



DEBATES  
OF THE  
LEGISLATIVE ASSEMBLY  
FOR THE  
AUSTRALIAN CAPITAL TERRITORY

SIXTH ASSEMBLY

WEEKLY HANSARD

22 SEPTEMBER

2005

**Thursday, 22 September 2005**

Health Records (Privacy and Access) Amendment Bill 2005 (No 2).....	3522
Dangerous Substances (Asbestos) Amendment Bill 2005 (No 2).....	3524
New West Belconnen School—Select Committee.....	3526
Personal explanation.....	3542
Executive business—precedence.....	3543
Tree Protection Bill 2005 .....	3543
Visitors .....	3551
Questions without notice:	
Hospital bypasses .....	3551
Bird flu—government preparedness.....	3553
Community grants .....	3554
Auditor-General’s report—courts administration .....	3555
Cyclepath—Curtin.....	3558
Arts funding.....	3559
Trade union membership .....	3562
Auslink bilateral agreement.....	3563
Auditor-General’s report—courts administration .....	3563
NICTA .....	3566
Corrective services—prison project .....	3568
Supplementary answer to question without notice:	
ACT Health—salary packaging.....	3569
Answers to questions on notice:	
Question No 467.....	3570
Questions Nos 489 and 490 .....	3570
Question No 495.....	3570
Papers .....	3570
Ministerial Advisory Council on Ageing .....	3571
Territory plan—variation No 205 .....	3573
Territory plan—variation No 214.....	3574
Community safety (Matter of public importance).....	3575
Paper.....	3591
Tree Protection Bill 2005 .....	3592
Financial Management Legislation Amendment Bill 2005.....	3603
Adjournment:	
Richmond Fellowship offices.....	3609
Former Macquarie hostel site .....	3609
Industrial relations—Qantas .....	3610
Dr Kevin Donnelly .....	3611
51st CPA conference .....	3611
Principal-for-a-day scheme.....	3612
Principal-for-a-day scheme.....	3613
Griffin Centre .....	3613
Assembly open day.....	3613
Kingston foreshore .....	3614
Industrial relations—Qantas .....	3616
Condolence on loss of father .....	3616

Schedules of amendments:

Schedule 1: Tree Protection Bill 2005.....	3617
Schedule 2: Tree Protection Bill 2005.....	3617
Schedule 3: Tree Protection Bill 2005.....	3618
Schedule 4: Tree Protection Bill 2005.....	3623

Answers to questions:

Crime—motor vehicle theft (Question No 459).....	3624
Government—insurance (Question No 460).....	3625
Finance—capital works (Question No 462).....	3626
Social welfare—poverty (Question No 464).....	3627
Motorcycle registration fees (Question No 465).....	3627
Health—red reflex screening (Question No 466).....	3627
Health—asthma (Question No 468).....	3628
Hospitals—bypass figures (Question No 469).....	3630
Hospitals—elective surgery waiting lists (Question No 470).....	3631
Hospitals—psychiatric services units (Question No 471).....	3632
Hospitals—funding (Question No 472).....	3633
Hospitals—transition care places (Question No 473).....	3633
Aboriginal and Torres Strait Islander regional health plan (Question No 474).....	3634
Office of Aboriginal and Torres Strait Islander Affairs (Question No 475).....	3634
Animals—product testing (Question No 476).....	3635
Housing—tenant rights (Question No 477).....	3635
Housing—tenant advice service (Question No 478).....	3636
Finance—Treasurer’s Advance (Question No 479).....	3636
Animals—de-sexing pets (Question No 480).....	3637
Health—meningococcal disease (Question No 481).....	3638
Calvary Hospital—night staff (Question No 483).....	3638
Hospitals—waiting times (Question No 484).....	3639
Hospitals—waiting times (Question No 485).....	3640
School cleaners—complaints (Question No 487).....	3641
Waste disposal (Question No 488).....	3641
Transport—private bus drivers (Question No 491).....	3642
Roads—line markings (Question No 492).....	3642
Environment and conservation—tree plantings (Question No 493).....	3643
Lollipop Childcare Centre—safety (Question No 494).....	3645
Roads—alcohol and drug driving tests (Question No 495).....	3646
Bushfires—hazard reduction (Question No 496).....	3647
Crime—drink spiking (Question No 497).....	3648
Crime—car re-birthing (Question No 498).....	3650
Policing—Civic (Question No 499).....	3650
Emergency Services Authority—funding (Question No 500).....	3651
Motor vehicles—registrations (Question No 501).....	3653
ACTION buses—bike racks (Question No 502).....	3654
Crime—graffiti incidents (Question No 503).....	3656
Roads—black spot programs (Question No 504).....	3657
Disasters—mitigation funding (Question No 505).....	3657

Trail bikes—incidents and charges (Question No 506).....	3658
Hospitals—paediatricians (Question No 508).....	3660
Hospitals—psychiatric units (Question No 509).....	3661
Capital works—project funding (Question No 510).....	3661
Capital works—feasibility studies (Question No 511).....	3662
Capital works—projects (Question No 512).....	3663
Capital works—projects (Question No 513).....	3663
Aboriginals and Torres Strait Islanders—partnership plan (Question No 514).....	3664
Capital works—projects (Question No 515).....	3664
Development—Garran (Question No 517).....	3665
Hospitals—elective surgery admissions (Question No 520).....	3665
Canberra Hospital—funding (Question No 522).....	3666
Hospitals—inpatient services (Question No 523).....	3667
Hospitals—pediatrics refurbishment (Question No 524).....	3668
Calvary Hospital—capital expenditure (Question No 525).....	3670
Belconnen arts centre (Question No 526).....	3670
Registrar General’s Office—identity documentation (Question No 529).....	3671
Capital works—projects (Question No 530).....	3672
Capital works—projects (Question No 531).....	3673
Kippax library (Question No 532).....	3674
Roads—parking infringements (Question No 533).....	3675
Burringiri Aboriginal Corporation (Question No 535).....	3676
Housing—price signalling mechanisms (Question No 536).....	3677
Albert Hall (Question No 537).....	3678
Griffin Centre—security (Question No 539).....	3679
Libraries—internet pornography (Question No 540).....	3679
Suicide prevention (Question No 541).....	3680
Transport—capital expenditure (Question No 543).....	3681
Roads—Wells Station (Question No 544).....	3682
Transport—joint venture projects (Question No 545).....	3683
Gungahlin to Civic busway (Question No 547).....	3683
Roads—capital expenditure (Question No 548).....	3684
Crime—assaults (Question No 549).....	3685
Veterans memorial—capital expenditure (Question No 550).....	3689
Public art program—capital expenditure (Question No 551).....	3690
Glassworks project—capital expenditure (Question No 552).....	3691
Crime—strict liability offences (Question No 553).....	3692
Infrastructure—capital expenditure (Question No 554).....	3694
Work-based child care—capital expenditure (Question No 555).....	3695
Aboriginal cultural centre (Question No 556).....	3696
Land—releases (Question No 557).....	3697
Housing—fire safety (Question No 558).....	3697
Housing ACT—electoral forms (Question No 559).....	3698
Bushfires—warnings (Question No 561).....	3698
Spence primary school (Question No 568).....	3699
Children—playground safety (Question No 569).....	3699
Transport—capital expenditure (Question No 570).....	3701

Roads—lighting (Question No 573).....	3702
Roads—Kings Highway (Question No 575).....	3703
Roads—Majura Parkway (Question No 576).....	3703
Roads—residential street improvements (Question No 578).....	3704
Community paths—capital expenditure (Question No 579).....	3705
Finance—capital expenditure (Question No 581).....	3706
Roads—on-road cycle lanes (Question No 582).....	3707

**Thursday, 22 September 2005**

**The Assembly met at 10.30 am.**

*(Quorum formed.)*

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

**Health Records (Privacy and Access) Amendment Bill 2005 (No 2)**

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

Title read by Clerk.

**MR CORBELL** (Molonglo—Minister for Health and Minister for Planning, and Acting Minister for Children, Youth and Family Support, Acting Minister for Women and Acting Minister for Industrial Relations) (10.32): I move:

That this bill be agreed to in principle.

The proposed Health Records (Privacy and Access) Amendment Bill 2005 (No 2) amends the Health Records (Privacy and Access) Act 1997 to address issues not covered by the legislation and to make some minor changes to some of the provisions of the legislation that do not work well in practice. In addition, some further minor amendments are proposed to ensure that the legislation is consistent with the National Health Privacy Code.

The Health Records (Privacy and Access) Act 1997, which is the current legislation, came into effect on 1 February 1998. The intention of the legislation is to provide for the privacy and integrity of, and access to, personal health records and information. Over several years the Community and Health Services Complaints Commissioner has been approached by a number of individual health service providers, provider organisations, consumer groups and individuals in relation to the limitations of the current act. A working party was formed by the Community and Health Services Complaints Commissioner to consider the aspects of the legislation that needed to be improved and what other amendments were necessary to keep the ACT legislation in line with the National Health Privacy Code.

This bill proposes amendments to the current act by adding a provision to include minimum periods for retaining health records; amending section 7 to ensure that access to health records by third parties protects the consumer's privacy; amending the act to allow access to health records in defined circumstances by families, guardians and carers of deceased people where the person dies intestate or is legally incompetent; amending the act to allow access to health information by carers in limited circumstances and allowing the disclosure of identifiable data for research purposes in controlled circumstances.

The bill proposes to include minimum prescribed time frames for keeping health records. At present the current act does not proscribe a minimum period of time for keeping health records. The proposed amendments to the act will prescribe a minimum standard for retaining health records: for persons 18 years of age or more, seven years from the date the last entry was made and, for persons less than 18 years of age, seven years from the time the person turns 18.

The time frames proposed in the bill are consistent with the National Health Privacy Code, as well as current practice. It is also a reasonable time in which any clinical issue may arise. In relation to children, the time frames proposed will allow them time to bring a legal action once they are legally able to do so as an adult. The time frames proposed are a minimum standard and other legislative or administrative requirements can override them. There may be occasions where it is appropriate to keep health records for a longer period or, for example, when a patient has had a hereditary condition or a complex medical history or complex event. As the time frames are a statutory minimum, there may well be other circumstances where it is appropriate, or even obligatory, to maintain health records for a longer period of time, for example, in relation to genetic information. These situations will not be affected by the proposed time frames in this bill.

The proposed amendments in the bill also include a similar provision to the National Health Privacy Code in relation to the destruction of ACT health records. The National Health Privacy Code makes it clear that people or organisations who are not health service providers should destroy or de-identify personal health information once it is no longer needed. In this bill it proposed to impose an obligation on people or organisations to destroy such information once it is no longer needed, as opposed to the current provisions requiring them to take only “reasonable steps” to destroy the records.

The National Health Privacy Code also requires the record keeper to create and maintain a register of destroyed, deleted or transferred health records. The proposed amendments in this bill include a similar requirement to the code for the current act. This register will help ensure that health records are only destroyed, deleted or transferred in accordance with the destruction schedule. These amendments will also allow the consumer certainty about whether or not their health records exist.

The bill also seeks to enhance the provisions to protect a consumer’s privacy when third parties access health records. Under the current act a consumer may authorise another person to access his or her health records. However, in many instances, a consumer is asked to sign a generic authorisation allowing an organisation to access all health information, regardless of its relevance. The proposed amendments in this bill will provide consumers with more control over the parts of their health records accessed by third parties by enabling them to specify which aspects of their health records can be accessed.

The amendments in the bill provide that this can be done by means of an approved form, which will be in two parts, the first part relating to the person seeking the information about the consumer and the second part detailing the information requested, the consumer’s agreement to the request and any conditions the consumer wants to place on access to, and use of, the information. In this way the consumer’s right to privacy in respect of his or her personal health information can be protected.

This bill also improves access by relatives to a deceased consumer's health records in compassionate circumstances where this is not contrary to the expressed wishes of the consumer. Under the current act, when a consumer has died, the only person who can access his or her health records is a legal representative. In practice, this means that if a person dies intestate, so that there is no administrator of the estate or executor of the will, no one, including a spouse, parent, or child can access the deceased person's health records until a court appoints an administrator. This could take some time.

The bill proposes that the act be amended to allow an immediate family member access for compassionate reasons to personal health information of a deceased consumer in situations where such disclosure would have been expected by the consumer and are not contrary to any wishes expressed by the consumer. These changes are consistent with the current definitions contained in the act and the National Health Privacy Code and will not impinge upon the consumer's right to confidential treatment of health information as provided for in section 17 (3) of the current act.

The bill also enhances the access to health information by carers of consumers in certain limited circumstances. As a result of complaints received, the Community and Health Services Complaints Commissioner has recommended for some time that the existing act be amended so that personal health information can be received from carers and that carers can have access to personal health information they need in order to carry out their functions as carers safely and effectively.

In order to allow carers to have access to the personal health information they need to be effective carers, it is proposed that the current act be amended to allow carers of consumers to be given personal health information about the consumer in limited defined circumstances. The proposed amendments in this bill will allow personal health information to be given to a carer of a consumer in the following circumstances: firstly, if the consumer is capable of giving consent and does so and, secondly, if the consumer is incapable of giving consent and there is an emergency, or the information is necessary to prevent or lessen a serious or imminent risk, or there is a need for the carer to know in order to carry out their functions safely and effectively, or for compassionate reasons or where the person given the information is the legal guardian.

Finally, the proposed amendment to principle 10 to allow for the disclosure of identifiable data for research purposes in controlled circumstances is consistent with the model provisions in the National Health Privacy Code as well as consistent with current best practice. The proposed amendment to the bill has been drawn directly from similar provisions contained in the New South Wales and Victorian health records acts. I commend the bill to the Assembly.

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

## **Dangerous Substances (Asbestos) Amendment Bill 2005 (No 2)**

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

Title read by Clerk.



**MR CORBELL** (Molonglo—Minister for Health and Minister for Planning, and Acting Minister for Children, Youth and Family Support, Acting Minister for Women and Acting Minister for Industrial Relations) (10.42): I move:

That this bill be agreed to in principle.

Today I present the Dangerous Substances (Asbestos) Amendment Bill 2005 (No. 2) to amend the Dangerous Substances (Asbestos) Amendment Act 2004 and the Dangerous Substances (Asbestos) Amendment Act 2005. It is a bill to repeal sections 47K and L of the act prior to their scheduled commencement on 16 January 2006. Section 47K of the act requires that an asbestos survey report be obtained when high-risk activities are being undertaken and section 47L requires that asbestos survey reports be obtained for properties listed for sale.

Members will recall that Ms Gallagher, the Minister for Industrial Relations, recently tabled the ACT Asbestos Task Force Report *Asbestos management in the ACT* and the government response to the report recommendations. The task force report proposed new management regimes for residential and non-residential sectors in light of research undertaken through the extent and impact survey and research into national and international best practice management tools.

In addition, the task force's review of sections 47K and L raised a number of issues that would affect the implementation and effectiveness of these provisions. These included: limited industry capacity and insurance cover available for asbestos assessors and surveyors to prepare asbestos survey reports, coupled with limited regulation of the industry; the relatively high cost of asbestos reports; the difficulty in being able to regulate the residential sector in the provision of asbestos survey reports; the unlikely outcome that obtaining a report, which has a limited lifetime, would result in ongoing improved management practices and the potential impact on property market valuation for buildings with materials containing asbestos.

The task force also concluded that obtaining a report at the point of sale or when engaging in high-risk activities was unlikely to improve asbestos management practices or protect those people most likely to be at risk of exposure to asbestos fibres during particular activities. What are needed are practical and effective approaches to management awareness and training. Education and training targeted towards tradespeople who are likely to come in contact with asbestos materials on a daily basis, along with targeted education and advice for do-it-yourself home renovators are more practical and effective approaches in raising asbestos awareness and improving asbestos management.

In responding to the task force report, the government supported the new regimes for the residential and non-residential sectors. The task force recommended that the government defer sections 47K and L to a later date in 2006 to allow time for consideration of the recommendations put forward. However, to ensure that there is no confusion in the community about the government's intentions for the future management of asbestos in the residential and non-residential sectors, it is now proposed to repeal sections 47K and 47L, rather than to defer them to a later date. This approach is consistent with the government's response to the task force report. I commend the bill to the Assembly.

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

## **New West Belconnen School—Select Committee Appointment**

**MRS DUNNE** (Ginninderra) (10.46): I move:

That:

- (1) a Select Committee on the establishment of a new P–10 school in West Belconnen be appointed to:
  - (a) examine:
    - (i) the process by which the Government determined to close and demolish Ginninderra District High School and replace it with a 1500 student school;
    - (ii) the educational research that underpins the Government decision;
    - (iii) the feasibility of the project including the demographic support for a school of 1500 students;
    - (iv) the effect on educational choice in Belconnen;
    - (v) the effect on Belconnen families;
    - (vi) the impact on other schools in Belconnen; and
    - (vii) the likely ramifications on Government schooling elsewhere in the ACT; and
  - (b) investigate and report on options for the future delivery of schooling in West Belconnen, taking into account of educational, financial and social impacts on students, their families and the broader community;
- (2) the Committee be composed of:
  - (a) one member to be nominated by the Government;
  - (b) one member to be nominated by the Opposition; and
  - (c) one member to be nominated by the cross bench;to be notified in writing to the Speaker within four hours after the passing of this resolution;
- (3) the Committee report by the first sitting day in 2006;
- (4) the Committee may also provide interim reports on its progress; and

- (5) the foregoing provisions of this resolution so far as they are inconsistent with the standing orders have effect notwithstanding anything contained in the standing orders.

There are several reasons for establishing a select committee to examine the proposed demolition of Ginninderra district high school and surrounding schools in order to make way for a mega school in west Belconnen. All have to do with the process by which the policy has been foisted upon us, most particularly the parents, students and teachers of west Belconnen, and the secrecy, if not duplicity, with which the government has attempted to pursue it. This was bad enough when the scheme was originally announced, but after the evidence we have received through the Freedom of Information Act, evidence that the government had no intention of making public otherwise, it has become clear that the problem is one of systematic obfuscation that in all probability goes well beyond the education portfolio.

The first thing to note is that this major policy initiative, this \$43 million or \$48 million project to herd all the children of west Belconnen into a single compound, was simply not mentioned at the last election; nor did the government say a word about it during the May budget. Not a single word! But we now know that it had been discussing it in some detail at the end of last year even after one of the minister's spokesmen had categorically said that there would be no school closures in the second term of a Labor government. It was being discussed even before a senior ministerial adviser to the minister told the ACT Council of Parents and Citizens Associations that there was no need to resuscitate earlier guidelines covering community consultation over school closures because there would be no school closures in the life of this government.

That was an undertaking that was made to the Parents and Citizens Association in December last year. But it is also worth noting that in January of this year the same officer made a similar undertaking to me in my office that there was no need to look at guidelines for closing schools because we would not be closing schools. In itself, this constitutes a serious dereliction of duty, perhaps not a legal dereliction, but it certainly shows contempt for ordinary democratic practice and a betrayal of the trust of people of the ACT. Yet, as the FOI documents consistently show, the government's hubris and cynicism run far deeper than is indicated by mere refusal to inform the electorate about its intentions.

I would like to give a few examples from the FOI documents. An official from the department of education was asked to give his thoughts on the possible redevelopment of Ginninderra district high school. The official made various individual points and then summarised his position this way:

My feeling is that we need to develop a comprehensive strategy, including extensive community consultation processes, to consider the future provision of government education facilities throughout Belconnen before we contemplate development options for specific schools. Such a strategy would allow the integration of latest approaches in education facility provision as well as considering equity and accessibility issues for students.

If the government had taken this advice from one of their officials and taken this considered approach, we would not be here today debating this. If the government had

taken this advice and taken us on trust and openly discussed education needs in Belconnen, they would have won plaudits from me and from the members of the community.

This piece of advice in the FOI documents is in stark contrast with almost everything else in the pile of documents that we have received. By contrast, a letter to the department's director of budget and facilities by the acting manager of the facilities management section on 16 May this year states, in part:

There is no allowance in this timeline for public consultation with community groups or other interested bodies. This consultation will have to be done concurrently with progressing the project. It will mean that the designs will be approved with little or no input from these bodies.

Indeed, the acting manager goes further to declare that:

Consideration should be given to alternative approaches to reduce time in construction ... there will be some inefficiency—

That means it will be more expensive:

in this approach but time will be the critical issue.

There is no room in the government documents for a comprehensive strategy, including extensive community consultation processes, which is what more thoughtful officials advocated. It gets better. The acting manager also blithely notes:

ACTPLA and building approval times are minimal. It is assumed that ministerial call-in powers will be exercised to meet the deadlines. If a project follows normal procedure it could be in the approval process for three times the allowed time and this will cause it to miss the finish deadline.

As Mr Seselja has pointed out, the approval process for Amaroo took four to five times the normal time. Of course, everyone is in such a hurry to build this school that there can be no delay anywhere along the line. To speed things up even more consultants are to be appointed on a single/select tender basis. This is for a \$43 million project. The acting manager proposes that the design consultants for the Amaroo school should be commissioned without public tender. These, incidentally, were the same consultants who produced a so-called independent report in August examining their own earlier recommendations.

I should point out here that I am not criticising the company that was called upon to do this. I think the department of education has abused their relationship with the company and, by their ill-considered approach, has put the company's reputation in jeopardy. They should not do these things. It goes on. The director of schools, northern Canberra breezily recommends selecting staff for one of the project teams, rather than advertising the positions. He says he would be quite happy to suggest specific names. This is all because of the extremely tight time frames for the construction of a new school. All of this was decided before the announcement of the mega school and, it goes without saying, before the charade of public consultation that we are now seeing.

Not all of these devious machinations went entirely unremarked. The procurement process for the market research tender for the improving educational outcomes project, for example, possibly went a little too far even for this government. Correspondence between the manager of the education department's risk management and audit unit and the deputy chief executive warned that the single/select tender quotation process the department followed contravened the relevant sections of the government's own procurement guidelines. Among the breaches was a failure to submit a procurement proposal to the department's approved procurement unit for the exemption from the normal tender process. On top of this, the government apparently sought to have the appropriate exemption approval signed retrospectively.

This had nothing to do with the service provider and the risk management and audit manager quite rightly recommended that payment should be made because the work was undertaken in good faith. What was not in good faith was the government's readiness to circumvent its own rules. One of the recommendations the manager makes in relation to this dodgy tender is that the chief executive should not sign the approval to use a single/select quotation as the correct procedures have not been followed and it would be a breach of government guidelines.

First the government presents the parents and students of Ginninderra district high school with a *fait accompli*. Now we learn that they have attempted to treat the law in much the same way. In case anyone is wondering why the government is in such a hurry to build this new monument to collectivism, we need only note that the community engagement study reveals that the department is planning a public launch and open day for the new mega school in September 2008. When is that, Mr Speaker? It is exactly one month before the next election. It is almost paradoxical. A government that did not dare mention the project in October 2004 or in this year's budget is planning to launch the thing it has been avoiding talking about just before the October 2008 election. It is almost paradoxical, but only if you ignore the fact that the government regards the citizens of Canberra as gullible electoral fodder with a memory as short as the government's own moral fuse.

Incidentally, in question time on Tuesday this week, the Chief Minister inadvertently clarified what he understands by "consultation". In response to a question from Mr Mulcahy about an advertisement in the *Sunday Times*, he indicated that a quarter-page spread, 90 per cent of which consists of government self-promotion, topped off by a notice of a forthcoming forum is, as far as Jon Stanhope is concerned, community consultation. "The Stanhope Labor government," he said, "could not possibly be charged with engaging in political advertising." According to our eponymous leader, "We were consulting."

I suppose it is not quite as dramatic or alarming as: war is peace, freedom is slavery or ignorance is strength, but the Stanhopian newspeak version nevertheless has the same objective as Big Brother. That is Orwell's Big Brother, not Channel 10's. The dictionary definition of "consultation": "to seek information or advice; to seek permission or approval; to take into account" is now substituted by, "We will tell you what we are going to do whether you like it or not." Mind you, on second thought, ignorance is strength is the kind of slogan that appeals to the Chief Minister in this context, so long as it is other people's ignorance, and that is ignorance, for example of the government's

intentions, such as when you keep the electorate in the dark about your design to close and demolish several schools in west Belconnen to make way for a mega school with its monolithic, faddish curriculum.

Given this arrogance and disregard for community opinion and given the travesty that is the current process that Mr Stanhope dares to call community consultation, one of the few avenues left for proper scrutiny of the government's high-handed action is a select committee of the Assembly. To ensure some semblance of independence it is necessary that the committee have equal representation of government, opposition and crossbench, unlike the current education committee. Otherwise, like the Assembly itself, its deliberations will be predestined to find in favour of the government, rather than the public interest.

I only ask that, for once, those present have the courage to remember that their first allegiance should be to the people of the ACT, rather than to their usual tribal instincts. It is absolutely vitally important that the people of the ACT, especially the people of west Belconnen—my electorate and the electorate of Mr Stanhope, Ms Porter and Mr Stefaniak—get a say in the educational future of their children and their neighbourhood. There is no way that this can be done in the current climate.

