing.

Two of the issues that are of particular concern and are particular reasons for people either leaving Canberra or choosing not to settle here are the cost of land and homes and the diversity of opportunity in employment. Housing costs in the ACT have risen significantly over the past few years and Canberra has lost one of the advantages that it had in terms of value compared with larger cities. Earlier in the year the combined AMP and real estate institute report found that the median cost of housing in the ACT had increased to a level higher than that of Melbourne and second only to Sydney, and this is a significant concern.

It used to be the case, and a KPMG report recently showed this, that people would leave Canberra in their 20s seeking employment opportunities. They would go to places like Sydney and Melbourne. They would go overseas and come back in their 30s and 40s to raise children. One of the things that drew them back was not only the lifestyle in Canberra, but also the cost of living and the cost of buying a home. As we see from those figures, that is changing. Canberra now has the second highest median price, and that is in the context of a city that does not have the same natural barriers to development that a place like Sydney does.

We do not have a coastline or mountain range or areas of national park that Sydney has that limit its growth. Canberra has much more scope for development. That is something that we need to manage better. Looking at it objectively, given Canberra's natural advantages, it does not seem right that the median house price in Canberra is the second highest in the country. So there needs to be better management in areas like that.

I have spoken about educational opportunities. Canberra has a very high literacy and numeracy rates and high levels of education, and this is a big advantage. Places like the ANU are a great building block for industry in Canberra and provide a lot of potential. But one of the keys, having brought all these people into the ANU to study from internationally and from around Australia, is the idea of keeping them here and giving them job opportunities so that they can stay here and prosper. That brings me to the second major reason why young people are not coming back to Canberra as much as they could, and that is diversity of opportunity.

Canberra is not as much of a government town as it once was and the private sector is growing, but that is something we need to continue to work on. For professionals, people in IT and people in all sorts of other industries outside government there still are not the same kinds of opportunities that are available in the big cities. That is something that we are competing with. It is something that governments need to be working on. During the last election the Canberra Liberals had some policies around diversifying that, and that is something that I will be contributing to refining. It is an area that we need to improve. It is an area of crucial importance. We cannot rely on being a government town. We are no longer primarily a government town. It is always going to be a significant employer, but it is not the only show in town and I think we need to recognise that and diversify opportunities for the private sector.

In the minute I have left, I want to finish by mentioning that recently I announced a future Canberra forum, which is going to be a consultative body to drive some policies around some of these important issues. I am gathering industry leaders, community leaders, young people from the ACT and experts in their fields, consulting with them, getting some of their ideas and finding out some of the reasons why people leave Canberra and why they choose not to come back. What are some of the strategies that governments can put in place to make Canberra a more attractive place for young people, for young families, for people to come and raise families? I have put forward a couple of ideas, but no doubt there will be many others. I look forward to that forum providing an impetus for good alternative policies that we can put to the people of Canberra to provide ideas and strategies to avoid the significant concerns that an ageing population in Canberra will face in the future.

MR CORBELL (Molonglo—Minister for Health and Minister for Planning) (3.57): The government's vision for Canberra in the next 10 years and into the future is of a world city that becomes an even better, more vibrant national capital than it is today. Under the Stanhope government's policies, that vision is starting to be realised. Today in the papers, on the radio and in people's homes, Canberrans are talking about the future of this great city. We all have aspirations for ourselves, our identity and our national capital.

The government sees a Canberra with many facets. The government sees a Canberra that has a revitalised CBD, a dynamic and creative city heart—one of the key objectives of the spatial plan of the economic white paper—a Canberra that has the best vocational education and training system in the country, a Canberra that has an even stronger private sector, a Canberra whose universities play a major role in the growth of the city.

We see a Canberra that is sustainable; we see a Canberra that retains its essential commitment to social justice and equity of opportunity. For example, we see the ANU linked to the city with smart enterprises commercialising research and development; we see things like the national information communications technology Australia centre of excellence planned for City West and facilitated by support from the government. We see things such as those approaches planned for this knowledge axis with activity in biotechnology and nanotechnology.

The government is working towards the establishment of a dedicated secondary school/college environment for the best and brightest of our years 11 and 12 students to work with internationally recognised academics from the ANU. All of this is part of our seeing Canberra as a centre that retains and attracts young people in the 22 to 30-year-old age cohort. They are important for our future. For the same reason, the government is doing the work and making investments in the creation of new urban centres of activity in Canberra such as the revitalisation of City West. For example, Childers Street will be an urban street with arts, entertainment, residential, research and commercial activities all standing cheek by jowl and creating a vibrant precinct in the heart of our city.

The government will keep working to spread the good word about Canberra to make sure everyone knows what we already do and that Canberra is a great place to live, work and run a business. From a family perspective this means that our children are, and will continue to be, educated in the best schools in Australia. The government's investment of

another $40 million for a new school in West Belconnen is a very strong demonstration of that.

Our children will benefit from our first-class vocational education and training system; young adults will be educated at some of the best universities in the southern hemisphere; and our graduates will have the opportunity to stay and work in smart business. As always, this economic vision is coupled with a commitment to social justice, a commitment to sustainability and a commitment towards opportunity for all.

Small business is, of course, central to this vision. Let us take a snapshot of what has happened over the couple of years since the government has been in office. There has been the debate around the future of City Hill. The task force has engaged with the private sector, with planning professionals and with the community sector to make that happen. We have established a dedicated economic development arm of the government; we have announced a groundbreaking agreement with the Australian National University for the City West precinct to build, over the next five to 10 years, a smart zone linking the ANU with the Canberra central area. That investment is to be worth more than $600 million over the next 10 years, with the first $50 million already committed and work under way.

Two months ago we announced a $30 million refurbishment of the National Convention Centre, and we bought the National Convention Centre for just $1.10. That is a good, sensible approach and one that will enable us to keep our infrastructure up to date. The government has also announced the $60 million Canberra home for National Information and Communication Technologies Australia, or NICTA as it is known, commercialising research in the information technology and communications area with the ANU.

In July we fixed up a defunct agreement of the previous government with the signing of an agreement with Qantas Airways that will see one of its key subsidiary businesses, Qantas Defence Services, set up a new business facility at Canberra airport. The benefits of this deal include the creation of 23 new jobs within the first year of operation. With projected business growth, we expect that this number will increase into the future. Qantas will commence a three-year marketing campaign worth $1.75 million, promoting Canberra as a tourism destination, with a $3 million investment in the establishment of the facility in the first year. On top of that the government is continuing to investigate and prepare proposals on expanding the hotel accommodation sector so we have greater capacity to host major national and international events.

The government will continue to focus on a range of other issues to address investment in our town centres as well. In total, the level of investment occurring in the city is close to $3 billion. Our colleague Mr Quinlan has asked his department to look at a range of other issues, such as skills shortages, work force availability, infrastructure development, investment climate and leveraging the private sector into commercialisation of research and development, to address the challenges our city faces. The Department of Economic Development is looking at the effects of demography, globalisation and technology. The government is also continuing to focus on very important areas such as skills shortages. Last month, Mr Quinlan announced that the ACT skilled and business migration program will resume and that the program will be marketed in our key trading markets of the United States, Asia, Western Europe and elsewhere.

To highlight some of the statistics that back up the ACT's position and the benefits that flow from having a strong economy, in many respects we are the best of the best when you look at the statistics. We have the lowest rate of unemployment in the country at 3.3 per cent; we have gross state product of over $47,000 per head compared to $39,000 nationally; we have the highest gross disposable income per capita of $38,000 compared to $25,900 nationally; we have the highest average weekly earnings of just over $1,000, compared to the Australian average of around $900; and we have the highest participation rate in Australia of 72 per cent compared to the national average of 64.

There then follow issues of business confidence, something we often hear about from our opponents, but the fact is that there is a higher level of business confidence experienced in the ACT compared to the national average. ACT is home to 12 per cent of Australia's total public sector R&D spent. The ANU is consistently rated as Australia's top university in various international ranking series and in the top 20 universities worldwide. A ranking released last week by the commonwealth Department of Education, Science and Training ranked both of our major universities—the ANU and the University of Canberra—among the top eight teaching universities in Australia.

Of our work force, 5.9 per cent hold a postgraduate degree, with 30 per cent holding a bachelor degree or higher qualification. Nationally, the figure is only 2.8 per cent and 18 per cent respectively. Our year 12 retention rates are the highest in the country. We have the highest ICT employment intensity in Australia at 25 ICT jobs per 1,000 population. Canberra companies which this government has actively supported, such as the Distillery, EOS and CEA, are players in the global market. We have the highest proportion of businesses with IT at 77 per cent compared to 71 per cent nationally; we have the highest proportion of businesses with access to the internet; and Canberra averages 14 per cent of all US biotech payments granted each year in Australia. These are strong statistics and a strong base to build on.

Let us look at other employment factors such as payroll tax, which amounts to $693 per employee. ACT businesses incur the lowest average per worker payroll tax costs in the country. This figure is significantly lower than the figures of other Australian jurisdictions. Costs range from $931 per employee in Queensland to close to $1,500 per employee in New South Wales. We have the highest payroll tax threshold in Australia at $1.25 million. These are all compelling figures.

Of course, the real challenge for Canberra is to demonstrate that it is a diverse, attractive and vibrant city which people want to come and live and work in, enjoy and be able to continue to enjoy into the future. The way to do this is to focus on our knowledge economy status. The 2004-05 state of the regions report prepared by the Australian Local Government Association ranks the ACT as having the highest concentration of knowledge-based activity in Australia. It is ranked number one for its knowledge-driven growth potential and is also ranked number one in the global knowledge flows indicator. This means that, out of the entire work force, the ACT has the highest ratio of global knowledge flow workers. Also, the ACT is ranked number one for its connectedness to global flows of knowledge and number one in terms of its innovative capacity.

Canberra was one of five Australian cities included in a recent KPMG study of the locational competitiveness of cities. Other cities studied were Adelaide, Brisbane,

Melbourne and Sydney. The eight-month research program covered 121 cities in 11 countries; namely, France, Germany, Iceland, Italy, Luxembourg, the Netherlands, the United Kingdom, Canada, the United States, Australia and Japan. More than 2,000 individual business scenarios were examined. Canberra, with a cost index of 91.5, was rated third behind Adelaide and Brisbane. These are also compelling figures.

The key challenge for the government into the future is to make sure that young people stay in Canberra and to make sure that older Canberrans have the services, infrastructure and support they deserve as they age. The government's planning and economic policies are well placed and are working to meet the following expectations: when it comes to planning, respecting the suburban quality of our streets; when it comes to transport planning, putting in place public transport infrastructure that helps support a competitive economy and a competitive and sustainable city; when it comes to creating attractive environments for younger people to live in, investing in creating more urban environments in our city centre, such as through the City West precinct; when it comes to economic policy, focusing on supporting businesses that are consistent with both our view and independent views that we are a knowledge-based economy and we get the biggest and best outcome for our city in supporting businesses that work in that environment.

We are tackling the skills shortages; we are focusing on giving the city the opportunity to expand, grow and develop into the future. The government's Canberra plan outlines a comprehensive program of addressing these key challenges. It is a plan that I think will stand the test of time and focus our activities for a long way into the future.

DR FOSKEY (Molonglo) (4.10): I feel somewhat misled by the title of Mr Seselja's matter of public importance, which is "The outlook for Canberra's social and commercial appeal to investors and residents". I feel it is important to note that there is quite a difference between the interests of investors and residents. Sometimes they are the same people but, on the other hand, may have different aims for our cities. Investors can sometimes benefit Canberra, although that is not always the case.

Lately we have seen that investors, in reacting to market forces, have responded with certain kinds of buildings. We are now being warned that, in a few years, we may have too much office space. Although I do not have any data to prove it—I am waiting for experience to show us—I am of the opinion that we have too many medium density high-rise kinds of residences that are not responding so much to what residents want but to what investors think they want and where they believe the dollars are. Perhaps Mr Mulcahy will expand on that. I understand that Mr Seselja's topic is huge and I doubt he got to say all he wanted to say.

Mr Seselja: Mr Mulcahy will cover other areas.

DR FOSKEY: That is good. This is a topic we talk about quite often in the Assembly in one way or another. We usually have the opposition saying, "This is wrong," and then someone from the government saying, "No, this is right." I am just not sure. I would like to see us go a little bit further and come together because, basically, we all want the same thing. We want Canberra to be a vital, energetic city; we want our own young people to stay here; and we want more young people to come here; we want a vital, growing economy; we want lots of arts events and sports events; basically we want everyone to be

reasonably comfortable and well housed; we want access to good food; and we want good roads, public transport, et cetera. Really, we all want the same benefits.

Of course, the Greens have a particular approach to these things as well, and I guess it is time to throw that into the mix. We think our small size should be looked at as an asset. I cannot see how Canberra is going to become a major city in terms of numbers unless someone strikes gold, oil or something like that here. I am not sure that is going to happen. Water is the new oil!

Mr Mulcahy: Canberra just needs steady growth; it does not need millions of people.

DR FOSKEY: Yes. I sometimes think a lot of us are sitting here wishing we lived in a city the size of Sydney or Melbourne; but Canberra is a major regional city that is given much greater importance by being not only the national capital but also a self-governing territory. That is what makes Canberra unique, in addition to the fantastic environment it is situated in, as well as the fantastic environment people have access to—the New South Wales towns with their different heritage interests and so on. That is what Canberra is. It is fantastic that, over the years, we have been able to develop beyond being a public service town. While that will always be an enormous part of our economy and work lives, we know that there are vicissitudes in public services and that we must have the resilience to respond to those.

There have been a number of processes in this town to create a vision for Canberra. People might remember one led by Peter Ellyard in the early 1990s; a vision of Canberra in 2020. I think that, if we went through that exercise again, we would come up with something similar. We can all say that we want all the things I have already mentioned, which Mr Corbell says we have or are working towards and that Mr Seselja says we want, but there are other ways to go.

We need to think outside the square, because we are not talking about a world that is the same as the one we have all been used to. I am a member of the ageing group of baby boomers. I am aware that, as a generation, we have tended to pull the drawbridge up behind us. There are many things I have had the benefit of that are not there for people younger than I. I am not part of the cause of that; in fact, I have fought against it. I am very aware that that is what has been done in many cases.

When I look at the cost of higher education and a number of other things, I am concerned that not only will younger people find themselves burdened with debt but also they will have a huge mess to clean up because we have not addressed our mess. We all know that Canberra consumers are profligate both by Australian standards and by global standards. So, when we talk about increasing our population we have to be very careful that, at the same time, we are reducing our overall ecological footprint. That should be something we take for granted. Unfortunately, too much of our idea of growth is predicated on increasing consumption: we want more people so they will buy more goods and services. Let us look at another town, not dissimilar in size, which has taken a different development path. Mr Corbell should be able to back me up on this because he has recently been there. Portland in Oregon has proved the idea that growth as purely an economic and a population thing is not essential for a prosperous economy. Newly

released data shows that Portland, which is on the west coast of America and a relatively rich state, is called an environmental laboratory by some Americans.

Having set itself the target of reducing greenhouse gas emissions to below 1990 levels, not only has Portland achieved this, in fact it has over-achieved it and is booming economically. Officials in Portland insist that the campaign to cut carbon emissions has brought no significant economic price and, on the contrary, has brought huge benefits to the city. Less tax money is spent on energy; there is more convenient transport; there is a greener city; and there is expertise in energy efficiency that is helping local businesses win contracts worldwide.

The mayor of Portland has stated, "People have looked at it the wrong way, as a drain. Actually it's something that attracts people … it's economical; it makes sense in dollars." In Portland the regional government—equivalent to ours—offers financial incentives and technical assistance to anyone constructing a green building with built-in energy efficiency. It also offers all city employees either a $25 per month bus pass or car park pooling.

There is a lot more I could say that I will no doubt say at a future time. I look forward to hearing a further explication in Mr Corbell's own time on the issue he has just raised. I know, from my contacts and activities in Canberra, that we too have a burgeoning group of small businesses ready to go, based around sustainability. There is to be a sustainability breakfast meeting of these people—that is where I first started meeting them—on Friday week. If anyone wants to know more about it, contact me and I will tell you how to get in touch. There are small business people with the most amazing ideas. They are ready to go but they need government policy to give them the space, and to give people an incentive to take on their services. We could be the Portland of Australia. Why not? We have that. Maybe we do not have tax powers; I do not know about that. I have always thought that we should be exploring our revenue-raising opportunities, but I would say that these industries in themselves are revenue-raising opportunities.

MR MULCAHY (Molonglo) (4.20): I have heard such an amazing selection of ideas that I am almost inclined to throw my notes away and respond, but I will try to maintain the themes on which I wish to speak on this very important issue that has been brought to the attention of the Assembly by Mr Seselja. The outlook for Canberra's social and commercial appeal to investors and residents is a very important issue and I am pleased that it is one we are discussing today. I was particularly impressed by a theme Mr Seselja took up from the fair perspective of a younger person: the matter of the ageing population.

I think I raised this subject the first day I was in the Assembly. It is a looming issue in Australia and by no means will Canberra be an exception. Our ageing community will be requiring an increased level of health and aged care services. There will be concerns on safety matters and a requirement to potentially alter people's style of living in their own accommodation. The younger population will be challenged with the tax issues that arise from the needs of this older community. It will be very difficult for governments, and governments will be required to look at their priorities. I can see that, down the track, there will be some very difficult decisions to make.

Revenue will always be the instant solution of governments. Mr Corbell made an interjection about the appeal of the income tax that exists in the state of Oregon. I think the idea of more tax imposts on a younger Canberra population will be a matter of concern down the track. Whilst I do not think Dr Foskey's idea of drilling for oil or starting mining in the ACT will carry a lot of credence around the community, it is novel if nothing else. I think that, whilst it is probably not something that will receive a great deal of public support, at least it showed some thought going into the problems we face.

We all want Canberra to be the best place for living, for business and for recreation but, of course, the big question is how we can make that happen. A key measure of how attractive Canberra is to people is whether they choose to come here and stay here, and indeed whether they come back if they leave here. On that test we are not doing so well. The net population growth is, in fact, four per cent, compared with 1.2 per cent nationally. That is, the ACT population is growing at one-third of the national rate.

On 28 July this year I took the opportunity to participate in a seminar staged by the Canberra Business Council called "Beyond the Canberra plan", where I heard some fascinating addresses. It was one of the best prepared summits or conferences I had ever been to. Unlike many, where you hear people just give casual dissertations about their particular areas of interest, to their credit the presenters not only highlighted issues but also put forward suggestions and solutions.

I did not agree with every point raised, but there was an incredible amount of initiative shown in that. The Canberra Business Council deserves commendation for its initiative. There was an address by Mr Mark McConnell, a local Canberra business identity. He spoke about the very serious issue of population growth and, in particular, about the impact of skills shortages. In his words, businesses rate skills shortages as the most important issue they are currently addressing. He highlighted the fact that we are seeing 2,500 young people leave Canberra annually.

I accept that people move. One of my own children will probably be heading overseas shortly to play football in another country. That is part of life and part of growing up. It seems to be even more prevalent these days that people go and spend a bit of time in other countries. It is critical for this territory to ensure that our young people, whether they move internationally or move to Sydney, Melbourne or Brisbane, come back to Canberra. If they do not do so, we are going to see an acceleration of the ageing population, which is already an issue.

We are faced with critical skills shortages. Political mileage is occasionally made on that at territory or federal levels, but the real concern we have to address is that, if we cannot solve that problem, we will start to damage the economic viability of our territory. As Mr Seselja pointed out, we will be potentially faced with a lower number of workers supporting a greater number of retirees with this ageing population and we are going to have to be clever in working out how to deal with these challenges. We have to take into account the fact that not only are we losing highly educated young people but also we are going to have a large number of people taking advantage of public sector superannuation schemes. These people can still make contributions to our community and to business and other activities here, but we need to work out ways of harnessing their contributions.

We have already seen some early signs that industry segments such as technology will suffer very quickly if we lose educated young people. I see that problem growing if we cannot come up with some very clever solutions. When Mark McConnell talked about demographic proportionality his view was that we must establish targets, look at retraining the older work force and increasing their participation. We have to challenge norms; we have to look at things such as workplace flexibility to accept people's interest and willingness in going back into the work force. We also have to ensure that we have a business-friendly environment.

It was regrettable that the Minister for Economic Development and Business was not able to hear the wonderful papers delivered at this business summit. I would urge him to have his people brief him on the content of those papers. I am also sorry that the Chief Minister was unable to be there for any significant length of time. Rather than just getting the media takes on this event, he would have seen the very genuine commitment people pursued in bringing forth their papers. We talk about the ACT being unashamedly a pro-business environment and that we have to give credence to the claims made by the government and ensure that policies are reflective of those claims. Regrettably for the people of Canberra, those words really do not mean too much if we do not see them translating into strengthening our population base in the ACT, tempered with good economic growth and good levels of employment.