As Mr Stanhope, who vaunts public consultation, told the parents of Ginninderra district high school outside the Labor party conference at the end of July; “This is not a community consultation about whether your school will close. This is a consultation about how to close your school”. This is no way to treat the people of west Belconnen. This is no way to treat your and my electors. This is why this Assembly must institute a select committee to draw upon all the expertise within this Assembly and to do it in as unbiased a way as possible, so that we can come to this with an open mind. If we come to this with an open mind, then we may end up with a good educational outcome for the people of west Belconnen.

**MR STANHOPE** (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs, and Acting Minister for Education and Training) (11.00): Mrs Dunne suggested during her presentation that, if only we had taken her on trust, this could all have been avoided. That is a rather quaint notion that I would like to put to bed once and for all. This government will never take Mrs Dunne on trust. Perhaps we could put that rather quaint notion to one side before we actually get down to the debate. I think that the presentation that Mrs Dunne has just given in relation to this proposed committee, the silly and superfluous political stunt that it is, illustrates why it is that we did not take her on trust.

This particular motion, this idea, denies the comprehensive community consultation that the ACT government has engaged in on its proposal to build a state-of-the-art school, a \$43 million investment in education, for the people of west Belconnen on the current site of Ginninderra district high school. A \$43 million investment in public education in west Belconnen, the greatest single investment by any government at any time in the ACT for the people of west Belconnen, is at the heart of the government's proposal. That is what we intend. The promise we make is that the new school at the Ginninderra district high school site will be the best school in the ACT, the best bar none, at a cost of \$43 million. That is what we propose.

This motion by Mrs Dunne would, at best, delay the opening of what will be the territory's best school and, at worst, potentially force the abandonment of plans to provide this top-flight educational opportunity to an area in Canberra of undeniable need. A new inquiry would not make the consultative process any clearer for the community; in fact, it would cause unnecessary confusion and concern. There is already a very robust consultative process in place. There is simply no need to introduce a superfluous political inquiry designed to score political points rather than to add to the consultation.

The new school complex proposed to be built on the site of the existing Ginninderra district high school is designed to provide, and will provide, to the young people of west Belconnen unparalleled educational facilities and opportunities. Schools of the 21<sup>st</sup> century need to be more adaptable and to respond to new ways of teaching and learning. The best are able to provide students with exciting learning opportunities through a range of innovative facilities, including new technologies and specialised equipment. Students at ACT government schools deserve the best opportunities, the broadest choices and the best facilities. That is the expectation of the people of Canberra and the commitment of this government. It is what this proposed development will deliver to the people of west Belconnen.

The new school will include specialist technology areas catering for project development, design, construction, electronics and robotics. It will provide purpose-built facilities for visual arts, for textiles, for media, for music, for drama, and for home science. It will provide a library with defined areas for various age groupings and it will provide a multipurpose gymnasium capable of hosting dramatic and music performances and other presentations. That is what the government is offering. That is the proposal that we are consulting on, and the consultation process is proceeding well.

Since the announcement of the proposal in July, the government has undertaken a comprehensive community consultation process. The minister for education and I have had many questions, comments, alternative suggestions and indications of support from many people in the community. There have been a number of comments through web sites, through individual letters and phone calls, and from those attending one of the many meetings facilitated by the department. Meetings have been held with a broad range of stakeholders, including the ACT Parents and Citizens Association, some school P&C associations, the Belconnen Community Council, the Canberra Preschool Society, the ACT Community Council and Belconnen Community Services.

Open days were held at Amaroo school, with free bus transport from Ginninderra district high school, so that the community could see what a comprehensive P to 10 school would look like and ask questions as to how it would work. Further open days at Amaroo will be held in October. There have been two community forums at Ginninderra district high school, one in July and one last Wednesday night. Consultation is continuing and the web site is continually being updated with information in response to questions from the community.

Mr Speaker, my government is providing comprehensive information on the proposal. Any person who attends a meeting, requests information or goes to the department's web site will find all the information available. Included on the web site are briefing papers on the proposed new school and the concept of middle schooling. There is detailed

research on the educational benefits of middle schooling. Details of the projected school enrolments for the whole of Canberra for 2005 to 2010 were included.

This is the information that the community has asked for. The community has asked many questions and the government has published a booklet answering frequently asked questions. The booklet was delivered to every letterbox in the west Belconnen area, is available at the school and was handed out at the Kippax shopping fair on Friday nights during September. Finally, the Ginninderra high school P&C has been, understandably, very vocal in its questioning of the proposal. It put to the minister for education a number of questions and all of them, every single one, has been answered and published in full on the web site.

Just this week, I was able to outline in the Assembly some of the great results that the ACT education system has produced in national and international awards. I outlined outstanding results achieved in literacy and numeracy and maths and science, not just in comparison with other jurisdiction in Australia but in international comparisons, including a first ranking in the world, in concert with Singapore and Taipei, in relation to year 4 maths and science.

We all know that the ACT leads the nation in education. We have always known that and we accept it. We are not complacent about it and we strive to maintain our position. We match the best schools in the world on a jurisdiction basis, not Australia as a whole. The rest of the nation pulls us down, but when we extract the performance of the ACT educationally from that of the rest of Australia and compare ourselves against the leading jurisdictions in the world in science and maths, which are Singapore and Taipei, we match it with them. We produce the best outcomes in the world in the ACT.

The families of students who attend ACT government schools are, of course, pleased with those results, as shown in the surveys of parents and carers. The latest survey shows that 95 per cent of parents believe that things their children are learning are relevant to their needs and 96 per cent of parents believe that they have had the opportunity to be involved to the level they wish in school activities. This community satisfaction and community involvement in schools is a hallmark of the ACT public education system. It is reinforced by the community involvement and the consultation being undertaken over the proposal for Ginninderra district high school. As the proposal proceeds, there will be many more opportunities for the community to get involved in the design phase and ultimately in the operations of the proposed new school.

The government's proposal for west Belconnen is one of renewal and innovation. It is not the only area where this government is moving on these fronts. Our curriculum renewal project, much derided by Mrs Dunne, is just one further example. Mrs Dunne's criticisms on both fronts should be seen for what they truly are: ill informed, completely irresponsible, entirely contradictory and alarmist drivel. Let us take a closer look at Mrs Dunne on curricular renewal. In her media and other comments on the public record and elsewhere—

**Mrs Dunne:** I take a point of order, Mr Speaker, on relevance. This debate is about the development of Ginninderra district high school. I am quite happy to have a debate about curriculum renewal. We had one the other day.



**MR SPEAKER:** It is a broad-ranging debate, Mrs Dunne, and I think that your contribution to the debate was fairly broad ranging as well.

**Mrs Dunne:** But there was no discussion of curriculum renewal and there is no discussion in the motion of curriculum renewal. I am quite happy to have the debate, but this is not the place.

**MR SPEAKER:** Resume your seat. There is no point of order. We might as well go over this point now. Yesterday, there was an exchange of points of order in relation to a question by Mr Seselja. Mr Seselja asked a broad-ranging question in which he mentioned architects and developers working interstate, the development application process and frustration with the ACT Planning Authority. It was a broad-ranging question and he used, as an example, Amaroo school. Mr Corbell covered those broad-ranging issues in his response to the question.

You raised an absolutely non-existent point of order in relation to the matter. But it was not just once that you did that; you repeatedly raised points of order that had nothing to do with the question that had been asked. I point you to standing order 202(a), which refers to persistent and wilful obstruction of the business of the Assembly. Points of order of this nature, which deliberately interfere with the debate, are not going to be tolerated. I will name you, Mrs Dunne, if you continue with this practice. It is interference with the course of debate in this place.

Let me say as well that I am not one to see this chamber become a place where nothing humorous can be said in debate and I do not want to be in a position where I have to be extraordinarily firm in relation to the assessment of contributions to debate in this place, because it would stifle discussion, but I am not going to tolerate debates being interfered with by points of order which do not have substance.

**MR STANHOPE:** Mrs Dunne, in her media and other comments on the public record and elsewhere, has a habit of complicating the debate with pompous rhetoric, such as “half-digested, postmodernist theory,” as we heard again today, to describe critical literacy, which simple MLAs like me have trouble understanding. Had I been fortunate enough to study critical literacy in school, I might have been in a better position to understand her comments. I challenge anybody in this place to say that they know what Mrs Dunne is talking about when she talks about half-digested, postmodernist theory.

Had each of us had the benefit of studying it, we might have had a better chance of understanding what she means, but Mrs Dunne seems to be suggesting that the ACT is the only jurisdiction in the country that includes critical literacy in its curriculum. Of course, as we all know, that is just not true. There is no evidence to suggest that any jurisdiction anywhere in Australia is abandoning critical thinking and critical literacy from their curriculum. On the contrary, critical literacy skills have been a core component of literacy teaching and learning for a long time, supported incidentally by Mrs Dunne’s federal colleagues, and will remain an important part of English curricula in all states and territories.

The recently developed national statement of learning for English, agreed to by all Australian education ministers in 2004, commits jurisdictions to providing an English

curriculum which enables students to develop the capacity to critically interpret and construct spoken, written, visual and multimoded text in a broad range of mediums and the capacity to use critical, analytical and imaginative abilities when interpreting, constructing, evaluating, discussing and using language and texts.

In fact, Mrs Dunne is completely isolated. None of her colleagues in the states or in the commonwealth, no government anywhere in Australia, supports her views on critical literacy and suggestions that it should be removed from the curricula anywhere in Australia. I take this opportunity to refute her attempts to undermine the curriculum renewal we have undertaken in the ACT.

The new ACT curriculum framework has been developed through extensive consultation with teachers, students, parents, professional associations, business leaders and tertiary institutions across all sectors. It reflects what the ACT community believes is essential for our students to know, understand, value and be able to do. The only dissenting voice in the whole of the ACT, perhaps in the whole of Australia, is—surprise, surprise!—that of Mrs Dunne. In the ACT, the teaching of critical literacy is about equipping students with the literacy skills that they need for this century. It is not the same as teaching postmodernist theory.

Critical literacy is about teaching students how to question and analyse what they read, hear, see or watch on television, and this is surely what we want our children and young people to do as consumers and as informed citizens in a democratic society. National and international definitions of literacy have included critical literacy as a core component for decades. It is not a matter of teaching basic reading and writing skills or critical literacy skills. Both are essential for all students in today's world.

As a result of the approach that we have adopted, the PISA testing results show that ACT students are achieving amongst the best in the world in reading literacy. The suggestion that the curriculum will not help those from low socioeconomic backgrounds is wrong and, given that it comes from a party that went to the last election with a policy to close government schools, is plainly offensive. I have heard it suggested that they did no such thing. One needs only to refer to Mr Pratt's comments in the *Canberra Times* of 12 August 2004 to understand the hypocrisy of the Liberals' position in this regard. Just before the election, Mr Pratt said, "In certain parts of the ACT it will be fairly certain that schools will have to close. You can't keep schools open which are not productive, the money could be better spent elsewhere. If enrolments were falling and there was another school nearby, you would have to say the merge is on."

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

**DR FOSKEY (Molonglo) (11.15):** I am going to support the motion because I think that the proposed P to 10 school is contentious and the process by which the government has gone about addressing the need for new school infrastructure in west Belconnen has been manifestly inadequate.

I have said before, and I will say it again in case I am misunderstood, that I am not opposed to the proposal for a new P to 10 superschool. I know that "superschool" is a word that the media, not the government, has chosen, but somehow or other it has stuck. But, like many other people in the community, I am yet to be convinced that it is

the only model that should be considered. I have talked with a number of people and I have not yet heard clear arguments as to why other models are not worthy of consideration. I am yet to see a substantial body of evidence in support of this model.

In the various briefings and consultations I have had, I have heard that the rationale for the proposed superschool in Ginninderra is based almost entirely on the success of the school at Amaroo. The school at Amaroo is undoubtedly a wonderful place physically. It is relatively new, it is a school of its times and it is located in a newly established community. Unlike the proposed school for Ginninderra, it did not replace existing schools and it does not yet cater to the full range of students from P to 10. It is very hard to evaluate its success educationally. I am sure that, like public schools in the ACT, the outcomes will be good, but whether they will be better and on what criteria we will make that decision are not yet clear.

It seems clear to me that the issues in west Belconnen could be quite different—they are different—and that the community is well placed to articulate these differences if the government is willing to listen to those things that do not agree with its own view on this matter. I find it quite mystifying that the government is willing to risk its credibility and its relationship with the community by doggedly refusing to develop and consider alternatives or provide the community with the full base of evidence for its decision to propose a P to 10 model.

I understand that the government is not inclined to support this motion and I think that that is a shame. The government would gain by allowing the inquiry to go ahead. The community would see that the government is prepared for the Assembly to look at the evidence in a transparent way and in a way that can engage stakeholders in the process. Parents, teachers and students would have a proper opportunity to give voice to their concerns, to their commendations, to their needs, to their preferences and perhaps to their gratitude. This would ensure that all of the issues in evidence for and against the proposal were put on the record.

If the P to 10 model had clear advantages over any alternative, that would be bound to be the conclusion of the inquiry. If the government is confident that its decision is rationally based, it has nothing to fear from such an inquiry. I also believe that it is reasonable to have a full and proper process before the government invests \$43 million in new school infrastructure. This is a substantial investment and any non-profit or corporate agency spending this kind of money would take a great deal of care and might be expected to invest considerable time and money in its decision-making process.

I anticipate that one of the government's reasons for not supporting this motion will be that it would delay the construction of the new school. If I were not aware of the election cycle, as pointed out by Mrs Dunne, I would be perplexed at the government's insistence that the new school be completed by 2009, come what may, even if that means ignoring calls from the community to slow down and consult, or ignoring their own research that indicates that Higgins might be a better site for the new school if a 12-month delay is accommodated.

Just because Mr Stanhope brought it up, I did see an article in today's paper that indicates that Cardinal Pell is making similar points about education to those made by Mrs Dunne.

**Mrs Dunne:** I did not read the article in the paper this morning.

**DR FOSKEY:** It happened yesterday at the National Press Club. There has been a concerted attack on critical thinking from various perspectives—normally we would see it positioned on the right across the country—and we are not the only jurisdiction experiencing that.

**MR STEFANIAK** (Ginninderra) (11.21): Mr Speaker, I was interested in what Dr Foskey said. I hope the government listened to it. In supporting the motion, she made a quite reasonable statement when she said that she was not opposed to the process, but was yet to be convinced that this model was, in fact, the only one; in other words, she had an open mind. I think that Mrs Dunne's suggestion is eminently sensible in relation to this very controversial decision by the government to build this superschool, especially when one considers the views of the community. I will go through a couple of the points Mrs Dunne makes in support of her sensible motion.

The Chief Minister, in his diatribe against Mrs Dunne, certainly did not address the issue. In the rest of his speech he seemed to be indicating that the government had made up its mind and the proposed school is going to be absolutely fantastic, blocking out all other views to the contrary. He accused Mrs Dunne of seeking to have an inquiry simply to score political points. She is a politician, she is a representative in this Assembly and, indeed, she will continue to score some very good political points as a result of the government's arrogant attitude in relation to this proposal. She is doing so already. It is her job to do so. So I think that that was a ludicrous statement by the Chief Minister. Let us look at some of the points Mrs Dunne raises in her motion.

**Mr Stanhope:** Where were you when Charnwood high school closed?

**MR STEFANIAK:** At least we consulted.

**Mr Stanhope:** And then closed it.

**MR STEFANIAK:** And at least there were options there for consideration, such as—

**Mr Stanhope:** Close it or close it.

**MR STEFANIAK:** To give one example, such as twinning with Melba.

**MR SPEAKER:** Order! Discussions across the floor are disorderly.

**MR STEFANIAK:** But we did not approach that with a completely closed mind, Mr Stanhope. There were similar problems with numbers. So I would not use that one as an example. Let us look at some of these points.

**Mr Stanhope:** No, let's not use Charnwood high school as an example.

**MR STEFANIAK:** I would not use it as an example because at least we consulted. We did not say, "This is going to happen. Bang, that's it. Bad luck." In fact, if you look at Mrs Dunne's first point you will see that she wants to examine the process by which the

government determined to close and demolish Ginninderra district high school and replace it with a 1,500-student school. The government simply announced that that was what it was going to do and, after announcing it, it then had a consultation period. Wouldn't it be better to do it the other way round? It is what is called in the military—Mr Pratt will certainly appreciate this—situating the appreciation. You work out first what you want to do and then you try to justify it later and work out where you get to your original decision. It is putting the cart before the horse.

Mrs Dunne wants to look at the educational research that underpins the government's decision. As we have seen from the debate since the government made its decision, not everyone thinks that this proposal is necessarily the best educational outcome for west Belconnen. It is one of a number of possibilities. It may be a very good outcome, but people have big concerns about it. An inquiry would give them a proper chance to look at the various views in terms of what is best for the area.

There is then the feasibility of the project, including the demographic support for a school of 1,500 students. I must admit that I have some concerns about that, living in the area. I know that there will be some new houses going into a part of Macgregor. Dunlop seems to be pretty well full. There might well be some new houses going into some other areas. But are we actually going to have the student numbers there to make this proposal viable? What will happen if the proposal falls short of the target of 1,500 students? I think that those issues need to be canvassed before the government actually goes in and does the job with this new superschool. How can the government be confident that these 1,500 students will eventuate in the area in which, Mr Speaker, you and I live?

There is then the effect on educational choice in Belconnen, which probably flows into the impact on other schools in Belconnen. Which other schools are going to close? We know already that Higgins primary and Holt primary will close as a result of the construction of this superschool. They will be part of it. But what about Macgregor primary? What about Latham primary? What is going to happen to Melba high school? There are a number of schools potentially facing some significant ramifications from having this superschool there. Obviously, that in itself will have an effect on Belconnen families. It is obvious that it will even have an effect on the students in the catchment area who might go to this superschool, assuming that none of the other schools closes.

How about the likely ramifications for government schooling elsewhere in the ACT? Mention has been made of Amaroo. The government trumpets Amaroo as a wonderful model, and it is an excellent school. But there are other areas in the ACT where similar schools might be set up by the government. What effect is that going to have on the local communities and on other schools in those areas. Do we necessarily want to have a situation where we have a small number, maybe not too many, of superschools in the ACT and very few other schools?

I have been to both of these meetings and talked to parents there. A lot of them have said, "We don't think big fits all. We like the idea of a smaller school. We like the more personal attention the students get. We fear that kids might get lost in a bigger school." No matter how good your staff, how good your methodology and how good perhaps the buildings are, that is a logical argument. That is a distinct possibility. Some students are better suited to other types of educational institutions.

These are subjects worthy of being investigated, but the arrogant government we have is just saying, "No, nine beats eight every time. You can all go and get stuffed; we are not going to do it." All right, the government has the numbers and it is not going to change its mind, but I would counsel the government to have a bit of a think about the matter. Mrs Dunne only wants this inquiry to go on until the first sitting day in 2006. Dr Foskey obviously has a completely open mind about this matter and has raised some very good points.

The committee would comprise a government member, an opposition member and obviously Dr Foskey, being the crossbench member, unless she wanted to nominate someone else. I think having the committee would give people lots of opportunities to raise terribly important issues, probably not only in relation to this school but also, if you are thinking of going down the path of superschools across Canberra, perhaps future educational directions over the next few decades even, and it would enable people specifically concerned with this project to give their opinions—some probably would vent their spleen—and discuss the various educational options. It would give the government a chance to pause and gain a proper and full appreciation of the situation, taking the views of the committee into consideration.

The government would still have the numbers and could still do what it wanted to do after the first sitting day of 2006, but at least that would give members of the community an opportunity to have their say and would actually provide for some form of consultation. I suspect that the government is not going to be remotely interested as the government made its decision before there was any real consultation, but it would provide at least for an airing of views, for details to be put forward and, hopefully, for the government to take note of a number of points it had not considered before it irreversibly went down this track. I commend the motion to the Assembly. It is obviously going to fail. I think that that is a real shame.

**MS PORTER** (Ginninderra) (11.29): Mrs Dunne is asking the Assembly to form a select committee to examine what I believe we are already in the process of doing. It is really interesting that she did not approach me, as the chair of the education committee, and run this idea by me when she had an opportunity to do so. She is, in fact, a member of the education standing committee and she did not approach me.

**Mr Stanhope:** I wonder why?

**MS PORTER:** I guess she did not approach me because she is not interested really in discussing this school or the value of this school to the community as a whole and to the students and young people of west Belconnen in particular. She is really only interested in standing up in this place and bagging this school and trying to undermine the whole of the public school system in the ACT. All that I have seen her do since this debate began about Ginninderra high school is bag our public education system and undermine it. I think that is really what she is on about.

Why didn't you come to see me and discuss this matter with me, Mrs Dunne? I think you did not do it because you really did not want to and now, of course, the opportunity has gone. By the sounds of it, you have been leading Dr Foskey and the community up the garden path, Mrs Dunne. Her rhetoric is the same as your rhetoric and her language is the

same as your language. She is just mimicking you in talking about a superschool, but she has admitted that a superschool it is not. It will not be a superschool, of course. Mr Stefaniak is jumping on the bandwagon as well with the superschool rhetoric.

We know that it is not a superschool. All you want to do is to paint it as a monolith, a monster, rather than being four schools on the one campus, which will provide to the young people of west Belconnen the most brilliant educational opportunity that we can possibly offer. Somehow you want to paint it as some kind of monster that will gobble up our children. What rubbish! What about the opposition, Dr Foskey? What is this opposition, Mrs Dunne? I have attended most of the meetings that you have attended, Mrs Dunne; in fact, probably all the meetings that you have attended.

*It being 45 minutes after the commencement of Assembly business, the debate was interrupted in accordance with standing order 77. Ordered that the time allotted to Assembly business be extended by 30 minutes.*

**MS PORTER:** I have stood outside and inside many shopping centres in the west Belconnen area for a number of weeks running my mobile offices—on Friday nights, Saturdays and Sundays for many weeks—and what have I heard? I have heard some members of our community expressing some concern, but mainly they are in favour. Even those expressing concern are not totally against the concept; they just want to know how it is to work and they want answers to their questions, which is fair enough. Of course they want answers to their questions and they are getting answers to their questions.

I field phone calls and get emails, too, and, in the main, they are supportive. I am not convinced that there is opposition out there. I am convinced that there is only a handful of parents left who are concerned. I am convinced that young people were distressed initially and were experiencing some form of grief. What do people do when they are experiencing grief? They want to blame, they want to question, and they want to get angry. When there is talk about closing a school and when there is talk about change, there are reasons for people to get upset. But people are now looking rationally at the options and are looking rationally at what this proposal will offer them: four schools on the one campus and excellent educational opportunities. They are not coming to me and telling me that they do not want this school. In fact, they are saying to me, “Let’s stop this discussion. We do not want any more discussion. Please stop discussing it. We are sick of that. We want to get on with it. We want to build this school.”

Another thing they are saying to me is, “Can’t you tell Mrs Dunne to stop? Can’t you tell Mrs Dunne just to leave it alone?” These are students, these are parents of young people at that school and these are parents of other young people at other schools in the west Belconnen area that are concerned that you are undermining the education system in the whole of the ACT, not just west Belconnen, and they want you to stop, Mrs Dunne. This motion is not going to help that. We do not want to continue to talk about it and they do not want to continue to talk about it; they just want to get on with it.

**MRS DUNNE** (Ginninderra) (11.35), in reply: Unfortunately, in this debate the Chief Minister had nothing new to say. He read his pre-prepared speech, prepared by officials in the department of education, and tended to dwell on things in a way that showed that he was not listening to the debate and was not listening to what was being put forward

and the purpose of the debate. While it is no surprise, it is a great shame that there is such closed-mindedness amongst those people on the government benches about the decision that they have made.

I have expressed a great many reservations about large schools. Ms Porter says it is a four-campus school on the one site. If it were a four-campus school it would have four principals, a different ethos for each and four separate sets of curriculum and approaches. The school within the school model, as I have said in this place on a number of occasions, is a reasonable way of dealing with declining enrolments and things like this. But this is not a schools within schools model; this is like the Amaroo school. It has one principal; it has one ethos; it is a large school.

Dr Foskey is right. As she has rightly pointed out, the physical set-up of Amaroo school is very pleasant, in a fairly modern way. It is quite a pleasant school. The education committee—Mr Gentleman, Ms Porter and I—have visited the school. Without a doubt, it is a very pleasant school in its physical structure. But we do not know whether or not it is a great success because it is a school that has operated for 18 months; it is not a fully subscribed school; there is no year 9 or year 10; and there will not be a year 10 for another year. We will not know whether that school and that model are a success unless there is a full cohort of children going through it. Then we might start to get some answers.

The government spends its time casting around for other models that are a bit like it. There are other models that are a bit like it in the ACT. We look at Telopea. Telopea in many ways is a selective school. We look at Wanniasa. Wanniasa has a number of campuses. We look at Gold Creek. Gold Creek has two campuses. They are not side by side; there is quite a deal of separation between the two campuses. There is, as yet, no model for Amaroo. Amaroo breaks the mould. Amaroo may be a startling success. It certainly has a good foundation. We just do not know.