Mr Corbell claimed credit for just about everything in the town a moment ago and could see no failings. There is obviously no admission of anything not working perfectly, but there are alarming signs there if we see these rates of growth. Many of us claim credit locally. Last night I heard the Prime Minister say that, when things are going well, state and territory governments claim credit and that, when things are going badly, they blame the commonwealth government. Things are going very well at the moment and I am expecting that the ACT government will be claiming all the credit for the tremendous reforms we have seen nationally which we will continue to see and from which the people of the ACT continue to benefit.

I think there was an opportunity lost in that ministers did not make a better effort to attend the Canberra Business Council summit. Speakers talked about the great potential for economic growth. People such as John Hindmarsh spoke at that event; his focus was on the convention centre. Yesterday, we had some discussion on the convention centre. I have long had an interest in this area of activity. I think it is lamentable that we are going through the process of refurbishing that facility; we will not have any more exhibition space.

I have said in committee meetings and the like that people only have to get on a plane and go to Adelaide to learn how it is done. In a city that is not necessarily abundant with major tourist attractions, the South Australian facility has an incredible level of usage. It is booked out virtually throughout the year for many national conventions. They have realised how critical the convention centre is to the viability of their local tourism industry. As John Hindmarsh mentioned at the conference, the flow-on effect of tourism is colossal. It impacts on transport, catering and other key suppliers and can even flow into the construction sector where he has made his name.

The beneficiaries obviously need to contribute. I believe they do so through taxes. I do not think governments ought to throw endless amounts of money into these things, but they need to be looked at as contributions to the city. What is happening there seems to be very much a short-term approach. Mr Corbell made much of the $1.10 transaction fee, but the reality is that he needs to look at it on a much more serious basis and understand that, without a convention centre that has capacity, we will not drive those accommodation venues he spoke about; we will not develop the yield because we do not have the high-spending tourists here and we will therefore not get the level of employment for the young people that Mr Seselja talked about because they are leaving the city in substantial numbers.

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (4.30): I am more than happy to speak in debate on this matter of public importance about the outlook for Canberra's social and commercial appeal to investors and residents and to thank Mr Seselja for proposing it. There has been significant concentration on the aspect of this matter of public importance as it relates to Canberra's commercial appeal, but there has not been much concentration on Canberra's social appeal. I can understand members focusing on our economy, our capacity and our perceptions around that, as they are particularly important to our future and to our ability to meet our social hopes and aspirations.

I will deal with both aspects of the subject, the social and commercial appeal of the ACT. I refer, first, to the social appeal of Canberra. If one accepts the definition of the nature of Canberra and the place that it holds in the hearts and minds of both investors and residents, for those residents who have made Canberra home it is a wonderful, fantastic place with enormous appeal. I think we can be very thankful for that. To some extent, that social appeal and attractiveness have been hard earned in the context that significant planning work has been done to ensure we have a very liveable city, perhaps the most liveable city in Australia.

One would expect a resident, a politician, or a chief minister to say that Canberra is the most pre-eminent planned city in Australia and possibly the world and that it is one of the most liveable cities in the world. In the biannual listings of the most liveable cities round the world—and I am not sure who conducts the most well-known of those listings—some of our neighbours, for example, Melbourne in particular and Sydney to a lesser extent, are mentioned. Melbourne, along with Vancouver, jointly won the title of the most liveable city in the world after an internationally accepted study or audit of liveability was conducted. I was most concerned to see that the ACT was not listed in the first 10 or 20 and I discovered only then that Canberra was not considered as part of the mix. I think it was deemed that our population of 325,000 did not warrant comparison with other major liveable cities, and that there was a threshold of 500,000.

Acknowledging the fact that we were unfairly discriminated against or disqualified from being considered or classified as a liveable world city, I think the rules were deliberately drawn to disqualify competitors such as Canberra. Everybody in Australia would probably accept Canberra as being a far more liveable city than those other cities that feature so well. I think we should focus on that. What is it that we have that is so fantastic? Why is it that those who call Canberra home are so wedded to it? For those of

us who have lived here for decades it is not just a question of rose-tinted glasses or the blush of a first impression: the appeal never fades, it continues to grow and to increase.

Canberra's appeal has grown for me and I think for most residents. We can see that in the context of the community's response to suggestions made at the beyond the Canberra plan forum which Mr Mulcahy addressed—the community's response to suggestions that the town was somehow boring and tired and not a place that had any appeal to investors, outsiders or residents. I think the residents of Canberra rose up almost as one and said, "No, that is not true. That is not our perception. That is not our feeling about Canberra, our home. We do not view it in that light at all. It is not relevant to our perception or to our reality." As a politician I have discovered on almost every occasion I have engaged in conversations in the street or organised community meetings or consultations that that is not the view of Canberrans.

This matter of public importance invites us to comment on the outlook for Canberra's social appeal to residents. I think Canberra's social appeal to residents is as strong now as it has been at any stage in Canberra's history. I think that social appeal is growing and growing. That is my experience as a 36-year resident of Canberra and it is the response of everybody to whom I speak who lives in Canberra. Every resident to whom I have spoken regards Canberra as a city that is beyond comparison.

There are a number of reasons for that. They include our commitment to the environment and the fact that we have the bluest sky, the clearest nights and the cleanest air; and they include our geographic location and convenience. The Minister for Planning can rightly take pride in the planning of Canberra and in the significant work that has been done, through the development of the spatial plan, to maintain Canberra and its reputation as a pre-eminent and planned city. We respect and jealously guard our street amenity and our garden and bush capital title, which are so important to Canberrans. These are the things we have maintained and will always maintain that lend themselves to Canberra's social appeal.

We put a great deal of effort into the Canberra plan. Major consultation underpinned the development of the Canberra plan through three major elements—the economic white paper, the social plan and the spatial plan. That is what is at the heart of this debate. The government has undertaken detailed and extensive consultation with the people of Canberra to obtain their ideas for the city. In our relationship with one another we have established what they want, what their expectations are and what sort of city they want to live in. We established what they wanted the city to look like and what we needed to do to ensure we met all those hopes and aspirations.

I could talk at length about the fact that as a result of our spatial planning work we have a sustainable blueprint for maintaining our pre-eminent designed city. We are building on the work of the past. The work that was undertaken in relation to the spatial plan was the first detailed planning work to be done in the ACT in almost 20 years. Today I released a progress report on the implementation of the social plan, which maintains our commitment to ensuring that we have the finest employment opportunities for all children within the ACT.

I have said before—and I stand by the statement—that part of this town's appeal in a social and commercial sense lies in the quality of our education. We maintain at all

levels the best possible education that could be provided to residents in any place in Australia. We do that through maintaining full support for the government sector, support for diversity in education, and continuing support for and nurturing of the non-government system. We have a commitment to the Canberra Institute of Technology and we have maintained and strengthened our relationship with the university sector, which has led to an increase in the status and standing of the Australian National University as one of Australia's leading teaching and research universities.

Our acknowledgment of and support for that research capacity is well understood. In an earlier presentation the Minister for Planning referred to the major memorandum of understanding that we entered into with the ANU relating to the development of City West and all that will flow from that, for example, enhanced technological opportunities. We provided seed funding for a major commercialisation fund, which is now worth $30 million. We provided the building blocks for the establishment, within the ACT, of the ICT centre of excellence. These are just some of the initiatives we have pursued to ensure we maintained both the social and commercial appeal of the territory for residents, investors and outsiders.

Of course, it does not stop there. We continue to invest in education. We entered into a partnership with the Australian National University to establish the first university college, a college that will take our most gifted students and provide them with the opportunity to reach their potential in relation to educational opportunities. Similarly, we have invested $43 million in public education in west Belconnen.

MR SMYTH (Brindabella—Leader of the Opposition) (4.40): I think the Chief Minister missed the point that Mr Seselja was trying to make. The people who come to Canberra stay here because they love it, which is why they are here. The question is: what are we doing to try to prevent the brain drain? What are we doing to retain young people who leave and go elsewhere, young people whom we always assumed would remain? As Mr Seselja quite rightly pointed out in his matter of public importance, that is not necessarily so. That was the point of the matter of public importance.

I think we all agree that we are proud of our education system, our infrastructure and the fact that Canberra is the nation's capital. The question is: what is the outlook for Canberra's social and commercial appeal to investors and residents? I think the Chief Minister missed the point.

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

Residential Tenancies Amendment Bill 2005
Detail stage

Debate resumed from 16 August 2005.

Clause 17.

DR FOSKEY (Molonglo) (4.42): I move amendment No 4 circulated in my name *[see schedule 4 at page 2944]*.

This amendment extends the circumstances under which the tribunal can substitute a tenant to include circumstances where a domestic violence order has been made. On advice from the Women's Legal Centre, we suggest that this legislation will be improved as a result of this amendment. Clause 17 allows the occupant of premises to apply to become a tenant where a court has made an order to remove the tenant from the premises. This clause is intended to apply, in particular, in situations of domestic violence. The government's amendment adds a provision that where individuals have given an undertaking to the court they will leave the premises. That can provide the basis for another occupant of the premises to become the tenant.

Unfortunately, the amendment does not fully respond to the strong representations from the Women's Legal Centre and the Welfare Rights and Legal Service in relation to this clause. Both groups have argued that the clause should go further because exclusion orders and undertakings to the court can be difficult to obtain. According to the latest figures, exclusion orders and similar undertakings are made in fewer than one in five orders. Additionally, magistrates are reluctant to make exclusion orders at the preliminary order stage. Victims of domestic violence are very vulnerable when the tenancy is not in their name and they face the loss of the family home. It can also allow perpetrators to apply considerable pressure on victims by using the tenancy and their rights as tenants against victims and any children or other dependants.

Our amendment addresses this problem by allowing a broader range of circumstances to be considered by the tribunal, allowing the tribunal to exercise some discretion when determining whether there is sufficient basis for substituting the tenant. This would allow victims of domestic violence to achieve an earlier state of certainty regarding housing tenure, an important step in rebuilding after the end of a troubled relationship. The government has argued that this places undue strain on the tribunal, as it may be placed in a position of ascertaining whether domestic violence has or has not occurred. If we can ask the tribunal to determine whether a serious dispute between neighbours constitutes grounds for eviction, we can give it discretion to hear arguments for and against the substitution of a tenancy. I commend the amendment.

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (4.46): The government has also proposed an amendment to clause 17. Government amendments Nos 3 and 4 are subject to the outcome of this amendment. I propose to move those amendments immediately after conclusion of debate on this amendment. Those amendments make it clear that the tribunal may make a substitution order to a person who has given the court an undertaking to leave the premises.

Dr Foskey's proposed amendment would permit the Residential Tenancies Tribunal to make an order that removes a tenant from a residential tenancy agreement and substitutes an occupant in the tenant's place in a broader range of circumstances, including whenever a domestic violence order is made. Under the Domestic Violence and Protection Orders Act 2001 a domestic violence order may be a final order, or it may be a short-term order known as an interim or emergency order. In addition, a domestic violence order may require the removal of a person from a property, or it may prohibit conduct or the damaging of property. Domestic violence orders can also be conditional, depending on the facts of a case.

The government's view of Dr Foskey's proposed amendment is that it is not appropriate for the Residential Tenancies Tribunal to be vested with the power to remove a tenant from a property when the Magistrates Court has decided that it is not warranted in a particular circumstance, or that an undertaking has been received in the Magistrates Court from the person concerned. In cases where an undertaking is not being given it would be inappropriate to enter a tenant's agreement where an interim domestic violence order has been made and the tenant has not had an opportunity to challenge the order. Dr Foskey's amendment would broaden the role of the Residential Tenancy Tribunal and allow the tribunal to take action where the Magistrates Court has deliberately determined it is not appropriate for that action to be taken.

The Residential Tenancies Tribunal should remain a low-cost, high-transaction tribunal designed to resolve tenancy disputes between a lessor and a tenant rather than disputes between occupants of premises. The tribunal does not have jurisdiction to resolve domestic violence disputes and it is not suited to deal with that type of matter or other intertenancy disputes. Domestic violence matters should continue to be heard by the Magistrates Court.

It is not that the government opposes the intent of Dr Foskey's proposed amendment; it is just that the government believes it is for the Magistrates Court, with its jurisdiction, to determine whether in a particular circumstance a person should be asked to leave certain premises. We do not believe that is a function that should be vested in the Residential Tenancies Tribunal.

MR STEFANIAK (Ginninderra) (4.49): The opposition will support the amendments to be moved by the government rather than Dr Foskey's amendment. I concur with the comments made by the Chief Minister in relation to this matter.

Amendment negatived.

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (4.50): I seek leave to move together amendments Nos 3 and 4 circulated in my name.

Leave granted.

MR STANHOPE: I move amendments Nos 3 and 4 circulated in my name *[see schedule 5 at page 2945]*.

Amendment No 3 seeks to amend section 107A, subsection (1), which permits the Residential Tenancies Tribunal to make an order substituting an occupant of the tenant or a co-tenant where the existing tenant or co-tenant has given an undertaken to a court to leave the premises. Where such an undertaking is given to the court, this should be reflected in the residential tenancies agreement. This amendment also clarifies that a court order removing a person from the premises cannot be an interim order. This amendment was proposed as a result of discussions with community sector organisations.

Amendment No 4 is consequential upon government amendment No 3. This amendment provides that an application for an order under section 107A must be accompanied either by evidence of an undertaking to the court or by a copy of a court order to remove the person from the premises.

Amendments agreed to.

Clause 17, as amended, agreed to.

Clauses 18 to 21, by leave, taken together and agreed to.

Clause 22.

DR FOSKEY (Molonglo) (4.51): I seek leave to move together amendments Nos 5 and 6 circulated in my name.

Leave granted.

DR FOSKEY: I move amendments Nos 5 and 6 circulated in my name *[see schedule 4 at page 2944]*.

These amendments seek to amend clause 22. These seemingly minor amendments will replace the words "public housing tenancy agreement" with the words "tenancy agreement with the Commissioner for Housing" and the word "rent" with the words "rental rebate". In the opinion of some people, these amendments may appear to be minor and a little pedantic, but their primary purpose is to ensure clarity and the use of language that makes sense to public housing tenants.

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (4.52): Without wishing to appear pedantic, similarly the government is not inclined to support these amendments. Dr Foskey proposes to establish a new definition of public housing. The government simply does not believe that anything would be achieved by doing that. The concept of public housing, in particular subsection 8 (1), which I use by way of example, is well established and understood.

In the context of Dr Foskey's proposal, the Housing Assistance Act provides that the functions of the commissioner are to administer, on behalf of the territory, programs and funding arrangements for the delivery of housing assistance in the ACT in relation to public rental housing and home ownership, income-related assistance, et cetera. The government is not persuaded that it is sensible to change definitions that are well established and well understood. For that reason there is nothing to be gained in supporting Dr Foskey's amendment No 5.

The government also objects to amendment No 6 on the basis that it extends a new jurisdiction to the tribunal to consider rental rebates in certain circumstances. Currently, the Residential Tenancies Tribunal does not have jurisdiction in relation to rental rebates. It is not a function of the tribunal and the government is not persuaded that it should

become a function of the tribunal. The government's proposed amendment would allow a new base rental to be determined for an incoming tenant under a will.

Ordinarily, where there is a new tenancy the lessor may accept rental at the commencement of the agreement. The government's provision will enable the commissioner to make an application to the tribunal to establish a new rental in relation to an incoming tenant under a will, placing the commissioner in the same position in relation to an incoming tenant as in dealing with a new tenant. The government does not support the proposed amendments.

MR STEFANIAK (Ginninderra) (4.55): Amendment No 5 proposes to change a term that people are used to and that has been used for a number of years. I do not see any point in changing a term unless some benefit is to be gained. I cannot see any such benefit. In relation to amendment No 6, I again agree with the comments made by the Chief Minister.

DR FOSKEY (Molonglo) (4.55): I would just like to sum up in relation to the raft of amendments that I have moved. The Chief Minister rejected every amendment that I moved and implied that they were misguided, naive or unworkable. However, all these amendments were developed in consultation with those who have worked in the area, people who deal with tenants from the Residential Tenancies Tribunal on a regular basis. The impetus for these amendments relates to concerns that community groups have raised with me. Dissatisfaction was expressed following the limited dialogue on the bill that the government was willing to have.

Concerned people who have considerable expertise and who represent those who are likely to be affected by these changes should not be treated with the disdain that was apparent during this debate. We could have saved ourselves a considerable amount of time if the government had developed a better approach to consultation and it was willing to bring people together, listen to their concerns and work through these issues properly rather than just dismissing any views that were not consistent with its position or with the position of its bureaucrats.

Amendments negatived.

Clause 22 agreed to.

Remainder of bill, by leave, taken as a whole and agreed to.

Bill, as amended, agreed to.

Adjournment

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

> That the Assembly do now adjourn.

Dragway
Mr Charlie Shore—retirement
Parliamentary world cup rugby

MR STEFANIAK (Ginninderra) (4.58): I wish to refer to three issues. I was interested to hear Dr Foskey's earlier question about the effect of a dragway on the environment. Recently, someone told me that a resident who lives in the area where it is proposed to locate the dragway—I hope that it will be located there—is a former pilot who has a block of land that he wishes to farm. He said that he has no problems in relation to noise from the proposed dragway. In fact, he believes that noise from the airport will probably cause problems for the public announcement system and drown it out. That statement was made by one resident who will be affected by noise from the dragway, which I believe to be a positive statement in favour of the dragway.

Next week a long-standing employee, about 15 years, of Quamby—a difficult institution at the best of times—will be retiring. Charlie Shore has been at Quamby for many years and I think that on occasions he has run the place. Charlie has always conducted himself in an exemplary manner. He has impressed both his workmates and some of the difficult young people at Quamby with whom he has dealt. Charlie has been a father figure to some of the young people at Quamby and he assisted some of those who left in keeping to the straight and narrow. What he has done has been over and above the call of duty, including involving in sporting activities some of those young people who have left. They have continued to take an interest in sporting activities.

Over the years, Quamby has gone through some troubled times, including a coronial inquest conducted by Coroner Somes. As a result of the coroner's inquest, a number of public servants were criticised and it was recommended that they should lose their jobs. Charlie Shore was singled out for his efforts in attempting to assist a young person who tragically committed suicide at Quamby. I think that just shows the measure of the man. On behalf of everyone here, I say to Charlie Shore, "Thank you for a job well done, at times in very difficult circumstances."

The other day my colleague Mr Seselja got a bit of a run on an epic event—it was not quite a curtain raiser as it was played on a different field—in Sydney before the unfortunate loss by the Wallabies. I refer to the parliamentary world cup between the states and territories and the commonwealth. Modesty prevented Mr Seselja from saying a few things, but I will indicate to members now that the score was five all. Two tries were scored.

The first of them was scored them by a former ACT politician who should have been playing for the states and territories, namely, that big lug Paul Osborne, who insisted on playing for the commonwealth for some reason. That was closely followed by a try to the states and territories by a bloke playing his first game of rugby, that is, my colleague Mr Seselja. He will probably tell members that it was after a 50-yard run, but it was not. He was set up for a lovely try under the posts by one of the classic Wallabies, Marty Roebuck. It was a fantastic effort. Unfortunately, when he came to trying to convert it, the ball skewed off the side of his boot and ran along the ground to the right at a height of about two feet. As it turned out, the score was probably a good way to end this inaugural match—the first time state and territory politicians have played each other.

Zed Seselja mentioned it was a shame that the only state politicians who fronted up were I, as team captain, he and my colleague Mr Pratt, who was the second oldest person, not by much, on the field. He distinguished himself with one particularly excellent run and a few good tackles. Generally, he had a lovely time, even though he was a bit sore afterwards, as was I. It is always good to play with classic Wallabies, people far better footballers than any of us were in our youth. I thank them all for playing.

I will mention also the staff members who played. Justin De Domenico, who has not played much rugby at all, was very good at fullback, exhibiting his Aussie rules talents. John Lane, a former staff member of mine, and Jeremy Johnson, who is currently working in Karin MacDonald's office, played exceptionally well and made a number of breaks. It was a real rugby game in some ways in that on the Friday night we recruited a couple of players from the Coogee Bay pub—Jamie Underwood, a five-eighth, and Brendan Nerdal, an inside centre, who happen to play for the university team I coach. Recruiting from pubs the night before is a traditional way of making up the numbers for lower grade rugby sides.

Finally, as well as thanking the classic Wallabies, I thank the following members of the ACT vets—if I leave anyone out I owe them a schooner—Lloyd Petty, John Hillier, president of the vets, Michael North, the oldest bloke on the field, even older than Mr Pratt, Gary Crocker and Phil Henry. As I said earlier, if I have left anyone out from the vets I owe them a schooner. All in all, it was a great day of fun. I thank all those who participated.

Daffodil Day

MS PORTER (Ginninderra) (5.03): I remind members that tomorrow—Friday, 19 August—is Daffodil Day, the largest fundraising event of the Cancer Council of Australia. Last Sunday morning the Minister for Health, Mr Corbell, was joined by Assembly colleagues Karin MacDonald, Brendan Smyth, Jacqui Burke, Richard Mulcahy and me, the member for Fraser Bob McMullan, Senator Kate Lundy and members of the public for the launch of ACT Cancer Council's contribution to Daffodil Day on the lawns of the federal mall, where daffodils were planted spelling out the word "hope".