When Mr Gentleman, Ms Porter and I were in South Australia the other day we heard about one South Australian school's attempts at creating, in their case, a reception to year 12 school. They had a high school that was in decline and turned it into a reception to year 12 school to try to build it up. By the descriptions of the officials of the problems that they were confronting in that school, it was an unmitigated disaster.

So the big amalgamation may not be a success. There may be a whole lot of things that are different between Ginninderra district high school and its proposed new school and the William Light school in South Australia, but the description given to us by officials in another context was that this was the classic model being recapitulated. I inquired about it at great length afterwards. It is very much like the model that we are looking at here but it was an unmitigated disaster in many ways. The school body is attempting to turn that around. But we have no model that we are hanging our hat on.

The Chief Minister said he was never going to trust me; so trust was not an issue. When will the Chief Minister get it into his head it is not about me and it is not about him? He will not trust me because I am a member of the Liberal Party. That is ground into him. It is not about me; it is about trusting the electorate, going to the electorate and saying, "We have a problem. How can we, as a community, sort it out?"



Again, he verbalised Mr Pratt. Let us finish the quotation. Mr Pratt went to the last election saying exactly what I have been saying: there are problems about declining enrolments and falling school numbers; and somewhere along the line this community needs to have a conversation about how to approach this. The *Canberra Times*, just after the bit that the Chief Minister quoted, reported:

Mr Pratt said mergers or closures had to be decided on a case-by-case basis, and the process had to be open and transparent, to alleviate any concern in the community.

That is about trust. The trust that was portrayed by this government in that particular debate, back in August last year, was for a spokesman on behalf of the minister to stand up and say, “Don’t you worry; trust us; we won’t close any schools in the next term of a Stanhope government.” This is what trust is about. I have spoken about trust in this place on a number of occasions and it seems to be a notion completely alien to this government.

**Mr Stanhope:** Read the *Canberra Times* of 12 August 2004.

**MRS DUNNE:** I just did, Mr Stanhope; you were not here to listen to it.

**Mr Stanhope:** I was listening. Just read it.

**MRS DUNNE:** The Chief Minister has nothing new to say. What he did, in his speech, was spend a considerable amount of his time saying again what he said on Tuesday, “We are spending \$43 million—\$43 million on this, \$43 million on that, \$43 million on something else.” It is the cargo-cult approach. This minister has nothing to add, has nothing to say, except to regurgitate what the department has written for him.

Dr Foskey is quite right. The point that she made is quite right. If you are so secure, Chief Minister, in the belief that this is the best way forward, you have nothing to fear from scrutiny of this Assembly and the people of the ACT. Dr Foskey hit the nail on the head. They are concerned; they are running scared on this issue; and they do not want the people of the ACT to have these things.

I know that, when members of parliament go and stand outside shopping centres and talk to people, only friends come up to talk to you. Most people come up to you and say, “You’re doing a good job.” Very few people come up to you and bag you out and say you are doing the wrong thing, because, generally speaking, Australians are polite people. People who agree with Mary Porter go to Mary Porter. When Bill Stefaniak and I are out there, people who agree with us come out and talk to us. It is not a very good barometer of an issue for you to stand there and wait for people to come and tell you that you are doing a good job.

I have stood outside the Kippax shops on a couple of occasions with parents from Ginninderra district high school, collecting signatures on petitions. I have tabled 600-odd so far. There is another lot coming. The really interesting thing is that I have never found an issue where it was as easy to collect signatures; people were queuing up to sign the petition. Often it is very hard. Mr Stefaniak and I, on regular occasions, take petitions. People go, “No, I am not interested; no, I do not want to sign that.” But it was very rare

that you got a knock back when we said, “Do you want to sign a petition about Ginninderra district high school?” People queued up to do it. That is one barometer; it may not be particularly accurate; but it was by far and away the easiest collection of signatures on a petition that I have ever encountered.

There was a diversion in the Chief Minister’s speech about critical literacy. Seeing that the Speaker has ruled that it is relevant, I will touch on it lightly. The Chief Minister said I was the only person in this country, virtually, who was critical of the critical literacy in the curriculum. Off the top of my head, and it is not an exhaustive list, the Queensland minister for education, Rod Welford—I think he is a member of the Labor Party; he was last time I looked; he was previously the Labor Attorney-General in Queensland—on 2 August made a public statement that critical literacy will be removed from the Queensland curriculum. He made very scathing comments about that.

There has been an ongoing debate in the pages of the major publications, particularly the *Australian* but also the *West Australian* and the *Hobart Examiner* on this very issue. There is a range of articles by Luke Slattery, which draw on a range of academics, whose names escape me at the moment. Dr Andrew Leigh from the ANU has spoken recently about the failures of critical literacy. There is much that could be done, and this is why we should support this motion.

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

Question put:

That **Mrs Dunne’s** motion be agreed to.

The Assembly voted—

Ayes 7		Noes 8	
Mrs Burke	Mr Seselja	Mr Berry	Ms MacDonald
Mrs Dunne	Mr Smyth	Mr Corbell	Ms Porter
Dr Foskey	Mr Stefaniak	Mr Gentleman	Mr Quinlan
Mr Pratt		Mr Hargreaves	Mr Stanhope

Question so resolved in the negative.

### Personal explanation

**MRS DUNNE** (Ginninderra): In the debate just past, Mr Speaker, I took a point of order, which you dealt with. Then you dealt with the matter that arose yesterday. I would like to put on the record, probably more by way of personal confession than personal explanation, that Mr Seselja pointed out to me, after the question was dealt with, that he had asked a more broad-ranging question than I had imagined and that I had made a mistake. In light of what Mr Seselja pointed out and what you pointed out, those points or order were inappropriate. I apologise to you and to members for that.

## **Executive business—precedence**

*Ordered that executive business be called on.*

### **Tree Protection Bill 2005**

#### **Detail stage**

Debate resumed from 20 September 2005.

Clauses 60 and 61, by leave, taken together and agreed to.

Clause 62.

**MR STANHOPE** (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs, and Acting Minister for Education and Training) (11.50): I seek leave to move amendments Nos 23 and 24 circulated in my name together.

Leave granted.

**MR STANHOPE**: I move amendments Nos 23 and 24 circulated in my name together [*see schedule 3 at page 3619*]. Many of the amendments that we are still to deal with today, including these amendments, are of the same order as amendments that we previously dealt with and spoke to in the debate on Tuesday of this week. That is the case in relation to amendments 23 and 24. These amendments relate to the way that processes in the bill deal with trees that are included on the tree register due to their Aboriginal cultural significance.

To recap, as we recommence the debate on these matters today: these two amendments will require the conservator to provide the representative Aboriginal organisation with a copy of the declaration restricting information relating to trees of Aboriginal heritage significance. It is important, in the government's opinion, that the bill provide for information relating to these trees to be treated with some discretion in order to ensure the respect that is due to trees of such cultural sensitivity and other sensitivities that may exist is afforded, to avoid highlighting their location to those in the community who may, regrettably, not respect the cultural significance of the trees, even to the point perhaps of causing them damage.

I might say, in relation to this provision and other provisions, that there has been very considerable consultation by Environment ACT with the government on this provision and other provisions of this particular bill, despite some assertions that have been made to the contrary through the media and certainly by others within this place about the way in which this particular legislation has been developed. For the information of members, in that regard, it is relevant for me to advise that, in relation to this clause and in relation to the bill as a whole and in relation to the discussion paper which preceded it, formal consultation was undertaken with ACT For Trees; the Australian Native Plants Society; the arboriculture industry, sourced from the *Yellow Pages* and including all of those identified through the *Yellow Pages* as involved in the arboriculture industry; the broad development industry as such, including, and sourced again through our mailing lists,

landscape architects across the ACT, the Institute of Spatial Surveyors, the Housing Industry Association and the Property Council.

In addition, there was specific and deliberate consultation with the Environmental Defender's Office, the Conservation Council of the South East Region and Canberra, the Commissioner for the Environment, the Heritage Council, every local area planning and advisory committee in the ACT, and the Tree Protection Working Group. There were a number of public meetings. Noted tree advisers such as Dr Robert Boden and Dr John Banks were specifically consulted in the preparation of a discussion paper and in the preparation of the legislation and, of course, the provisions that we are dealing with today.

In that context, the fact sheet on the Tree Protection Bill was mailed out to all of those significant stakeholders and, indeed, to a whole range of individuals who had expressed some interest in the issue and whom the government and Environment ACT were aware would have a very specific interest. In that regard, Environment ACT met, for instance, with the Australian Native Plants Society at their annual general meeting. It met, of course, with ACT government agencies such as ACTPLA and Canberra Parks and Places and with individuals, on request.

Through that process, as I said, a number of community meetings were held to engage the broad community and all those within the ACT who have an interest in, or expressed an interest in, this particular matter. In that regard, specific meetings, for instance, were also held with the Interim Namadgi Advisory Board, the Aboriginal and Torres Strait Islander Advisory Council and individual representatives of the Aboriginal community, particularly those who had representative status for the indigenous community. This is the range of people and individual expert stakeholder groups that were consulted in the preparation of this legislation.

I might say, for instance, in relation to representative groups representing the community at large, not necessarily environmental groups, it was in that context that the discussion paper was provided. Comments and responses were sought from the Majura, west Belconnen, Manuka, Burley Griffin, Ginninderra and inner north local area planning advisory councils.

I should say, to conclude this explanation of consultation, because of comments that have been made in this place that are blatantly wrong and comments that were made most particularly on ABC radio yesterday that were blatantly wrong, that it is important to correct the record. Community views were, as I say, explicitly sought. A number of people in relation to the discussion paper responded positively and took the opportunity to make submissions to Environment ACT or the government on the proposals. Some of those, which I have not referred to before, did take that opportunity to specifically respond. I know Dr Foskey and Mrs Dunne had critical comments to make about an alleged lack of consultation, comments that are simply false.

I will go through some of the others that did respond specifically by way of submission. They included the Environment Institute of Australia and New Zealand, the Environmental Defender's Office, a whole range of individuals, Robert Boden and Associates, more individuals, the conservation council, Purdon Associates, the west Belconnen local area planning group, the ACT National Trust, the Aranda residents

group—it goes on and on—the ACT Sustainable Rural Lands Group, a number of other individuals, the Property Council of Australia, the Master Builders Association of the ACT, ActewAGL, the Australian Native Plants Society Canberra Region, the National Capital Authority, a range of LAPACs, including the west Belconnen area and other LAPACs, the Local Residents Association and a range of other individuals who took the opportunity to contribute to the debate and to respond.

I will conclude my comments about the enormous lengths that the government and Environment ACT went to to consult by saying that there was simply no effort spared in consulting on this legislation over a number of years. I do not think it is possible to imagine how we might have consulted further or otherwise than we did. And the record shows that.

To clear up the one area of confusion, which was very much the feature of ABC radio yesterday and led to a question from the opposition on ACT Tree Felling, one of those fine ironies: the person that appeared on the ABC breakfast show yesterday morning and insisted that he had never heard of the legislation, did not know about it, and was somewhat stunned by its introduction, made a submission. ACT Tree Felling is the company for which the person, who appeared on ABC radio yesterday to say he had never heard of the legislation and was completely dumbfounded at its introduction, made a submission. Mr Damien Smyth signed a submission under the letterhead of his company, ACT Tree Felling. There it is, the submission.

I will just read one part of it. He said that, whatever form the tree protection legislation takes, he believes that it will be good for the community; the option he would vote for would be option 1, because it includes trees in backyards. The submission goes on and on. I am not quite sure what led to Mr Smyth's confusion in his interview with the ABC yesterday, but he made a submission directed to Environment ACT, received by the ACT and registered and distributed as a submission to the inquiry into the new tree legislation.

There certainly has been some confusion put about in relation to this, but let me assure members that the discussion was full; the deliberation was detailed; and the government is grateful to all those who took the opportunity over an enormous period of consultation, at every level, to deal with the government on this particular proposal. So I thank all of those that participated in this most detailed consultation process.

**MRS DUNNE** (Ginninderra) (11.59): Before I speak to the amendments, pursuant to standing order 213, I move:

That the document quoted from by Mr Stanhope be presented to the Assembly.

Question put.

The Assembly voted—

Ayes 7		Noes 8	
Mrs Burke	Mr Seselja	Mr Berry	Ms MacDonald
Mrs Dunne	Mr Smyth	Mr Corbell	Ms Porter
Dr Foskey	Mr Stefaniak	Mr Gentleman	Mr Quinlan
Mr Pratt		Mr Hargreaves	Mr Stanhope

Question so resolved in the negative.

**MRS DUNNE** (Ginninderra) (12.04): The opposition will be supporting this suite of amendments in relation to Aboriginal trees and their heritage. This is a useful suite of amendments that complement provisions in the Heritage Act itself. For the most part, they are uncontroversial.

On the matter of consultation that the Chief Minister dwelt upon, I may stand corrected but I do not know that I have ever said anything about there not being enough consultation. But may stand corrected; I will go back and check the record.

Yesterday I did not ask a question criticising the government about lack of consultation; I asked a question to obtain information. It turned out that the chap who spoke on the radio seems to have been wrong. People make mistakes. But it seemed so startling an oversight that I thought that it was reasonable to clarify that with the government. Yesterday in question time I did, however, ask the Chief Minister to table a list of the consultations and when they took place. I had not realised quite how important it was to ask the question when they took place.

I noticed that in both the press release the minister put out yesterday and in his statements today he refers to the fact that a number of LAPACs were consulted. Correct me if I am wrong, but it will probably come out that it has been two years since LAPACs were abolished. So that is not recent consultation. Presumably that was consultation on the 2004 bill. There are a large number of changes between the 2004 bill and the 2005 bill that we are currently debating. I would like the Chief Minister to table the list of consultations and when they took place. I do not have a problem with his saying that we consulted the LAPACs; that is fine and dandy but it is not recent consultation.

I would also be interested to know when Mr Smyth signed off that letter where the Chief Minister claims that he is in support of the legislation. It may have been so long ago that Mr Smyth has forgotten about it. We have to be very careful that we do not hold members of the public up to ridicule in here. The question that I asked yesterday was seeking information. It would have been a grave omission from the government if they had not consulted the arboriculturists.

I can only take the Chief Minister's word that he did. It is probably a little unfortunate that the Chief Minister has used this as a means of ridiculing a member of the public. Sometimes we are put under pressure and we say things that are inappropriate, but we should be very careful about the way we treat members of the public. They are our electors; they are our masters; and we should be more respectful of them.

Amendments agreed to.

Clause 62, as amended, agreed to.

Clauses 63 and 64, by leave, taken together and agreed to.

Clause 65.

**MR STANHOPE** (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs, and Acting Minister for Education and Training) (12.07): I move amendment No 25 circulated in my name [*see schedule 3 at page 3619*]. This amendment is in the same vein as the amendments that we have just debated.

Amendment agreed to.

Clause 65, as amended, agreed to.

Clause 66 agreed to.

Clause 67.

**DR FOSKEY** (Molonglo) (12.09): I seek leave to move amendments Nos 6 to 8 circulated in my name together.

Leave granted.

**DR FOSKEY**: I move amendments Nos 6 to 8 circulated in my name together [*see schedule 1 at page 3618*]. It seems to be to be an oversight in the bill that the Tree Advisory Panel lacks any expertise in ecology. Obviously I am referring here to ecological expertise based around trees and the context in which they are placed. That is why these amendments are put forward. They broaden the skills base of the Tree Advisory Panel to require that at least one member has extensive experience in ecology in addition to the current requirement that one or more members must have extensive experience in arboriculture or forestry. A forester is not an ecologist; an arboriculturist is not an ecologist; they are very different lines of training. They will not bring this expertise to the committee.

These amendments also provide scope for more than one member having experience in ecology. The Greens believe that is important to look at these individual trees in a broader context and to look at ecological issues as well. We believe that it is important to note the health and viability of the trees in the area as well as the context of the tree itself. For instance, we may be talking about deciding a tree is not significant but it may be that it is amongst a group of trees that are all dying.

There are a whole lot of questions here. There is not time to raise them all, but it concerns me that Assembly members realise the importance of this amendment as the Greens see it, because it goes to the basis, to the heart, of the bill's environmental credentials as far as I am concerned. Ecologists are trained to be able to take the age and habitat value of the tree into account. This is my argument for these amendments and I put it really strongly and quite passionately.

I also want to commend the government on the consultation that it did in the creation of the bill. I was really surprised at the reaction of Mr Stanhope to my comments yesterday. At that moment, at the time, clearly he did go off. It was good that what has come out is the amount of consultation that the government has done.

I feel that, in a sense, that is an argument for our bill, which is where I raised my points in presenting a bill that asked government members and other members to refer in their explanatory statements to the consultation that they have done. Had I had access to that when this bill was tabled, I would have had a much clearer understanding and that misunderstanding would not have needed to excite the government.

It is interesting that some of the bodies that were consulted no longer exist. To me, it shows the importance of groups like LAPACs. There is nothing like that now. It is very difficult to consult local communities if they do not have a body. Some of those LAPACs were in areas where this bill will have particular application. That point needs to be made.

Finally on that issue, the concern that we had put was that it must go to the time over which these consultations had taken place. The concerns that were expressed to me were not so much that groups were not consulted; it was more to the effect that they had not been told the bill was coming on. I know that it is up to us all to tell our constituent organisations when the bill is coming up. Maybe it was not as big an issue as the government thought.

In case you have lost track of why I am standing up here, I want to reiterate how important it is to have an ecologist on the Tree Advisory Panel and that it would be a bad oversight not to set up questions about the environmental worthiness of this bill.

**MRS DUNNE** (Ginninderra) (12.14): The opposition will be supporting Dr Foskey's suite of amendments. Despite what has been said in this place by the government about the opposition's views on this legislation, it is not that we are opposed to tree protection; we are opposed to this version of tree protection. The most important part of the legislation, the bits that we are most concerned about, about maintaining the substance, is the register and the Tree Advisory Panel. It is very important those things are given a great deal of strength. A little later in the debate I will elaborate on those views, but these are very important amendments from Dr Foskey that should be supported by members.

**MR STANHOPE** (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs, and Acting Minister for Education and Training) (12.15): The government will not be supporting these particular amendments. Certainly an argument is well made that it could be appropriate that somebody with the sorts of skills that one imagines ecologists would have would be a member of the Tree Advisory Panel. Certainly there is nothing in the way in which the Tree Advisory Panel will be constituted that would prevent the minister appointing an ecologist. To the extent that the Tree Advisory Panel would require a person who has some expertise or background in the field of natural heritage, that would of course include an ecologist.

This is an issue that governments face every time a piece of legislation is introduced that provides in the body of the legislation for the establishment of a particular panel or advisory group. We are confronted by questions about the requisite suite of qualifications or expertise that should be represented on the particular advisory group, committee or panel, as in this case.



In relation to an issue such as this, an assessment of trees in particular circumstances of the ACT and trees in an urban area, we can all sit here now and do a brainstorm around the chamber on the other qualifications that would potentially be relevant. We have provided that a relevant qualification will be a person in the field or an expert in the field of natural heritage. An amendment is proposed that we specifically provide for an ecologist. In the context of comments that have been made by others: I see that the Housing Industry Association has a particular view about trees close to houses or trees that might impact on a built form, trees that might impact on a person's capacity to build an extension. Should we perhaps have a building engineer on the Tree Advisory Panel for specific advice on the implications around the specific concerns of the Housing Industry Association?

Maybe it would be better, in the context of some of the debate around the co-location of trees and buildings and the impact of a building on the capacity for a tree to receive appropriate water, to have a hydrological expert on the panel, somebody to give detailed advice. The impact on the hydrology of the tree in a certain location beside a road or a big building was a very significant feature of the debate in relation to the trees at Nettlefold Street in Belconnen. Perhaps rather than say an ecologist, why not a hydrologist, as somebody with particular expertise and understanding of the impact of the built form?

Then again, perhaps there should be a town planner in relation to issues around the declaration of a treed precinct. Maybe it is appropriate that we, in taking the advice most specifically in relation to these large areas of protection, seek specifically to appoint to our Tree Advisory Panel somebody with town planning expertise.

Maybe we should have somebody, particularly in relation to that same issue of larger areas of trees and the implications of maintaining an urban forest, with expertise in fire behaviour. Perhaps we should elevate that as a qualification for the Tree Advisory Panel. The first amongst all of the mix that we should appoint, having regard to the danger from bushfire to trees, the first of the qualifications that should be sought, is that of an expert in relation to fire behaviour, the fire qualities of different trees and the extent to which our urban forests and our treed precinct areas need to be assessed in relation to the potential hazard.

We can all do that. I just raise those by way of debate. We can say, "I believe that the number one qualification, the number one expert on the Tree Advisory Panel, has to be an ecologist." You can go around the room and everybody else will have a favourite qualification they would like to see. It might be that Mr Corbell would say, "We should have a town planner." It might be that Ms Porter will say, "We need a fire expert." We could go on forever. This is a piece of string of no given length once we sit down and say we are going to establish a Tree Advisory Panel to be a panel of experts. I have a certain predilection for an expert of this particular flavour; I do not agree with your list of experts; we could go on forever.

The government has made a decision about the constitution of the Tree Advisory Panel. I have no argument about the suggestion that an ecologist or somebody with experience in ecology or understanding or expertise would have relevant qualifications for the Tree Advisory Panel. At the end of the day, particularly in the context of a requirement for an

expert in the field of natural heritage, the person to be appointed might very well be an ecologist. But there has to be some limit. The government has decided on a certain constitution.

I am unpersuaded. Whilst I have absolutely no issue with the appointment of an ecologist, I am unpersuaded that we should be changing this particular provision to add to the list of expertise that of an individual when there are probably a dozen different views on the subject around the room.

**DR FOSKEY** (Molonglo) (12.21): I take the opportunity to respond to that. Yes, of course, there would be any number of experts on it. I commend the Minister for the Environment for a particularly loquacious response. But yet again, it is not really an answer to why those areas of expertise were chosen and not the expertise in ecology, which he admitted had at least as much right to be there. I would like to think that it was just an oversight, not that an ecologist was deliberately left off the list of the possible alternatives.

I want to reiterate the reasons why I think it is important. If I make those points clearly and strongly now an ecologist might end up being on this committee anyway because we have got a number of members for whom the expertise is not prescribed. At the moment, by rejecting these amendments, the government is refusing to even have an ecologist listed as one of the areas of expertise that might be sought for those extra, non-prescribed members.

I want to refer to a document that was produced very early in the years of self-government; it was one that I had occasion to look at very closely because I was looking at it for some study I was doing at the time. It was a 2020 vision. I do not know if people remember this process. It was quite an expensive one. David Hilliard was commissioned by the Follett government at the time to conduct this vision of what people wanted their city to be in 2020.

Interestingly enough, after these consultations, which were very extensive—and I attended most of them because I was studying; I read all the reports and the submissions—one of the things that came out was that what people appreciate about this city is its bird life. Birds live and nest in trees. Sometimes they annoy us hugely by coming along and eating blossoms and nuts that we would prefer developed into fruit. In fact, I have got birds in my garden, currawongs, that come into my laundry and eat the pet food. We do not always love the birds but, on the whole, people appreciate them. Most particularly they appreciate the native indigenous birds.

One thing that David Hilliard suggested this city should be characterised as is the city of parrots. There might have been a bit of a joke subtext here because maybe some of us are cockatoos. On the other hand, some of us emptily reiterate phrases that we have been taught. In this case he was referring to the real birds that we see. At the moment, I have got them, parrots, eating the blossoms off my fruit trees. I am making the point that trees are habitat. Something the Canberra people really love and appreciate is bird life. An awful lot of people go to a lot of trouble to plant gardens that attract particular kinds of birds. At the same time we are talking about introducing cat containment legislation that will safeguard those birds. Another way we can safeguard those birds is to keep their habitat. That means that we need an ecologist on the committee.

I will let the argument rest there. I enjoyed your response, Mr Stanhope, but I did not really believe it. Those are my concerns.

Question put:

That **Dr Foskey's** amendments be agreed to.

The Assembly voted—

Ayes 7		Noes 8	
Mrs Burke	Mr Seselja	Mr Berry	Ms MacDonald
Mrs Dunne	Mr Smyth	Mr Corbell	Ms Porter
Dr Foskey	Mr Stefaniak	Mr Gentleman	Mr Quinlan
Mr Pratt		Mr Hargreaves	Mr Stanhope

Question so resolved in the negative.

Amendments negatived.

Clause 67 agreed to.

*Debate interrupted in accordance with standing order 74 and the resumption of the debate made an order of the day for a later hour.*

**Sitting suspended from 12.29 to 2.30 pm.**

## Visitors

**MR SPEAKER:** I acknowledge the presence of year 10 students from Canberra Girls' Grammar School.

## Questions without notice

### Hospital bypasses

**MR SMYTH:** Mr Speaker, my question, through you, is to the Minister for Health. Minister, in the eight months to the end of August 2005 the Canberra Hospital was placed on ambulance bypass 41 times and Calvary Hospital was placed on bypass 11 times. Thus, in total there have been 52 occasions of bypass in eight months. As access block is the usual cause of bypass, it follows that in the last eight months there have been high levels of access block. Minister, why have your much-vaunted reforms failed to address access block and ambulance bypass?