Daffodil Day is a day to support those who have been touched in some way by cancer and to focus on hope for a cancer-free future. The day, which was created by the Canadian Cancer Council in the early 1980s, is now run by cancer societies in seven countries and accepted internationally as a significant positive symbol representing those who live with cancer and their friends and families. The daffodil was chosen as a symbol of hope for those living with cancer as it is a hardy annual that pushes its way through the frozen earth after a long winter to herald the return of spring, new life, vitality and growth.

Daffodil Day is now in its twelfth year in Australia and is one of Australia's most popular fundraising events, inspiring as it does the belief that, one day, cancer will be beaten. Great strides are being made in this direction and survival rates are improving all the time. This Friday the Cancer Council hopes to raise $7.8 million nationally. I know that members of the ACT community, as usual, will contribute significantly.

On the day, more than two million daffodils and a wide range of associated merchandising material will be available for sale, including Douglas the Daffodil Bear, to raise funds for cancer research and support services. I encourage members of the Canberra community to dig deep and to support this outstanding cause. More than 10,000 volunteers will staff over 1,200 sites around Australia. In Canberra these sites will include major shopping centres and bus interchanges. We will not have to look far to find a friendly volunteer happy to accept our donations.

As usual, events such as this would not be possible if it were not for the significant contribution made by volunteers. I wish to place on record my appreciation of the work of ACT Cancer Council volunteers, many of whom work not only on Daffodil Day but also throughout the year in many capacities supporting those who have lived with cancer. In addition, I acknowledge the ACT Cancer Council for its best practice management of the many volunteers who work for it. At the beginning of the twentieth century those diagnosed with cancer faced almost certain death. However now, thanks to continued improvement in research and patient care, more than half those patients will be successfully treated.

Daffodil Day is a celebration of that progress. Whilst advancements in cancer treatment have been significant, almost one in three people still suffer from this disease. The money raised during Daffodil Day will help to find the causes of cancer. It will also help those touched by cancer through the continued provision of support services to sufferers and their carers. I urge all members to join me tomorrow, to purchase their fresh daffodils as well as their Douglas the Daffodil Bear, to help make this the most successful Daffodil Day ever.

Surveillance cameras
Afghan embassy

MR PRATT (Brindabella) (5.06): I wish to highlight concerns relating to the response by the Chief Minister today in question time to my question about his attitude towards closed-circuit television cameras and his apparent backflip on increasing their number and using them to increase security in light of the risk of any future terrorist threat. It appears that the Chief Minister, in his answer today, misled the public and me in relation to his views about this issue. I call on the Chief Minister to correct the record now.

Today in question time the Chief Minister denied that he had criticised the installation of additional CCTV cameras as a "knee-jerk and populist response". His knee-jerk and populist response comments were in relation to discussions about a national identity card. That is not the case. Comments that the Chief Minister made only weeks ago clearly reveal that he was in opposition to CCTV cameras, not just in opposition to national identification cards.

Let me explain. The Chief Minister's position was clearly reported in an article in the *Canberra Times* dated 25 July entitled "PM tips more spy cameras—Touch of hysteria in reaction: Stanhope." The article reads:

> ACT Chief Minister Jon Stanhope said he would be reluctant to install surveillance cameras throughout Canberra's public spaces.

> He attacked the Prime Minister for what he described as a knee-jerk and populist response to the recent London terrorist attacks.
>
> "There has been almost a touch of hysteria in his suggestions, first that we need an ID card for the whole nation and second that we now need surveillance cameras everywhere", Mr Stanhope said.
>
> He was not convinced either measure would help protect Australia.
>
> "Surveillance cameras, as seen in London, help after the terrorists have struck but the surveillance cameras in London did not stop the bombings", he said.
>
> Mr Stanhope said he would prefer to spend money on more police officers than install security cameras around the city.

I reiterate that the Chief Minister clearly misled the public and me. He should correct the record now and explain to the house why he has done a backflip in relation to this issue. While police and emergency agencies have developed a number of important counter-terrorist and terrorist emergency response measures—I will not go into the detail of them—Mr Stanhope has been ambivalent about ensuring that other measures are developed. If he thinks our view in relation to this issue is dumb, all I can say is that his view about security and community safety is dumber.

Will he have the bottle to correct the record and explain his backflip? Will he state now when he will brief the community on the general nature of evacuation plans and related contingencies? Members should not hold their breath as he does not have a clue about or an interest in this raft of issues.

To refer to another issue, today the Afghan embassy was opened. Ambassador Saikal, who has been in Australia for 15 years, had to fight tenaciously to raise money in the Australian-Afghan community. He obtained the necessary funding and has built a very effective embassy.

Participants in the embassy opening today included Afghan foreign minister Abdullah Abdullah. Mr Abdullah Abdullah is the famous face of Afghan liberation. He was the public face who explained the uprising in the north of Afghanistan—a famous man who then became the country's first foreign minister after the destruction of the Taliban and al-Qaeda. Today members of the local Canberra Afghan community, in particular children, were beautifully dressed and participated in dances as they raised for the first time the Afghan flag on the premises of the new embassy. It was quite an occasion and one that I believe the entire Canberran community would support.

Standing orders
Youth detention centre—location

DR FOSKEY (Molonglo) (5.11): Before I give an adjournment speech, Mr Speaker, I want to refer to something relating to the standing orders. It has been brought to my attention that standing order 156 stipulates:

> A Member who is a party to, or has a direct or indirect interest in, a contract made by or on behalf of the Territory or a Territory authority shall not take part in

> a discussion of a matter, or vote on a question, in a meeting of the Assembly where the matter or question relates directly or indirectly to that contract.

I am sure it is already well known to members but I am formally informing you that, in relation the debate we have just had, I have a residential tenancy agreement with Housing ACT, which is an agency of the ACT government.

I was very pleased to see on the front page of the Northside *Chronicle* that the Gungahlin Community Council has welcomed the opportunity to have the new $40 million youth detention centre—Quamby mark 2 or mark 3—in their area. I want to comment on that because it is a pleasing change from the response we often get in relation to facilities involving treatment for drug users, jails or detention centres. In this case, it is a youth detention centre and the community is opening its arms and saying, "Build it here".

It is quite clear that, in having Quamby mark 2 or mark 3 in the area, the council sees the potential for work, for visitors, for more movement in the area and for growth in its town. On the other hand, it is also an understanding, I think, that such institutions should not be isolated, should not be separated from normal human concourse, and that the people at the centre will be managed in such a way that other people have nothing to fear from having it in their area. I commend the Gungahlin Community Council for being so upfront in welcoming a new youth detention centre. I can give no opinion as to where that youth detention centre should go but I am very pleased that there are people who would welcome it in their area. I hope other areas follow suit so that we have a real choice about the best place to site it.

Lanyon high school—youth drop-in centre

MS MacDONALD (Brindabella) (5.15): Mr Speaker, it was my great pleasure, on behalf of the Minister for Education, to officially open last Thursday, 11 August, the Lanyon high school's new youth drop-in centre, aptly named the Hub. Students are now able to meet with the school's youth support worker, Kylie Whitehill, in a relaxed and casual environment. It will open every lunchtime and operate a breakfast club two mornings a week. I understand that it will also open during morning tea break. The breakfast club has been made possible by the kind donation, I think from a staff member, of an old fridge in which they can store the milk.

The aim of the drop-in centre is to support students in a proactive way rather than a reactive way. A mixture of programs is currently running at the centre and these provide students with support and advice on managing and coping with a variety of situations. These programs include small groups for year 7 girls to discuss friendship issues, the building on your best program for boys in year 7 and year 8 who experience difficulty managing their aggression, and groups for year 10 girls to discuss issues such as safe relationships and safe partying. The students benefit greatly from these worthwhile and valuable programs.

The Hub also contains valuable information for students to read at their discretion on a variety of issues relevant to today's youth. Importantly, the Hub provides students with not only a safe and supportive environment but also an entertaining one. It has a pool table, chess table, couches and a fridge, and students are encouraged to drop by and enjoy these amenities.

I was talking to one of the teachers in the school who deals with a lot of the issues and he was saying that often he will just play a game of pool with the kids and that is when lots of issues come out rather than when they are sitting in a more formal situation across the table from each other. The kids feel more relaxed when they are playing pool or chess or just sitting down and relaxing.

While I was in the centre, a large number of students from the student representative council were enjoying a game of pool and seemed very relaxed in their new, comfortable surrounds. I was very impressed with the mural painted on one wall by a group of year 9 students. The contemporary design really livened up the room and added to the relaxed student-friendly atmosphere.

The drop-in centre at Lanyon high school was established under the youth support workers in high schools program. The program has seen the introduction of a youth support worker in every government high school. This ACT government initiative has enabled schools across the ACT to develop further support mechanisms for students. I congratulate Ms Whitehill, Doug Finlay and Lanyon high school's principal, Michael Hall, and all the other staff and volunteers involved in setting up the Hub. It is a wonderful centre and one that I am sure the students will get a lot of use out of.

I know that Michael Hall and Doug Finlay, and probably Ms Whitehill, have plans to do a bit more with the centre and, hopefully, they are already eyeing off an area in which to expand. I thank the students and staff at Lanyon school for making me feel very welcome last Thursday, and wish them the best of luck with the centre.

Reckless valour

MR SMYTH (Brindabella—Leader of the Opposition) (5.19): I wish to bring to the attention of members the Quantum Leap production for this year entitled *Reckless valour*, which was on at the Playhouse from 27 July to 30 July. It was a moving tribute by 54 young Australians to young Australians in war. The interesting thing in this respect was the bravery of the Australian War Memorial in allowing young film-makers and dancers to use the memorial itself, from the Stone of Remembrance at the very front of the memorial, through the grand entrance to the memorial, right up to the Tomb of the Unknown Soldier. I think it was tastefully done and it sent out a real message that young people, particularly here in Canberra, do not see any glory at all in war but are willing to discuss war and in particular the contribution of young people like themselves who, for more than 90 years, have gone off to defend this country.

The journey of the work, as they called it, had a prologue which was a homage to the Australian War Memorial. It then looked at the Pool of Reflection, and what it is that we see when we look at ourselves. The performance then discussed the Roll of Honour. It looked at those 103,000 names., and how you can actually honour any of them who have paid that price. It looked at the Hall of Memory—the faces of the enemy, because obviously war is a two-sided thing—and challenged us not to forget. Another great part was how they linked up with another great ACT company, Bearcage Productions, and used not just the medium of dance but also the medium of film in the Playhouse. It was very effectively done on a screen that came and went, and you almost did not notice that it was there in the first place.

So, to all those who were involved, it was a tremendous event. There were 54 young men and women aged between 13 and 26. They came from and had different backgrounds and styles. The great thing about this year's Quantum Leap production was the expanded exchange program that they conducted whereby 10 dancers from Thailand, New Zealand, Victoria and regional New South Wales joined the Quantum Leap troupe for the last month of production. Out of that they learned about what was going on in other jurisdictions and were able to show what was going on in the ACT.

In the program for the evening, Ruth Osborne, the artistic director, stated:

> *Reckless Valour* is an excellent example of a successful collaboration between choreographers, composers, film-makers, dramaturge, the dancers, designers and the production team. It is inspiring to work with such an enthusiastic, energetic and totally committed team of artists of all ages. I hope this year's theme and the idea of young people expressing their thoughts through movement will inspire you and that you will enjoy their performances as much as they enjoyed performing for you.

The audience certainly did enjoy it. This has been the fifth year of Quantum Leap and there are some young performers, including a large number of young male performers, who have been in all of those productions. It is important to note that the participation of young Canberra males in dance is extremely large. We need to keep in mind that it is something we do very well in the ACT.

The program, and the Australian Choreographic Centre, was supported by Bearcage Productions, Healthpact, ACT Cultural Facilities Corporation, the Royal New Zealand Ballet, Minter Ellison, Ebanc Trade, Quantum Leap Parents and Friends, the Quantum Ideas Bureau, Recon Furniture, the Vikings rugby union club, Beringer Blass Wines, National Capital Press, the Australian War Memorial, the Department of Veterans' Affairs, Reliance Automotive, TDK Security, Goanna Printing, Elizabeth More, the Maxted family, the Village Building Company, ActewAGL and the Winbank family. The important thing to note there is the overwhelming support from across Canberra for the Australian Choreographic Centre and the Quantum Leap dance troupe, and the work that they do with young Canberrans, in a large and real way, to facilitate culture, to question issues that are important to young people and to perform and dance and entertain the rest of the city. They do it very well.

VP Day

MRS DUNNE (Ginninderra) (5.24): On Monday of this week I had the privilege to attend with my younger children the 60th anniversary of VP Day. It represented the combination of a highly successful weekend of very moving, very impressive celebrations. For the veterans, it was a celebration of thanks. The Australians who fought in World War II were part of a struggle to preserve not just their own way of life but quite literally our civilisation. Even those who came back physically unscathed paid a high price. I know because, among all the others, I am talking about several of my uncles in a close-knit family.

We should not deny the survivors the opportunity of a celebration and, if they can remember the positive aspects of that time, as manifestly they can, we should be grateful.

I want to dwell on a couple of the comments made by the Prime Minister on Monday. He said:

> Like all wars, the Second World War had its share of blunders and cowardice, of greed and petty rivalry. Controversies live on to this day.
>
> Yet let us never equivocate: this was a good and just war, fought not for conquest but for liberty.

I endorse both those propositions. For me, the Second World War was the classic instance of a just cause. It represents perhaps the greatest moral challenge for those who claim to be pacifists: what would they have done in the face of the fascist threat to Australia, America and Europe?

A few days earlier we celebrated the 60th anniversary of another two events which precipitated the end of the war but which no-one would speak of celebrating—the dropping of the only two atomic bombs ever used in war on Hiroshima and Nagasaki. I have two brief points to make in this regard. Firstly, a just cause does not justify everything done in its name. Some things are simply and always wrong, even when done for good or noble purposes. This is a point that until recently everyone in our society believed. It was a criticism of totalitarian societies both of the left and right that they believed the end justified the means.

Recently, though, I have been alarmed to note that much of the commentary on the atomic bombing of Japan has concentrated solely on what might be called the net result: the balance sheet of carnage. If you believe, as I do, that the deliberate killing of innocent people is wrong, then it remains wrong even if more lives are saved as a result, and I do not mean by this the unintended deaths from attacking genuine military targets. It seems ironic that the tragic but unintended causalities of attempts to rid the world of more modern tyrants seem to be more widely condemned than earlier deliberate attempts to kill civilians. I am not judging the individuals who decided to drop the bomb, in circumstances that I cannot imagine. I know what my uncles thought and, given what they went through, I cannot condemn them. But, objectively, I have to say it was wrong.

Secondly, I reject the opposite error that this was an evil without precedent, the worst of the war, that we should remember the allies primarily as its perpetrators and their opponents primarily as its victims. Appalling crimes were committed in and during this war by various parties in various theatres of war. This was merely the application of a new and terrible technology to the by then accepted barbarism of making wars on populations, not just armies. If the end does not justify the means, nor does this act nullify or even reduce the justice of the cause.

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

The Assembly adjourned at 5.28 pm until Tuesday, 23 August 2005 at 10.30 am.

Schedules of amendments

Schedule 1

Water Resources Amendment Bill 2005

Amendments moved by the Minister for the Environment

1
Clause 5
Page 3, line 8—

omit clause 5, substitute

5 New sections 63A to 63C

in part 9, insert

63A Moratorium on granting licences etc

(1) The operation of the following provisions is suspended:

(a) section 28 (1) to (10) (Allocation of water);

(b) section 35 (1) to (4) (Licence to take water);

(c) section 44 (1) and (2) (Bore construction permit);

(d) section 47 (2), (3) and (6) (Unlicensed recharge).

(2) The operation of section 77 (3) (Review of decisions) is suspended in relation to decisions under the suspended provisions.

(3) Without limiting subsection (1)—

(a) an application cannot be made for an allocation, licence or permit mentioned in the suspended provisions; and

(b) a decision cannot be made to grant or refuse to grant an allocation, licence or permit mentioned in the suspended provisions.

(4) Subsections (1) and (2) have effect subject to section 63B (Exceptions to moratorium).

(5) However, subsection (1) does not affect the operation of any allocation, licence or permit (including the conditions to which it is subject) if—

(a) it was granted before the commencement of this section; or

(b) it is granted after the commencement of this section because of section 63B.

63B Exceptions to moratorium

(1) The operation of section 28 (1) to (10) is not suspended in relation to a grant of a water allocation to a person if—

(a) the grant is for an allocation of ground water under particular land; and

(b) the person holds or held a licence under section 35 to take ground water under the land; and

(c) the land is the subject of a further lease of territory land granted after the commencement of section 13.

(2) The operation of section 28 (1) to (10) is not suspended in relation to a grant of a water allocation to a water supply utility.

(3) The operation of section 28 (1) to (10) is not suspended in relation to a grant of a water allocation if the allocation is granted under a court or tribunal order made in a proceeding started before the commencement of this section.

(4) The operation of section 35 (1) to (4) is not suspended in relation to an application for a licence to take ground water under particular land (a ***new licence***) if—

(a) the applicant holds or held a licence under section 35 to take ground water under the land; and

(b) the land is the subject of a further lease of territory land granted after the commencement of section 13.

(5) The operation of section 35 (1) to (4) is not suspended in relation to an application for a licence to take ground water under particular land if—

(a) the applicant holds a licence under section 35 to take ground water under the land (the ***existing licence***); and

(b) the application is for a new licence to take a volume of ground water under the land that is not more than the volume of water stated in the existing licence; and

(c) the new licence would have effect after the end of the term of the existing licence.

(6) The operation of section 35 (1) to (4) is not suspended in relation to an application for a licence to take surface water from a particular place (a ***new licence***) if—

(a) the applicant holds a licence under section 35 to take surface water from the place (the ***existing licence***); and

(b) the application is for a new licence to take a volume of surface water from the place that is not more than the volume of water stated in the existing licence; and

(c) the new licence would have effect after the end of the term of the existing licence.

(7) The operation of section 35 (1) to (4) is not suspended in relation to an application by a water supply utility for a licence to take water.

(8) The operation of section 35 (1) to (4) is not suspended in relation to an application for a licence to take water if the licence is granted under a court or tribunal order made in a proceeding started before the commencement of this section.

(9) The operation of section 44 (1) and (2) is not suspended in relation to an application for a bore construction permit by an applicant who—

(a) holds a licence to take water from an existing bore; and

(b) is applying for a permit for works on that bore or construction of a replacement bore.

(10) The operation of section 44 (1) and (2) is not suspended in relation to an application for a bore construction permit if the permit is granted under a court or tribunal order made in a proceeding started before the commencement of this section.

(11) The operation of section 47 (2), (3) and (6) is not suspended in relation to an application for a recharge licence if the licence is granted under a court or tribunal order made in a proceeding started before the commencement of this section.

(12) A regulation may prescribe other exceptions for section 63A (1).

63C End of moratorium

Section 63A, section 63B and this section expire 2 years after the day they commence.

2
Clause 6
Page 4, line 19—

[oppose the clause]

Schedule 2

University of Canberra Amendment Bill 2005

Amendment moved by the Minister for Education and Training

1
Clause 9
Proposed new section 12A (4)
Page 4, line 23—

after

subsection (1)

insert

or (2)

Schedule 3

Unit Titles (Staged Development) Amendment Bill 2005

Amendments moved by the Minister for Planning

1
Proposed new clauses 10A to 10C
Page 4, line 3—

insert

10A New section 30 (1A) and (1B)

insert

(1A) If the amendment of the development statement only affects an uncompleted stage of a staged development, the planning and land authority may amend the development statement as applied for if satisfied on reasonable grounds that—

(a) the applicant has obtained the written agreement to the amendment of each person with an interest in a unit in that part of the parcel comprising the uncompleted stages of the development (except any interested person to whom subsection (1B) applies); and

(b) any change of unit or common property boundaries provided for by the amendment is a minor boundary change within the uncompleted stages of the development.

(1B) The planning and land authority may amend the development statement under subsection (1A) despite the applicant's failure to obtain an interested person's agreement if the authority is satisfied on reasonable grounds that—

(a) the applicant could not reasonably be aware of that interest, or has made reasonable efforts to obtain the agreement; and

(b) either—

(i) the interested person would not suffer any substantial long-term detriment because of the proposed amendment; or

(ii) despite that failure, it is desirable to authorise the amendment having regard to the overall interests of everyone with interests in that part of the parcel comprising the uncompleted stages of the development.

10B Section 30 (2)

omit

The planning and land authority may

substitute

If subsection (1A) does not apply, the land and planning authority may

10C Section 30 (3)

after

development statement

insert

under subsection (2)

2
Proposed new clause 11A
Page 5, line 2—

insert

11A Section 30

renumber subsections when Act next republished under Legislation Act

3
Proposed new clause 14A
Page 5, line 23—

insert

14A New section 64A

insert

64A General and sinking funds in staged developments

(1) This section applies to a general fund or sinking fund established by an owners corporation for a staged development if the development has not been completed.