**MR CORBELL:** I thank Mr Smyth for the question. The government continues to address issues in relation to access in our public hospitals. As members would be aware, even as recently as the most recent budget the government outlined an ongoing access improvement program which is designed to address system issues in the hospitals to ensure that access to acute care is continually improved. Members would also be aware

that in my most recent statement to the Assembly on improvement to access I outlined a range of strategies that are continuing to be adopted to address these issues.

I think the real issue here is that we have the Leader of the Opposition again making the hysterical claim that people's lives are being put at risk. On each occasion that he has made this assertion over the past 24 hours or so he has been in no position to back it up. I think it is incumbent on the Leader of the Opposition that if he is going to make such an hysterical and scaremongering claim he backs it up with some sort of substantiation. Anything else is simply an attempt to undermine public confidence in the public hospital system. I am quite happy to have a rigorous debate about health services in this place but I am not happy about the claim that people's lives are being put at risk when Mr Smyth can in no way substantiate the claim. It is a shameful act, it is an irresponsible act and it is one in respect of which he should be asked to either put up or shut up.

In relation to the occurrences of bypass or load sharing at our public hospitals in the past number of months, it is worth making the point that just for the month of August, for example, the total number of hours during which the Canberra Hospital emergency department was on bypass was only three per cent of the total number of hours that the public hospital emergency department was open—for three per cent out of all the hours that it operated in that month of August the hospital was on bypass.

Load sharing or bypass is an entirely normal and appropriate mechanism to share the load when things get busy. What would Mr Smyth have us do—tell people to wait outside the door because they cannot be seen at Canberra but they can be seen at Calvary? What an absurd suggestion that is. What happens is that when Canberra Hospital or Calvary Hospital get busy, the other hospital takes the load. People are not turned away. People are not refused treatment. People get the treatment they need when they need it in accordance with the normal triage arrangements.

We have heard the claim from Mr Smyth over the past 24 hours or so that people's lives are being put at risk. I note that whenever he is pushed on that by a journalist, as he was this morning on ABC radio, he quickly retreats and that shows he cannot substantiate the claim, he cannot make the argument, he is only scaremongering, he is only undermining public confidence in the public hospital system. It shows how desperate he is as shadow Minister for Health that he has to resort to the age old but completely unreliable and unsubstantiated claim that people's lives are being put at risk. What a lot of nonsense.

**MR SMYTH:** Mr Speaker, I ask a supplementary question. It is interesting to note that three per cent of one month is, of course, a full day.

**MR SPEAKER:** Come to the question, please, Mr Smyth.

**MR SMYTH:** Minister, how many individual patients were directly affected by the 52 bypasses in our hospital system as at the end of August this year?

**MR CORBELL:** Mr Speaker, I will take the question on notice.

### **Bird flu—government preparedness**

**MR MULCAHY:** My question is directed to the Minister for Health. I refer to media reports on the outbreak of bird flu in Indonesia. Will the minister inform the Assembly, in broad terms, of the state of preparedness by ACT health and emergency authorities should an outbreak of bird flu occur in Canberra? Will the minister also indicate what advice has been provided to ACT medical practitioners in relation to the method and location of treatment of patients who display symptoms of this deadly virus?

**MR CORBELL:** At this stage there is no indication of any concern in Australia in relation to any suspected cases of bird flu. The ACT participates in national response arrangements in relation to any potential epidemic or pandemic. We do that, primarily, through our cooperation with commonwealth and other state and territory authorities. We are represented by the Chief Health Officer in that regard.

A comprehensive national response strategy is in place. At their most recent meeting, health ministers agreed to a national pandemic plan. That pandemic plan would guide the actions of individual state and territory governments were a pandemic to occur. A pandemic is clearly an extremely serious situation. At this stage, that issue is not in any way being raised or brought to my or other ministers' attention in Australia. I am kept informed by my Chief Health Officer on the state of preparedness and alert in Australia in relation to any potential outbreak of such a flu here.

I understand that the Australian government continues to monitor the situation in Indonesia—it is kept in contact through the normal channels—and that the Australian government would advise the state and territory governments should there be a requirement to upgrade our preparedness or alert status to respond to any particular outbreak of this very dangerous flu.

**MR MULCAHY:** Mr Speaker, I have a supplementary question. What is the current bed capacity in Canberra hospitals for patients with infectious diseases? What advice has been provided to medical practitioners in relation to the method and location of treatment of patients who display symptoms?

**MR CORBELL:** We have mechanisms in place for advising medical practitioners as and when that is required. My most recent advice is that, at this stage, no such steps have been required. But there are mechanisms and channels in place to inform the medical community, particularly general practitioners, should there be the potential of this disease breaking out in any community such as Canberra. That mechanism is in place for doctors to be advised of what they should be aware and conscious of when they are seeing patients.

In relation to our hospital capacity, we have a limited number of negative air pressure rooms in the Canberra Hospital, which are designed to address the isolation of patients. But it is a limited number. That is no different from hospitals in many other places around the country.

In the event of a pandemic, the disaster response and the national response mechanisms are quite comprehensive. If members are interested in understanding the complexity and

the nature of the response that would be put in place—and it would be a national response coordinated by the commonwealth but flowing through to each state and territory—I would be very happy to provide them with a briefing from the Chief Health Officer on the status of that work.

### **Community grants**

**DR FOSKEY:** Chief Minister, in response to a question I asked of you, as environment minister, on 25 August regarding environment grants, you said that the process of assessing applications occurs at arms length of you as minister. You also said that there was a rigorous process involving members of the community and that this philosophy applies to all ACT government grant programs. My question relates to the community infrastructure and renewal grants. One grant from this fund was announced in July but until very recently, a few minute ago, we had heard nothing more. What is the process used to allocate these grants? Can you guarantee that all applications were duly considered in a rigorous and unbiased way and that allocations have been made on the basis of an objective assessment of relative merit at arms length of you as minister?

**MR STANHOPE:** There were a number of parts to the question. I cannot give you now the specific detail of the assessment process. I cannot off the top of my head recall, for instance, how many members of the assessment panel there were or who they were. But, in the broad, it is very much an open, objective and transparent process. Applications were called. There was a broad distribution of very significant interest, from memory, in the renew infrastructure grants scheme. A significant number of applications were lodged.

From memory once again, a number of those applications were ruled by the department not to be consistent with the terms of the application form. The applications were assessed by a departmentally organised and arranged assessment panel. I am more than happy to provide Dr Foskey with the names of the members of that panel; I simply cannot recall them. In the last round, \$1 million was available in grants. I understand that just under \$1 million was provided in successful grants. Offers of grant were made to all of the successful applicants.

I just happen to have, coincidentally, the names of the organisations that were successful and the amounts. I will just go through some of them. The Canberra Riding and Pony Club received \$23,000 to upgrade their facilities. Others were the Parent Support Service, Woden Valley Gymnastics Club, Home Help Services ACT, Canberra Society of Model and Experimental Engineers, Majura Mountain Scouts, Chisholm Community Centre Association, Hindu Temple and Cultural Centre, LASA Youth Centre, Belconnen Church of Christ, Lowana Young Women's Service, Marymead Child and Family Centre, Scouts Association of Australia, Mental Health Foundation, Baringa Childcare Centre, Barnados Australia, Northside Community Service, Noah's Ark Resource Centre, Kippax Uniting Church, Guides New South Wales, Islamic Society of the ACT, Canberra Bridge Club, Riding for the Disabled of the ACT Inc, Anglican Church Property Trust, Canberra Christian Life Centre, Southern Canberra Gymnastics Club, St Phillips Anglican Parish, Respite Care ACT, Aboriginal Corporation for Sporting and Recreational Activity, Pearce Community Centre, Southside Community Service, Canberra Islamic Centre, Belconnen Community Service, Woden Senior Citizens Club, Church of Christ Ainslie, Karma Scout Group, Communities@Work, Yarralumla

Uniting Church, Spence Children's Cottage Association, Gordon Early Childhood Centre, Canberra Rape Crisis Centre, Salvation Army, Salvation Army Eastern Territory Social Work, Abbeyfield Society, St Vincent de Paul, YWCA, Burringiri, Wanniasa Scouts, Woden Community Service, Treehouse in the Park Early Education and Childcare Centre, and Association for Learning Mandarin in Australia.

Between them, those organisations, I can see from my notes, received \$971,000 of the \$1 million. As far as I am aware, the process was open, transparent and fully accountable. The grants have been awarded and in many instances, I think, spent.

**DR FOSKEY:** I have a supplementary question. Have all the funds for this program been fully expended? Can you guarantee that any further successful applications will meet the criteria for the fund and will have been through a rigorous and arms-length process?

**MR STANHOPE:** The last round was for \$1 million. I just noticed in my notes a reference to \$971,000. I must say that I do not know why the amount is \$971,000 and not \$1 million. There is a shortfall there of \$29,000, which, I have to say, I do not quite understand. I am more than happy to get that information for Dr Foskey.

In relation to the program, it is run over two years. At this stage, it does not have a future in its current form. It is being reformatted. Of the funds that were initially allocated for future expenditure, the significant majority of them—in fact, two-thirds—have been sacrificed as departmental savings. The scheme will not be repeated in its current form. It is being revised to be broader and more encompassing; so, no, it will not continue in its current or existing form and some of the funds that initially had been identified have been sacrificed as departmental savings. I am happy to get better and more detailed information about that and provide it to Dr Foskey.

### **Auditor-General's report—courts administration**

**MR STEFANIAK:** My question is to the Attorney-General. The ACT Auditor-General, in her report on courts administration in the ACT, states:

There has been a continuing pattern in recent years of planned deficits, and actual deficits exceeding those planned. There appears to be a lack of effective action to resolve these deficits.

The auditor also notes that the major budget and expenditure issue is the consistent deficit budgets and deficit outcomes of recent years. Table 7 of the report indicates that the deficits before extraordinary items such as the bushfire and Eastman inquiries exceeded \$2 million for two of the past three years. What are the reasons for these continuing deficits occurring?

**MR STANHOPE:** The reason is almost certainly the same as the reason that applied to the deficit that was produced by the courts in your term as Attorney-General, Mr Stefaniak.

**Mr Stefaniak:** I don't think it was as big as yours; but go on.

**MR STANHOPE:** The deficit may be larger. Nevertheless, one is always interested in the convenient quoting of a particular position. As the shadow attorney indicates, the Auditor-General delivered a report that was tabled by the Speaker in the house yesterday. I need to confess that I have not read it in detail. I cannot verify some of the assertions. I do not understand, at this stage, in detail the reasons for the accumulated deficits that the court traditionally produces.

As I say, to put it in some historical context: it certainly has been a feature of the courts management in the past three years that it runs over its budget every year, just as it was a feature of the court when Mr Stefaniak was Attorney-General, just as it was a feature of the courts budget management when Mr Humphries was Attorney-General. It is a feature of the management of the courts that it has had enormous difficulty in remaining in budget.

That is not an acceptable situation or outcome. That is why the government has put in place a range of measures over the past two years in relation to the courts budgeting and appropriations that sought to address the base funding requirement of the courts and sought to address the issue of the continual failure by the courts to work within budget—a requirement which this government and all previous governments, including previous Liberal governments, had with all budget-funded organisations, namely, that they are given a budget and are expected to live within their budget. It is a demand made of every organisation funded by this and every other government in Australia. The parliament determines a particular allocation or appropriation for an organisation. That organisation then is expected, in every instance, to work within the budget. The courts have failed consistently to do that.

In relation to the detail of it, you need to go to the courts and the courts administration and to some extent you need to go the Chief Magistrate. That is some of the difficulty. As you very well know, Mr Stefaniak, as a previous Attorney-General, as a result of the separation of powers, a subject in relation to which we know you are expert, governments, attorneys-general and parliaments do not oversight the management or the administration of courts.

In relation to the Magistrates Court, section 5 of the Magistrates Court Act vests statutory responsibility in the Chief Magistrate for the management and administration of his organisation. I do not interfere in the management or administration of the courts, Mr Stefaniak; nor did you because of your respect for the separation of powers. Because of my respect for and understanding of the separation of powers, it is one of the difficulties in circumstances such as this in relation to courts.

We all know that the report that was brought down yesterday by the Auditor-General in relation to the courts is not pretty reading. It makes some quite strong, if not at times strident, criticisms of the management and administration of the courts. It draws attention to the fact that over the years, including during your time as Attorney-General, reports have been initiated and many of the recommendations have not been implemented.

One of the reasons for that is that governments and ministers do not have the capacity to stand on the floor of the courts and make decisions or judgments around how the courts



will be administered. These are issues within the ken, the wit and the statutory responsibilities of the Chief Justice and the Chief Magistrate.

These are the complexities and difficulties. In recognition of those, I have, through this particular process, made arrangements to work with the Chief Magistrate and the Chief Justice. Acknowledging that the decisions are theirs, I have arranged to work with them in a cooperative way to seek to support them in the decisions that they need to make to address the very serious criticisms that the Auditor-General has made about the management of the courts. It is perhaps the only area of administration in which ministers' hands are essentially tied.

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

**MR STEFANIAK:** I thank the attorney for that answer. I note the 2002 report into financial management processes was not addressed. Why didn't you adopt a similar principle then, which might have saved us a few problems?

**MR STANHOPE:** For the same reasons in relation to respect for the doctrine of the separation of powers. Many of the reports that have been commissioned in relation to the courts over the past 15 years have a litany of recommendations and suggestions that have not been implemented.

Every Attorney-General in the ACT, including you, Mr Stefaniak—and you and I know this because you and I understand, over our time in here, each as an attorney now and as a previous attorney—knows the issues around the implementation of recommendations in reports that apply to the administration of the courts. It essentially concerns the statutory responsibility that the Chief Magistrate has for the administration of his court and the operation of the separation of powers.

It is the one area of administration in which governments cannot operate in a hands-on fashion; we simply do not have the statutory authority or responsibility. The separation of powers simply prevents a degree of intervention that is possible in relation to all other organisations that are budget funded.

In retrospect, to the extent that the department of justice has worked assiduously with the court, particularly with the Chief Magistrate, to address issues around the budget overrun and funding, we sought, through some amendments to listing and case management, to refine, streamline and assist the courts in being more efficient and coming in on budget. To date, much of what we have done has not had the effect that we would have hoped for at the end of the day.

We now have a detailed, rigorous report by the Auditor-General. It highlights a range of apparent shortcomings in the management and administration and issues that go to efficiency. We are all aware of some of the statistics that have been revealed—the fact that it takes months longer, on average, for a matter to be concluded in the Magistrates Court than the Australian average; that a matter in the Magistrates Court in the ACT is likely to be adjourned almost, on average, twice as often as the national average and five times more than in the magistrates system within Queensland.

We need to address the impact of continual adjournments and the abandonment of matters on the work of both the Supreme Court and the Magistrates Court. They go to issues around continual adjournments, issues in relation to case listing, issues in relation to the management of the courts. These are complex issues in the hands of the managers of the courts.

The Chief Magistrate and his magistrates are responsible for the management of the court; the government is not. The Supreme Court is managed by the Chief Justice of the Supreme Court. The Magistrates Court is managed by the Chief Magistrate. The issues are in relation to constant adjournments, matters falling off, matters not being relisted and difficulties with the program. The Auditor-General's report reveals, for instance, that, on average, our magistrates sit for two hours or thereabouts a day. That goes to issues around how matters are listed and the fact that matters fall off. These are serious issues that need to be addressed.

### **Cyclepath—Curtin**

**MR SESELJA:** My question is to the Minister for Urban Services. Minister, I refer to recent work performed by urban services where a bicycle and walking path in the vicinity of Jennings Street and Dunstan Street in Curtin was dug up and removed. Comments by the urban services chief executive in the *Canberra Chronicle* indicate the path was removed because of public safety concerns. Minister, when was the department first aware the path was a risk to public safety? Why was there no consultation, signage or notice given prior to removal of the path?

**MR HARGREAVES:** The path that Mr Seselja is talking about is located on the Curtin ridge connecting Jennings Street to the north Curtin district playing fields. The total length of the path removed was about one and a half kilometres and the path width was 1.2 metres, the same as a normal suburban footpath. This path took a circuitous route, weaving through strands of trees and some local space.

The asphalt path was constructed in the 1970s and was of very low standard. The thin asphalt had generally been laid directly on the natural surface instead of on a granular base. During the last five years this path has been the subject of complaint from the public about its poor condition. Following a number of complaints, the condition of the path was assessed. It was noted that extensive areas of the path were in a dangerous condition. Defects included edge breaks, missing path, root intrusions, severe cracking, edge drop-off and building up of sediment. The old path meandered around the open space and many users had developed informal shortcuts to reduce the distance travelled or to avoid hazards.

The decision to remove the path was made to ensure public safety. Arrangements were made for the path to be removed commencing on Wednesday, 24 August, and the landscaping component was completed by Tuesday, 30 August. A new path is to be constructed in the coming months on an improved route to connect Jennings Street and the north Curtin playing fields.

Mr Seselja asked me when I became aware of this. It was a gradual thing over time. The Department of Urban Services—

*Mr Seselja interjecting—*

**MR HARGREAVES:** The first time I became aware that it had a crack in it was in 1980 as I walked along it. At least I know where it is. I have to say for the record that quite a number of people have emailed my office saying, “You have taken away the footpath. What are you going to do about it?” My office has advised those people, each and every one of them, by return email, under my signature, not on my behalf by an adviser. I have received a considerable number of emails in return saying, “Thanks very much. It’s really good that you are getting on and doing something about it.”

There are hundreds of kilometres of paths in this town. From time to time stretches of them become a higher priority for replacement than others. Let me be quite clear about this. This path is to be replaced. It will be replaced within existing resources.

**MR SESELJA:** I ask a supplementary question. Minister, was the decision to construct a new path made before or after the old path was removed?

**MR HARGREAVES:** That is a really odd question coming from a really odd person. I am having difficulty with it. All of the paths in the ACT are assessed over a period of time. They are either maintained or removed, depending on the extent to which they are unserviceable. You will find grinding on some of the paths, rather than actual replacing of them. Some are such that they need to be totally replaced.

This particular path, as I have already indicated, was straight onto a soil base and not onto a granular base. It had to be replaced. The decision to replace it was made the moment we knew that it was unsafe. The question that was unresolved is exactly when it would be replaced. The decision has been taken. Instead of running around the place trying to find something wrong, perhaps Mr Seselja ought to congratulate the Department of Urban Services for identifying and fixing it in the first place.

## **Arts funding**

**MS PORTER:** Mr Speaker, my question is to the minister for the arts. As members are well aware, the Stanhope government is a great supporter of the arts. The government has announced a number of important initiatives to promote the community’s enjoyment of the arts, none more significant than the development of the glassworks in the old Kingston power station. Can the minister provide the Assembly with an update of progress on this important contribution to the territory’s cultural landscape?

**MR STANHOPE:** There certainly is no doubt that the government is a great supporter of the arts. I am very pleased to be given the opportunity today to speak on the matter. I think Canberra is very fortunate to have a most active and vibrant arts and cultural life. The government is very proud to be able to play a role in supporting that aspect of the city. I agree that a number of very important initiatives have been introduced by the government to promote the community’s enjoyment of the arts. None currently is more significant than the glass centre in the former Kingston powerhouse.

The Kingston powerhouse, as members would know, has the distinction of being the oldest public building in Canberra, although ironically—I guess, to match the original

Parliament House—was also built as a temporary facility. In fact, the powerhouse began generating electricity in 1915, just two years after the time that we celebrate our birthday. In fact, the powerhouse is just two years younger than the establishment of the city of Canberra. To that extent it is also relevant to note that this is the 90th anniversary of the establishment of ActewAGL and its predecessor organisations. Together with my colleague, Ted Quinlan, I am looking forward to joining Actew to celebrate their birthday next week.

We are very fortunate that this iconic industrial building still remains for us to appreciate. It has often been regarded as the rough diamond of the other great buildings designed by perhaps one of the great architects of Canberra, JS Murdoch, who, in addition to designing the powerhouse, also designed old Parliament House, the Hotel Canberra, both East and West Blocks, and Gorman House. It is important that heritage buildings such as this maintain a life, albeit in the case of many a different life from that for which they were established.

The establishment of a contemporary glass centre in the former powerhouse will be a landmark project for the ACT government and I think one potentially of international significance for Canberra. The decision to establish a centre for glass art production will build on the huge local success which has been enjoyed both nationally and internationally of Canberra glass artists. It will be the only centre of this kind anywhere in Australia.

I recently opened the Australian and New Zealand Ranamok glass prize, which has been on show at the craft centre across the square. That is a most fantastic exhibition of glass. As always, Canberra glass artists feature very prominently in that prestigious competition. That gives some indication of the extent to which Canberra has a great future as a centre for glass art. I think that, through the new glassworks, that will, over time, come to be appreciated both nationally—that is certainly the case now—and internationally.

The new glassworks will provide a range of opportunities for visitors to the centre, including observing the pouring or making of hot glass, and the furnaces. They will also be able to observe glassblowing from platforms or display points around the glassworks. There will be an opportunity for visitors to buy high quality work across a broad price range from the retail outlet to be located within the glassworks.

Tours of the facility will be supported by education programs. Visitors will be assisted in their understanding of the history of the building through the provision of interpretative material and the retention of the building's original industrial character and capacity. In any event, the powerhouse is on the ACT Heritage Places Register. In its new design and new life, the new design will, of course, have regard for key ecologically sustainable design principles.

We have a key partner in the redevelopment of the powerhouse in the Land Development Agency, who of course have significant interest in and responsibility for development of the Kingston foreshore. It is very pleasing that they have agreed to join the ACT government in partnership for the future of the glassworks at Kingston. Tenders have just been called for the construction of the glassworks. I am sure members will all be pleased about that. That gives some indication of the status of progress on this project. Tenders

have now been called and the glassworks are on track to be opened to the public towards the end of next year.

**MS PORTER:** Mr Speaker, I have a supplementary question. Can the minister provide the Assembly with an update on progress on another important addition to Canberra's cultural landscape? I speak of the Belconnen Arts Centre.

**MR STANHOPE:** Certainly. Thank you, Ms Porter. I know of your very keen support—

**Mrs Dunne:** Mr Speaker, I wish to raise a point of order.

**MR SPEAKER:** It has to be supplementary to the main question, Ms Porter.

**Mrs Dunne:** Thank you, Mr Speaker.

**MR STANHOPE:** On the point of order, Mr Speaker, the initial question asked me to expand on this government's commitment to the arts and its contribution to the territory's cultural landscape. The question referred specifically to one project—the glassworks. The second question relates to exactly the same subject and refers to a separate example.

**MR SPEAKER:** You may proceed.

**MR STANHOPE:** Thank you, Mr Speaker; I misunderstood; I beg your pardon.

**MR SPEAKER:** I thought it was only about the glassworks.

**Mr Stefaniak:** We are not pushing the objection, so there you go!

**MR STANHOPE:** I know that Mrs Dunne, as a member for Ginninderra, objects to anything this government does in her electorate because she knows that—

**Mrs Dunne:** I said it was a fair cop. My point of order was not right.

**MR STANHOPE:** with her 528 votes, she is on something of a razor edge. When your donkey vote is bigger than your actual vote, you—

**MR SPEAKER:** Order! Come back to the question.

**MR STANHOPE:** We have observed that Mrs Dunne objects to everything the government does in Belconnen but, most particularly, she objects in her own electorate. History, of course, will show that. As members are aware, my government is very committed to supporting the arts and cultural activities in Belconnen. At the moment, in Belconnen, for instance, we have recently increased annual funding to the Belconnen Community Service's arts and cultural program to allow, for the first time, the employment of a full-time arts officer through the Belconnen Community Service.

We have funded many Belconnen artists and arts organisations to develop and undertake projects in music, dance, theatre, film and the visual arts through the Arts ACT funding

program. We are investing in a significant new public artwork for Lake Ginninderra and we, of course, continue to provide Strathnairn homestead to the community for arts activities. As Ms Porter—a dedicated member for Ginninderra—has just mentioned, the government is committed to the development of an arts and cultural facility on the shores of Lake Ginninderra which will provide Belconnen residents with a major new arts destination in the heart of Belconnen.

The new funding to the Belconnen Community Service has allowed them to enjoy a full-time community cultural development worker and to expand most significantly the range of activities they foster. The government has also allocated \$200,000 towards the design of the new arts and cultural centre, and a further \$500,000 in the next year. We are working closely with the Belconnen Arts and Cultural Centre community advisory group and Munns Sly Architects to develop a detailed functional requirements brief for the centre. The work includes detailed planning facilities to meet the needs of the community, both in the immediate future and in the longer term. The process has, of course, given very close consideration to connecting the new arts centre to the town centre and the lake shore to ensure complementarity with existing arts facilities in Belconnen.

In response to identified needs for outdoor events space and access to the centre and lake shore, the government has recently included a modest additional block of adjacent open space land on the lake shore into the program for the centre. That is block 2, section 187. The refurbishment of that space will connect the centre with other lake shore works that are currently underway in the vicinity of Lake Ginninderra. This will ultimately provide a well-designed lake shore promenade across the entire southern edge of Lake Ginninderra.