(2) A contribution to a general fund is not payable by the owner of a unit if the unit is in an uncompleted stage of the development.

(3) A contribution to a sinking fund is not payable by the owner of a unit if the unit is in an uncompleted stage of the development.

(4) The owners corporation must not pay an amount from a general fund or sinking fund in relation to an uncompleted stage of the development.

4
Clause 16
Proposed new section 110A (2)
Page 6, line 15—

omit proposed new section 110A (2), substitute

(2) The people entitled to vote on the motion are as follows:

(a) if the motion is only about an uncompleted stage of the development—the people entitled to vote under section 110 in relation to units in the uncompleted stages of the development;

(b) if the motion is only about a completed stage of the development—the people entitled to vote under section 110 in relation to units in the completed stages of the development;

(c) in any other case—the people entitled to vote under section 110.

5
Proposed new clause 17
Page 6, line 20—

insert

17 Building insurance by owners corporation
New section 132 (3)

insert

(3) In this section:

parcel, for a staged development, means the whole of the land in the completed stages of the development.

6
Schedule 1
Amendment 1.1
Proposed new section 179 (5)
Page 7, line 7—

omit proposed new section 179 (5), substitute

(5) For subsection (4), an occupier is substantially inconvenienced by works being, or to be, carried out if the works are being, or are to be, carried out to the common property, or another unit, in the same stage of the development as the occupier's unit.

Schedule 4

Residential Tenancies Amendment Bill 2005

Amendments moved by Dr Foskey

4
Clause 17
Proposed new section 107A
Page 10, line 3—

omit proposed new section 107A, substitute

107A Substitution of tenant

(1) This section applies if—

(a) a court has made a domestic violence order against the tenant, or a cotenant, (the ***respondent***); or

(b) a court has made an order to remove the respondent from the premises; or

(c) the respondent has given an undertaking to a court to leave the premises.

(2) An occupant of the premises, other than the respondent, (the ***occupant***) may apply to the tribunal to be the tenant or cotenant under the residential tenancy agreement for the premises instead of the respondent.

(3) To remove any doubt, an application may be made by the occupant even though the occupant is not a tenant or cotenant under the residential tenancy agreement.

(4) The application must—

(a) be in writing; and

(b) include a copy of—

(i) the domestic violence order; or

(ii) the court order removing the respondent from the premises; or

(iii) evidence of the respondent's undertaking to the court to leave the premises.

(5) The tribunal may make an order substituting the occupant as the tenant, or cotenant, if—

(a) the grounds of the application are proved; and

(b) the lessor has been given an opportunity to be heard on the application.

(6) If the application is in relation to premises leased under a housing assistance program under the *Housing Assistance Act 1987*, the tribunal must not make an order under subsection (5) that is inconsistent with the eligibility criteria of the program.

(7) The order is subject to any condition stated in it by the tribunal.

5
Clause 22
Proposed new section 127A (1)
Page 17, line 6—

omit

public housing tenancy agreement

substitute

tenancy agreement with the commissioner for housing

6
Clause 22
Proposed new section 127A (2)
Page 17, line 11—

omit

rent

substitute

rental rebate

Schedule 5

Residential Tenancies Amendment Bill 2005

Amendments moved by the Attorney-General

3
Clause 17
Proposed new section 107A (1)
Page 10, line 4—

omit proposed new section 107A (1), substitute

(1) This section applies if—

(a) the tenant, or a cotenant, (the ***removed person***) has given an undertaking to a court to leave the premises; or

(b) a court has made an order, other than an interim order, to remove the removed person from the premises.

4
Clause 17
Proposed new section 107A (4) (b)
Page 10, line 15—

omit proposed new section 107A (4) (b), substitute

(b) include—

(i) evidence of the removed person's undertaking to the court to leave the premises; or

(ii) a copy of the court order to remove the removed person from the premises.

Answers to questions

Drugs—cannabis
(Question No 389)

Mr Stefaniak asked the Attorney-General, upon notice, on 21 June 2005:

How many simple cannabis offence notices were issued in the ACT, in each year, from 1992 to 2004.

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

(1) Table 1: Simple cannabis offence notices issued, in each year, from 1992 to 2004.

Year	Notices Issued
1992	No record available
1993	162
1994	209
1995	239
1996	206
1997	263
1998	182
1999	171
2000	160
2001	186
2002	131
2003	131
2004	97
2005 (to 30/5/05)	36

Source: PROMIS and Drug Registry data as at 23 June 2005

Narrabundah Hill
(Question No 390)

Mr Pratt asked the Minister for Urban Services, upon notice, on 21 June 2005:

(1) How much are the fencing works on Narrabundah Hill expected to cost;

(2) When will the western side of Narrabundah Hill be opened for cattle agistment to assist with fire fuel management;

(3) How many head of cattle will be allowed to be agisted at this site;

(4) How many hectares of land at Narrabundah Hill will be given over to agistment;

(5) Is it planned to turn any additional open urban land over to agistment for the purposes of fire fuel management; if so, (a) where will these agistments be located, (b) how many additional hectares will be utilised for cattle and (c) when is it planned that these agistments will be brought on line.

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

(1) The total cost is approximately $13,000.

(2) Now that there is some water in the dams located in Narrabundah Hill, the area will be grazed as soon as the fence is completed. The fence works have commenced and the process to determine who will be the successful grazier for that area has already commenced.

(3) The carrying capacity for the area has been determined as a Dry Stock Equivalent of 190, which equates to 19 head of cattle. This number may vary depending on seasonal conditions and the amount of fuel requiring removal.

(4) There is a total of 241 hectares in Narrabundah Hill. Most of the eastern section of the area is being planted this season and protected from grazing. On the western side, 148 hectares will be fenced off and grazing allowed for fuel reduction and fire protection of the new plantings.

(5) There is no intention under current Bushfire Operational Plans, to agist any additional Open Urban Land. However grazing is one of the methods used to reduce fuels in strategic locations and will form an important ongoing role in reducing the seasonal fluctuations of grass and fuel loads.

Development—City Hill (Question No 391)

Mr Pratt asked the Minister for Urban Services, upon notice, on 21 June 2005:

(1) Further to a Letter-to-the Editor in *The Canberra Times* on Thursday, 2 June 2005 entitled "New access needed" regarding the installation of safe pedestrian access to City Hill, will the ACT Government be constructing some safe pedestrian access, as suggested in the letter, for pedestrians wishing to access City Hill from Vernon Circle prior to the implementation of and future development on City Hill; if so, when and what type of access will be provided; if not, why not;

(2) What other solutions does the ACT Government propose to improve pedestrian safety of access to City Hill;

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

(1) In the short term the ACT Government is considering improved pedestrian access to the top of City Hill by providing a footpath along the median of Northbourne Avenue. Should discussions between the Department of Urban Services and the National Capital Authority confirm the practicality of progressing the option, the works will be considered for inclusion in the Department's minor works program for 2005/06.

(2) A number of planning proposals for City Hill are currently being developed, each will include improved access arrangements for pedestrians.

Women—consultations (Question No 392)

Mrs Burke asked the Minister for Women, upon notice, on 21 June 2005:

Which men's groups has the ACT Government consulted with since 2001 in relation to the development of women's policy and on what issues.

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

The ACT Government has involved men's groups in consultations relating to the development of women's policy.

To obtain the information that Mrs Burke has requested would require a significant diversion of resources to retrieve the information from other ACT Government agencies and the relevant archived files.

Housing—relocations (Question No 394)

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

(1) Does Housing ACT assist with covering the costs associated with moving homes for (a) existing tenants who are transferring or (b) new tenants;

(2) If so, how much in total was expended by Housing ACT on assisting (a) existing or (b) new tenants to relocate in public housing during 2004-05.

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

(1) (a) Where the transfer is a Management Initiated Transfer (MIT), as part of a relocation project, or a temporary move associated with a refurbishment project, Housing ACT assists tenants with costs associated with the transfer ie removalist, connection of services.
(b) No.

(2) (a) 2004-05 - $346,000 to 31 May 2005
(b) Nil

Housing—maintenance (Question No 395)

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

(1) Does Housing ACT have a comprehensive planned approach to maintenance of all public housing properties in the ACT;

(2) If there is a detailed plan, what sort of maintenance processes are outlined in the plan in order to preserve the asset base;

(3) Is there any evidence of over-servicing in property maintenance where (a) tenants have requested services to their public housing properties which are not essential and (b) the maintenance contractor to Housing ACT has varied work orders to include additional work that has not been requested by tenants and was not necessary.

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

(1) The Total Facility manager uses the information from the condition assessments undertaken on Housing ACT's properties over the past two years and any other information on the maintenance requirements for the property, for example from Client Service Visits undertaken by the Housing Managers, to develop planned maintenance programs for delivery. The programs are primarily around major upgrade or refurbishment requirements such as kitchens, bathrooms, painting and recarpeting.

The new Total Facility Management contract contains a strong focus on planned maintenance to maximise value for money in the delivery of maintenance to the portfolio.

(2) The Public Housing Asset Management Strategy details the Department's approach to asset management. The portfolio is maintained to agreed condition standards to ensure appropriate amenity and safety for tenants and to preserve the value of the assets. The Total Facility Manager analyses the asset condition data and other information against the condition standards to develop the planned maintenance programs mentioned above.

(3) Housing ACT has a number of processes and procedures in place to minimise the risk of over servicing. The Total Facility Manager assesses tenant requests for maintenance in accordance with health and safety requirements and the property standards. Consultation is often undertaken with Housing ACT about items requested and advice sought on the need for particular maintenance requested. Maintenance identified as part of a Client Service Visit is scrutinised by Housing Manager team Leaders and the Housing ACT Contract Management Team before the information is passed to the Total Facility Manager.

Under the contract the Total Facility Manager is limited in the value of works that they can authorise. Works quoted above the threshold limit are sent to Housing ACT for authorisation. The Total Facility Manager is also restricted in authorising variations to agreed works. Variations exceeding the threshold limit are sent to Housing ACT for authorisation. Housing ACT will regularly audit the Total Facility manager's compliance with the contract requirements through the contract quality assurance processes.

Housing—electrical maintenance (Question No 396)

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

(1) When was the last electrical maintenance review, including a safety audit, conducted by Housing ACT on all public housing residences in the ACT;

(2) Who conducted the review and are the findings available for public viewing.

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

(1) Electrical maintenance is assessed and undertaken on Housing ACT properties on an as required basis. All vacant properties have a full inspection with an electrical check and safety report completed as part of a maintenance assessment before tenanting the property. An exception to a full inspection is made only if the property has been vacated within the previous 12 months and had a check conducted at that time.

(2) As no electrical review has been undertaken there are no findings for public viewing.

Housing—maintenance (Question No 397)

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

(1) How much in total was expended by Housing ACT in 2004-05 on asset improvement of public housing properties;

(2) How much was expended specifically on normal scheduled repairs and priority repairs such as (a) purchasing new carpet, (b) minor upgrade works for example kitchen or bathroom upgrades, internal painting, insulation improvements or replacement of hot water services, (c) heating, (d) security screen doors, (e) modifications to properties to improve mobility/accessibility for disabled and (f) new electrical or additional electrical appliances.

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

(1) In 2004-05 to 31 May 2005, Housing ACT has completed work totalling $37.196m as part of the total Housing ACT Asset Maintenance Program, of which $10.909m was of a capital or improvement nature.

(2) In 2004-05 to 31 May 2005, Housing ACT has completed some $3.233m in normal repairs and $2.505m in priority repairs to its properties. It must be noted, however, that Housing ACT does not categorise all the items listed in a) through e) above either as a normal scheduled repair or a priority repair. For example, new carpet, kitchen upgrades and bathroom upgrades are generally undertaken as part of a planned maintenance and improvement program.

Housing—maintenance (Question No 398)

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

(1) What is the average cost of maintenance expenditure in 2004-05 for each public housing residence in the ACT;

(2) What advice has Housing ACT provided to the Minister as to whether or not there will be a real reduction on the average cost of maintenance expenditure when the new property maintenance contractor, Spotless, undertakes its property maintenance contract with Housing ACT;

(3) If there is a real reduction in maintenance costs as a result of Spotless being awarded the contract, what will the reduction in real terms be.

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

(1) The average maintenance expenditure in 2004-05 was approximately $3,100 for each ACT public housing dwelling.

(2) The new Total Facility Management contract is based on maximising value for money in the delivery of maintenance to the portfolio rather than a real reduction in the average cost of maintenance expenditure. The Total Facility Management model allows Housing ACT to manage the delivery of repairs and maintenance services to the portfolio effectively within a fixed budget. Housing ACT views Total Facility Management as a model in which people, processes, assets and the work environment are optimised to support the achievement of maintenance outcomes and objectives, improve outcomes for tenants and deliver a long term improvement in the condition of the public housing stock.

(3) See above.

Therapy services (Question No 399)

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

(1) Further to a response given to a question concerning the reduction of Therapy ACT targets for therapy service hours, 2005-06 Budget Paper 4, page 277, how has this decision by the ACT Government benefited or affected children with autism/autistic spectrum disorder (ASD) in the ACT;

(2) What part of "needs based allocation of services" does this particular reduction to services represent;

(3) How will the reduction in the hours of therapy services provided impact upon the clearing of Therapy ACT waiting lists for ASD diagnosis.

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

(1) The target figures for 2004-05 were an approximation made when Therapy ACT was using two different client databases which recorded information in different ways. The target figures for 2004-05 were not realistic and it is anticipated that the 2005-06 figures will reflect a more accurate picture of the recorded time for client intervention. There is no actual reduction of service to any client group.

(2) Not Applicable.

(3) The hours of therapy services for autism assessment and diagnosis increased in 2004-05. This is due to the 2004-05 budget initiative for the establishment of the Autism Assessment and Family Support team. This service commenced operation in March 2005 and has increased the number of autism assessments undertaken. This has resulted in a reduction in the waiting list numbers.

Therapy ACT—staff (Question No 401)

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

(1) What is the Government doing to reduce staff (a) vacancy rates and (b) turnover in Therapy ACT;

(2) What percentage of therapy staff in Therapy ACT are employed part-time;

(3) What percentage of therapy provided by Therapy ACT is provided by part-time staff;

(4) What percentage of the cost of therapy staff goes to part-time staff;

(5) How many hours of therapy does a full-time equivalent therapy position provide for each of the therapy disciplines;

(6) What does the Government's analysis of staffing show are the sources of problems with staffing Therapy ACT;

(7) Are (a) there enough university places in each of the disciplines, (b) the university places filled and (c) there sufficient graduates in each discipline;

(8) Do advertisements for places attract a sufficient number of competitive candidates for positions in each of the disciplines; if not, is it because of a lack of possible candidates, the advertisements don't reach the candidates or the terms offered are not sufficiently attractive;

(9) How long does an appointee stay in a position on average;

(10) Do therapists leave their positions in Therapy ACT in each of the disciplines faster than is planned for;

(11) Does Therapy ACT maintain a record of why staff may leave a position;

(12) Are vacancy rates and staff turnover a persisting challenge for Therapy ACT; if so, will the Government include these measures in future annual reports.

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

(1) Information provided at Select Committee on Annual Reports hearing on 20 April 2005.

(2) 47%.

(3) 55%.

(4) 47% of the total staff salary is used for part time staff and 55% of the clinical staff salary budget is for part time staff.

(5) A full time staff member works 36.45 hours per week. The time is used to provide direct client contact, meetings, report writing, development of programs, administrative tasks and contributions to the development of a single therapy service, by involvement on committees, liaison with government and non government, provision of inservice and marketing of the service.

(6) See answer to question (1).

(7) Information needs to be sourced from the universities.

(8) Responses varies from advertisement to advertisement. Response also fluctuates with the time of the year, graduation times from universities. Positions are advertised locally, nationally and with the professional associations both in the press and Internet.

(9) Length of stay varies with senior staff staying for long periods and new graduates one - two years. The length of stay varies with the individual's circumstances.

(10) See answer to question (1).

(11) Periodic information on turnover of staff is used to inform workforce planning and to improve recruitment and retention.

(12) Vacancy rates are an ongoing issue. Therapy ACT has reduced the rates from 30% in 2003-04 to 10-15% in 2004-05. There is a national shortage of allied health professionals and all areas are experiencing staff shortages.

Health—therapy fees (Question No 402)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 22 June 2005:

(1) In relation to therapy services in the ACT, what is the fee recommended for professionals in private practice by the professional associations of each of the therapy disciplines;

(2) What is the range of therapy cost in private practice in the ACT for each therapy type;

(3) What barriers to contracting therapy services has the Government identified;

(4) Is the Government attempting to remove any of these barriers; if not, why not.

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

(1) & (2)
Fee structure and costs are not available from Therapy ACT. Information may be available from the professional associations or contacting the private practitioners directly.

(3) Limited private practitioners with specialist skills in the areas of child development and development disability.

(4) The government has no control over private practitioners and their area of speciality.

Therapy ACT—clients (Question No 403)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 22 June 2005:

(1) In relation to the reduction of targets for therapy hours in the 2005-06 Budget, Budget Paper 4, page 277, how were Therapy ACT clients consulted about the therapy services reduction in 2005-06;

(2) Were there specific service disciplines that clients wanted cut and/or reduced; if so, what were the specific disciplines and how much did they ask that each therapy be cut and/or reduced by;

(3) How does Therapy ACT apply person-centred practice in deciding to cut therapy services and what therapy disciplines will be cut;

(4) Does Therapy ACT record the amount of each therapy type that each client requests; if so, how often are consumer requests for therapy recorded;

(5) Does Therapy ACT record the amount of each therapy type that each client is assessed as needing;

(6) How does Therapy ACT implement person-centred allocation of therapy resources;

(7) Where can members of the community access a detailed description of the process Therapy ACT uses to achieve person-centred allocation of therapy resources;

(8) What is Therapy ACT's target for vacancy rates in each therapy discipline.

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

(1) Refer Question 1 QON 399.

(2) See above answer.

(3), (4), (5)& (6)
Therapy services are negotiated with the family/client and therapist. Therapy services, the amount and type, are dependent on the circumstances of the family, the needs of the client, other support services accessed by the client and family and staffing at the time.

(7) Therapy ACT provides a pamphlet about the service to any person referred to the service. At assessment, needs and actions are discussed with the client/family. Therapy ACT has information on Family/ Person Centred practice and this is available on request from Therapy ACT Intake services. Information is available on the Department of Disability, Housing and Community Services web site.

(8) Therapy ACT is targeting a 5-10% vacancy rate across the service.

Roads—pay parking
(Question No 407)

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

(1) What free parking is available to students at both Dickson and Ginninderra Colleges;

(2) Do any of the students at these colleges pay to park in particular areas adjacent to the colleges; if so, where and what is the cost;

(3) How many free parking spaces are allocated to students at Dickson and Canberra Colleges and are any conditions applicable, for example three for free;

(4) Does the Government have any plans to introduce additional pay parking for carparks adjacent to or surrounding these colleges in the future; if so, where exactly will this additional pay parking be and what will be the cost to students for parking.

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

(1) The provision and levels of student parking at these facilities is not a responsibility of the Department of Urban Services. The Department of Education and Training is responsible for the provision of student, teacher and administrative parking at these facilities.

(2) There is no pay parking adjacent to these colleges.

(3) See (1).

(4) There are no plans to introduce additional pay parking adjacent to or surrounding these colleges.

Water—public irrigation systems
(Question No 409)

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

(1) Why were the ACT Government's irrigation sprinklers watering the grassed area on the South-West corner of Vernon Circle about 30 metres from the junction of the off-ramp on London Circuit and City Hill on Monday 14 June at 9.25 am while it was pouring with rain;

(2) Was this problem rectified on the day; if not, why not;

(3) Why is the pre-set programming for the ACT Government's irrigation systems not overridden during rainy periods when irrigation is clearly not needed;

(4) How many other incidents of irrigation systems continuing to water public areas during rain have been (a) reported and (b) recorded or identified during (i) 2002-03, (ii) 2003-04 and (iii) 2004-05 to date.

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

(1) The irrigation was operating as a result of a faulty irrigation valve.

(2) The fault was isolated and the irrigation was turned off on the 14 June 2005 until repairs could be made.

(3) Approximately 90% of Canberra's public irrigated turf assets are fitted with Comtrol Irrigation Systems and moisture sensors, which turn off irrigation systems after a predetermined amount of rainfall. The remaining irrigated turf areas are manually turned off during inclement weather. Canberra Urban Parks and Places are currently investing up to $200,000 to upgrade the Comtrol software to provide further efficiencies in water use.

(4) Canberra Urban Parks and Places' official records indicate that there have been no previous reports of irrigation systems operating during wet weather. However, CUPP has received reports of privately owned irrigation systems operating on naturestrips during wet weather. This confusion of ownership often occurs along Northbourne Avenue, as Canberra Urban Parks and Places maintains the irrigation on the median strip, while the irrigation on naturestrips is privately owned. These reports are not officially recorded.

Canberra Urban Parks and Places has also received reports of irrigation systems operating in urban open space in outside of approved hours during water restrictions. However investigations of these reports has shown that the irrigation systems were undergoing a maintenance service at that time.

Firearms—gun licences (Question No 410)

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 22 June 2005:

(1) What measures do the police take when issuing gun licences to ascertain the mental health of the licencee;

(2) Do police review the licences after issue; if so, how often and under what circumstances; if not, why not.

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

(1) When issuing a firearms licence the applicant must complete the Application for Licence Form. This form requires the applicant to address the following:

- Have you suffered from, or received treatment for, mental or emotional illness (the form requires a yes/no answer and if yes, give details). It is an offence under the Criminal Code 2002 to make a false or misleading statement in this application under Section 107 of the *Firearms Act 1996*.
- Section 115 of the Act – Disclosure by Health Professionals of certain information, provides no measure to check the mental health of an applicant. Whilst police indices regularly record convictions for drink driving and drug taking offences, this is not

prohibitive to obtaining a firearms licence within the current legislation. Only the general provisions for licencing, sections 21 and 22, can be used in determining whether an applicant is a fit and proper person.

(2) The ACT *Firearms Act 1996*, has no instruments for the review of licences once they have been issued other than as above. The licence remains valid for a period of five years. Once a licence has been granted it is not reviewed in practical terms other than:

- In regulation of such provisions as storage compliance
- Investigation arising from other matters of criminality or police intelligence;
- Transactions within the *Firearms Act 1996* - permit to acquire/purchase a firearm.

On the purchase of a firearm the full checking processes are applied to both the applicant and the firearm. These processes are limited to CRIMTRAC and PROMIS, which is the same process for a firearm application. Additionally, ACT Policing Firearms Registry will conduct an intelligence check on Persons of Interest based on a reported activity or suspicion of improper activity from internally generated information reports.

Music—noise levels (Question No 411)

Dr Foskey asked the Minister for Arts, Heritage and Indigenous Affairs, upon notice, on 23 June 2005:

In relation to the ACT Government's paper on Contemporary Live Music in the ACT, dated 5 August 2004, can the Minister advise on the commitments that were made by Government in the paper, including:

(a) the outcome of meetings held with industry stakeholders regarding the establishment of an industry association;

(b) Government advice on programs of support through which such an association may seek funding;

(c) participation of young people in the assessment of music project funding applications through the ACT Arts Funding Program;

(d) development of an event planning guide for event organisers;

(e) production of a fact sheet relating to noise from entertainment venues;

(f) assistance to venue operators to develop their expertise in managing noise;

(g) exploration of legislative change to extend the time for maximum daily noise levels in Civic and town centres from 10 pm to a later time on Friday and Saturday nights, and for special events;

(h) if Environment ACT and ACT Planning and Land Authority will finalise the review of methods used to measure noise; and

(i) if ACT Planning and Land Authority will develop an integrated approach to noise attenuation.

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

(a) *the outcome of meetings held with industry stakeholders regarding the establishment of an industry association*

A music association, MusicACT, has been established to advocate for and foster the sustainability of a number of music forms including live contemporary music.

(b) *Government advice on programs of support through which such an association may seek funding*

artsACT met with MusicACT on 21 June 2005 to provide advice on the programs of support through which the association may seek funding.

(c) *participation of young people in the assessment of music project funding applications through the ACT Arts Funding Program*

An adult person with extensive experience working with young people in the contemporary live sector will participate in the assessment of music project funding applications in 2005. Young people who were identified as potential assessors were unable to participate as they intended applying for funding.

(d) *development of an event planning guide for event organizers*

The Government provides important assistance to event organizers both through the ACT Festivals Fund and direct referral and information via the Chief Minister's Department Events Unit. Work is also progressing on the event planning guide to further complement these activities. In 2004 the Government established a new website for ACT Government events in order to assist community participants and organizers of complementary events.

(e) *production of a fact sheet relating to noise from entertainment venues*

Environment ACT is finalising a fact sheet relating to noise from entertainment venues. This fact sheet will assist venue operators in improving the management of noise on their premises and provide some simple ways to mitigate the impacts of noise, particularly music noise. It is anticipated that the fact sheet will be completed in the second half of 2005.

(f) *assistance to venue operators to develop their expertise in managing noise*

The fact sheet will provide venue operators with information on how best to manage entertainment noise and with simple measures on how to mitigate the impact of noise. In addition, Environment ACT staff are able to assist venue operators in the management of noise from entertainment venues.

(g) *exploration of legislative change to extend the time for maximum daily noise levels in Civic and town centres from 10 pm to a later time on Friday and Saturday nights, and for special events*

The 2004 *Review of the Environment Protection Act 1997* proposed changes to the way in which noise is regulated in the ACT, giving consideration to noise measurement methodology; the overall noise standards; the zoning system; the system of exceptions to those standards and the basis on which Government should intervene. Appropriate noise

levels and time frames for Civic and other town centres are being considered in response to the Review's proposals.

(h) *if Environment ACT and ACT Planning and Land Authority will finalise the review of methods used to measure noise*

As part of the *Review of the Environment Protection Act 1997*, Environment ACT will be undertaking a review of the noise measurement methods used in the ACT. The ACT Planning and Land Authority will be involved in this process. It is anticipated that the Review will be completed by 2007.

(i) *if ACT Planning and Land Authority will develop an integrated approach to noise attenuation*

The Authority is continually enhancing the way it assesses new development proposals for effective noise attenuation. Close liaison with Environment ACT to arrive at integrated solutions for each relevant development application is key to this process. This ensures that the built solution, which the Authority approves, allows the tenant to effectively manage noise issuing from their premises, which is monitored by Environment Protection.

DVP 256 Kingston is an important recent example of the Authority liaising with Environment ACT to achieve such an outcome. This new development will greatly foster the diversity and vibrancy of one of our most highly valued local shopping centres without compromising the comfort of nearby residents.

Majura Rise building waste (Question No 413)

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

(1) Further to a report in the City Chronicle on 10 May 2005 regarding rubbish scattered over 18 hectares from the Majura Rise building site in North Watson, was the developer and/or the builders, from whom this rubbish was clearly originating, contacted by the Government or subject to inspection as a result of this illegal rubbish dumping; if so, when; if not, why not;

(2) What fines were issued as a result of this problem;

(3) If no fines were issued, why not;

(4) Have the appropriate waste disposal containers now been installed at this development site; if not, why not;

(5) Will future regular inspections of Majura Rise be conducted to ensure that rubbish does not continue to litter the area; if not, why not;

(6) How many (a) residential and (b) commercial development sites in the ACT have been found to be in breach of the regulations in relation to waste disposal and management during (i) 2002-03, (ii) 2003-04 and (iii) 2004-05 to date;

(7) What penalties were issued in relation to part (6) above;

(8) If no penalties were issued, why not;

(9) Are regular inspections conducted at building sites across the ACT; if so, when and under what conditions; if not, why not.

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

(1) Yes, inspections took place on 5 May 2005.

(2) None.

(3) Fines were not issued as the builders complied with instructions to provide sufficient containers to store building waste.

(4) Yes.

(5) Yes.

(6)

2002 – 2003	71 Residential	8 Commercial
2003 – 2004	35 Residential	5 Commercial
2004 – 2005	9 Residential	1 Commercial

(7) In relation to part (6), the Authority issued no penalties.

(8) Fines have not been issued because containers were provided with 24 hours of the initial contact with the developers.

(9) Yes there are a range of areas throughout the ACT Government that have compliance activities and a capacity to inspect building sites such as the Urban Services City Rangers, various areas of Environment ACT including Heritage, and Canberra Urban Parks and Places, ACT WorkCover and the ACT Planning and Land Authority. Proactive audits, complaints, and queries are some of the ways sites are regulated.

Sign language lessons (Question No 417)

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

(1) What programs are available to parents to learn sign language, where a child is born with a hearing impairment or is deaf and/or mute, so that the parent has the ability to teach signing to their child and therefore have more effective communication with the child;

(2) If there are such programs available, who conducts the course and is it promoted to parents of a child who is deaf or has a hearing impairment.

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

(1) Courses in Auslan
Auslan is the sign language used by the Australian Deaf and non-vocal communities. Courses in Auslan in the ACT are available in four levels. Levels one and two focus on language development. Levels three and four focus on cultural awareness and interpreting. Accredited courses in Auslan are run by:

The Brain Gym (adult education courses run by Canberra College) who provide Auslan Level one, two and three courses. The Brain Gym has recently engaged a third Auslan teacher due to increased demand for their Auslan courses.

Canberra Institute of Technology (CIT) who provide Auslan Level one, two, three and four courses when there is sufficient demand. CIT also provide two Diploma Level courses. Diploma Auslan is designed to enhance your understanding of Auslan for work and personal situations. The Diploma of Interpreting (Auslan) trains students to become accredited interpreters.

(2) Promotion to Parents
The courses at CIT and Brain Gym are advertised through local media and on their websites. Referrals are also made through education and health professionals and via peak associations.

The ACT Government funds the Deafness Resources Centre and the Canberra Deaf Children's Association. These organisations provide information and peer supports to families with children who are deaf or hearing impaired, including information about Auslan courses.

Therapy ACT also works with children with a hearing or speech impairment. In most cases, a speech pathologist works in partnership with the family and teachers of the hearing impaired to provide an individualised program to support the child.

Mental health services (Question No 418)

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

(1) Further to the Government response to the Patterson Report, *The Investigation into the Risk of Harm to Clients of Mental Health Services* (2002), what further progress has the Government made in relation to the recommendations in the report;

(2) What has the Government done to address (a) unmet need of clients, (b) education programs and (c) service improvement to clients.

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

(1) The recommendations of the Patterson Report have been implemented. The final implementation report for the Patterson Report is available on the ACT Health website at: http://www.health.act.gov.au/c/health?a=da&did=10050411&pid=1061180547

(2) This Government is committed to incrementally addressing mental health unmet need in the ACT. We have increased services in child and adolescent, adult and older persons mental health.

In addition we have improved services in the community sector and specialist mental health areas including: forensic mental health, mental health supported accommodation, mental illness education, mental health carers support and training and suicide prevention and education. ACT Health is currently undertaking a master planning process that will identify mental health service infrastructure needs for the ACT population over the next 15 years.

In addition the Stanhope Government has made commitments to replace the inadequate psychiatry facility at Canberra Hospital, and to provide a secure mental health inpatient facility, which will be co-located with the new mental health facility at The Canberra Hospital, and a 20-bed psycho-geriatric Unit. I have attached a summary of the Labor Government initiatives implemented since our first budget in 2002-03. These initiatives are designed to address unmet needs, education and community awareness raising and an improved range of services for the ACT community. (Attachment A)

Attachment A

MENTAL HEALTH FUNDING

Detail of Mental Health funding 2002-03 to 2005-06

2001-2002 Total Mental Health Allocation - **$29,701,203**

2002-2003 Total Mental Health Allocation - **$31,481,000**

- 2002-2003 new Budget initiatives including

  $466,000 – Child & Adolescent Mental Health Services
  $500,000 – CALCAM Adolescent Mental Health Day Program
  $85,000 – Mental Illness Education - to move funding from National Mental Health Strategy funding to ACT Government Funding
  $322,000 – Expansion of the Older Persons Mental Health Service.
  $300,000 Psychogeriatric Care
  $326,000- Calvary Inpatient Growth
- In addition an allocation of $1,000,000 for Community Respite Care Services was made available in the 2002-2003 Budget of which Mental Health received $100,000 as a one-off to Carers ACT to establish Carer Support & Training Programs and $104,000 to Respite Care ACT recurrent ACT Government Funding.

2003-2004 Total Mental Health Allocation - **$38,244,000**

- 2003-2004 new Budget initiatives include:
  $400,000 for a Gungahlin Adult Outreach Program
  $400,000 for a 7 day extended service for Community Mental Health Teams
  $240,000 for additional Supported Accommodation
  $80,000 for a Forensic – Court Liaison Officer
  $80,000 for a Discharge Planner Service for PSU
  $80,000 for a Calvary link position (to enhance early assessment of mental health clients at Calvary
  $80,000 for a dedicated Drug and Alcohol/Mental Health Worker
  $35,000 for Carer Support and Training – (Carers ACT)
  $100,000 - Corrections Mental Health Initiative

2004-2005 (Expected result) Total Mental Health Allocation - **$43,325,700**

- 2004-2005 new Budget initiatives including

  $150,000 to conduct mental health master planning to 2014.
  $365,000 Suicide Prevention Initiatives.

$300,000 Community based Forensic Mental Health team
$311,100 Respite Care Initiative
$77,400 Corrections Mental Health

2005-2006 Published Budget Total Mental Health Allocation – **$44,608,960**

- 2005-2006 new Budget initiatives including:

$613,000 Care Package Forensic mental health Clients.

Disability, Housing and Community Services portfolio (Question No 420)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 23 June 2005:

Has there been any significant staff turnover within the Disability, Housing and Community Services portfolio since the re-configuration of the Department of Disability, Housing and Community Services; if so, is it the case that staff are transferring to other departments within ACT Government or moving to external organisations.

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

There has not been a significant staff turnover within the Disability, Housing and Community Services Department since its re-configuration.

Housing—tenant participation (Question No 421)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 23 June 2005:

Which recommendation in the report entitled "*Raising Our Voice*": *Tenant Participation Development Project, Final Report & Recommendations* will the Government be acting on.

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

The Government is committed to tenant participation. A Housing Advisory Forum to the Minister for Disability, Housing and Community Services was held with representatives from tenants and community organisations to discuss the Report. The Government is currently considering its response to the recommendations.

Holder Family Based Respite Care Centre (Question No 422)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 23 June 2005:

(1) What level of funding does the ACT Government provide to the Family Based Respite Care Centre at Holder;

(2) Is the Government aware whether or not the Centre is still in operation;

(3) If the Government is aware of a review conducted into the organisation, what were the outcomes of the review;

(4) Is there any evidence to suggest that the organisation may be in breach of its contractual arrangements, with specific reference to confidentiality and privacy of client's information held by Family Based Respite Care.

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

(1) In 2004-05 FaBRiC received $1,963,150 from the Home and Community Care Program.

(2) The ACT Government has a current Service Funding Agreement with FaBRiC. This Agreement will remain in force until 30 June 2007. The agency provides bi-annual Performance and Financial Reports allowing comprehensive monitoring of the agency's service provision. Regular communication and feedback processes occur between ACT Health and the agency.

(3) In 2004 FaBRiC commissioned two separate external reviews of its service provision model and organisational structure. The Board of Management endorsed the recommendations of these reviews in August 2004. FaBRiC has developed a Strategic Plan to implement these recommendations under the collective title of *Supporting and Strengthening Families Change Program.*

The Program is modelled on best practice in the provision of respite care and will focus on the delivery of specific care and individually designed programs. It is to be introduced in two phases addressing the change initiation and continuing quality improvement, consolidation and evaluation.

(4) There is no evidence to suggest the FaBRiC is in breach of any element of its contractual responsibilities. No report or complaint relating to confidentiality and privacy of client information has been received. FaBRiC has developed a comprehensive suite of policies and procedures governing all elements of its service provision and particularly addressing the requirements of privacy and confidentiality relating to clients.

Housing—private rental leasing scheme (Question No 423)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 23 June 2005:

(1) Further to the reply to question on notice No 103, Estimates Hearings 2005-06, why is the Private Rental Leasing Scheme winding up as each lease expires between Housing ACT and private property owners;

(2) How many properties does Housing ACT have remaining in this scheme;

(3) On what date will the last lease under the scheme expire.

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

(1) Leases are agreed for various fixed terms under the Private Rental Leasing Scheme (PRL). Commonwealth funding for the Scheme ceased on 30 June 2005 and therefore to continue leasing properties on the private market under this Scheme after that date would be uneconomic. However, the terms of ongoing leases will need to be adhered to and therefore, as leases expire, Housing ACT will either purchase the property or relocate the tenant to an existing public housing property or to an alternative property specifically purchased for them;

(2) 72;

(3) 3 June 2010.

Playground safety (Question No 424)

Mrs Dunne asked the Minister for Urban Services, upon notice, on 23 June 2005:

(1) How much of the $45 000 for Playground Safety Program Package 6 has been expended to date this financial year;

(2) Have works been completed on Package 6; if so, when were works completed; if not, why not, and when will works be completed;

(3) Are there any new packages being developed for playground safety upgrades; if so, how many and what playgrounds have been shortlisted for upgrading.

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

(1) Approximately $16,500.00 has been expended to date for Package 6. The remainder of the Package 6 funds have been committed to the playground upgrade on Captain Cook Crescent, Griffith.

(2) No, the upgrade of the playground on Captain Cook Crescent, Griffith is still to be completed. Package 6 works that have been completed are as follows:

Playground	**Works**	**Completed**
Nicklin Crescent, Fadden	Assessment & Report	August 2004
Fadden Pines, Fadden	District Park masterplan	August 2004
McGilvray Close, Gordon	Design, documentation & superintendency	February 2005
Springbett Street, Kambah	Design & documentation & superintendency	February 2005

The upgrade of the playground on Captain Cook Crescent was delayed. The initial Tender Request was terminated due to offers being over the project budget. A second Request for Tender resulted in a Construction Contract being awarded in May 2005. The completion date for the playground upgrade on Captain Cook Crescent, Griffith is August 2005.

(3) Yes, a new package of playgrounds will be upgraded in 2005/06. The 2005/06 ACT Capital Works budget allocated $0.5 M to the Playground Safety Program. From this allocation it is anticipated that six playgrounds will be upgraded and a Liberty Swing installed in Central Canberra. Depending on the construction tenders received it is anticipated that the following six playgrounds will be upgraded:

1. Fadden Pines, Fadden (junior playground as per District Park Masterplan)
2. Nicklin Crescent, Fadden (following on from Assessment and Report)
3. Livingston Avenue, Kambah
4. Bethune Close, Kambah
5. Kibby Place, Gowrie
6. Julia Flynn Ave, Isaacs

Ngunnawal Elders Council (Question No 426)

Mrs Burke asked the Minister for Arts, Heritage and Indigenous Affairs, upon notice, on 28 June 2005:

If a democratically elected Aboriginal and Torres Strait Islander body is set up by the ACT Government, what role will the Ngun(n)awal Elders Council play in advising the ACT Government.

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

The Government's view is that any democratically elected Aboriginal and Torres Strait Islander body would also acknowledge the separate and distinct role of the United Ngunnawal Elders Council (UNEC) in the provision of advice to the Chief Minister on cultural and heritage issues of particular relevance to Ngunnawal people.

Aborigines and Torres Strait Islanders—Onyong's grave (Question No 427)

Mrs Burke asked the Minister for Arts, Heritage and Indigenous Affairs, upon notice, on 28 June 2005:

(1) Further to the reply to question on notice No 65, Estimates Hearings 2005-06 regarding the $50 000 of agency funding allocated to the restoration, protection and provision of interpretive signage for Onyong's grave at Tharwa, where has the additional $26 000 been sourced from to complete the project;

(2) Where is the connection between the Murrumbidgee River Heritage Trail and Onyong's grave initiative in the 2004-05 budget papers;

(3) If no interpretive signage has been installed for Onyong's actual grave, why has the $50 000 allocated for this particular initiative been expended on the interpretation plan component of the Murrumbidgee River Heritage Trail.

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

(1) The Member's assertions are wrong. $76,000 was allocated from the 2004-05 Budget initiative for the Murrumbidgee Heritage Trail to prepare an interpretation plan for sites of particular heritage significance and interest between Angle Crossing and Uriarra Crossing. It will also cover the cost of design, manufacture and installation of interpretive signage. One of these sites is the grave of Onyong, a prominent Aboriginal of the region in the early 1800s.

(2) There is no initiative in the Budget papers related specifically to Onyong's grave.

(3) The interpretive signage for Onyong's grave is being developed as part of the Murrumbidgee Heritage Trail interpretation plan. Relevant Aboriginal groups are currently being consulted on draft material.

Housing ACT—purchases (Question No 428)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 28 June 2005:

(1) Has Housing ACT withdrawn its intention to purchase a property in Tuggeranong at 9 Rollins Place, Gordon;

(2) If the purchase did not proceed between the private vendor and Housing ACT, did Housing ACT receive its deposit back.

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

(1) Yes;

(2) No deposit had been paid as no contract had been entered into.

Housing—waiting lists (Question No 429)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 28 June 2005:

(1) What was the total figure for the amount of people on the public housing waiting list at the end of the 2004-05 financial year;

(2) What difference is the percentage increase or decrease for the result in relation to part (1) as opposed to the result for the 2003-04 financial year;

(3) What was the total figure for the amount of people in public housing in arrears at the end of the 2004-05 financial year;

(4) What is the total monetary figure of arrears at the end of the 2004-05 financial year;

(5) How many tenants were evicted from public housing in 2004-05 and for what reasons;

(6) By what percentage has the ACT Government increased or reduced public housing stock in the ACT in 2004-05 compared to the result for 2003-04.

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

(1) There were 3006 Applicants on the public Housing Wait List Register at 30 June 2005.

(2) There was a 14% increase in the number of applications from 03/04 to 04/05.