These are some of the things my government is currently working on with the Belconnen community. They, of course, are very significantly located to that major other addition to the cultural or arts facilities as expressed through the fantastic new Kippax library, a facility which I was very pleased to open just in the last month. With the opening of a fantastic new state-of-the-art library for west Belconnen, complemented by the very significant other works that are currently in train in relation to enhancement of the arts in Belconnen, this is a real reflection of this government's commitment to Belconnen, to the electorate of Ginninderra and to the arts in Canberra.

### **Trade union membership**

**MRS DUNNE:** My question is directed to the Acting Minister for Industrial Relations. Yesterday in the Assembly the Chief Minister said that members of the Master Builders Association had told him that they did not want the federal government workplace relations reforms. Scanning the news services lately, the minister would no doubt be aware—and alarmed to learn—that early this week the Victorian government pleaded guilty to discriminating against a contractor in the construction industry who had had a non-union agreement. Does the ACT government have a policy of preferring to deal with companies that require their employees to be members of unions?

**MR CORBELL:** The government supports employers taking appropriate steps to recognise the rights and entitlements of their employees: paying them award wages, meeting their superannuation obligations and meeting all the other obligations that you

would expect of any good employer. This is an issue that the government takes into account in relation to all of its tenders and contracts. We have due regard to whether employers appropriately fulfil their obligations in employment of staff. That includes, as I have said, meeting award wages, meeting superannuation requirements, and meeting other requirements in terms of the proper and dignified treatment of their staff when they are doing work for the government.

**MRS DUNNE:** Mr Speaker, I have a supplementary question. I am not sure whether that was a yes or a no. Minister, does your government discriminate against companies that have a non-union agreement with their employees?

**MR CORBELL:** As I have already said, the government supports employers who take their employment responsibilities seriously. The government has a clear policy of saying that people who do work for the ACT government should, first, abide by their award obligations; secondly, abide by their superannuation obligations; and, thirdly, abide by all the other obligations that any reasonable person would expect of their employers.

### **Auslink bilateral agreement**

**MRS BURKE:** My question is to the Minister for Urban Services, Mr Hargreaves. Minister, I understand that you are refusing to sign off on the Auslink bilateral agreement, risking \$490,000 in federal funding for roads maintenance in the ACT and a possible \$1.97 million over the life of the current agreement. Minister, why are you refusing to sign off on this agreement?

**MR HARGREAVES:** I was not aware that Mrs Burke had such ability to look into my mind and work out something that I have not decided to do or not do.

**Mrs Burke:** So you have not decided?

**MR HARGREAVES:** I have not got the faintest idea what she is talking about, Mr Speaker.

**MRS BURKE:** I ask a supplementary question. Minister, are you therefore then putting the Labor Party line above road safety in the ACT at a time when the road toll is unacceptably high and you claim that you want to reduce the road toll?

**MR HARGREAVES:** The short answer to Mrs Burke's supplementary question is no. The long answer to Mrs Burke's supplementary question is that we have a commitment to road safety and the quality of roads in this city. We take it very seriously. I suggest that they would do well to follow our lead.

### **Auditor-General's report—courts administration**

**MR PRATT:** My question is directed to the minister for police. After the release of the Auditor-General's report into courts administration showing our courts being the slowest in the country, the media has been scathing about a four-year delay in the bringing to trial of a man from Reid. Minister, what was the cause of the extraordinary delay in this case? Was it poor management of the court system or was it your failure to properly resource the police?

**MR HARGREAVES:** First, I will let Mr Pratt know that I have been the minister for police for only a year. Secondly, I am aware, through reading the report in the *Canberra Times* this morning—as I do every morning, hoping not to choke on my Weeties; but I always read it—that Magistrate Some had some concern about police handling in this case.

I believe that Magistrate Some is writing to the Attorney-General with his concerns. As yet, I have not seen any of the detail. It is the afternoon of the same day—I have not received any correspondence on it. But when I do, I will treat this with the utmost seriousness. Nobody likes to see this sort of thing reported, let alone whether or not it is true. I will also have the magistrate's concerns raised at my regular meeting with the Chief Police Officer.

At this stage it is unwise to jump to conclusions based purely on today's report. I have the greatest confidence in the work and the professionalism of the ACT Police. I do not spend my whole day looking through bits and pieces around the traps to denigrate the work of our police. The shadow minister for police has not had a good thing to say about anything that the police have done in living memory.

I am looking forward to the MPI this afternoon when Mr Pratt will congratulate our police officers for the sterling job they do. I am looking forward to the litany of congratulations that he comes out with this afternoon when he joins with the government. I cannot wait for this one. Alternatively, we will see another litany of negativity and demoralising comment on this police force. He must absolutely have licked his lips this morning when he read the *Canberra Times* and thought—

**Mr Stanhope:** Belt the coppers again.

**MR HARGREAVES:** He thought, “You little beauty. I can go and belt the coppers again.” It made his day.

**Mr Smyth:** Mr Speaker, I rise on a point of order. Under standing order 118 (b), the minister cannot debate the issue, which he is clearly doing now. Can he please come back to the subject matter of the question.

**MR SPEAKER:** He was asked a question about police—

**Mr Pratt:** Mr Speaker, I rise on a point of order—

**MR SPEAKER:** One thing at a time Mr Pratt. He asked a question about police administration of their duties, and he asked Mr Hargreaves to respond.

**Mr Smyth:** Thank you for your wisdom. But the minister did say that he did not know the answer to the question and that he would find out on Monday when he has his regular meeting. Why he goes on when he clearly does not know the answer is clearly against the standing orders.

**MR SPEAKER:** Order! This is the second question. Mr Pratt, what is your point of order?



**Mr Pratt:** Mr Speaker, I rise on a point of order. I ask the Chief Minister to withdraw that character-reflecting comment about “police basher”. I ask him to withdraw that.

**Mr Stanhope:** I said that there is a police basher in the ranks; I did not name anybody. I said, “There’s a police basher in the ranks”; I named nobody.

**MR SPEAKER:** It is a term that has been used here so many times before, Mr Pratt. It is—

**Mr Pratt:** Well, it is unparliamentary.

**Mr Smyth:** No, Mr Speaker, the last time it was used, Mr Hargreaves called the police “Keystone Cops” in fact.

**MR SPEAKER:** Sit down.

**MR HARGREAVES:** It is interesting that Mr Smyth has such a phenomenal memory, but he cannot remember what I said only five minutes ago. Nowhere did I say I would be having a meeting with the Chief Police Officer on Monday. Mr Smyth has misled this place with that statement.

**MR SPEAKER:** Order! Withdraw that.

**MR HARGREAVES:** I ask him to withdraw it.

**MR SPEAKER:** Mr Hargreaves, withdraw that.

**MR HARGREAVES:** All right, Mr Speaker, he has told a porky.

**MR SPEAKER:** Withdraw that.

**MR HARGREAVES:** All right, I withdraw that too. The fact is that I did not say that I was meeting with the Chief Police Officer on Monday and Mr Smyth asserts that I did. Let me put this into perspective: I have confidence in the police. Mr Pratt searches around in the rubbish bins of life trying to find something with which to belt the police. I guess he will do that until the day they kick him out of here.

**MR PRATT:** Mr Speaker, I have a supplementary question. Minister, given this stark example, when will you properly resource the police service including sufficient police numbers to ensure that they can discharge their duties properly, the way they wish to?

**MR HARGREAVES:** Mr Pratt trolls through the rubbish bins of life and he finds one thing that is wrong with it. He has now found something that he can hang his hat on. I reject his assertions that the police do not do a really good job in this town; they are great.

**Mr Stefaniak:** Mr Speaker, I rise on a point of order. Mr Pratt asked a very specific supplementary: minister, when will you properly resource the police service—

**MR SPEAKER:** Sit down, Mr Stefaniak. The minister has not got to the question; he is not a half-minute into it yet.

**MR HARGREAVES:** Since Jon Stanhope won the 2001 election, he has put an extra \$26 million into policing—

**MR SPEAKER:** He is coming to the question very quickly!

**MR HARGREAVES:** I know. They are frightening me—especially this police basher.

**MR SPEAKER:** Mr Hargreaves! Come to the question.

**MR HARGREAVES:** Mr Speaker, I am trying to come to the point of the question.

**Mr Stefaniak:** Mr Speaker, I rise on a point of order. He did say “especially this police basher”?

**MR SPEAKER:** Mr Hargreaves, come to the subject matter of the question.

**MR HARGREAVES:** The question was whether we would resource it properly. We have put in \$26 million since Stanhope came to government. We have changed policing in this town. We have a double-digit reduction in crime. I think we have the best police force in the country. We have the safest city. And it is just not good enough for the bloke over there.

## **NICTA**

**MS MacDONALD:** My question is to Mr Quinlan, the minister for economic development. Minister, can you provide an update on the NICTA project and what benefits it will bring to the ACT?

**MR QUINLAN:** I thank Ms MacDonald for the timely question, given that yesterday, during a debate on the Mulcahy manifesto, I detected across the house a very keen interest in the NICTA project. I think it is appropriate that you ask this question today.

To give a bit of background, the ACT government has provided a package of \$20 million for the new Canberra home of NICTA. This represents one of the largest commitments by any ACT government in its own economic future. The package includes \$10 million for acquisition of land and \$5 million for industry development initiatives, which include scholarships for local research and study, grants to ACT-based SMEs to encourage research, commercialisation and activities in the local ICT industry and up to \$5 million in payroll tax waivers. Our investment has secured a \$381 million commitment from the federal government over the next 10 years. Of that, \$127 million will be spent in Canberra. This will directly create 100 new jobs and 100 PhD student positions.

The construction of the building to house NICTA in Canberra will result in nearly \$60 million in additional investment in Canberra and up to 280 jobs during the course of construction. This represents guaranteed new investment of \$187 million in Canberra during the first 10 years of NICTA, a nine times increase on the original investment. As

a result of our investment, the projected economic impact of NICTA on the ACT is in the vicinity of \$600 million in research, education and commercialisation activities over the next 10 years.

On 30 May, NICTA and Leighton Contractors agreed to commercial terms for the construction of a new building in Civic West, where the cranes are growing out of the ground. Recently the Minister for Planning announced the approval of a building that will become the headquarters for NICTA. Site works for the new building are expected to commence late this year. Completion is expected in about April 2007, with commissioning and occupation by May 2007.

The NICTA DA was lodged on 28 July 2005 and approved on 8 September 2005, within the statutory time frame, despite some claims to the contrary yesterday. The primary areas of research being conducted in Canberra include—

*Opposition members interjecting—*

**MR QUINLAN:** This is educational. Listen. Primary areas of research include statistical machine learning—the development of techniques that can, when learned from data in flexible, non-parametric fashion—

**Mrs Dunne:** Do you understand what that means?

**MR QUINLAN:** Not a clue. This approach combines classical signal processing, statistics, pattern recognition and artificial intelligence in a powerful way. I have about four more of those paragraphs. I am sure you do not really want to hear them. But I do want to advise the Assembly that very early in the time that I took this portfolio I was given a comprehensive tour of research facilities within the ANU that will feed into this. The work that has already been done within the ANU and the work that will be accelerated and expanded by the presence of NICTA is, I have to say, mind-blowing. Certainly it is with great pride that this government has associated itself with that. We will continue to build partnerships that will benefit all of us, certainly benefit this town and its repute around the world and its security and economy over the long term.

**MS MacDONALD:** I ask a supplementary question. Minister, what is NICTA doing to integrate with local ACT business and, in particular, small and medium enterprises?

**MR QUINLAN:** I am glad you asked that question. NICTA has a total staff of 67 in Canberra. Currently there are 50 NICTA endorsed PhD candidates studying at the ANU. The process of NICTA is well under way, despite the fact that the building is yet to come out of the ground amongst those cranes in the sky over there.

NICTA has established research and collaboration projects with four local SMEs and is finalising a contract for another. The interaction with local industry is currently far more advanced in the ACT than in New South Wales. NICTA is working with the Canberra Business Council to establish student placements in local ICT companies, present a program of seminars for SMEs and conduct a series of boardroom lunches with representatives from significant organisations.

Canberra's ICT industry possesses a number of strengths, including a skilled work force and close linkages with leading edge customers. NICTA is a unique opportunity for the development of a local ICT sector and Canberra's credentials in the global ICT industry. NICTA will provide Canberra's ICT industry with access to world-class skills and knowledge and will encourage our local sector to increase its global competitiveness. It will generate new start companies that are effectively born global in their product sets and outlook. I remind members that this government is also involved in setting up a \$30 million venture capital fund with the support of the MTAA that dovetails with this process and makes for very bright prospects for the spinouts of the research that occurs, particularly in the ANU, but not exclusively to the ANU.

As has been demonstrated in the answers I have already given, NICTA will spread its wings across the ICT industry in the ACT. I am sure that it will make a fantastic contribution in the future to the growth of the ACT and, as I said earlier, to the repute of Canberra amongst the world's centres of research and development.

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

**MR GENTLEMAN:** My question is to the Attorney-General. Can you bring members up to date on progress with the planning and building of the Alexander Maconochie Centre, the territory's new corrections facility?

**MR STANHOPE:** I thank the member for the question, an important question, in relation to a most important facility for the ACT, the Alexander Maconochie Centre. The latest of the significant steps in the progress towards the construction of the Alexander Maconochie Centre has just been announced in the decision to award a \$2.5 million site works contract to a local Canberra company, Canberra Contractors. I am very pleased that we have now reached that particular stage.

The preliminary site works would allow us, once the final tender for the construction is presented and concluded, to commence the construction of the Alexander Maconochie Centre in full. The works constituted by the latest contract, the Canberra Contractors contract, will see work on an intersection on the Monaro Highway that would lead into the site, the realignment of a sewerage line, the connection of water and, as I say, preliminary site works of that particular order. The project office for the Alexander Maconochie Centre is also working closely with ActewAGL, and ActewAGL at this stage expect to have power to the site by November, in the next two months.

The Alexander Maconochie Centre project office, together with its consultants, have now completed the preliminary sketch plans for the Alexander Maconochie Centre. They are now moving to the final sketch plan phase. ACTPLA have recently advised that it is satisfied with the design work that has been undertaken to date. A development approval for the main works associated with the project will be sought, hopefully within the next four weeks.

Tenders have also been called for the provision of vocational education and training services to prisoners in the new prison when it is established. Those tenders for vocational education and training are currently under evaluation. There is significant

communication between stakeholder individuals and groups and the Alexander Maconochie Centre project office and staff and a range of advocacy groups.

It would be of interest to members, I am sure, in relation to this very significant project that, consistent with the planning the project team have put in place, they meet regularly with 70 or thereabouts stakeholder groups and individuals, each with a specific interest in the project.

Members of the AMC project team, as members here are aware, have visited prisoners—I accompanied them on their last visit—on several occasions to inform them about progress on the project. Indeed, pamphlets informing ACT prisoners about the Alexander Maconochie Centre's philosophy and design operations have been posted to all ACT prisoners in New South Wales.

Just recently, the project office wrote to 130 community organisations within the ACT, including churches, sporting and recreation clubs and associations, craft groups, music groups and others, to inform them about the operating philosophy for the Alexander Maconochie Centre and canvassing their interest in being involved with prisoners once the AMC is established and operational. The project office has also written to all businesses in Hume, advising them of the opportunities presented by the construction and the operation of the centre and asking businesses in Hume, at this stage in particular, to register their interest in providing prisoners on work release and former prisoners on release with work or employment opportunities. This is some of the work that is in hand. It is a reflection of our determination to establish in the Alexander Maconochie Centre—

**Mr Stefaniak:** Do we have an agreement with New South Wales to get some prisoners back?

**MR STANHOPE:** Not yet, Mr Stefaniak. It reflects our determination to establish a state-of-the-art correctional facility for the ACT, one which is consistent with the ACT Human Rights Act.

In that regard—and I will conclude on this point—it is interesting that there is enormous interest in the operating philosophy, the design and plans for the Alexander Maconochie Centre from the general public, researchers, students and professionals. Material that has been generated by the project is now being cited regularly in books and academic papers dealing with justice and criminology issues. There is enormous interest in the project from all around the world, with the project office now receiving requests for information about this project from Austria, India, Japan, Thailand, Canada, the UK and the United States.

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

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

### **Supplementary answer to question without notice ACT Health—salary packaging**

**MR CORBELL:** In question time yesterday Mr Mulcahy asked me a question in relation to salary packaging arrangements for staff of ACT Health. I can now advise

Mr Mulcahy and members that the process of gaining clarification from the ATO on the application of fringe benefits exempt salary packaging arrangements to staff of ACT Health is continuing, with ACT Health officials providing information to the ATO as recently as August of this year. It is anticipated that formal advice will be received in November of this year from the ATO regarding the manner in which ACT Health has self-assessed the application of FBT exemption to its staff salary packaging arrangements. There have been no changes to salary packaging arrangements to date.

## **Answers to questions on notice**

### **Question No 467**

**MR SMYTH:** Under standing order 118A (a), I ask the Minister for Health when I can expect an answer to question on notice 467, concerning paediatric ward funding, which was due on 16 September.

**MR CORBELL:** I thank Mr Smyth for the question. The department is currently finalising the detail of the answer. We want to ensure we give an absolutely accurate answer. I anticipate that Mr Smyth will receive an answer shortly.

### **Questions Nos 489 and 490**

**MR PRATT:** Under the same standing order, I want to ask a couple of ministers about a number of overdue questions on notice which were due on 17 September. I would firstly like to ask the planning minister about questions on notice 489 and 490. These concerned ACT Roads and ACTPLA approvals.

**MR CORBELL:** I think I have answered those questions.

### **Question No 495**

**MR PRATT:** Thank you, minister. I will double-check that. I ask the minister for police about question 495 on drug-driving tests.

**MR HARGREAVES:** I believe I have seen and signed off on that. I would expect that response to be with the member within a very short period of time.

## **Papers**

**Mr Quinlan** presented the following papers:

Financial Management Act, Pursuant to section 14—Instrument directing a transfer of funds within the Chief Minister's Department, including a statement of reasons, dated 14 September 2005.

Territory Owned Corporations Act, pursuant to subsection 19(3)—Statement of Corporate Intent—ACTTAB, 1 July 2005 to 30 June 2006.

**Mr Stanhope** presented the following paper:

Utilities Act—Utilities (Variation of Industry Code) Determination 2005 (No 2)—Disallowable Instrument DI2005-132—Revised explanatory statement.

## **Ministerial Advisory Council on Ageing Paper and statement by minister**

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

ACT Ministerial Advisory Council On Ageing—Annual Report 2004-2005.

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

Leave granted.

**MR STANHOPE:** Today I table the 2004-05 annual report of the ACT Ministerial Advisory Council on Ageing. The ministerial advisory council on ageing, established as part of this government's commitment to senior Canberrans, is the first of its kind since the introduction of self-government in the ACT. It gives Canberrans an opportunity to play a real and significant role in advising government on the future needs of older people. Ours is an ageing community. Too often this reality is seen in negative terms because of the strain it will place on our health system, the changes it will demand of our housing and the potential decline in government revenue as the working age population shrinks.

An ageing population does present challenges. So did the baby boom, and so does any demographic shift over time. Societies have always accommodated these shifts. We have built more schools when the population bulge has been at the other end of the lifecycle; we have built four-bedroom houses instead of three-bedroom ones; we have constructed new office blocks when they have been needed. Now, and in the future, we will need something different again. We will not only accommodate that difference, we will celebrate it. We will find ways of adding value to the life experiences of older people.

Since its inception, the ministerial advisory council on ageing has been actively involved in promoting positive ageing and providing important advice to the government on the needs of older Canberrans. It has drawn on the skills, expertise and creativity of people of exceptional calibre from a diverse range of community sectors. The council has gone from strength to strength since its inauguration. The success of this council sets a high standard for other advisory bodies to aspire to. The 2004-05 annual report is proof of this.

The annual report details achievements against the council's strategic plan, released in December 2003, and highlights directions for the coming year. Considerable progress has been made against a number of priorities, including promoting meaning and purpose in later life through such forums as the successful social isolation seminar and the meaningful ageing forum; encouraging portrayal of positive images of senior people, through participation in such initiatives as the "life's reflections" photographic competition, and through working with media outlets to promote the portrayal of positive images of older people.

The council has also had valuable input into the provision of aged care facilities through the implementation of the “building for our ageing community” strategy. It has advised on flexible employment and retirement conditions—advice that was incorporated into the mature age employment action plan. It has taken a leading role in assessing applications for ACT seniors grants and held preliminary discussions to develop a needs analysis brief to consider options for increasing access and mobility for older people.

Future plans for the council include monitoring the elder abuse prevention project; working with the ACT Community Inclusion Board on programs to reduce social isolation; taking a major role in the 2005 Canberra Retirement and Lifestyle Expo, and developing a new strategic plan to guide the future work of the council. The council has an important impact on every aspect of ageing in the ACT. I am personally grateful to the council members for volunteering their expertise and time.

I take this opportunity to put on the record the government’s appreciation for the contribution made by Peter Brady, the recently retired director of the ACT Office for Ageing. Mr Brady’s tireless advocacy and his clear grasp of the need to ensure that older Canberrans are fully engaged in every aspect of the life of the community have truly made a difference to the quality of life of many in our community. His contribution to the success of the ministerial council cannot be overstated.

Mr Brady contributed significantly to public policy formulation in the ACT over a period of more than two decades, particularly in the planning, community affairs and social policy areas. His most notable contribution was to implement the plan for older persons—a Labor Party commitment in 2001. This involved, among other things, creating and managing the ACT Office for Ageing; providing policy support for members of the ACT Ministerial Advisory Council on Ageing; developing and leading the implementation of the response to the Assembly’s report on elder abuse; enhancing the Seniors Week activities and the seniors card scheme, and securing significant government funding for refurbishment of seniors club premises. Mr Brady’s commitment and personal approach to the engaging of seniors in the representative groups greatly strengthened the links between Canberra’s older residents and the ACT government and its agencies, as well as generating well thought out and innovative responses to their complex concerns.

Mr Brady was well regarded by seniors and seniors groups in the ACT. He made a genuine difference to the lives of many seniors during his time as manager of the ACT Office for Ageing in the Chief Minister’s Department. It is thanks to the energy of people like Mr Brady and the members of the ministerial council that the concerns of older Canberrans are so central to the policy-making and program delivery of the government. The Canberra community can be confident in the knowledge that the policies and programs this government makes in relation to ageing are informed and enriched, and that our perceptions and perspectives on ageing are greatly broadened by the professional, community and business representatives appointed by the council.



## **Territory plan—variation No 205**

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

**MR CORBELL** (Molonglo—Minister for Health and Minister for Planning, and Acting Minister for Children, Youth and Family Support, Acting Minister for Women and Acting Minister for Industrial Relations): For the information of members, I present the following paper:

Land (Planning and Environment) Act, pursuant to subsection 29 (1)—Approval of Variation No 205 to the Territory Plan—Oasis Leisure Centre Deakin—Block 11 Section 68 Deakin, dated 21 September 2005, together with background papers, a copy of the summaries and reports, and a copy of any direction or report required.

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

Leave granted.

**MR CORBELL:** Draft variation 205 proposes to change the land use policy for the Oasis Leisure Centre site in Deakin to commercial B2E, corridors and office sites. During public consultation, one submission was received which raised opposition to the proposed condition that leases for other units cannot be changed to include office use until unit 17 is refurbished. The submission also raised concern that there was no justification for vacant medical suites to remain vacant until the pool is refurbished and that the smaller units would have very little impact on the dynamics of the total use of the site.

The Standing Committee on Planning and Environment, in its report on the draft variation, made four recommendations. The first was that the authority develop a master plan for the west Deakin area to address traffic, parking, public transport, environmental and retail facility issues. The committee recommended that, if resources are not available in the 2005-06 budget to prepare a master plan, the issues be addressed in either a revised draft variation 205 or a new draft variation. In response to this recommendation, variation 205 has been revised, as detailed in Annexure A to the approval instrument.

Secondly, the committee recommended that the authority amend the variation to enable the office development to be built before the pool at the Oasis centre is refurbished, on condition that the pool is upgraded under a performance bond. The government does not support this recommendation. The original proposal for the draft variation put forward by the proponents was to add “office use” to the existing uses of entertainment, accommodation and leisure. The financial difficulties in meeting the conditions of the proposed variation were first raised by the proponents with the planning and environment committee, but this was not what the proponents initially raised with the authority when they sought the variation. It is also contrary to what the proponents arranged with the authority during the planning study stages.

I believe, and the government believes, it is important that the proponents address the issue of refurbishment of the pool, which is in extremely poor condition, prior to the development of the office building. The swimming clubs that use the pool are anxious to see the future of the pool addressed before any office building or development occurs. The insertion of such a requirement into the territory plan variation will ensure that this

happens. The Planning and Land Council, in its advice to the Planning and Land Authority, supported the draft variation, subject to any office development being permissible only after the swimming pool has been refurbished.

The third and fourth recommendations of the committee are that the proponents be required to provide security lighting for the car park on block 23 section 67, and that access to the Oasis Leisure Centre complies with relevant standards and guidelines. These recommendations are both design-related issues that will be addressed at the development application stage. I commend the variation to the Assembly.