(3) There were 1705 accounts in arrears as at 20 June 2005, the last rental payment date for the 04/05 financial year.

(4) $1,078,068.

(5) 23 tenants were evicted in 04/05. Three tenants were evicted due to breach of tenancy and 20 evicted due to arrears.

(6) Public housing stock increased by 0.4% in 04/05.

Housing ACT—joint ventures (Question No 430)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 28 June 2005:

Further to the reply to question on notice No 67, Estimates Hearings 2005-06, if there is an improvement in the operating result from 2007-08 to 2008-09, due to an improved share of profits being returned from investment in joint ventures (a) who is Housing ACT engaging in joint ventures with, (b) what are the projected profits from the joint ventures and (c) what projects are under these joint ventures.

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

Requests for Tenders have been called from potential Joint Venture Partners for three sites:

- The former Burnie Court site in Lyons
- Frazer Court in Kingston
- Currong Apartments in Braddon

Those tenders are being assessed by a tender evaluation panel with a recommendation expected in July 2005.

Any projection of profits will be dependent on commercial negotiations with the preferred tenderers.

Hospitals—elective surgery waiting list project officer (Question No 431)

Mr Smyth asked the Minister for Health, upon notice, on 29 June 2005:

(1) Has the position of Elective Surgery Waiting List Project Officer been filled yet; if so, when was this position filled; if not, will this position ever be filled and when;

(2) What has been the delay in filling this position.

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

(1) No - The position of Elective Surgery Waiting List Project Officer was not filled.

(2) Following a review of the scope of this position it was decided to include the responsibilities of this position into the broader Access Improvement Program. This program commenced in July 2005.

Health—neonatal intensive care services (Question No 432)

Mr Smyth asked the Minister for Health, upon notice, on 29 June 2005:

(1) Will the service planning for neonatal intensive care services be completed "by the end of June 2005" as stated by the Minister in his reply to question on notice No 350; if so, when will the Minister consider this report; if not, when will it be completed and why has there been a delay in finalising the service planning;

(2) What sort of priority would any expansion of neonatal intensive care unit services be given in the context of the Health budget.

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

(1) As stated in answer to QON 350, part 4, service planning for neonatal intensive care services was scheduled for completion by the end of June 2005. The scheduled completion date has been extended because of a need to consider the impact of demand for services from outside the ACT. The content of NSW Health's Neonatal Intensive Care Services Plan is particularly significant in this respect and release of this plan has been delayed. It is anticipated that the NSW plan will be released in the near future and the ACT plan finalised shortly thereafter.

(2) It is not possible to indicate relative priority to possible budget proposals outside the budget process.

Hospitals—interstate patients (Question No 433)

Mr Smyth asked the Minister for Health, upon notice, on 29 June 2005:

(1) Has a further review of the Interstate Patients Travel Assistance Scheme started to review the eligibility criteria, payment categories and levels of assistance under the scheme; if so, when did this further review begin and when will it be finalised; if not, why has it not started yet and when will the review begin;

(2) Will the results of this review be made available to (a) Members of the Assembly and (b) the public; if not, why not.

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

(1) A review of the eligibility criteria, payment categories and levels of assistance under the Interstate Patients Travel Assistance Scheme (IPTAS) has not yet commenced. A review will be undertaken during 2005-06 in the context of developing a radiation oncology services plan.

(2) A decision on how the results will be published is yet to be made.

Health— staphylococcus aureus (Question No 434)

Mr Smyth asked the Minister for Health, upon notice, on 29 June 2005:

How many cases of *Staphylococcus aureus* (golden staph) were reported at (a) the Calvary Hospital and (b) The Canberra Hospital in (i) 2001, (ii) 2002, (iii) 2003, (iv) 2004 and (v) 2005 to date;

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

The incidence of MRSA (golden staph) at Calvary Hospital remains very low and this organism is under constant surveillance by Infection Control. There are no current outbreaks of MRSA. The number of cases of sepsis due to MRSA at Calvary Hospital are shown below:

(a)

(i)	2001	2
(ii)	2002	3
(iii)	2003	4
(iv)	2004	0
(v)	2005 to date -	1

The number of cases of *Staphylococcus aureus* (golden staph) at The Canberra Hospital are shown below:

(b)

(i)	2001	18
(ii)	2002	21
(iii)	2003	24
(iv)	2004	16
(v)	2005 to date -	11

Roads—cycle lanes (Question No 435)

Mr Pratt asked the Minister for Urban Services, upon notice, on 29 June 2005:

(1) Further to the Minister's comments in *The Canberra Times* on 28 June 2005, page 3, that "placing cycle lanes on all major arterial roads in Canberra will encourage more people to travel to work by bike", what research has the Government undertaken that shows that constructing cycle lanes on all major arterial roads will significantly increase the number of cyclists travelling to work by bike;

(2) If no research has been undertaken regarding part (1), why not;

(3) Which roads are included in your list of all major arterial roads in Canberra for the purposes of cycle lane construction;

(4) Does this list include Fairbairn Avenue and the construction of an on-road cycle lane from the airport to the city along that road;

(5) Why is funding from the Federal Government's Roads to Recovery Program being sought for on-road cycle lane projects when there are a number of accident blackspots on various ACT Roads which should receive priority under this Federal funding.

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

(1) Research and analysis relating to cycle lanes and cyclists travelling to work by bike was included in The Sustainable Transport Plan Issues Paper, The Sustainable Transport Plan produced in April 2004, the Canberra Bicycle 2000 strategy and the Ten Year Master Plan for Trunk Cycling and Walking Path Infrastructure completed in September 2004.

(2) Research has been undertaken as outlined in point 1 above.

(3) The Ten Year Master Plan for Trunk cycling and Walking Path Infrastructure report outlines the roads, which will be considered for cycle lane construction. A copy of the report can be found at: http://www.roads.act.gov.au/communitypaths/trunkcycleandpedestrianinfrastructure.

(4) The Fairbairn Avenue project currently under construction includes an on-road cycle lane in both directions from Anzac Parade to Northcott Drive.

(5) Accident black spots are only funded under the Federal Road Safety Black Spot Program, which has an annual allocation to the ACT of $602,000. The Federal Roads to Recovery Program does not cover blackspots but rather projects that will make a difference to roads so that they can better serve industry, tourism and the social needs of communities.

Crime—domestic violence (Question No 436)

Mrs Burke asked the Attorney-General, upon notice, on 29 June 2005:

(1) In relation to (a) complaints made to and (b) attendances by the police following alleged incidents of domestic violence between adults, in how many cases was it alleged that the victims were (i) male, (ii) female and (iii) both a male and female;

(2) In relation to (a) complaints brought to the attention of and (b) crisis visits by the Domestic Violence Crisis Service following alleged incidents of domestic violence between adults, in how many cases was it alleged that the victims were (i) male, (ii) female and (iii) both a male and female;

(3) How many Interim Domestic Violence Protection Orders (IDVPOs) were issued to (a) males and (b) females in terms of (i) number of IDVPOs and (ii) number of distinct persons;

(4) How many Final Domestic Violence Protection Orders (FDVPOs) were issued to (a) males and (b) females in terms of (i) number of FDVPOs and (ii) number of distinct persons;

(5) In relation to offences detected or actions taken by the police following alleged incidents of domestic violence between adults, in how many cases was it alleged by the police that the victims of the incident were (a) male, (b) female and (c) both a male and female in terms of the number of (i) offences or actions and (ii) distinct persons;

(6) In relation to arrests by the police following alleged incidences of domestic violence between adults, in how many cases was it alleged by the police that the victims of the incident were (a) male, (b) female and (c) both a male and female;

(7) In relation to prosecutions following alleged incidents of domestic violence between adults, in how many cases was it alleged by the police that the perpetrator of the alleged offences was (a) male or (b) female in terms of both the number of (i) prosecutions and (ii) distinct persons;

(8) In relation to convictions following alleged incidents of domestic violence between adults, in how many cases was it alleged by the police that the perpetrator of the alleged offences was (a) male or (b) female in terms of both the number of (i) convictions and (ii) distinct persons;

(9) In relation to convictions following alleged incidents of domestic violence between adults, in how many cases was the perpetrator of the alleged offence cross-classified according to whether he/she was (a) male or (b) female punished by being (i) gaoled, (ii) fined or (iii) otherwise punished.

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

(1) Question 1 and its parts is unable to be answered as the data is not available on the ACT Policing database. ACT Policing data which contains family violence is not readily interrogated to obtain the number of family violence incidents between adults. The reporting is based on the demographics for the total people involved in family violence incidents.

(2) Question 2 and its parts is unable to be answered in its entirety as the Domestic Violence Crisis Service does not have the capacity to analyse its data by incident or complaint. However, records of the service show that during the period 1 July 2004 to 30 June 2005 the following persons identified as:

Males subject to violence and/or abuse	13
Females subject to violence and/or abuse	286
Males using violence and/or abuse	37
Females using violence and/or abuse	1
Males reporting both being subjected to and using violence and/or abuse	2
Females reporting both being subjected to and using violence and/or abuse	8

(3) For the period of 1 July 2004 to 30 June 2005 the number of Interim Domestic Violence Protection Orders was 530 with the following breakdown:

Applicants Male –	96
Applicants Female –	434

(4) For the period of 1 July 2004 to 30 June 2005 the number of Final Domestic Violence Protection Orders granted was 388 with the following breakdown:

Applicants Male –	71
Applicants Female –	317

(5) Question 5 and its parts is unable to be answered as the data is not available on the ACT Policing database. ACT Policing data which contains family violence is not readily interrogated to obtain the number of family violence incidents between adults. The reporting is based on the demographics for the total people involved in family violence incidents.

(6) Question 6 and its parts is unable to be answered as the data is not available on the ACT Policing database. ACT Policing data which contains family violence is not readily interrogated to obtain the number of family violence incidents between adults. The reporting is based on the demographics for the total people involved in family violence incidents.

(7) Question 7 and its parts is unable to be answered as the data is not available on the ACT Policing database.

(8) Question 8 and its parts is unable to be answered as the data is not available on the ACT Policing database.

(9) Question 9 and its parts is not able to be answered at this time as the data is not currently available for the period of 1 July 2004 to 30 June 2005.

Crime—domestic violence (Question No 437)

Mrs Burke asked the Attorney-General, upon notice, on 29 June 2005:

(1) What is the current process in regard to lodging domestic violence claims for (a) men and (b) women;

(2) Do children have the power to defend their own essential interests in regard to being removed from Domestic Violence Protection Orders; if so, (a) what is the process and (b) who acts for the child (excluding third party representation in the Family Court); if not, why is this not possible.

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

(1) The process for lodging domestic violence claims is the same for men and women. When a person enquires at the Magistrates Court as to the procedure for lodging an application for a domestic violence order, they are provided with both an application and a document titled 'Guide to Completing a Domestic Violence Order Application'. This document sets out the process for making an application for a Domestic Violence Order.

(2) A child has the right to seek to be removed from a Domestic Violence Protection Order. Pursuant to Section 13 of the *Domestic Violence and Protection Orders Act 2001* a child who is named on an Order, can as a 'person with sufficient interest in the protection order' seek the leave of the Court to apply to amend or revoke the Order.

A child can be represented through a Guardian ad litem, a legal practitioner or by the Community Advocate.

Crime—domestic violence (Question No 438)

Mrs Burke asked the Minister for Children, Youth and Family Support, upon notice, on 29 June 2005:

(1) What services are currently available to (a) men and (b) women who are the victims of domestic violence;

(2) What amount of funding is directed towards supporting (a) women's and (b) men's services;

(3) What funding is given for (a) men and (b) women for such services as (i) legal support, (ii) counseling services, (iii) accommodation and (iv) any other related services;

(4) How many (a) males and (b) females are involved in the Family Intervention Program from a (i) participation and (ii) staffing perspective.

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

(1&2) The ACT Government specifically funds the Domestic Violence Crisis Service (DVCS) to support men and women affected by domestic violence. Funding for 2004/05 is $1,225,872.

(3) The following services are funded to provide (i) legal support, (ii) counselling services, (iii) accommodation and (iv) any other related services. These services include within their client groups people who may experience domestic violence.

(The funding amounts outlined are recurrent and relate to the 2004/05 financial year).

The Women's Health Program provides counselling and medical services to women including those who are the victim of domestic violence. ($1,016,400 - ACT Health).

Children at Risk Assessment Unit provides medical services and referral for children who are the victims of domestic violence, child abuse and child neglect. ($856,070 - ACT Health).

Canberra Rape Crisis Centre (CRCC) provides counselling and referral to people who have been victims of sexual or physical violence, frequently in a domestic context ($654,021 ACT Health and Department of Disability, Housing and Community Services).

Service Assisting Male Survivors of Sexual Assault (SAMSSA) a counselling, support and education service for men ($115,307).

Women's Centre for Health Matters provides counselling, information and referral including to women who have experienced domestic violence ($302,340).

Menslink provides mentoring, counselling and life coaching to young men some of whom may be victims or perpetrators of domestic violence ($200,228).

Women's Information, Referral and Education on Drugs and Dependency (WIREDD) provide counselling, information and referral to women on many issues including domestic violence ($607,802).

Lifeline Telephone Counselling Service provides a 24-hour crisis telephone counselling service including to people who have experienced domestic violence ($174,965).

Welfare Rights and Legal Centre provides rights and legal information, advocacy, referral and community education to ACT residents on low incomes ($144,469).

(3) (iii) The following services provide supported accommodation to women, with priority given to women escaping domestic violence.

Beryl Women's Refuge: $613,230.

Doris Women's Refuge: $538,935

Inanna: $482,214.

Northside DV Transit Flats: $257,116

St Vincent de Paul - Caroline Chisholm House: $395,403

St Vincent de Paul - Monica House: $295,490.

Toora – Heira Single Women's Domestic Violence Service: $503,854.

Toora/Likaya Single Women's Shelter: $729,419

Communities @ Work – (Weston Creek Women's Housing Program): $146,561

Betty Searle House provides longer-term accommodation for women who have experienced family breakdown, including domestic violence and elder abuse (establishment funding of $15,034.37).

Men's accommodation services are provided to men and men with accompanying children on the basis of their risk of, or experience of homelessness.

Canberra Mens Centre: $329,436.

Canberra Fathers and Children Service: $620,165.

Society of St Vincent de Paul Samaritan House: $423,830.

Centacare AIM and MINOSA House: $1,366,850, including funding for tenancy management of the entire Ainslie Village site.

The Canberra Emergency Accommodation Service: $5,000 brokerage funding to purchase accommodation for single men.

Outreach and other accommodation related support services are also provided for men by:

Canberra Mens Centre: $187,667.

(4)(i) The Family Violence Intervention Program runs two programs targeted at family violence offenders. Participation rates in the following two programs will be reported on in August 2005.

Learning To Relate Without Violence And Abuse Program: This 24 week programme is designed for adult males who have perpetrated violence against adult female partners.

Counselling programme: Counselling is provided to family violence offenders who have perpetrated violence against other family members

Family Violence Intervention Program Staffing levels (2004-05):

- One part-time Family Violence Co-ordinator (ACT Corrective Services -30 hours per week - Female).
- One part-time Co-ordinator (Relationships Australia - 16 hours per week - Male).
- Three part-time program facilitators (Relationships Australia – 3 Male and 3 Female in a Job-Share arrangement).
- Two part-time counsellors (Relationships Australia - 8 hours per week - Female).

Crime—domestic violence (Question No 439)

Mrs Burke asked the Minister for Children, Youth and Family Support, upon notice, on 29 June 2005:

(1) In relation to the Domestic Violence Crisis Service, how many (a) women and children, (b) men and children, (c) women and (d) men have been accommodated in ACT hotels/motels by the service in the 2004-05 financial year;

(2) What was the cost of this accommodation in each of the categories in part (1).

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

Information is available for the six-month period 1 July to 31 December 2004. Information for the six-month period of 1 January to 30 June 2005 will be available by 31 July 2005.

(1) The number of people accommodated by the Domestic Violence Crisis Service in the six months 1 July to 31 December 2004 was:
(a) 55 women and children.
(b) No men with children.
(c) 26 women and
(d) No men.

(2) The cost of brokerage accommodation provided by DVCS in 2004-2005 will not be available until the service provides audited financial statements to the department, by 30 November 2005.

Housing—Hartigan Gardens (Question No 440)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 29 June 2005:

(1) In relation to Hartigan Gardens, Gilmore Crescent, Garran, how many (a) tenants currently reside at the complex and (b) units are currently vacant;

(2) What plans, if any, are being developed by Housing ACT to redevelop this site.

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

(1) (a) There are 11 tenants residing at the complex.
(b) There are 13 units currently vacant.

(2) A Development Application for the site was lodged with the ACT Planning and Land Authority in 2004. The conditional approval to the Development Application significantly reduced the total number of units able to be constructed on the site and increased the average cost per unit across the entire development. This has effectively rendered the original proposal unviable both in economic terms and housing outcomes, and accordingly options for future development of the site are currently under review.

Hospitals—midwives (Question No 441)

Dr Foskey asked the Minister for Health, upon notice, on 30 June 2005:

(1) What is the current caseload capacity for midwives working with the Canberra Midwifery Program (CMP) based at the Birth Centre located at The Canberra Hospital;

(2) How many women have been assisted by the program in (a) 2002-03, (b) 2003-04 and (c) 2004-05;

(3) What is the breakdown of the program's client population by (a) age group, (b) geographic location or origin (home address), (c) first time birth or subsequent birth, (d) partnered or single and (e) cultural background or language group;

(4) How many women, on average, have been denied access to the CMP because it is operating at capacity on a monthly basis between January 2004 and May 2005;

(5) How many (a) inquiries, (b) registrations and (c) non acceptances have been made from or to potential clients who have contacted the CMP who are (i) 0-6, (ii) 7-14, (iii) 15-28 and (iv) 29-40 week pregnant;

(6) Is there currently a waiting list of women who are unable to access the CMP; if so, (a) how long is the waiting list and (b) is there a cut off point for women wishing to put their names down on the waiting list;

(7) Does CMP accord priority to some women over others; if so (a) what are the criteria, (b) who determines if clients meet the criteria and (c) how were the criteria originally determined;

(8) Does CMP operate from any other premise in Canberra other than the Birth Centre at The Canberra Hospital; if so, (a) from which premises and (b) what are the costs associated with this arrangement;

(9) Does the CMP website note that "We encourage women who feel particularly vulnerable to join our program.", if so, how is this objective met;

(10) What is the number of women who have accessed the CMP and who have been identified as 'vulnerable' including why they were identified as vulnerable;

(11) Does CMP keep records on (a) clients who access CMP after leaving a domestic violence situation and (b) information on number of clients who report instances of domestic violence whilst pregnant and accessing CMP services;

(12) How many women registered with the Birth Centre have been transferred to the Delivery Suite at The Canberra Hospital in 2003-04 and 2004-05 because of (a) lack of capacity at the Birth Centre at the time of delivery and (b) birth complications during labour;

(13) How many women experiencing or suspected of experiencing post natal depression have been referred by CMP to the Queen Elizabeth II Family Centre in 2003-04 and 2004-05.

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

(1) The current caseload for midwives working with the Canberra Midwifery Program (CMP) is 40 women per full time equivalent midwife.

(2) Data is collected on a calendar year basis by the CMP.

2001 – 517 babies born and women delivered
2002 – 542 babies born and women delivered
2003 – 547 babies born and 544 women delivered
2004 – 568 babies born and 562 women delivered

The above numbers do not include women who receive telephone advice or attend information sessions but do not birth with the program.

(3) a) Women between the ages of 15 – 47 access the CMP service, however the majority of women are aged between 25 – 35.

b) In 2004, the majority of women (390) accessing the CMP resided in the ACT and 172 women identified as residing in NSW –primarily Queanbeyan and Jerrabomberra. The CMP has provided services to women across the full range of Canberra suburbs. It is not possible, however, because of the way that occasions of service are counted at the CMP, to accurately gauge how many women lived in each Canberra suburb in a given year.

c) 2002 - 237 primipara(1st baby), 305 multipara (2nd or subsequent baby),
2003 - 227 primipara, 320 multipara
2004 - 244 primipara, 318 multipara

d) Data is not maintained on this issue by the CMP.

e) In 2004, two women identified as Aboriginal. In 2004 the countries of birth for women on the CMP included:

- Afghanistan
- Algeria
- Argentina
- Australia
- Austria
- Bahrain
- Bosnia-Herzegovina
- Cambodia
- Canada
- Chile
- Czech Republic
- Denmark
- Egypt
- England
- France
- Germany
- Greece
- Hong Kong
- India
- Indonesia
- Ireland
- Iran
- Iraq
- Israel
- Japan
- Jordan
- Korea, Republic of
- Lebanon
- Malaysia
- Mauritius
- Morocco
- Nauru
- Netherlands
- New Zealand
- North-West Europe
- Pakistan
- Papua New Guinea
- Philippines
- Poland
- Puerto Rico
- Russian Federation
- Samoa (Western)
- Scotland
- Singapore
- South Africa
- Sweden
- Switzerland
- Syria
- Taiwan
- Trinidad And Tobago
- Uganda
- United Kingdom And Ireland
- Uruguay
- United States Of America
- Vietnam

(4) In 2004, an average of 14-15 women per month could not be accommodated by the CMP (range 6-25). From January to May 2005, an average of 23-24 women per month could not be accommodated by the CMP (range 3-36).