## **Territory plan—variation No 214**

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

**MR CORBELL** (Molonglo—Minister for Health and Minister for Planning, and Acting Minister for Children, Youth and Family Support, Acting Minister for Women and Acting Minister for Industrial Relations): For the information of members, I present the following paper:

Land (Planning and Environment) Act, pursuant to subsection 29 (1)—Approval of Variation No 214 to the Territory Plan—Village of Hall, dated 21 September 2005, together with background papers, a copy of the summaries and reports, and a copy of any direction or report required.

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

Leave granted.

**MR CORBELL:** Draft variation No 214 proposes to implement the outcomes of the 2002 master plan for the village of Hall. The Hall master plan identified the significance and uniqueness of Hall and established strategies to protect the village and its surrounds from inappropriate development. The Hall village precinct was included in the Interim Heritages Places Register in 2001. The proposals in the variation include the following:

- changing the land use policy for part of Kinlyside valley from “residential” to “hills, ridges and buffer areas”, which will define the rural buffers to the village;
- deleting the 12B area-specific policy overlay which applies to the showground, Hall village reserve and Halls Creek reserve and including these areas within the “urban open space land use” policy instead;
- including the Hall polocrosse field within the “urban open space land use” policy for consistency in land management; and
- expanding the boundary of the Hall cemetery on the principle that it is retained for its historic value and managed to protect endangered grassy woodland and endangered orchid specimens found on the site.

This draft variation was released for public comment on 4 December 2004 and three written submissions were received. These submissions raised concerns regarding land management and conservation, particularly within the existing cemetery and the new hills, ridges and buffer area. As a result of the consultation process, a revision was made to the variation to include the polocrosse field in urban open space to facilitate land

management. In its report No 14 of 16 August this year, the Standing Committee on Planning and Environment made three recommendations on this variation. The committee's first recommendation was that burials in the existing cemetery cease as soon as possible and that new land be made available. This recommendation is supported by the government. I am advised that Environment ACT is currently involved in discussions with the ACT Public Cemeteries Board to achieve this.

The second recommendation was that Environment ACT consider planting local woodland species such as yellow box and red gum, as well as understorey grassy woodland species, in the extended cemetery on blocks 310 and 312 to create a consistent landscape setting. Both Environment ACT and the government support this recommendation. Work has already commenced on advanced tree planting by the Parks and Conservation Service in conjunction with the cemeteries board.

The committee's final recommendation was that the planning system reform project consider the need for a consistent approach to sustainability principles in rural villages across the ACT in the revised territory plan. The Hall variation does not propose to increase the intensity or area of residential land, but rather seeks to protect the existing character of the village.

The sustainability principles for Stromlo settlement and Uriarra rural village relate primarily to the rebuilding of those villages. In the case of Hall, development is already complete and such principles could only apply to redevelopment. Based on this approach, the committee's recommendation will be considered in the context of the planning system reform project. This variation is a great outcome for the village of Hall because it gives certainty for the protection of its unique rural setting. I am pleased to table the variation and I commend it to members.

## **Community safety**

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

**MR SPEAKER:** I have received letters from Mrs Dunne, Dr Foskey, Ms Porter and Mr Pratt 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 Pratt be submitted to the Assembly, namely:

The management of community safety under the current ACT government.

**MR PRATT (Brindabella) (3.56):** I rise on this matter of public importance because of a deep concern about what we see as the government's generally poor management and handling of a range of emergency management issues. Over the last few years of local government we have seen a gradual gravitation towards human rights that has occurred at growing expense to the delivery of essential services and good governance of the ACT.

An increasing number of Canberrans grow worried by this human rights obsession at the expense of human safety and, more broadly, the neglect to ensure that local government delivers fundamental services, protects the community and faithfully defends the national interest. Indeed, we saw reported in the *Canberra Times* only yesterday that Mr Stanhope's Human Rights Act may now mean that the range of counter-terrorist

reforms that the federal government has proposed may be illegal in the ACT. Therefore, the rights of ACT citizens to be protected from acts of terrorists may be severely compromised, thanks to this delusional Chief Minister who puts the rights of potential terrorists over and above the rights of the law abiding majority. I hope the Chief Minister will significantly change his attitude prior to the COAG meeting on terrorism next week. To combat the terrorist threat we need uniformity across the states and territories. Mr Stanhope is the pathetically dismal odd guy out and is at risk of making the ACT the soft touch when it comes to allowing radical attitudes, or allowing potential terrorists space to plan and carry out their criminal activities.

The Labor government has driven this negligent attitude towards emergency management since the January 2003 fires by not working hard to unearth the truths behind the emergency management failures that saw the ACT community not warned about the impending danger. The Chief Minister demonstrated only a superficial commitment to inquiring deeply into perhaps the worst natural disaster the ACT has ever seen, with its tragic loss of life and extensive property and environmental damage. Since McLeod, the Stanhope government has moved with some urgency to implement some of the McLeod recommendations, yet the list of failures to improve essential emergency capability, or to at least do so within budget, is significant.

There are many examples to highlight this government's lack of sincerity towards community safety via bushfire preparedness. We see that bushfire fuel loads in parts of Namadgi national park, for example, are still at levels equal to those prior to the 2003 bushfire disaster. We also see that the strategic bushfire management plan, version two, has been delayed for at least another 12 months. We have not seen specific bushfire operational plans, or evacuation plans for specific areas or suburbs, so that urban residents and CFUs are instructed on what to do in the event of another bushfire or other disaster.

We see the failure by the Labor government to continue the formation of community fire units because of a lack of training and funding. We see the disbanding of the fire management unit of the Department of Urban Services, contrary to the McLeod recommendation to strengthen the capability of public land managers in bushfire preparedness. The minister will not provide either the public or the opposition with a strategic fuel hazard reduction list, pointing out areas that have been burnt off, grazed or mowed in readiness for the coming bushfire season.

We have also seen the government impede Coroner Maria Doogan and then downright attempt to destroy the entire January 2003 bushfire disaster coronial inquiry, particularly once it became clear that it was moving uncomfortably close to exposing the failure to adequately warn the community. The rights of nine government personnel involved in the fires apparently take priority over the rights of the community—the rights of the community to be safe. That is where this Chief Minister has failed in his fundamental duty to community safety, over and above his own self-preservation. The Chief Minister has also failed massively to ensure the safety of the ACT community by failing to educate and brief the community on terrorist incident management and evacuation policies. This is almost three years after the Bali bombings, which tragically highlighted that Australia and Australians are terrorist targets.

The terrorist threat to the ACT is probably at medium level only, but a clear threat that this government is responsible to respond to exists. The community has a right to know. Indeed, it needs to know and be included in planning for such emergencies to the extent that classified information allows, rather than being kept in the dark like mushrooms. The community needs confidence. The community needs to know as much as possible about the actual risk and what protection measures are in place.

Police and emergency services, despite the government's lack of interest, have progressed relatively well in the building of a range of counter-terrorist capabilities—for example, bio and chemical attacks and probably atomic dirty bomb attacks. Urban search and rescue capabilities for fire brigade, ambulance, SES and ESA have developed those capabilities. The fire brigade is leading the way in the other threat attacks I have previously listed; and the police have developed excellent special response capabilities as far as the security arena is concerned.

The success of the management of the embassy white powder scare incident is to be applauded, but this was relatively small-scale incident management. What we saw there was professionally well done; it was excellent work, but still on a relatively small scale compared to the threat levels that could indicate the possibility of something much larger. We are not seeing serious preparation for larger-scale terrorist emergencies.

All of our agencies have professionally and diligently, on their own initiatives, developed excellent capabilities in the security arena. At least the government has provided some funding for them to be able to achieve those standards, but it does not possess a serious management culture in relation to emergency planning and overarching policy to meld those agencies together for broader activities. Members of this government fly by the seat of their pants in what is purely reactionary-based governance. They lack the proactive ability and forethought that is greatly needed in order to protect our community.

Critically, we now discover that the Labor government, contrary to announcements made as long ago as last year and again recently, has failed to significantly progress any large-scale terrorist attack management and evacuation plans for vulnerable, likely target areas throughout the ACT. I will quote the Chief Minister's exact words from the last sitting. He said that there is a suggestion that, because there is no piece of paper that states, "This is the plan for Civic," we do not have a plan. He said, "We have a detailed plan for what will occur in the event of an emergency." Maybe the Chief Minister happens to have a Ros Kelly whiteboard, rather than a piece of paper.

The Stanhope government needs to complete and publicise, as soon as possible, terrorist incident management and evacuation policy and, hanging off that policy, the appropriate plans. It must adapt existing tried and tested urban fire evacuation procedures to incorporate terrorist threat management and evacuation procedures—I believe the ESA is beginning to move down that track—and it must introduce these plans rapidly. It must commence community education and emergency drills for building wardens, for example, and emergency personnel who would be involved in broader-scale activities, on a much larger scale than existing building evacuation scenarios. It must have those people trained and drilled, in the event of strikes occurring.

Next there is ACT policing. It apparently goes against the grain of this government's philosophy to properly protect the community against crime. Again, an unbalanced obsession with human rights dictates a soft-on-crime attitude that sees the running down of ACT police numbers and the erosion of police capacity to properly do the job they wish to do. Numbers in the ACT police force are well below the Australian average. I have gone through that a number of times. In fact, there has been no effective increase in police numbers since 2001. The claim by the government that they have increased police numbers since 2001 was exposed as folly in the recent estimates. The number of sworn police officers in the ACT has dropped by 14, at the same time as the population has grown.

The police minister, Mr Hargreaves, defends the position, arguing that it is all about intelligence-based policing. It is not good enough when the police cannot even engage in intelligence-based policing because there are not enough of them to engage regularly with the community to gather intelligence. In fact, we hear report after report from members of the public of the police being unable to respond to incidents due to a lack of available police to do the job. We continue to receive complaints on a daily basis.

We hear the Chief Minister rattling off declining statistics of serious crime, and these are encouraging. A number of major crime activities have decreased significantly. This is due mainly to taskforce policing—targeted policing—which is effective policing, but we see a massive imbalance. Low to medium level crime increases elsewhere due to a lack of police presence in other areas. We call this the plunger effect. I remind you of the 22-odd armed robberies that occurred in the space of just three weeks earlier this year. Unfortunately, this pattern continues.

The road traffic statistics also highlight the problem. Our current road death toll of 20 is over twice that of the whole previous year. There is an increasing percentage of positive random breath tests from the lowest number of random breath tests carried out in five years. These statistics further illustrate that, while incidents of unsafe practices on roads continue to rise, police capacity to carry out random breath tests declines. Through the latest Auditor-General's report into administration of the courts, we have magistrates claiming that the severe court delays are likely to be due to a lack of police resources. The police minister must explain to the community why he has allowed the police force to be so underresourced that it neither can respond to crime nor has the capacity to progress law enforcement through the courts.

The government's failings are starkly demonstrated by the recent discovery that badly needed closed circuit television cameras in Civic were not working, and that systemic failures had gone undetected for some days. While initially stating that he would prefer more police on our streets to additional CCTV cameras, the Chief Minister also stated that he feels the cameras are something the government must urgently review and that their implementation on all ACTION bus services, as well as across the territory, is imminent.

In contrast to this note of urgency by the Chief Minister it is disturbing to note that, during estimates hearings, Simon Corbell, the minister for transport, stated that the implementation of cameras on older ACTION buses would only be considered in future years, as the government has been unable to find the resources to do so this coming year.

Perhaps the funding has been diverted away from the Chief Minister's expensive legacy, known as the \$12 million arboretum, or by Mr Corbell's \$6.7 million real-time information system.

Mr Stanhope's newly announced "see something, say something" campaign to report suspicious packages on buses is another example of this government's implementing measures that, while they are welcome, address only part of the problem. It is one thing to put the onus on the community to do its bit, but this can only be effective if the government is doing its bit too by tightening up the laws, sufficiently resourcing police and having proper incident management plans in place.

Clearly, the Stanhope government has not come to grips with a wide range of essential community safety policy issues and simply does not possess the operational culture required to properly protect the community from substantial threats or lower level domestic threats. Simply said, the Stanhope government's track record on the management of community safety issues in the ACT is abysmal. This, I fear, is not set to improve unless this Chief Minister and his government make community safety the number one priority over and above their non-essential ideological pet projects.

**MR STANHOPE** (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs, and Acting Minister for Education and Training) (4.11): The government, contrary to the diatribe we just heard from the anti-police minister, has put considerable effort into developing the Emergency Services Authority as a major force in the protection of community safety in the ACT. The McLeod report into the 2003 bushfires provided a way ahead and my government has acted, as members know, on all of its recommendations.

The Emergencies Act 2004 merged four separate pieces of legislation into one, and in plain English. It now clearly defines the responsibilities of all agencies as well as the ACT Bushfire Council and the emergency management committee. It required ESA to communicate with the community before, during and after emergencies, and it introduced a state of alert and state of emergency. For the first time, the ESA is required to audit bushfire season preparations, with this requirement to become mandatory in agency annual reports from next year. The legislation also required the production of the strategic bushfire management plan, a national first, and the subordinate bushfire operational plans. We have clearly placed responsibility for the ACT emergency management plan with the ESA and have removed previous confusion around the territory controller role in major emergencies.

Emergency services agencies not only protect life and property but also, of course, the environment. Responsibility and accountability for strategic direction of all elements of the ESA are now allocated to a single person, the ESA Commissioner. Very importantly, the legislation specifically highlights the value of volunteers to the ACT community and establishes the State Emergency Service in its own right within the authority.

The ACT has adopted an all-hazards approach to emergency management that addresses both natural and non-natural threats. The Emergencies Act 2004 provides for the declaration of a state of alert or a state of emergency by the ACT government. This enables a proactive approach to be taken for evacuation. The requirement for evacuation arrangements in the ACT was identified following the bushfires. A similar requirement

had been identified in other jurisdictions following major bushfires and had focused on the contentious issue of whether to stay and protect houses or to evacuate before the fire approached areas. The evacuation strategy is part of the ACT emergency management plan.

The ACT has adopted an all-hazards warning system. The system is intended to provide clear information to the community on the likelihood that an incident will occur that will require evacuation or alternative action. It provides direction on the actions required by ACT Policing, the ESA and other agencies, and a public information message. The message is preceded by the standard emergency warning signal. The levels of warning comprise blue, which is potential impact within 24 hours; yellow, probable impact within 12 hours; orange, certain impact between four and 12 hours; red, immediate impact within the next four hours; and white, return after the threat or danger to residents has passed.

The ACT handy map in the *Yellow Pages* is intended to provide a simple means to communicate the location of an incident of the likely area in relation to the warning system. The alphanumeric grid covers the ACT and surrounding region. The community is asked to identify the grid squares in which they live and work and those where special needs members of their family are located. This is a key requirement in larger scale incidents and is used in north Queensland for cyclone tracking.

The ESA is rightly proud of its media memorandum of understanding. Its purpose is to provide a reliable flow of information to the community through the media. This overcomes reliance on mobile/fixed telephone and internet services that may not be operating during a major emergency. The ACT is the first jurisdiction to have an approved MOU with all media organisations—TV, radio and print—that establishes a partnership in the dissemination of information. The MOU includes the provision of timely and accurate information from the ESA to the media organisations through liaison officers; the provision of pooled recordings and photographs; training and deployment of accredited journalists; and participation in simulated exercises and activities to develop procedures.

Operational analysis is an essential action that is intended to maintain best practice within the ACT. Operational analysis will occur through simulated incidents/discussion exercises for existing areas, and to guide risk assessments and planning considerations in proposed new developments. The development of partnerships with the community provides a greater capacity to manage complex situations and enables the emergency services to better deal with the specific incident. Its strength lies in a shared knowledge of all hazards, shared responsibilities and provision of reliable and timely information.

ESA and the ACT land managers have been working closely together to be ready for the next fire season. Since last fire season land management agency firefighting staff have increased their skill levels by attending a number of nationally recognised training courses, including four-wheel drive, incident planning, incident operations, navigate in urban and rural environments, and operate pumps. Land management agency staff also participated in a major remote area firefighting exercise.

Twelve land management agency firefighting staff have received their certificate II in firefighting operations, while four received their national firefighting medal, recognising



15 years of service. Five received their national firefighting clasp, recognising 25 years of service and one received their second clasp, recognising 35 years of service. Twelve land management agency staff also received a national medal.

Since the last fire season, land management agencies have conducted over 600 hectares of prescribed burns, including burns on Black Mountain; on Macarthur hill behind the suburbs of Macarthur and Fadden; Wanniasa hill behind the suburb of Fadden; Red Hill, behind the suburbs of Deakin and Red Hill; the Pinnacle, behind the suburb of Hawker; Amber Ridge, behind the suburb of Gordon; Jerrabomberra wetlands; the Kowen escarpment adjacent to the Kowen pine plantation; Boboyan pines in Namadgi; and in pine plantations burnt during the 2003 fires, including at Kowen, Ingledene and Uriarra. Many of the burns within pine plantations were conducted with an aerial drip torch specifically obtained for that purpose from Tasmania.

Approximately 100 hectares of physical fuel removal activities have been completed, including on Red Hill behind the suburbs of Deakin and Red Hill, on the Pinnacle behind the suburb of Hawker, on Macarthur hill behind the suburbs of Macarthur and Fadden, Lyneham ridge and Tidbinbilla Nature Reserve. Grazing for fuel management purposes has been undertaken on over 5,000 hectares of nature reserves and agisted land throughout the territory. Access maintenance and upgrades have been conducted on over 150 kilometres of fire trials. Three new helipads have been constructed in the Uriarra area to increase the ability to respond to fires in remote parts of the ACT. Signposting of trail names and water points has commenced in many areas, which will make navigation for firefighters easier.

Fuel management and access management activities will continue in the lead-up to and throughout the fire season. In particular, a number of burns are planned for the next few weeks in a range of locations, including at Kowen and Stromlo. These burns will result in smoke that will be visible from many areas in the ACT. Arrangements are also in place to engage 17 seasonal firefighters to provide increased capacity to respond to fires and to assist with implementing fuel hazard reduction works. Advertisements for these seasonal firefighters appeared in the paper last weekend and they will be employed for a period of 19 weeks, commencing in early January 2005.

The annual memorandum of understanding is currently being finalised. The MOU outlines the agreed arrangement for bushfire preparedness and response between the land management agencies and the Emergency Services Authority. The draft bushfire operations plans are with the Emergency Services Authority and were presented to the Bushfire Council this week.

The draft fuel reduction program of works undertaken along the urban edge includes: four controlled burns of a total of 5.05 hectares, including Fisher parkland, Spence-Kuringa Drive, Mitchell, and Aranda-Caswell Drive. There will be one ecological burn of native grass in Yarralumla as well as bushfire mowing of 1,840 hectares of the urban edge and 214 hectares along rural roads. There will be the physical removal of 37.81 hectares, including areas in Flynn, Latham, Chapman, Fraser, Spence, Hughes, O'Connor, the Fisher parkland, Weston, Mitchell and Fadden. Grazing will commence on 61.19 hectares in the Bonython-Mount Stranger and Curtin areas.

Parks and places are currently engaging 14 staff for this fire season to undertake fuel reduction activities and to be available for fire suppression. In addition, there will be an ongoing training program undertaken to ensure that firefighters are adequately trained and experienced for firefighting duties. A reminder needs to be sent to the public that it is time to clean up their yards and gutters in preparation for the coming fire season. The Emergency Services Commissioner is currently considering whether or not to declare the start of the official bushfire season on 1 October or to delay the declaration by a month. The commissioner will be seeking the advice of the ACT Bushfire Council when they meet later on today.

The ACT Rural Fire Service has spent the autumn and winter months planning for the hot summer months ahead. A lot of work occurs in the off-season, getting ready for the next bushfire season. ACT Rural Fire Service staff and volunteers have put considerable time and effort into training and preparation since the end of last season. These activities have included assisting additional ACT government land management agencies to carry out extensive fuel hazard reduction across the territory. All of this work has been conducted in accordance with risk priorities.

All firefighting vehicles have been put through their pre-season workshop checks. The ACT Rural Fire Service also expects the arrival of three new compressed air foam units in the next six weeks to boost tanker stocks. The brigades are taking stock of personnel and skill level checks and databases are being updated to reflect the new information.

Canberra residents should most certainly start turning their minds to their own preparations by making sure that their homes are well protected from the threat of bushfires. A full guide to achieving that level of personal and home protection is available through the free copy of *Bushfires and the Bush Capital*, which can be obtained from Canberra Connect shopfronts or by ringing Canberra Connect on 132281 or online at the ACT Emergency Services Authority's website , [www.esa.act.gov.au](http://www.esa.act.gov.au).

The government has invested considerably in new people and equipment over the past three years. We have appointed 35 new firefighters; 720 CFU volunteers have been trained, with 400 being fully equipped; the Rural Fire Service has 71 new volunteers; the ACT State Emergency Service has 50 new volunteers; and there are 16 new ambulance officers. We have developed our operational support with a new computer-aided dispatch system; a trunk radio network, phase one; and the emergency coordination centre, which has been activated five times. The ESA has practised devolved incident control processes and increased 24/7 media liaison capability. In addition to that, they have also established a new automatic weather station in the Brindabellas.

As members can see from this short description, the government has demonstrated to the utmost its commitment to community safety through the development of the Emergency Services Authority, providing it with effective legislation, ensuring it is well resourced and highly professional, as well as ensuring that other agencies are resourced adequately to deliver on their responsibilities for community safety. My colleague the Minister for Police and Emergency Services will give some details of the matching steps that this government has taken in relation to other areas of community safety.

What this resume shows is the extent to which my government has, to a large measure, addressed the shortfalls of previous governments in relation to ensuring that the community is safe. The work, the expenditure and the resourcing that we have provided to the Emergency Services Authority, to the ambulance, to the urban fire service, the Rural Fire Service and to the police really show up as embarrassing the lack of commitment and the lack of resources and funding that previous governments provided in these areas.

One only has to look at the level of expenditure just in relation, say, to the Emergency Services Authority. Just compare the level of expenditure and commitment which my government has shown to the Emergency Services Authority, to the urban fire service, to the engagement of additional full-time staff, volunteer staff, additional police, additional firefighters, additional ambulance officers. It really does highlight the complete lack of commitment and the hypocrisy of those opposite in relation to the safety of this community. Whether it be in relation to crime, whether it be in relation to the urban fire service or the Rural Fire Service, whether it be in the provision of ambulance services, this government's record in relation to our commitment to each of these areas leaves as an embarrassing hole the complete lack of commitment by those opposite to any of these particular issues.

The level of expenditure just in relation to capital really must be of an order of two or three times greater than what was ever provided by those opposite. We have now addressed some of that inheritance. Our inheritance from those opposite is now a matter of, I think, some shame. The complete lack of capacity and preparedness of the Emergency Services Authority that we inherited from you really is to your eternal shame and people will remember that.

Similarly, there is a continual bashing of our services. We are aware of the state of preparedness of our police force and the crime rates. My colleague the Minister for Police and Emergency Services will go into the enormous success of the police. During question time today he put particularly well the point about the continuous bashing, the gleeful grabbing of any opportunity to bash our police.

I have never known an opposition so prepared to put the boot into the firefighters, to put the boot into the police, to put the boot into ambulance drivers, to put the boot into everybody who volunteers or works to protect this community. You really are quite shameful in how you attack our hardworking services.

**MADAM TEMPORARY DEPUTY SPEAKER** (Mrs Burke): Order! The Chief Minister's time has expired.

**MR STEFANIAK** (Ginninderra) (4.26): Madam Temporary Deputy Speaker, I was getting a bit concerned because for about the first 12 minutes of his speech the Chief Minister was quite reasoned. But he then went off on a complete tangent. He referred to my colleague as the anti-police minister and he referred to a lack of commitment by previous governments. It is not just a matter of money, although, as Mr Smyth will tell you, we had more sworn police officers in 1998 than we did in June 2005. But let us talk about police-bashing; let us talk about not supporting those fine men and women, that thin blue line—which is getting thinner—that protects our community.

All sensible measures, bar one, over the whole period of self-government have been opposed by Labor governments and Labor oppositions. In the last couple of years they have opposed such things as stronger sentencing for serious crimes. Back in 2001 they opposed a most important measure to enable police to bring perpetrators of crimes to justice by backing reasonable belief as opposed to reasonable suspicion—something the police were particularly keen to see included in improvements that the previous Liberal government, towards the end of its term, wanted to make to the Crimes Act. To their credit, the then Labor opposition did back stronger bail laws. But when some further improvements were put forward in August 2001, they could not quite come at backing reasonable belief.

In the past, Labor has opposed prevalence of offence. It was a Labor Attorney-General in 1992 who took out prevalence of offence from the sentencing provisions of the Crimes Act. That was put back in by a Liberal government. Labor opposed sensible measures to assist police—measures such as move on powers and banning drinking around bus interchanges and shopping centres. Apart from one instance—the bail laws—they have opposed every single sensible law and order measure to make the job of our policemen and women easier in stopping crime, ensuring community safety and bringing perpetrators to justice. They have opposed every sensible measure to make it easier to prove cases once perpetrators have been brought before the court. They have also opposed the adoption of proper sentencing laws to ensure that people who commit serious crimes are dealt with adequately.