(5) a) Data is not maintained on the number of enquiries made to the program.

b) In the period January to June 2005, 392 women registered with the CMP.

c) Waiting list data is not maintained in this manner, however, 80-90% of women who contact the program before they are 8 weeks pregnant are immediately enrolled in the CMP.

(6) There is a waiting list for the CMP.

a) The waiting list is managed on a monthly basis. The current waiting lists are as follows:

2005	**No.**	**2006**	**No.**
August	13	Jan	34
September	19	Feb	35
October	25		
November	38		
December	35		

b) Women can join or remain on the waiting list until they are 36 weeks pregnant.

(7) The CMP does accord priority to some women.

a) The criteria includes: women without support from a partner, family or friends, women without transport and several young children, women with substance use problems who are unable/unwilling to access care in the 'mainstream', women unable to speak English and women living in refuges.

b) The CMP Manager determines if referred women meet the criteria.

c) These are evidence-based criteria. There is evidence to indicate that women falling into the above categories benefit from a one on one relationship with a midwife and the criteria are based around this framework.

(8) Yes the CMP does operate from premises other than the Birth Centre at TCH.

a) The CMP provides community based antenatal care at ACT Government facilities and in women's homes. Postnatal care is also provided in women's homes. In addition, women can choose to birth with CMP midwives at Calvary Hospital.

b) The costs associated with the model of care offered by the CMP are absorbed within the program budget of $1.56M. There are no additional costs to the Territory due to births occurring at Calvary Hospital.

(9) The Canberra Hospital CMP website notes that *"We encourage women who feel particularly vulnerable to join our program"*.

This objective is met through work culture and practices based on the evidence that continuity of midwifery from a primary midwife provides improved outcomes for women. The program recognises that women who are particularly vulnerable are likely to have improved outcomes for themselves and their babies in this type of program.

CMP midwives promote this aspect of the program and women themselves know whether they feel particularly vulnerable or not.

They may or may not choose to disclose the reason for their feelings of vulnerability at the opportunities provided during information sessions and antenatal visits. When women do disclose feelings of vulnerability they are supported and prioritised for participation in the program if they meet the criteria outlined in response to question seven above.

(10) Specific data about each issue is not collected.

(11) a) Specific data is not kept on this issue. This information is recorded on an individual basis in medical records, and women are provided with appropriate support and referral.

b) Specific data is not kept on this issue. This information is recorded on an individual basis in medical records, and women are provided with appropriate support and referral.

(12) a) The number of women birthed in the Delivery Suite rather than the Birth Centre because of a lack of capacity were:

2003	26 due to staffing resources (ie midwives birthing other women in the delivery suite and women being required to birth in the delivery suite as well in order to receive the care of their midwife), only one women needed to birth in the delivery suite due to the birth centre being full to capacity
2004	The formal data is not yet available however the number is expected to be under 10 women.

b) Approximately 50% of women on the CMP do not birth in the Birth Centre for clinical reasons, however not all of these are the result of birthing complications. It is important to note that while their place of birth changes, these women remain in the care of their CMP midwife.

The following table outlines the common clinical reasons women move to the delivery suite.

Reason for Delivery Suite Birth	**% of women in 2004**
Epidural	21.5*
Induction	16
Assisted birth (eg forceps)	12.5
Caesarian	13.5

* This figure includes women who had epidurals in conjunction with one or more of the other categories

(13) This data is not kept by CMP. It is unlikely that postnatal depression will be diagnosed before two weeks after birth and the CMP hands over care to Maternal and Child Health (MACH) nurses at 10-14 days. CMP midwives do identify women at risk of postnatal depression and make early referrals to MACH and occasionally to QE11 Family Centre for breastfeeding and or baby settling problems. The CMP does not keep data on the numbers of such referrals.

Drugs—heroin overdoses (Question No 442)

Mr Smyth asked the Minister for Health, upon notice, on 30 June 2005:

(1) What was the total number of heroin overdoses in the ACT for each month in 2004-05;

(2) How does the total number of heroin overdoses in 2004-05 compare to the total number of overdoses in (a) 2003-04, (b) 2002-03 and (c) 2001-02;

(3) How many of the overdoses in 2004-05 were fatal;

(4) How does the fatality figure for 2004-05 compare to the fatality figures in (a) 2003-04, (b) 2002-03 and (c) 2001-02.

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

(1) From July 1 2004 to June 30 2005 the Ambulance Service has attended the following possible heroin overdoses:

Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	**Total**
7	13	13	5	4	4	3	9	12	13	14	9	**106**

(2) (a) From July 1 2003 to June 30 2004 the Ambulance Service attended 253 possible heroin overdoses.

(b) From July 1 2002 to June 30 2003 the Ambulance Service attended 159 possible heroin overdoses.

(c) From July 1 2001 to June 30 2002 the Ambulance Service attended 127 possible heroin overdoses.

(3) According to the National Centre for Coronial Information (NCIS), there was possibly 1 fatal heroin related overdose for the period 1 July 2004 to 30 June 2005.

(4) (a) According to the National Centre for Coronial Information (NCIS), there were possibly 5 fatal heroin related overdoses for the period 1 July 2003 to 30 June 2004.

(b) According to the National Centre for Coronial Information (NCIS), there were possibly 6 fatal heroin related overdoses for the period 1 July 2002 to 30 June 2003.

(c) According to the National Centre for Coronial Information (NCIS), there were possibly 3 fatal heroin related overdoses for the period 1 July 2001 to 30 June 2002.

Please note:

The statistics provided by the National Coronial Information Services, for heroin related deaths do not purport to be representative of all heroin related deaths notified to the Coroner during the time period specified.

Due to occasional coding errors and some missing data on open cases, it is possible that there are relevant deaths not included in this data set. Accordingly, there is a possibility of under reporting. The figures are, however, the best available.

Any discrepancy in statistics provided by the NCIS for previous years could be due to cases being closed after the specified reporting date.

Karralika Consultative Committee (Question No 443)

Mr Smyth asked the Minister for Health, upon notice, on 30 June 2005:

(1) On how many occasions has the Karralika Consultative Committee met since it was first established;

(2) What resolutions have been agreed to since the formulation of this Committee;

(3) Where is the Government up to in regards to reworking plans for the Karralika re-development;

(4) How are residents nearby Karralika being kept informed about where the redevelopment process is up to and what the Government is considering.

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

(1) The Karralika Consultative Committee has met on twenty-one occasions since the committee was first established.

(2) The Government received the report of the Karralika Consultative Committee the week commencing 27 June 2005. The Government has not made any decisions in relation to any further development on this site at this time. The public will be kept informed of any progress.

(3) Refer to (2)

(4) Refer to (2)

Hospitals—nurses (Question No 444)

Mr Smyth asked the Minister for Health, upon notice, on 30 June 2005:

(1) How many nurses have (a) resigned and at what level of qualification were those nurses and (b) been recruited and what was their level at entry into our hospital system, 2004-05;

(2) How many complaints were received regarding workloads of nurses by the (a) Minister and (b) Department of Health in 2004-05.

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

(1) (a) the headcount of permanent nurses who resigned from The Canberra Hospital and Calvary Health Care from July 2004 to end of June 2005, by classification level, was:

Total Resignations* - July 04 to June 05 (Headcount)	**148**
Enrolled Nurse	20
Registered Nurse Level 1	100
Registered Nurse Level 2	20
Registered Nurse Level 3	6
Registered Nurse Level 4	2
Registered Nurse Level 5	0

*** excludes retirements, dismissals and external transfers.**

(b) the headcount of nurses permanently recruited to The Canberra Hospital and Calvary Health Care from July 2004 to end of June 2005, by classification level, was:

Total Recruitments - July 04 to June 05 (Headcount)	**234**
EN	32
RN 1	188
RN 2	7
RN 3	2
RN 4	1
RN 5	4

(2) (a) during 2004/05 the Chief Minister received one signed pro forma postcard from a constituent, as part of the ANF Campaign 'FAIR GO' for NURSES FUTURE the previous year. This correspondence was passed on to myself.

(b) no written complaints were received either by myself or Dr Tony Sherbon, Chief Executive of ACT Health Department from individual employees. However, Dr Sherbon has been engaged in ongoing consultation with the Australian Nursing Federation in relation to the interpretation and implementation of relevant provisions of the *ACT Public Sector Nursing Staff Agreement 2004-2007*.

Health—mental health clients (Question No 445)

Mr Smyth asked the Minister for Health, upon notice, on 30 June 2005:

(1) How many mental health clients (a) suicided and (b) attempted suicide in the 2004-05 financial year;

(2) What is the total number of mental health clients who (a) suicided and (b) attempted suicide in the (i) 2003-04, (ii) 2002-03 and (iii) 2001-02 financial years;

(3) Are there any concerns or have any concerns been raised about the handling of any of these incidents in the 2004-05 financial year;

(4) How many mental health clients (a) suicided and (b) attempted suicide each month from 1 July 2004 to 30 June 2005.

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

(1) (a) The number of active mental health clients of Mental Health ACT from 1 July 2004 to 30 June 2005 who have had a confirmed suicide through a completed coronial process is six.

(b) From the reports to the General Manager of Mental Health ACT, the number of active mental health clients of Mental Health ACT who have attempted suicide from 1 July 2004 to 30 June 2005 is twenty-two.

(2) (a) The total number of active mental health clients who have had confirmed suicides through a completed coronial process and have been reported through to the General Manager of Mental Health ACT for:

(i) 1 July 2003 to 30 June 2004 is eight;
(ii) 1 July 2002 to 30 June 2003 is ten; and
(iii) 1 July 2001 to 30 June 2002 is eight.

(b) The total number of active mental health clients who have attempted suicide and have been reported through to the General Manager of Mental Health ACT for

(i) 1 July 2003 to 30 June 2004 is two;
(ii) 1 July 2002 to 30 June 2003 is twelve; and
(iii) 1 July 2001 to 30 June 2002 – this period predates availability of this data through the electronic database.

(3) All suspected suicides and attempted suicides reported to the General Manager of Mental Health ACT are reviewed by the Mental Health Clinical Review Committee. This is a privileged committee under the Health Act 1993 and all recommendations arising from the review of incidents are addressed through this Committee.

(4) (a) The monthly breakdown of the number of active mental health clients who have had confirmed suicides through a completed coronial process from 1 July 2004 to 30 June 2005 is six:

2004		**2005**	
July 2004	2	Jan 2005	0
August 2004	0	Feb 2005	0
Sept 2004	1	Mar 2005	1
Oct 2004	1	Apr 2005	1
Nov 2004	0	May 2005	0
Dec 2004	0	June2005	0

(b) The monthly breakdown of the number of attempted suicides by active mental health clients identified by Mental Health ACT from 1 July 2004 to 30 June 2005 is twenty-two:

2004		2005	
July 2004	3	Jan 2005	1
August 2004	3	Feb 2005	1
Sept 2004	1	Mar 2005	5
Oct 2004	0	Apr 2005	1
Nov 2004	1	May 2005	1
Dec 2004	3	June2005	2

Fairbairn Park
(Question No 446)

Mr Stefaniak asked the Minister for Planning, upon notice, on 30 June 2005:

(1) What steps has the Government taken to the granting of the lease of Fairbairn Park to the Fairbairn Park Control Council,

(2) Why was an order under section 254A of the *Land (Planning and Environment) Act 1991* issued to the Fairbairn Park Control Council in April this year;

(3) Will the Government take full responsibility for any work that is needed at the site as a result of its department's order mentioned above, given that a substantial part of the rubble referred to was dumped by a Government department and a major construction on the site relates to a Subaru rally and was built by Government action; if not, why not,

(4) What status does the Ridgeway Residents Action Group have and is a post office box acceptable for the purposes of the Act in terms of their complaint that led to the order;

(5) Has the Ridgeway Residents Action Group any standing to issue such an objection given that the group is resident in NSW;

(6) Who is listed as the owner of the post office box referred to in the address given by the Ridgeway Residents Action Group;

(7) Will the Minister withdraw the current application either by calling it in or simply by withdrawing it and issuing a lease to the Fairbairn Park Control Council; if not, why not;

(8) Will the Government pay for any required actions that need to be taken in respect of the site to facilitate the granting of a lease given that the Fairbairn Park Control Council consists of a number of motor sports clubs who have little if any money;

(9) Have any other complaints been lodged as a result of the development application advertised several months ago apart from the complaint by the Ridgeway Residents Action Group.

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

(1) The ACT Planning and Land Authority has prepared a lease and has referred it to the ACT Government Solicitor's Office for advice.

(2) The Authority made an order following investigations by inspectors and reports from Environment ACT. Investigations confirmed that a range of activities were being or had

been conducted, that are controlled activities subject to orders under the *Land (Planning and Environment) Act 1991*. These activities included:

- undertaking a development without approval;
- failure to keep a leasehold clean;
- destroying, damaging, removing or otherwise interfering with vegetation (living or dead); and
- moving/placing soil between the banks, or within 20m of the bank, of a watercourse, or on land with a slope of more than 18º from the horizontal.

(3) No. The Fairbairn Park Control Council tendered for and received approval for a stage for the Rally of Canberra at its facility. The successful tender did not remove any requirements for approvals in relation to either development activities or environmental management requirements for works undertaken on the land.

(4) The Ridgeway Residents Action Group is a community group. The *Land (Planning and Environment) Act 1991* does not stipulate requirements in relation to postal address as part of the orders process.

(5) There are no residential requirements in relation to standing.

(6) This information is not available to the Government.

(7) There is no current Development Application lodged with the Planning and Land Authority capable of being called in by the Minister under S229B of the Land Act.

(8) The Government is providing financial assistance in relation to the preparation of a Preliminary Assessment and Development Application by the Fairbairn Park Control Council.

(9) The last Development Application lodged in relation to this block was lodged on 18 November 1996. No further development applications have been lodged since 1996. There have been no other complaints received by the Planning and Land Authority, apart from those of the Ridgeway Residents Action Group.

Disabled persons—strategy (Question No 447)

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

How does the Government's Social Plan, particularly with reference to Priority Three, address the long term planning, strategy and funding for the disability sector in the ACT.

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

Building Our Community – The Canberra Social Plan (the 'Social Plan') articulates the longer-term key strategic social objectives of the ACT Government. It is intended as a longer-term blueprint and establishes seven priorities to guide policy-makers over the next 10 to 15 years. The ACT Government has outlined its vision for Canberra in the Social Plan, including the need to maintain a strong, safe and cohesive community. Disability ACT's *Future Directions: a framework for the ACT 2004-2008*, is underpinned by the Social Plan and builds on the implementation work already undertaken within the context of the government's response to the Board of Inquiry.

Future Directions sets out four strategic directions that address the long term planning strategy and funding for the disability sector in the ACT:

- Influencing policy and culture to promote an inclusive society;
- Strengthening the capacity of people with disabilities, their families and carers to maximise control over their lives;
- Improving planning and use of available funding to meet the needs of people requiring ongoing support; and
- Partnering with the community to strengthen the sustainability and responsiveness of the service delivery sector.

Access, equity and participation are core social justice principles underlying the Social Plan. The Social Plan provides a blueprint for the development of further strategies, plans and programs to shape the ACT community so that all people can reach their potential, make a contribution and share the benefits of the community.

Disability ACT is undertaking research into available data on people with a disability in the ACT, to support the development of evidence-based plans and policies. It is currently developing a funding plan to determine the current and future demand and cost drivers impacting the delivery of formal disability services and then to estimate the additional budget impact of these drivers.

Development—City West (Question No 449)

Mrs Burke asked the Minister for Planning, on 30 June 2005:

What plans (a) does the ACT Government have to include a percentage of the City West development as community space and (b) are in place to see a percentage of public or affordable housing options offered within the City West precinct.

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

(a) Draft Variation to the Territory Plan No.236 (DV236) for City West proposes to include the following new objective for the 'Commercial A' land use policy: "g) to make provision for community facilities in the City West Precinct, west of Marcus Clarke Street and north of University Avenue".

The ACT Government and the ANU (Australian National University) have signed a Precinct Deed for development of the ANU City West Precinct. The need to find suitable accommodation for existing Residents of Childers and Kingsley Streets (ROCKS) community groups in the area is a commitment accepted by the joint signatories to the Precinct Deed.

(b) The City West Master Plan (CWMP), endorsed by the Government in May 2004, states that "… the Government will aim to ensure that a minimum of 5% of residential accommodation established through the master plan will be offered for low and medium income earners, and where possible will be managed by affordable housing providers."

The ACT Government is presently considering a range of initiatives to achieve this target and will respond periodically with advice on progress in meeting affordable housing targets for the City West Precinct to the ACT Legislative Assembly.

Housing—full market renters (Question No 450)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 30 June 2005:

(1) If the percentage of full market renters residing in public housing properties is set to decline, does this directly impact upon the revenue raised from their rents that contributes to subsidise other tenants on rental rebates;

(2) What alternate revenue streams will Housing ACT seek to access to continue to subsidise rents for tenants in receipt of a rebate.

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

(1) Yes

(2) Declining financial viability is an issue facing all State/Territory public housing authorities. Housing ACT is seeking to utilise benchmarking results taken by other jurisdictions to identify potential efficiencies and the development of possible revenue options for the Government's consideration.

Housing—homelessness (Question No 451)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 30 June 2005:

What plans or arrangements is the Government considering putting in place to offer homeless or people living "on the street" overnight accommodation in a purpose-built shelter.

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

There are five purpose built crisis accommodation facilities in the ACT:

- Beryl Women's Refuge, for up to two family groups of women and children escaping domestic violence in their purpose built facility;
- Toora House, for up to ten single women;
- The Society of St Vincent de Paul's Samaritan House, for up to twelve single men;
- The Salvation Army's LASA house, for up to ten young people; and
- Doris Women's Refuge, for up to five family groups of women and children escaping domestic violence.

These services offer crisis accommodation to people experiencing homelessness for up to three months, with a degree of flexibility in the accommodation period to ensure that people do not end up on the streets after their time in a homelessness service.

Housing—subsidies (Question No 452)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 30 June 2005:

(1) Why was the decision taken to not continue the Social Housing Subsidy Program, worth $245 000, beyond 30 June 2005;

(2) What other programs will the Government consider implementing to assist the social housing sector, particularly relating to subsidies.

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

(1) Information provided in Select Committee on Estimates hearing on 20 May 2005.

(2) Under the Commonwealth State Housing Agreement 2003-08 the ACT Government has committed to a number of initiatives in public and community housing to assist the social housing sector. Specific programs related to subsidies in the private rental market are the PRL, the Social Landlord Program and the Rental Bond Loan Program. As the Australian Government did not support the continued funding of the PRL, continuing to lease properties on the private market under the PRL Scheme after 30 June 2005 would be uneconomic. However, the terms of the existing leases will be adhered to and therefore as leases expire Housing ACT will either purchase the property or relocate the tenant to a public housing property.

Housing—refugee access (Question No 453)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 30 June 2005:

(1) Further to the reply to question on notice No 60, Estimates Hearings 2005-06, is, where possible, the refugee resettlement services program able to gain access to vacant Housing ACT properties to house refugees in the ACT;

(2) If a refugee accesses public housing, do they have to meet any specified eligibility criteria to receive public housing assistance as part of the program.

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

(1) The provision of short-term accommodation under the Refugee Resettlement Services program is a discrete program separate to the public housing program. The Refugee Resettlement Services program provides eight weeks of on-arrival accommodation to refugees who choose to settle directly in the ACT.

(2) Refugees are able to register for ACT public housing in the same way as other Canberra residents. Refugees on temporary visas who do not meet criteria such as the 'permanent residence' requirement are eligible to apply for assistance if they can demonstrate they are in severe hardship which cannot be otherwise resolved. Eligible tenants also receive a rebate which caps their rent at 25% of their income.

Quamby youth detention centre (Question No 454)

Mr Seselja asked the Minister for Children, Youth and Family Support, upon notice, on 30 June 2005:

(1) In relation to Quamby Detention Centre, what changes (a) were made to programs for detainees between August 2004 and February 2005 and (b) have been made to programs for detainees since February 2005;

(2) How many inmates have been released from Quamby since February 2005;

(3) On how many days, since 1 January 2005, has Quamby (a) contained both male and female prisoners, (b) housed both young people under the age of 18 and persons over the age of 18 and (c) contained both detainees convicted of offences and accused young people awaiting trial.

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

1a) Between August 2004 and February 2005 the following changes were made to programs for residents at Quamby Youth Detention Centre in consideration of their individual needs:

- Improvements to the holistic approach to program presentation, considering the individual needs of each child or young person;
- A young person attended a mainstream college as part of his ongoing education;
- A young person attended a training program in skills development followed by a community work experience program;
- Several young people attended a pre-employment training program;
- Several young people attended living and social skills program run weekly by a community agency at Quamby;
- Several young people attended counselling in the community to address anger management issues;
- Several young men attended a weekly program provided by a community agency at Quamby to address their relationship issues; and
- An increased number of tutors attended Quamby to assist residents with their schooling.