How can you people opposite have the hide to tell me and this Assembly that any of my colleagues are police-bashing when that has been something you lot have been doing on a regular basis since 1989? It is something that the police in this town have known for many years. Despite your attempts to whitewash what you have done, there is no way in the world that my colleagues would be involved in such behaviour.

I am now going to talk about one of the biggest problems that I think affect community safety now and certainly into the future. Mr Pratt touched on terrorism and I think he is right in saying that probably we are a medium terrorist target, and that can be fairly scary. I think he was very right when he said that the first duty of any government is to ensure the security and the safety of its citizens. That is something we just simply have not seen from this government or, sadly, in most instances, from the Labor Party in government and opposition during self-government.

I think the Human Rights Act is a real problem here. Let me talk a little about some of the threats we may be facing. Acts of terrorism are a fundamental breach of the human rights of our community. So those who preach acts of terror are preaching against human rights. Why would one use the notion of human rights to defend their rights to attack human rights? Such an argument only makes sense in the minds of ideologues like the Chief Minister and his colleagues and comrades opposite. Acts of terrorism, and the extremist religious beliefs that inspire them, show a total rejection of the principles of diversity and tolerance.

Now we hear that the federal government's proposed antiterror reforms are likely to be illegal in the ACT because of Mr Stanhope's and his Labor government's human rights legislation. The Chief Minister said that he has received advice that the antiterror reforms

proposed by the federal government will breach the territory's human rights law, the bill of rights, which, of course, no other state or territory has been foolhardy enough to adopt to this point in time. The Chief Minister says he has been advised by the Human Rights Commissioner, Dr Watchirs, that the proposals of the federal government would appear to breach the legal rights of territory citizens to liberty, privacy and a fair trial. What rights are they protecting—the liberty of would-be criminals to go and kill and maim others; the privacy of would-be criminals to make it harder to bring these evil people to justice? What about ordinary citizens' rights to liberty, to go about their daily business without fear of being victims of crime?

The Chief Minister has been quoted as saying:

As Dr Watchirs points out in her advice, a number of commentators have voiced their concerns that the sorts of measures being proposed by the Prime Minister, John Howard, are draconian.

Apparently Dr Watchirs has found that the plan to allow police to detain suspects for 14 days without charge contravenes the right to liberty in the Human Rights Act, and I am sure it probably does. But this is a question of balance: is this necessary in the circumstances? It may well be, and I am sure that is something that the ministers will, in fact, sort out. I hope the Chief Minister goes to this conference prepared to deal with this with an open mind, although I somehow doubt it.

But at the end of the day, if the situation is so dire that we have to enact laws like this, which certainly would go against our Human Rights Act, then we should do so. I, for one, would much rather be detained illegally for 14 days and then be told, "Sorry Bill, we have got the wrong bloke. Off you go." All right, my liberty may have been taken away from me for 14 days but I think that may be a reasonable trade-off. I would rather this happen than being blown up, or seeing my wife and kids blown up, or seeing people I know in my community blown up. Other issues, such as the electronic shackling of terror suspects, tighter checks on citizen applications and a new crime of inciting violence, are on the table for discussion at the Council of Australian Governments meeting.

We are concerned that this Chief Minister is so hogtied by his ideological mindset and by his obsession with what is really a very skewed and selective variant of human rights, that he would put at risk the human rights of citizens of the ACT. Governments have to balance the rights of individuals with the need to prevent acts of terror causing death and injury to hundreds of innocent people going about their daily activities. I think people know that there has to be a balance. However, I fear that the government has neither the judgement nor the political will to put in place proper antiterror measures that would best protect the population of the ACT.

Again, I would stress to the Chief Minister that he needs to put aside some of his ideological ideas and go to the conference with an open mind. I am sure there will be changes made to some of the initial proposals but I think it is crucially important that we take a united stand. If the states and territories need to enact laws it is important that this be done properly right across the states and territories. I certainly would hate to see the ACT be the odd state or territory out.

I would like to take a different tack. Another security issue that is causing concern—this is something that my colleague Mr Smyth will talk about and which Mr Pratt has touched on—is lack of police resourcing. We are seeing more incidents of violence in our community. We are seeing more and more regular reports of young people—they are the ones who usually go to this venue to enjoy themselves—being the subject of mindless, vicious violence in Civic. It is not a case of normal traditional pub brawls or something like that. Gangs of people are attacking individuals. Individuals are being seriously wounded not just by the use of fists, as happens in normal fights, but with knives and other implements, and that is really of very much concern indeed.

I have lived in Canberra all my life I have been around with the old beat squad in Civic. When you have a large group of people and mix alcohol with late nights you often get youthful overexuberance and you often have trouble. But I think the incidents we have seen in recent times point to the fact that this government is neglecting community safety; it is neglecting properly resourcing its police force to ensure that there are sufficient police out there to counter the violence that we are seeing in our society. That is a very real concern of mine.

Recently Mr Smyth showed me some figures that indicated that we are some 29 police officers short of what we had in 1998. This is the situation, despite a lot of money being thrown at police numbers. You lot really do need to lift your game when it comes to community safety in the ACT, and I urge you to do so for the sake of the people in the ACT.

**MR HARGREAVES** (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services) (4.36): Madam Temporary Deputy Speaker, I rise today to speak on the matter of public importance raised by Mr Pratt about community safety. I will agree with Mr Pratt on one thing—that community safety is indeed a matter of great public importance. It is something that this government takes very seriously.

The ACT is one of the safest cities in Australia and, indeed, the best in which to live and work. The *Recorded Crime—Victims 2004* report released earlier this year by the Australian Bureau of Statistics shows that between 2003 and 2004 the number of victims of crime in Canberra reduced in almost all categories. This is contrary to the frightening picture that Mr Stefaniak just painted.

Similarly, the criminal justice statistical profile for the June 2005 quarter shows—and I will say this slowly so that Mr Pratt can write these numbers down—assaults down 14 per cent, sexual assaults down 15 per cent—

**Mr Pratt:** I have got all that stuff. Thanks John.

**MR HARGREAVES:** Have you? Good. Maybe you should pay everybody the courtesy of acknowledging them. The profile also shows burglary and break and enter down eight per cent, robbery down 17 per cent, property damage down 16 per cent and weapons offences down 12 per cent. Most of those figures are double digit reductions. This is not the picture painted by Mr Pratt and Mr Stefaniak. These significant reductions in crime

show that Canberrans are continuing to benefit from a safe community. Contrary to the protestations we heard from opposition members, the people of Canberra feel safe.

Figures from AC Nielson show that the ACT performs consistently well against other jurisdictions when it comes to the community's perception of safety. This is despite Mr Pratt's best efforts to scare our community into thinking we are not safe in our beds. The ACT police are a community police. They work to create a safer and more secure ACT through involving the community in crime reduction and prevention.

Community policing is a collaborative effort between the police and the community that identifies problems of crime and disorder and involves all elements of the community in the search for solutions to these problems. It is founded on close, mutually beneficial ties between the police and community members. Community policing offers a way for law enforcement to help re-energise our communities. Developing strong, self-sufficient communities is an essential step in creating an atmosphere in which crime can be prevented.

This partnership with the community is particularly important for the intelligence-led approach to crime that is being adopted by ACT Policing. For intelligence-led policing to work, the police need to have a very good relationship with the community, where members of the public are encouraged to call Crime Stoppers or ACT Policing to report incidents that they have witnessed or concerns they have. The police then gather a body of evidence to apprehend someone or stop a certain crime from occurring.

This approach has been very successful. We have seen a number of operations by the police that, with community help, have been successful in heightening the safety of our city. Under the auspices of Operation Halite, ACT Policing has developed and coordinates the partnership crime group, a group of ACT government and business representatives formed to address volume crime issues in the ACT. The group meets on a monthly basis to discuss issues of concern and to formulate responses. The group is an integral part of Operation Halite, sharing information and intelligence as well as resources for specific operations.

The partnership crime group consists of representatives from Operation Halite, ACT Policing territory investigations group and about 13 other organisations and departments across Canberra. ACT Policing is also working in close cooperation with the Real Estate Institute to educate property managers in the identification of and responses to clandestine laboratories and hydroponic cultivation of cannabis in rental properties.

On 4 April 2005 ACT Policing established Operation Globin to target offences such as burnouts and street racing. In this initiative the ACT Policing traffic team is working in collaboration with district patrols to collect intelligence on offenders and provide a unified response to identified issues. An important element of Operation Globin is community assistance. ACT Policing advises that since commencement of the operation, 52 vehicles have been seized under the Road Transport (Safety and Traffic Management) Act 1999.

The police have been targeting unsafe driving practices, including the use of mobile phones when driving. Traffic enforcement and community safety on our roads is the number one priority for ACT Policing resources at this time. Dedicated resources from

both traffic operations and the districts have undertaken high visibility patrols of the ACT, incorporating all areas of traffic enforcement utilising speed measuring devices such as laser and radar. This has been undertaken in conjunction with a community awareness campaign throughout the local media.

The men and women in our police force are sick and tired of Mr Pratt criticising them and denigrating the work they are doing to keep our community safe. He might try to couch it in terms of criticising the government but in the end what he is really saying is that the police are failing in their efforts to protect Canberrans. What an insult. Madam Temporary Deputy Speaker, we have the best police force in this country. They are professional, dedicated and successful. We have seen significant reductions in crime. We are one of the safest cities in Australia and people feel safe in their homes—something not acknowledged publicly by Mr Pratt.

Since being elected in 2001, the Stanhope government has recognised the importance of our police force and has increased funding to ACT Policing from \$68.2 million in the last Liberal government budget in 2001-02 to \$94.4 million in 2005-06—an increase of over \$26 million. We have committed funding for an extra 60 full-time equivalent officers to the force. Since 2001, crime rates in the ACT have decreased significantly. Overall offences against the person have reduced by 11.5 per cent. Overall offences against property have decreased by 27.8 per cent and total offences have decreased by 20.9 per cent. I do not see any acknowledgment of those sorts of achievements in the public arena from the opposition. Following specific targeted campaigns led by ACT Policing over this period, the territory has experienced a 36 per cent decrease in burglary offences since 2000-01 and a 32 per cent reduction in motor vehicle theft.

Madam Temporary Deputy Speaker, again Mr Pratt brings up police numbers. He will not be happy until there is yet again a police officer stationed at the bottom of his driveway, and even then he will say it is not enough because some other jurisdiction wholly unrelated to the ACT has more. On many occasions in this place and in the media we have been through the issue of the national average and why it is not directly relevant to the ACT. Variations in policies, socioeconomic factors and geographic/demographic characteristics have an impact on expenditure for police services in each jurisdiction. The scope of activities undertaken by police services also varies across jurisdictions.

An analysis of police annual reports in the various jurisdictions illustrates differences in services provided between other jurisdictions and the ACT. Other police services have functions the ACT simply does not need to fulfil through our police force. For example, most jurisdictions employ police prosecutors. In the ACT, all prosecutions are handled by the DPP. Other examples include stock squads, marine/water police, railway squads and Aboriginal police liaison officers. Based on a headcount, not FTE, Western Australia has 125 sworn Aboriginal police liaison officers.

According to the Productivity Commission, community safety and support accounted for the largest component—46.3 per cent—of expenditure on police services across jurisdictions in 2003-04. Looking across the jurisdictions, the proportion of expenditure on community safety and support was the highest in the ACT at 65.8 per cent and the lowest in Queensland at 33.8 per cent. Let me repeat that: the proportion of policing expenditure spent on community safety and support was the highest in the ACT. Madam



Temporary Deputy Speaker, our focus and our priority in the ACT is community policing and community safety.

**MR SMYTH** (Brindabella—Leader of the Opposition) (4.46): I would like the police minister to cast his mind back to 3 September 1998 when, oddly enough, we were having a debate about policing. The minister, a member for Tuggeranong, said that the number of police that we have on the beat is insufficient. Let me say that again. On 3 September 1998 the minister thought that the number of police that we have on the beat is insufficient.

How many police did we have on duty when Mr Hargreaves, the minister, made that statement? How many sworn officers did we have in 1998? In 1998, seven years ago, how many police officers could the people of the ACT rely on? The answer is 612 sworn officers. So you can imagine all of our surprise, at estimates this year, after the supposed extra \$26 million that this government has put into policing, at the number of extra police officers that we got.

Was it 10, 20, 30, 40, 50, 60 or 100? No. There was a reduction. At estimates this year the minister's cover was blown. We finally managed to get an answer out of his officials, not from the minister, who ducked and weaved and twisted and turned and spun every number, except the real one, the one that counted. That number is 583 officers. In 1998, seven years ago, there were 612. Now there are 583, a reduction of 29 officers. In percentage terms, there has been a 4.7 per cent, more or less five per cent reduction in the number of police officers on the street under the man who wanted more cops. Mr Hargreaves went on to say that some of the trouble that he was talking about could have been prevented and certainly could have been addressed had we had a couple more police in Tuggeranong.

Did we get a couple more coppers for Tuggeranong? No, we did not. We got a reduction of 29 officers, a five per cent reduction in the number of sworn police officers available to protect the ACT. This is the constant theme of this government, and the Chief Minister fell into the trap as well. They say, "We are spending more. It must be better." We are spending more, but what do we get—less.

In the hospital system we are spending more and getting less. In the judiciary we are spending more and getting less. In the AFP service we are spending more and getting less. This is the point that Mr Pratt has been making. The pressure that this puts on our officers—

**Mr Hargreaves:** Take advice from people who are not reading.

**Mr Pratt:** Read the community feedback, John.

**MADAM TEMPORARY DEPUTY SPEAKER:** Order! Resume your seat, Mr Smyth. Mr Hargreaves and Mr Pratt, Mr Smyth has the floor.

**MR SMYTH:** The problem here is that the minister believes his own rhetoric. We have consistently defended the police officers. We recognise the additional stress and pressure this five per cent reduction in their number puts them under. That is the problem. The system has become more complicated because of the laws that this government is

passing, with fewer and fewer police officers available to respond. Therein lies the problem.

This is not an attack on the police force. Our sworn officers, male and female, in uniform, plain clothes or undercover do a great job to the best of their ability. But they are sick of the pressure that they are put under by a government that just does not care. I want to highlight the lack of care and the lack of support that eats constantly at the morale of AFP officers in the ACT.

Next Thursday, 29 September, is Police Remembrance Day. It is the day each year that we remember those officers who were killed in the line of duty. I remind the minister that it is next Thursday. I hope to see the minister at the remembrance ceremony at St Christopher's. The record of appearance of ACT Labor police ministers at this ceremony has been abysmal. At the 2003 ceremony, there was not anybody to actually take the wreath up and lay it on the altar at St Christopher's on behalf of the ACT government.

The federal minister was present, as well as various other police commissioners, but when the time came for the ACT government's wreath to be laid on the altar at St Christopher's, there was no movement at all. Not one member of the Labor government had turned up. The police minister certainly was not there. Not one of them had turned up to put the wreath on the altar. The then chief police officer, John Murray, had to scurry back, scoop up the wreath and lay it on behalf of the government. They did not bother to come and they did not bother to arrange a replacement. That is what Mr Pratt is talking about.

There is a lack of police numbers. This morning Magistrate Somes outlined a case that took four years to solve, and the Labor Party has been in office for four years. We have seen a reduction in numbers. It is the lack of leadership from successive Labor police ministers that has led to this deterioration in morale and safety in the ACT.

In planning terms, activity brings safety; people attract people. So, in planning a plaza or a streetscape, ideally the goal is to get people on the street. Activity attracts more people and that results in increased safety, particularly at night. The point that Mr Pratt has made time after time is that seeing police officers on the street leads to a community perception of safety. It has a calming effect. I think it also has a deterring effect. Mr Pratt makes the point that we need patrols in the suburbs and on the street and random breath testing at the level that should be going on, not at half the level that should be going on, as is happening. If the police are targeting, that is good, but they are doing it at half the rate they used to. When we were in office they used to achieve it. They do not achieve it now. This government lacks commitment to our AFP officers. It fails to give them the encouragement and assistance they need to make things happen.

It has been reported to me—and perhaps the minister can answer this at some stage—that the police no longer assist with the community liaison and advisory safety program, CLASP. CLASP helps older people secure their homes, and officers from the fire brigade or the ambulance or the police force go along and give practical advice on how they can make things better. My understanding is that the AFP no longer participates in that because they do not have the resources. Mr Pratt has had several calls from people who have been told that officers cannot attend because they do not have the resources.

That is eroding the community's confidence in community safety. They want to see police officers on the street.

We have all seen the police advertisements: "It's what you don't see." We all agree that it is what we do not see that is important. They do that work, and they do it very well. But they used to have a community presence that, firstly, raised their profile; secondly, got them the respect that they deserved and; thirdly, acted as a deterrent. On 7 May we had an incident here and yesterday the minister used some very glib and well-constructed words about what actually happened.

Mr Pratt has been trying to say that we have to have plans that work, coordination that works. From the Chief Minister we have had the "we've spent more money; therefore we're better than you ever were" sort of approach. Well, there were fires in the ACT during Christmas 2001 and we did not lose any houses. The system that we left you worked. We all know what befell the ACT in January 2003.

The problem with the bomb scare the other night was that the incident action plan that the Chief Minister promised us would work did not work. The Waldorf was not informed; half the people in this building were not informed. I compliment you and your staff, Mr Speaker, for the way they took the matter in hand and did something that should have happened as a matter of course. The way we have had it relayed to us, the way that we have heard it from people who were in this room, is that, until the Assembly staff asked the question, the police did not know there were people in this building. It was a staff member undertaking to do his job properly and professionally that led to a sense of safety in the building, and well done to the staff.

The problem is that the incident accident plan model still must have in it standard operating procedures that guarantee safety, that look at the surrounding buildings, that do not evacuate half the building. How can you evacuate half a building? It is like being half pregnant. Somebody said, "Well, they were at the back of the building. Therefore it's okay." What if someone in the back of the building unknowingly moves to the front of the building because they have not been told? That is the problem.

We do not believe you should be publishing the plans. We do not believe you should be putting them out there so that people can view them and abuse them. But, as was said by a former SAS officer, if you are just going to rely on the fire evacuation plan for a building, then you are putting people at risk. That is the point that Mr Pratt has made consistently.

**MR SPEAKER:** The time for this discussion has now expired.

## **Paper**

**MRS DUNNE** (Ginninderra): I seek leave to table a petition that has 917 signatures on it. It relates to Ginninderra district high school, and it calls on the government not to proceed with closing Ginninderra district high school until there has been proper community consultation.

Leave granted.

**MRS DUNNE:** I table the following paper:

Ginninderra District High School—petition not to close until consultation.

## **Tree Protection Bill 2005**

### **Detail stage**

Debate resumed.

Clauses 68 to 72, by leave, taken together and agreed to.

Clause 73.

**MRS DUNNE** (Ginninderra) (4.58): I move amendment No 8 circulated in my name [*see schedule 2 at page 3618*]. This amendment turns what is now a notifiable instrument into a disallowable instrument. It is one of a suite of amendments. It is, as I have said on other occasions, to allow greater scrutiny of this legislation by the legislature. But I can read the numbers and the government has already said that it will not support this amendment.

**MR STANHOPE** (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs, and Acting Minister for Education and Training) (4.58): The government will not support the amendment. In the debate on Tuesday, when we debated this same issue, I made the point that the criteria in this particular case determined the situation in which the conservator may make a tree protection direction for a person to do something to protect or stop doing something that is placing at risk the protected tree or a tree that is being considered for the tree register.

As I indicated on Tuesday, the government considers that decisions that potentially substantially alter the policy outcome of the legislation should certainly be the subject of scrutiny by the Assembly. But we do not believe that that is the case in relation to this particular amendment and we do not support it.

Amendment negatived.

Clause 73 agreed to.

Clauses 74 to 78, by leave, taken together and agreed to.

Clause 79.

**MR STANHOPE** (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs, and Acting Minister for Education and Training) (4.59): Mr Speaker, I seek leave to move amendments Nos 26 and 27 circulated in my name together.

Leave granted.

**MR STANHOPE:** I move amendments Nos 26 and 27 circulated in my name [*see schedule 3 at page 3619*].

The Tree Protection Bill provides a major rethink of the way tree protection needs are incorporated into the development application process. While the bill already provides for significant improvements to the current interim scheme, these amendments provide further finetuning of the processes. The government proposes amending the bill to make tree management plans the primary vehicle for the inclusion of tree protection matters in development applications.

A tree management plan will be required for all development applications that include a protected tree or the tree protection zone of a protected tree. This will simplify the process for consideration of trees in the development assessment process, streamline the operation of the development approval process and improve compliance with tree protection requirements.

The ongoing nature of an approved tree management plan provides the lessee and subsequent lessees with the confidence to manage and protect their trees and plan for future improvements of their property while meeting their obligations in regard to protected trees. As the bill is, it will be possible for more than one tree management plan to exist—for example, a tree management plan approved by the conservator under the Tree Protection Act and one approved as part of the development application under the Land Act.

This may create confusion for the applicant and cause significant compliance problems for the government. The proposed amendments will remove this uncertainty and further improve the integration of tree protection requirements in the development application process by providing that tree management plans approved by the planning authority as part of the development application become a valid tree management plan under the Tree Protection Act.

In order to achieve these improvements, it is necessary to amend the consequential amendments to the Land (Planning and Environment) Act 1991. It has been identified that the requirement in the bill for the referral of DAs to the conservator—consequential amendment 1.7 to amend 229 (4) of the land act—will result in many applications being referred unnecessarily. The government intends to address this issue by drafting regulations under the Land Act to provide exemptions from this provision.

In addition to these amendments, the government intends to amend the Land (Planning and Environment) Regulations 1992 to address differences between the notification requirements in the Land Act and this bill. These differences may result in neighbours not having access to appeal a decision relating to a tree management plan due to the exemptions under the Land Act. Given the complex nature of these regulations, further time is required to amend them and achieve the successful integration of tree protection into the planning process. This will be undertaken in the period between the passage of the bill in the Assembly and its commencement.

Amendments agreed to.

Clause 79, as amended, agreed to.

Clause 80.

**MR STANHOPE** (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs, and Acting Minister for Education and Training) (5.02): I seek leave to move amendments Nos 28 and 29 circulated in my name together.

Leave granted.

**MR STANHOPE**: I move amendments Nos 28 and 29 circulated in my name [*see schedule 3 at page 3619*]. The rationale for these amendments is the same as for previous amendments. I will not speak again.

Amendments agreed to.

Clause 80, as amended, agreed to.

Clause 81.

**MR STANHOPE** (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs, and Acting Minister for Education and Training) (5.03): I move amendment No 30 circulated in my name [*see schedule 3 at page 3619*].

Amendment agreed to.

Clause 81, as amended, agreed to.

Clauses 82 to 89, by leave, taken together and agreed to.

Clause 90.

**MRS DUNNE** (Ginninderra) (5.04): I move amendment No 9 circulated in my name [*see schedule 2 at page 3618*].

This amendment removes clause 90 (6). Section 90 relates to the power to seize things. It is an interesting notion of itself, and part of me actually wonders why we need to have this sort of provision in this piece of legislation. I know that, for the most part, all these enforcement provisions are template enforcement provisions that appear in a whole range of acts. Subclause (6) makes any breach against clause 90 a strict liability offence with a maximum penalty of 50 penalty units.

In my crusade against strict liability offences, I propose to remove this. I think it is an unwarranted infringement. It probably will be a very little used part of the legislation, but I am very uncomfortable about the existence of strict liability offences in these provisions and I propose to remove it. I do not expect support.

**MR STANHOPE** (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs, and Acting Minister for Education and Training) (5.05): The government gave its position in relation to the use of strict liability amendments in the debate on Tuesday. Consistent with that, the government will not support this particular amendment.

The government has already addressed all of the strict liability offences, with the exception of clause 90 (6), the power to seize things. This is a standard clause that complies with the requirements of the Criminal Code 2002 and is consistent with many pieces of legislation that have been passed in the Assembly. The Criminal Code provides for the use of strict liability as a mechanism to discourage reckless behaviour by forcing potential defendants to take every possible precaution. The use of strict liability for this offence is warranted as it is important that, if an officer suspects a crime has been committed, he or she needs to be confident that evidence relating to that crime is not going to be tampered with or removed. The government is satisfied that the concerns raised regarding the use of strict liability have been adequately addressed in the government's amendments. The government does not support this particular amendment.

Amendment negatived.

Clause 90 agreed to.

Clauses 91 to 105, by leave, taken together and agreed to.

Clause 106.

**MR STANHOPE** (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs, and Acting Minister for Education and Training) (5.07): I move amendment No 31 circulated in my name [*see schedule 3 at page 3619*].

This is a technical amendment that is necessary due to the changes to the offence provisions in the government's earlier amendments, which we debated on Tuesday.

Amendment agreed to.

Clause 106, as amended, agreed to.

Clauses 107 to 112, by leave, taken together and agreed to.

Clause 113.

**MRS DUNNE** (Ginninderra) (5.08): I move amendment No 10 circulated in my name [*see schedule 2 at page 3618*].

This is something that I alluded to in the in-principle stage. Clause 113 (2) states:

A regulation may create offences and fix maximum penalties of not more than 10 penalty units for offences.