1b) Since February 2005 to the present the following changes were made to programs for residents at Quamby Youth Detention Centre:

- Educational programs based on young person's Individual Learning Plans and Department of Education guidelines;
- Increased focus on curriculum development aimed at increased social skills and positive behaviour;
- Increased provision of IT support for young people in the education program;
- Representation by a young person on the Hindmarsh Education Centre School Board;
- Implementation of a music program for residents including the involvement of a person teaching song writing skills;
- Introduction of weekly Indigenous education support for residents;
- Development of programs aimed at increasing the cultural knowledge of residents including Aboriginal, Tongan and Samoan residents; and
- Two psychologists to assist the residents with their mental health needs.

(2) Since February 2005 there have been 68 children and young people discharged from the Quamby Youth Detention Centre.

(3) Quamby Youth Detention Centre has had between the period 1 January 2005 to 30 June 2005:
(a) male and female residents on 177 days;
(b) both young people under the age of 18 and persons over the age of 18 on 139 days; and
(c) residents on committal orders and remand orders on 179 days.

Advertising—government payslips (Question No 455)

Mr Smyth asked the Chief Minister, upon notice, on 1 July 2005:

(1) What are the guidelines applying to advertising messages printed on payslips for ACT Government employees;

(2) What approval process is required for the content of any advertising message printed on a payslip for ACT Government employees;

(3) Is there any limit to the number of separate messages that can be printed on a payslip for ACT Government employees

(4) What are the guidelines applying to the inclusion of additional advertising material with payslips for ACT Government employees;

(5) What approval process is required for the content of any additional advertising material that is included with a payslip for ACT Government employees;

(6) Is there any limit to the number of separate pieces of additional advertising material that can be included with a payslip for ACT Government employees;

(7) Is the use of advertising messages or additional material restricted to particular ACT Government departments or agencies or is such advertising distributed to all ACT Government employees;

(8) Are ACT Government employees able to indicate whether they do not wish to receive advertising messages or material; if so, how can individual employees have their name removed from distribution lists for advertising material; if not, why not;

(9) What fees are charged for the inclusion of advertising messages or material with payslips for ACT Government employees;

(10) How is revenue utilised by the ACT Government if fees are charged.

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

With the introduction of the new Human Resources and Payroll system on 1 July 2005, payslips for the majority of government employees are now being sent electronically, via email. For this reason, the inclusion of advertising material either with payslips or printed on

payslips no longer occurs. The answers to the questions you raised in QON 455 are therefore based on practice as it stood prior to 1 July 2005.

(1) The guidelines applied to advertising with ACT Government state:

Potential non government advertisers, their products and their advertising material will be carefully vetted to ensure that the material is appropriate and there is no conflict with:

- *Government policies, programs or activities;*
- *the Public Sector Management Act 1994, Financial Management Act 1996 or other relevant legislation eg EEO or anti- discrimination.*

All advertising material must be approved by the Manager, Publishing Services prior to its acceptance. Copy may be rejected without reasons being given. The ACT Government will not be liable for any penalty if copy is not accepted.
No political advertising of any sort will be accepted.

The following disclaimer must be included in all non ACT Government advertising where practical: ***"The ACT Government does not necessarily endorse the products or services advertised."***

In securing advertising the ACT Government will endeavour to treat all potential advertisers equally, providing all areas of the market the opportunity to access the facility.

Non Government advertising must be related to staff's employment and/or remuneration, including benefits for staff utilising specific services/products.

(2) In the case of advertising on the payslip, approval was provided by the Manager responsible for Human Resources and Payroll System Services within InTACT.

(3) The number of separate messages was limited to what would fit within the 7cms of space set aside on the payslips.

(4) The guidelines for inserts are the same as applied to all Government advertising, with the additional caveat that the product could be mechanically inserted into the standard DL window-face envelope.

(5) As stated in the guidelines above, all material for inclusion in the payslips was approved by the Manager, Publishing Services.

(6) The inclusion of material in payslips was limited by both the capacity of the standard envelope, approximately 12 A4 pages, and the equipment used to process the notifications. The equipment being used up to July 2005 allowed for five separate inserts.

(7) Advertising on payslips by non-government bodies was distributed to all ACT Government employees. Advertisers including material in payslips could elect to distribute information to specific Departments or locations.

(8) No they were not. The systems in place would not have supported the removal of advertising messages or material from specified payslips. In 2004, Publishing Services did seek quotations to establish a "no junk mail" facility. The cost to create the listing was around $300, with an ongoing cost of $18 for each change to the list. The cost was

considered excessive in view of limited number of complaints received (the highest number received was five).

(9) Material is included in payslip envelopes on the following sliding scale:
- Government Agencies: $198 plus $11 per thousand inserts;
- Registered Charities: $132 per thousand inserts; and
- Commercial Clients: $176 per thousand inserts.

Rates for advertisements printed on payslips were as follows:
- Government Agencies and Registered Charities: $55; and
- Commercial Clients: $165.

(10) Revenue derived from payslip advertising was used to offset the cost of the provision of payroll services by InTACT. Revenue derived from advertising inserts was included as part of the operating budget of the Publishing Services Business Unit.

Motorcycle parking fines (Question No 456)

Mr Pratt asked the Minister for Urban Services, upon notice, on 1 July 2005:

(1) How many motorbike riders/owners have been issued with parking infringements in (a) 2004-05, (b) 2003-04 and (3) 2002-03;

(2) How many non-motorbike vehicles have been issued with infringements for parking in designated motorbike parking zones during the years listed in part (1);

(3) What was the total value of fines issued for the years listed at the above categorised as per part (1) and (2).

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

(1) The number of parking infringements issued to motorbikes are:
(a) 2004-05 = 449
(b) 2003-04 = 490
(c) 2002-03 = 333

(2) The number of parking infringements issued to non-motorbikes parked in designated motorbike parking zones are:
(a) 2004-05 = 235
(b) 2003-04 = 156
(c) 2002-03 = 127

(3) The total value of parking infringement fines issued in the above categories are:
Part 1 = $95,120
Part 2 = $34,258

Policing—patrols (Question No 457)

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 1 July 2005:

(1) On how many occasions in the last 12 months has only one police patrol been available to cover shifts in either the North or South districts and could those occasions be listed;

(2) If minimum patrol strengths for each station comprise one sergeant and eight team members for all standard shifts, for example day / afternoon / evening, on how many occasions in the last 12 months have these required minimums not been met and could these occasions be listed;

(3) How many police patrols have visited (a) Chisholm, (b) Calwell and (c) Richardson shops in the last 12 months and on how many occasions have these been visits that do not relate to a particular incident report;

(4) Do police regularly patrol and visit local shopping centres; if so, how often do they 'dismount' from their vehicles and speak to the shopkeepers and youth at shopping centres in order to promote a 'community policing presence';

(5) How often have police visited Melrose High School in the last 12 months to carry out 'community policing' duties or to participate in educational activities or speak to youth at risk there;

(6) If there have been no visits in the last 12 months why not;

(7) How often are regular 'community policing' visits undertaken at other high schools in the ACT and how many such visits have occurred in the last 12 months;

(8) If no such visits have occurred, why not;

(9) How many (a) sworn and (b) unsworn police officers have left, for example resigned, retired, been made redundant or transferred out of, ACT Policing in each of the last four financial years;

(10) How many of the 583 sworn ACT police officers are on restricted duty because of a Comcare claim or return to work program or similar;

(11) How many officers who are currently on leave or restricted duties are holding down 'sworn officer' positions;

(12) What is the population 'catchment size' that (a) Tuggeranong, (b) Woden, (c) Belconnen, (d) City and (e) Gungahlin police stations are required to service;

(13) What were the relative strengths of sworn police patrols on duty and how many patrol cars were deployed on duty at Belconnen Station at (a) midday and (b) midnight on 2 May 2005;

(14) How many police patrols dismounted from cars and visited the business owners, the shop keepers and talked to shoppers at Chisholm Shops during daily shopping hours each day from 7 to 20 March 2005 inclusive;

(15) How many police patrols visited Calwell High School to deliver any form of community safety education to students in Years (a) 7, (b) 8, (c) 9, (d) 10, (e) 11 and (f) 12, each month from May 2004 to May 2005 inclusive.

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

(1) None.

(2) To answer this question would require manual data extraction and examination of individual records and is too resource intensive to answer in the given timeframe.

(3) To answer this question would require manual data extraction and examination of individual records and is too resource intensive to answer in the given timeframe.

(4) ACT Policing employs an intelligence-led approach to crime. North and South district members attend shopping centres identified as locations of interest or in response to reported incidents. During these visits shop keepers and business owners are consulted to establish their concerns and to identify potential resolutions. Additionally, both districts pro-actively patrol shopping centres, bus interchanges and surrounding public areas and focus on interacting with the community and the identification and resolution of anti social or criminal behaviour. To identify the number of times this has occurred would require manual data extraction and the examination of individual records and is too resource intensive to answer in the given timeframe.

(5) To answer this question would require manual data extraction and examination of individual records and is too resource intensive to answer in the given timeframe.

(6) Refer to the answer to question 5.

(7) ACT Policing in partnership with the ACT Department of Education and Training has refocused the delivery of information sessions/lectures to high school students. The new approach is to present a one day seminar, which has a number of speakers, including police, to all students from a particular year range. All ACT students in this year range will attend the seminar in a 12 month period and the topics will be set around personal safety, road safety and party smart themes. Drug lectures are currently delivered by teaching staff within high schools in partnership with the Red Cross, ensuring the focus is from a health perspective and not a punitive perspective. ACT Policing participates in teacher development days to ensure that information delivered to the students supports their curriculum and is consistent with crime prevention initiatives and principles and reflects the safety of the broader community.

ACT Policing continues to attend high schools to provide Crime Prevention through Environmental Design assessments, deliver lectures/information sessions as requested, and to provide advice on specific issues.

Community policing visits to high schools occur for a variety of reasons. To establish the number of times these visits have occurred at each school within the last 12 months would require manual data extraction and the examination of individual records and is too resource intensive to answer in the given timeframe.

(8) Refer to the answer to question 7.

(9) All police officers within ACT Policing are sworn members, there are no unsworn police officers. The number of sworn members that have left ACT Policing in the last four years is as follows:

a)	2001-2002	40
b)	2002-2003	34
c)	2003-2004	17
d)	2004-2005	30

(10) As at 4 July 2005, 36 sworn members are currently on restricted duty.

(11) As at 4 July 2005, 33 members currently on leave or restricted duties hold sworn positions.

(12) The population 'catchment size' that police stations are required to service are as follows:

a)	Tuggeranong:	89,818
b)	Woden:	77,734
c)	Belconnen:	85,562
d)	City:	40,887
e)	Gungahlin:	29,614

Regional Statistics ACT 2005, ABS Catalogue 3218.0.55.001

(13) At midday on 2 May 2005, Belconnen Station had two, two member patrols, one Sergeant and two front office members. At midnight on 2 May 2005, Belconnen Station had two, two member patrols, one Sergeant and one front office member.

(14) This data is not collected and would require manual data extraction and examination of individual records and is too resource intensive to answer in the given timeframe.

(15) To answer this question would require manual data extraction and examination of individual records and is too resource intensive to answer in the given timeframe.

Emergency services (Question No 458)

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 1 July 2005:

(1) In relation to the emergency services portfolio and further to the additional establishment and other unforeseen expenditure cost in Budget Paper 4, page 375, have there been any results from the Treasury directive to find an explanation for these Emergency Services Authority (ESA) blowouts; if not, why not;

(2) Is this overspend partly because of the need to fund the establishment and expansion of the Information Management, Communication, Command and Control (IMC3) group;

(3) What is the total strength of staff in the IMC3 group, by establishment position and including consultants attached to the establishment;

(4) If the IMC3 expansion, and its routine operating costs, are not covered under "additional establishment and other unforseen expenditure", Budget Paper 4, page 375, where are the costs for staffing, organisational expansion and other operating costs identified in the budget;

(5) How many temporary consultants are currently working in the IMC3 team, how long have they been employed at the ESA, what is their previous experience and current remuneration;

(6) What are the skills that these temporary IMC3 staff possess that differentiates them from other suitable applicants that could have been found if the positions were advertised in the wider community;

(7) Of the approximately 63 staff that have been employed to fill positions over the last two years, specifically staff who work for the ESA but not any front line agency, how many of these positions were advertised;

(8) If any of these positions were not advertised, why not;

(9) Are all 63 staff required given the imperative to shed staff from the ACT public service and given that the ESB seemed to function without them;

(10) What specifically are the communication contract savings for in Budget Paper 4, page 375;

(11) Who, if anyone, now holds these contracts;

(12) Why has $9 985 000 of funding for West Belconnen and Belconnen Joint Emergency Service Centres been removed from the budget, Budget Paper 4, page 375;

(13) What is the $60 000 of funding for a Belconnen Fire and Ambulance Station for in Budget Paper 4, page 376;

(14) Why has the Government entered into approximately $11 million worth of new communications contracts over the last year which do not appear to be part of the initial Communications Plan that totalled $23.6 million over four years;

(15) What is the current Communications Plan;

(16) What is the estimated total cost of the Trunk Radio Network (TRN), including the cost of installations so far by component of funding for future TRN installations;

(17) In relation to the TRN, how many base stations, including those installed and those yet to be installed, have you or will you install;

(18) Why was a contract entered into in which the ACT Government has to bear the cost of additional expenses for the non-performance of the contract;

(19) Why, as of 31 March 2005, was the contract removed for amendment, approximately four months before the expiry of the contract;

(20) Was money initially appropriated for the construction of 22 base stations and was it later revealed only 16 would be needed to cover the necessary coverage area, seven would be refurbished and the remaining nine were to be newly constructed and as five have been completed so far with a further four to be installed in phase 2; if so, where are the extra base stations to fulfil the quota of 16 and what is being done with the remaining funds;

(21) What is the coverage and reliability of this new network;

(22) Why now has there been funds appropriated over the next four years, totalling approximately $14.5 million after previous funds have been moved forward, Budget Paper 4, page 375, to cover the acceleration of the upgrade;

(23) What are these new funds going toward;

(24) What steps has the Minister taken to eradicate the sort of communication problems witnessed in the ESA COMCEN recently with the Simpson Hill's fire incident;

(25) What has the Minister done to address the concerns of the Rural Fire Service (RFS) to ensure that it has, in the ESA Headquarters, a stand alone Operations Centre and a stand alone RFS radio room to guarantee proper control;

(26) Are these closely linked with the ESA COMCEN to ensure better and speedier emergency communications and decision making;

(27) Does Curtin currently accommodate all the command and control systems of all emergency services agencies; if so, how are they properly inter-phased with the ESA Headquarters;

(28) What is the total cost of the Fire-Link project;

(29) Why has this project had built into it a "radio relay" (mesh technology) capability to compliment its data link;

(30) Is this an admission that the voice/radio network initially commissioned fails to cover the 95% * 95% coverage and reliability requirement and that data link equipment is now required to bridge gaps in the existing [TRN] voice net system; if not, then why commission the project;

(31) Was the Fire-Link project referred to and approved by the ACT Government Procurement Board as per clause 6(1)(b) of the *Government Procurement (Approved Procurement Units) Guideline 2002 (No. 1)*;

(32) On what date (a) was the Fire-Link proposal first referred to the ACT Government Procurement Board and (b) did you decide that the project would be the subject of a single-select tender process and that normal Government procurement guidelines would not be adhered to;

(33) Did Government solicitors send a letter to the ESA asking them to explain why many tenders have been single-select; if so, what was your response;

(34) Why did you pursue this option for a data link and why did you not consider a system which could have been implemented with off-the-shelf hardware combined with the existing computer aided dispatch system for the total cost of around $500 000, significantly less than the cost of the Fire-Link system;

(35) Why was a tender not sought from the contractors of the CAD system and if it was not possible, why not;

(36) Why was there a need for this extensive research, stated in estimates hearings, when a public tender would have served the same function for Firelink;

(37) Has the ESA previously conducted any activities with Fire-Link provider ATI;

(38) How did ATI specifically come to the notice of the ESA if broad commercial tendering processes were not undertaken;

(39) Why has a portal been introduced when it was never part of the original communications plan and why was it necessary to replace the then existing Information Management System;

(40) Did the ESA put out a public tender for this 'portal' so it could consider other possibilities; if so, when was it put out and how many tenders did you receive;

(41) Why in this public tender were requirements stipulated that appeared to match specifications of the portal suggested by Plumtree;

(42) Was a letter sent on behalf of a potential contractor that stated the tender was un-competitive; if so, what was your response;

(43) Were any observations made by the Government Solicitors or any other agency criticising the tender process;

(44) How can the quote by Mr Dunn stating that "… we are working overtime to make sure we are using world's best practices here in Canberra ..." on Thursday, 9 September 2004, be true if non-competitive tenders were used;

(45) If ESA was searching widely for "world's best practices" to determine the best option then why wasn't a proper commercial tender put out with the correct analysis undertaken;

(46) Did Mr Dunn also state that funds had been made available over the next two years; if so, how much funding was made available and from where was it sourced;

(47) What has happened to the three control vehicles that were approved and funded for totaling $856 000;

(48) Is the financial management software system Oracle still fully operating for the ESA; if so, why, on several occasions, have emergency services vehicles been unable to fill up with fuel, due to the non-payment of accounts;

(49) How does the ESA propose to monitor its finances if there is such an obvious inability to set systems or budgets in place that control this;

(50) Further to Point 2, 2005-06 highlights, Budget Paper 4, page 369, what will be continued upon in relation to community awareness levels in this year's budget;

(51) Further to Point 5, 2005-06 highlights Budget Paper 4, page 369: Continuing to enhance the skills in the Community Fire Units (CFU), can the Minister guarantee that the bushfire approaches to all vulnerable suburbs have had their fuel hazard loads eradicated, if as he says the bushfire fire risk has decreased for the reason that a significant amount of the fuel hazard was burnt in January 2003; if so, what was your plan in prioritising which vulnerable suburbs were given priority and are the remaining 58 CFU areas of operation/responsibilities by and large risk free;

(52) How can the bushfire risk index have reduced if the drought continues, as it has to date and is forecast to last well into the next fire season and how can the Minister justify letting up in the drive to implement sensible urgent measures and related priorities to minimise the community's bushfire risk as he has done with the CFU program;

(53) What is the importance of the Strategic Bushfire Management Plan (SBMP);

(54) Where are the authorities in the SBMP giving the ESA Commissioner, or the RFS Chief Officer, or their nominated delegate, or even the Minister, the unquestioning power to order a Land Manager (private and government lands to eradicate fuel hazard loads or pay the ESA for the essential hazard reduction operations that they should deem necessary to undertake;

(55) Where are the individual (action) operational plans for all vulnerable suburbs and other vulnerable localities that should be sub-sets of the SBMP;

(56) Did total costs increase from $11.759 million to $13.142 million (11.76%) due to "unforeseen expenses", as outlined in Budget Paper 4, Appendix, page 89; if so, what are they;

(57) Did costs increase from $47.037 million to $52.569 million (11.76%) due to "unforeseen expenses", as outlined in Budget Paper 4, Appendix, page 90; if so, what are these expenses;

(58) Is the estimated outcome for 2004-05 for fire alarm monitoring $617 000; if so, why is this fire alarm monitoring not carried out annually;

(59) Will this actually be recurrent revenue that has not been budgeted for;

(60) What other changes are represented in the figure, as stated in notes to the budget statements that the reason for the forecast reduction in employees expenses in Budget Paper 4, page 377 is "mainly due to reduced overtime expenses";

(61) Did the Minister state in Budget Paper 4, page 381 that there was a $0.973 million increase in the 2005-06 Budget from the 2004-05 estimated outcome for recruiting additional fire fighters to reduce overtime and increase normal working hours; if so, and if the Government's stance on police is serious, why does it have a "double standard" on reducing overtime compared to the ESA;

(62) Will the Government make an attempt to remedy the police overtime situation like it has for the emergency services; if not, why not;

(63) Did it state in Budget Paper 4, page 378, that under current assets the cash on hand is increasing at approx. $1 million per year and then approx. $2 million in 2008-09, and is budgeted to total $6 million in 2008-09; if so, why has there been no interest revenue accounted for in this budget year or any of the out-years;

(64) Where is the cash being kept and is it set aside for some emergency reserve use;

(65) Has the Minister, in Budget Paper 4, page 172 allocated over $3 million in funding in 2005-06 and the out years for communication and information management; if so, are any of these funds for broadband data links between Emergency Services, suburban and volunteer stations and what other capabilities are being introduced.

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

The questions you have asked are a duplication, albeit in some cases slightly reworded but meaning the same, in questions that Mr Zed Seselja asked in Estimates Question on Notice Number 181.

I responded to Mr Seselja's questions on 22 June 2005 and the answers to those questions have not changed.