This is offensive to me as a member of the Liberal Party. It has long been Liberal Party policy in the ACT that we would not have penalty-making provisions in subordinate legislation. I know that there have been lapses of that in the past. This has been spoken about on a number of occasions by the scrutiny of bills committee. I think it was amongst the comments that were made in relation to this bill. It certainly was in relation to other legislation that we have debated this year.

I think that this is an inappropriate thing to do. There are enough penalties in this legislation as it is. It gives a bureaucrat to power to create an offence for which the penalty is currently \$1,100. I think that that is unreasonable. Good legislators and people who are in favour of upholding the liberties of their citizens should oppose having such provisions in legislation and should support my amendment.

**MR STANHOPE** (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs, and Acting Minister for Education and Training) (5.09): Clause 113 of the bill enables the executive to make regulations that create minor offences of no more than 10 penalty units. This provision is quite common in ACT legislation. It is useful as it enables the government to address circumstances unforeseen at the time of the creation of the legislation that may be hindering the policy intent. The creation of offences and regulations usually carries a very low penalty threshold as it represents a delegation of the legislative power of the Assembly. The government considers it necessary to retain this provision and does not support the amendment.

Amendment negatived.

Clause 113 agreed to.

Clause 114 agreed to.

Clause 115.

**MR STANHOPE** (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs, and Acting Minister for Education and Training) (5.10): I move amendment No 32 circulated in my name [*see schedule 3 at page 3619*].

Amendment agreed to.

Clause 115, as amended, agreed to.

Clause 116.

**MR STANHOPE** (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs, and Acting Minister for Education and Training) (5.11): I move amendment No 33 circulated in my name [*see schedule 3 at page 3619*].



The bill provides for trees in the built-up area to be placed on the tree register. The heritage register provided for by the Heritage Act 2004 may protect trees outside the area. This amendment is a technical amendment that ensures that this provision operates correctly.

Amendment agreed to.

Clause 116, as amended, agreed to.

Clause 117.

**MR STANHOPE** (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs, and Acting Minister for Education and Training) (5.11): I move amendment No 34 circulated in my name [*see schedule 3 at page 3619*].

This is a technical amendment relating to transitional arrangements.

Amendment agreed to.

Clause 117, as amended, agreed to.

Clauses 118 to 121, by leave, taken together and agreed to.

Schedule 1.

**MR STANHOPE** (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs, and Acting Minister for Education and Training) (5.12): I seek leave to move amendments Nos 35 to 40 circulated in my name together.

Leave granted.

**MR STANHOPE**: I move amendments Nos 35 to 40 circulated in my name [*see schedule 3 at page 3619*].

Amendment No 35 changes the consequential amendments to the Heritage Act 2004 to ensure that only trees within the built-up area are transferred to the tree register, leaving heritage trees outside the built-up area under the protection of the heritage register. Amendment No 36 is a technical amendment relating to the placement of definitions in the dictionary provided in the bill.

Amendments Nos 37, 38 and 39 change the consequential amendments to the Land (Planning and Environment) Act in light of amendments previously debated relating to the integration of tree protection into the development application process. Amendment No 40 is a technical amendment relating to the consequential amendments placing relevant definitions in the dictionary provided in the Land (Planning and Environment) Act 1991.

Amendments agreed to.

Schedule 1, as amended, agreed to.

Dictionary.

**MR STANHOPE** (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs, and Acting Minister for Education and Training) (5.14): I seek leave to move amendments Nos 41 to 43 circulated in my name together.

Leave granted.

**MR STANHOPE**: I move amendments Nos 41 to 43 circulated in my name [*see schedule 3 at page 3619*]. These are also technical amendments relating to the placement of definitions in the dictionary provided in the bill.

Amendments agreed to.

Dictionary, as amended, agreed to.

Title.

**MRS DUNNE** (Ginninderra) (5.15): At this point I would like to reiterate some of the reasons why the Liberal opposition opposes this particular piece of legislation. There have been things said in this place in the last few days that imply that the Liberal opposition is opposed to tree protection. Nothing could be further from the truth. We are opposed to this version of tree protection. The Liberal opposition, when in government, attempted what I think would have been a far superior model of tree protection.

One of the original aims of the Tree Protection (Interim Scheme) Bill was to create a register of important, significant trees. But the passage of that bill—and it is perpetuated in the current bill—resulted in the extension of the scheme into the private backyards of a large number of Canberrans. The government, in damage control in the last few days, has tried to play it down and say that this would affect only 25 per cent of blocks in the ACT. That is a huge number of people. Since the discussion in the media in the last couple of days, people have been coming out of the woodwork and saying to me, “Why didn’t I know about this?”

The Chief Minister has said that there has been a lot of consultation. I do not know when that consultation took place. We know, from some of the forensic investigation that I have been able to put together, that some consultation probably took place at least two years ago. There was probably a press release that went out when the Minister for the Environment tabled the legislation. That is not community consultation. That is not community warning. Surprising as it may seem, most people do not follow every word that is said in this place. I suspect that the *Canberra Times* and other places did not even pick up that this was an important issue when the press release went out.

I have written to a lot of people, a lot of groups, and there is a fair amount of overlap with the consultation that I have done and the consultation the government has done. Today Mr Stanhope rattled off a list of all those people, but not everybody who responded responded favourably. There is a lot of criticism of this across the board. When the average homeowner realises the implications of this legislation, there will be increased criticism. That is why we are opposed to this version of tree protection.

I want to put on the record now that the Liberal Party is in favour of tree protection. I also want to put on the record that, when we come to government in 2008, we will repeal this legislation and replace it with rational tree protection that looks after important trees, trees that are on the register because of their cultural significance, their heritage significance, their scientific significance, and the landscapes in which they are. These are the things that we will continue to maintain and support, irrespective of whether they are on leased or unleased land.

We will take away the draconian provisions that make every large tree that grows in someone's backyard subject to decisions by the government on what will happen. As a representative of the Housing Industry Association so rightly said on radio yesterday, this 12-metre rule will mean that people will start to denude their blocks when their trees reach 10 or 11 metres. That is the exact opposite of what this bill sets out to do. People will not let their trees get to 12 metres because then they will be subject to a whole lot of rules and regulations imposed by the government that will not allow them to undertake proper development of their blocks.

The government's intentions are wrongheaded. We will end up with less urban amenity and less urban forest than we currently have. That is why the opposition opposes this legislation. This is bad legislation. It is not a bad idea, but its manifestation here is bad. I will put it on the record again. We are in favour of tree protection. We are not in favour of this version. We will repeal this legislation and we will replace it with coherent tree legislation that is to the benefit of all Canberrans.

**MR STANHOPE** (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs, and Acting Minister for Education and Training) (5.19): Despite the weasel words of the shadow environment minister today, the Liberal Party walks away from tree protection in the ACT. The record will show that. They are today prepared to completely abandon the notion of protection of significant trees within the ACT.

Nothing that Mrs Dunne says can change the fact that today they walk away from tree protection. They abandon it completely. It is now part of their platform, to the point that Mrs Dunne is reduced to relying on comments of the Housing Industry Association to support her position. As if the Housing Industry Association does not have more than just a touch of a vested interest in knocking down trees in the interests of development! When it comes to a choice between profit and trees, I think the philosophy of the Housing Industry Association will be for profit every time.

I heard the comments of the Housing Industry Association spokesperson and I have to say I found them totally unconvincing. Goodness me! Trees get in the way of development; the trees have to go. There is no consideration of the importance of trees to

the people of the ACT. Those are the facts. From this day the people of the ACT will know and acknowledge that the Liberal Party in the ACT does not support the protection of significant trees or trees at all within the Australian Capital Territory.

Having said that, I do extend my appreciation to the representatives of the development community who had had a key role throughout the development of the bill, in particular the developers, the architects, the arboriculturalists, the landscape architects and the builders who assisted at the early stages when the framework to the bill was devised. I would also like to mention the hard work of Environment ACT staff and acknowledge the extensive processes that they have taken to consult so broadly with the stakeholders and through approaches taken in drafting the bill.

The bill represents a turning point in the management of our urban environment. It recognises the importance of Canberra's urban forest to the liveability and sustainability of Canberra. Walter Burley Griffin's vision saw the creation of a garden city. He understood the importance of trees and the role they would play in the realisation of the vision. This legislation respects the Walter Burley Griffin vision and the role that Canberra householders have played through the planting of trees in their gardens. Since then we have learnt a lot more about the importance of trees in our cities. We now know that they are essential to live in a sustainable manner.

The healthy urban forest that covers the established parts of Canberra provides us with a multitude of benefits. For example, since 1915 Canberra's urban forest has been responsible for a 15 per cent reduction in wind speed in the Canberra area. It reduces the need for heating in winter, thus reducing our energy consumption and greenhouse emissions. Shade provided by trees helps reduce the retention of heat in paving and reduces the need for air-conditioning, also reducing our greenhouse impact.

Research has found that a lower wind speed and the ability of leaves to collect particulate matter reduce respiratory illnesses. The trees in our city also help us with our water strategy by lowering wind speeds and shading, thereby reducing evaporation from gardens and helping to maintain our water quality by intercepting stormwater flows. The urban forest also provides habitat for wildlife that live in or around our city. This legislation is a valuable tool in the management of our trees and demonstrates this government's commitment to ensuring that future Canberrans enjoy the environmental, economic and social benefits provided by our urban forest.

Finally, I wish to acknowledge a range of individuals within the ACT public service who, over an extended period, have worked on this legislation. It has been a very, very significant task, a major piece of legislation. It is a credit to each of the officers that have been involved in its negotiation, its development and indeed in its passage. At the risk always, of course, of excluding some that were also involved in an instrumental way, I wish to acknowledge the contribution to the development of this legislation of Chris Golding, Bill Logan, Joka Stekovic, Paul Coleman, Gary Croston, David Jongeneel, Dick Johnston, Ray Brady, Terrance Raath and Odile Arman of Environment ACT; Mary Toohey of the parliamentary counsel's office; and a number of officers within ACTPLA, most particularly Mr Paul Lees. I acknowledge the fantastic contribution of all those officers. This legislation is a credit to them.

Title agreed to.

Motion (by **Mrs Dunne**) agreed to:

That clause 10 be reconsidered.

Clause 10—reconsideration.

**MRS DUNNE** (Ginninderra) (5.24): I move amendment No 1 circulated in my name [*see schedule 4 at page 3624*].

This amendment goes to the heart of the Liberal Party's concerns about regulated trees in this legislation. The real problem with this legislation is that not all people are equal; not all trees are equal. Trees on leased land, that is, on privately occupied land, are covered by this legislation. But trees on the verge, a median strip or any other unleased land inside the urban area, do not come under the legislation. So you could actually have a twin planting, one on a verge and one on a private block, but only one of those regulated trees would be protected. The one on the verge would not be a regulated tree. The government could come along and do to it what it liked or any other person could come along and do to it what they liked and there would be no sanction against vandalism or destroying that tree.

This is about having a level playing field. If it is good enough for private landholders to bear the burden of this legislation, it should be equally the case that the government should bear the burden of this legislation. This is going to be a test of the government to see whether they are open to treating themselves the way they want to treat their electors, the people of the ACT. If they do not, they will show themselves to be hypocrites. This is about creating a level playing field. This is about treating all trees the same.

**MR STANHOPE** (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs, and Acting Minister for Education and Training) (5.26): Mr Speaker, the government does not support this amendment. Registered trees are protected by this legislation, regardless of the tenure of the land upon which they grow.

Under the bill, the Department of Urban Services would be required to seek the approval of the conservator if it needed to remove a registered tree growing on land it managed. To go behind this approach would be to create an unnecessary burden upon the management of our street and park trees by requiring urban services to seek approval from the conservator prior to removing any tree above 12 metres, et cetera, including street and park trees that are within an area declared as a tree management precinct. Considerable time and resources would be consumed that would be better used to continue managing and enhancing our urban environment.

It appears that the point of the declaration of tree management precincts has been completely missed. The predominant aim of a tree management precinct is to prevent the erosion of the urban forest due to an unnecessary loss of trees relating to development activity. Urban services is not in the habit of removing street or park trees to facilitate development. Our public tree assets are well managed by urban services, which takes a conservative approach to tree removal, removing a tree only if it presents a risk to public safety or if it is dead or dying or conflicting with essential services. In addition,

public trees are protected from activities by persons other than the government under both the Nature Conservation Act 1980 and the Trespass on Public Land Act 1932. It is for these reasons that the government does not support this amendment. It would place a considerable administrative burden upon the management of our public trees for no actual or stated benefit beyond what is already provided for in the protection of trees.

**MRS DUNNE** (Ginninderra) (5.28): Sadly, as I had feared, the government has shown the complete hypocrisy of its approach to this issue. The reason that the Minister for the Environment gives is that it would be an unnecessary burden on urban services. What about the average landholder in the ACT? If it is good enough for urban services, it is good enough for the average landholder. That is the whole fault with this legislation and that is why the Liberal Party has declared that it will repeal this part of the legislation that deals with regulated trees. It is because of the hypocrisy of this government. The government is not prepared to be treated in the same way as it wants to treat its constituents.

Question put:

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

The Assembly voted—

Ayes 6		Noes 7	
Mrs Burke	Mr Pratt	Mr Berry	Ms Porter
Mrs Dunne	Mr Stefaniak	Mr Gentleman	Mr Quinlan
Dr Foskey		Mr Hargreaves	Mr Stanhope
Mr Mulcahy		Ms MacDonald	

Question so resolved in the negative.

Amendment negated.

Clause 10, as reconsidered, agreed to.

Question put:

That this bill, as amended, be agreed to.

The Assembly voted—

Ayes 8		Noes 5	
Mr Berry	Ms MacDonald	Mrs Burke	Mr Stefaniak
Dr Foskey	Ms Porter	Mrs Dunne	
Mr Gentleman	Mr Quinlan	Mr Mulcahy	
Mr Hargreaves	Mr Stanhope	Mr Pratt	

Question so resolved in the affirmative.

Bill, as amended, agreed to.

## Financial Management Legislation Amendment Bill 2005

Debate resumed from 18 August 2005, on motion by **Mr Quinlan**:

That this bill be agreed to in principle.

**MR MULCAHY** (Molonglo) (5.35): Mr Speaker, the essential elements of this bill are: changed reporting requirements, with some elements an improvement but others not satisfactory in respect of timing; the capacity for appropriations to be made direct to territory authorities and corporations; and several consequential amendments to provide for the new funding and accountability arrangements to apply to 22 territory authorities and corporations.

I am pleased to see the government is at last responding to calls to improve the quality of information in its annual financial and performance statements. I and others have been critical of the paucity of useful information in budgets and annual reports and have spoken of the need for data to be presented in a form that allows ready comparison of performance from year to year, compares results achieved with the original budget and shows how the budget has been revised throughout the year. The inclusion of a column showing the original budget and a separate column showing the revised budget will clear up confusion as to what the starting point was and give a presentation of actual performance against the original plan.

The proposed changes in performance measurement are obviously yet to be tested in the field. It will probably take a couple of years of experience, I suspect, to fully evaluate how effective the new approach will be in actually conveying meaningful information about agencies' performance in financial management and the delivery of quality services to the community in a timely and efficient manner. No doubt the performance measures will be refined and improved in light of that experience.

Mr Speaker, the approach outlined in the supplement to the 2005-06 budget has two categories of performance measures. The first relates to the results compared with longer term and strategic outcomes. Since these are not readily quantified, especially those in the human services area, they do not lend themselves to a full audit opinion as to the accuracy of numbers, as required by the current Audit Act.

So it is not appropriate to try to make them subject to annual scrutiny by the Auditor-General in the same way as financial information. It is better that the audit office separately evaluate agencies' performance against longer term and strategic outcomes along the lines that it has done recently; for example, on waiting lists for elective surgery and the development application and approval process.

The second category of performance measures is effectiveness and efficiency in delivering outputs. These are more readily measured in terms of volume and cost, and will be subject to annual scrutiny and report by the Auditor-General.

The opposition supports these changes in principle but, of course, it may take a couple of budget cycles to see how useful this information is and what the net benefits are in terms of disclosure and better delivery of outputs. However, a matter of concern is that

ministers will only have to present annual statements of performance and associated Auditor-General's reports to the Assembly within six sitting days of the responsible chief executive receiving the Auditor-General's report. I refer to proposed section 30D.

The problem is that there is no time limit in legislation for when statements of financial performance are to be received by chief executives. That could result in lengthy and unnecessary delays in members of the Assembly receiving reports, especially if the Assembly is not sitting. For example, if an Auditor-General's report associated with a departmental annual financial statement is received by the responsible chief executive at the end of September of this year, the composite document may miss the October sittings of the Assembly, because there are only four sitting days, and may not be tabled until the third week of November.

I believe that that situation is clearly unsatisfactory and quite unnecessary. Those reports should be delivered to members of the Assembly out of session, if necessary, and as soon as they are available. I would like the Treasurer to assist this debate by explaining why the six sitting days rule is included in this bill, especially as reporting by the end of September has worked quite well in the past, even though financial reporting, as distinct from performance reporting, by that point in time is not in fact required by law.

To overcome this problem, the opposition will seek to move amendments to provide for annual financial reports and the accompanying audit opinions to be delivered to the Assembly according to the requirements of the Annual Reports (Government Agencies) Act 2004. At present, there is no formal link between the Financial Management Act and the annual reports act. These amendments seek to create that link and bring into line the timing of the presentation of all annual reports to the Assembly.

The effect of that would be that the Treasurer would be required to deliver annual financial reports of departments and authorities, including the reports of the Auditor-General, to the Assembly within three months of the end of the relevant financial year. The rules governing the presentation of annual financial reports, along with audit comments and performance reports, should be the same for each and simplified. Basically, that would mean that all reports must be presented to the Assembly within three months of the end of the relevant financial year.

Another matter of concern is the proposal for departments to report on their performance in delivering outputs every six months, instead of quarterly. I am referring to proposed section 30E. Although it was not mentioned in the Treasurer's presentation speech, I understand that his defence or rationale for this move is that less frequent reporting will be offset by higher quality measures and more useful reporting. The opposition finds this explanation a tad unconvincing. I think that the problem really is that government agencies frequently do not provide information to Treasury on time and that the information they provide is incomplete or inadequate.

We are aware from various meetings, briefings and discussions with the Auditor-General of the challenges facing some agencies in terms of their capacity to deal with financial management issues, but I would suggest that the answer to that problem is not to reduce the demand on accountability or the presentation of information. The solution to this underperformance by agencies is not, I would suggest, to acquiesce by taking off the



pressure to provide the information required on time. Rather, it should be to take what action is required to ensure that they do their job properly and in a timely fashion.

The opposition cannot see how six-monthly reporting on outputs is going to improve accountability. In fact, it is more likely to have the opposite effect. Accordingly, we will be proposing amendments to require ministers to present to the Assembly quarterly performance reports for the departments and agencies for which they are responsible within 30 days of the end of each of the first three quarters of the financial year.

We see this as necessary to keep members of the Assembly well informed in a time frame relevant to emerging trends. By contrast, the delay inherent in six-monthly reporting would mean that key events and measures of performance had passed more into history and disclosure of them would be less likely to lead to public interest. I do not believe that that is a desirable outcome.

Turning to other aspects of the bill, the opposition supports the amendment to section 31 (2) (b) and the deletion of sections 12 (1) (d) and 19E to focus on meeting financial and output targets of departmental budgets for the year, rather than giving technical accounting reports of little interest to members or the community. We are also supportive of providing for direct appropriations to territory authorities and corporations, along with the corresponding responsibility of those authorities to account to the Assembly for their operations and performance in much the same way as is required of departments.

A related improvement is for clearer and more demanding governance responsibilities for territory authorities akin to those of a corporation, although understandably the proposed rules for advisory boards are not as strict as for governing boards. The capacity for territory authorities to borrow from the territory banking account with the Treasurer's approval is also, in my view, an improvement. Although this facility would be outside the annual appropriation process, it would be a disallowable instrument and the Assembly would be informed of the purpose and amount of the borrowing as well as the total financial exposure of the authority.

The opposition supports the bill in principle and I will move amendments at the detail stage to ensure timeliness of presentation of reports to the Assembly.

**DR FOSKEY** (Molonglo) (5.45): I will support the Financial Management Legislation Amendment Bill, since it seeks to improve some of the territory's fiscal operations regulatory framework, but I foreshadow that I will move an amendment at the detail stage to the new governments arrangements for territory authorities.

The bill proposes a number of changes to government financial reporting operations. I specifically support those proposals that improve the accountability and transparency of the government's financial management. These changes include allowing appropriations to be made directly to territory authorities and territory-owned corporations, requiring most territory authorities and territory-owned corporations to report on these appropriations, and including an original budget column in government annual financial statements in accordance with the Australian Accounting Standards Board's proposed changes to public sector financial accounting.

More contentiously, this bill requires agencies to deliver biannual rather than quarterly reports, which is not necessarily the best way of ensuring transparency, although the degree to which the quarterly reports are closely or usefully scrutinised is probably open to question. I appreciate the view that a biannual approach could be more efficient and I understand that with this move agencies intend to improve the quality of those reports.

I really think that that is a moot point. Given that agencies have monthly internal reporting procedures, one could argue that quarterly reporting ought not to be too great an imposition. On the other hand if, as we understand is the expectation, the quality of the six-monthly reports really would be raised, we might be better off cutting our losses. I appreciate that the Liberals argue that we should be able to ask for both. Unless it can be demonstrated by the Treasurer that such a task is unreasonable, I am inclined to support them.

I am also sympathetic to the notion of requiring annual reports to be distributed to the members of the Assembly by the end of September, rather than being tabled in the Assembly within six sitting days of being presented to the Treasurer, leading to their becoming available as late as mid-November. I do not believe that getting them to us by the end of September would make any greater demand on government officers. I think we are all aware of the problems that come from committees looking at annual reports too late in the next financial year.

I understand the argument that the Auditor-General ought not to be required to audit sustainability and various qualitative performance measures in the same way as financial transactions are audited, although I am not entirely comfortable with the shift away from scrutiny of these "softer" goals. To quote the explanatory statement, "measures that measure performance against longer term and strategic outcomes will be exempt from annual scrutiny by the Auditor-General." Given the Auditor-General's recent useful review of sustainability performance measures and the government's exploration of sustainability indicators and triple bottom line accounting, I would say that we need to look at other ways of evaluating longer-term performance.

I would suggest that the Auditor-General's recommendation that one agency take leadership of sustainability indicators be taken up and that the sustainability unit might be the best place to coordinate sustainability performance measures for each agency. Given the review is under way, that is not a measure for this bill. However, I will propose an amendment to ensure that boards of territory authorities have the capacity to understand such measures when they adopt them.

I accept the proposition that departmental chief executives should be held, and in effect be seen to be held, accountable to their department's proposed budget rather than to financial targets. The management of the budget overall is really scrutinised by the public and Assembly members during the estimates process. Financial targets as the key accountability measure are a reflection of the view that a government department is, in essence, a business. Whilst we expect departments to operate in a business-like way, we measure their effectiveness more subtly and more broadly than we do a business. Financial targets may well be useful internally, but they do not usefully define a chief executive's performance.

I am happy to support the proposal for a territory authority credit facility to allow authorities to borrow from territory accounts up to a limit established through the appropriation process. The key flexibility offered by this arrangement is that an authority may borrow and repay the territory on more than one occasion during the year, rather than needing those funds to be appropriated on each separate occasion.

The controls exerted in the first instance by the Treasurer, and subject to scrutiny and disallowance by the Assembly, would seem to give sufficient security. It has been argued that authorities need the independence and flexibility to borrow on the open market. This arrangement whereby the control rests with Treasury and the responsibility to lend—or borrow, if necessary—rests with the territory is both safer and less expensive.

I would also like to make a comment on the statement of intent process that is being amended by this bill. Many's the slip between policy and programs and any mechanism to make the policy direction clearer and more transparent is welcome. This bill builds in a more formal relationship between the responsible minister and a territory authority in the preparation of a statement of intent before it is given to the Treasurer. The only requirement of the authority is that it must take the minister's comments into consideration. So we will need to watch how it works.

As I have already indicated, I will in the detail stage put an amendment as to the governance arrangements for territory authorities. This bill includes amendments to the general governance arrangements covering all authorities and, consequentially more or less, amendments to the acts covering a number of authorities, including ACTION, the ACT Insurance Authority and the University of Canberra.

The bill specifies what ought to be considered by a minister when appointing people to the governing board of an authority. Reference is made to other government policies, which would seem on inspection to suggest some consideration of the gender and ethnic diversity of the board, although the only specific criterion is that the person have the skills to contribute to the goals and objects of the authority.

I intend to seek to amend that section so as to require the minister to consider the capacity of the board and also to consider the social and environmental impact of the actions of the authority. I will explain in more detail my thinking in suggesting this amendment when we come to debate it.

**MR QUINLAN** (Molonglo—Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming) (5.53), in reply: I thank members for their acceptance of the bill in total. In the interests of brevity, let me just say in relation to the amendments that will be moved that the government will accept those amendments that bring the bill into line with the annual report legislation and incorporate them into the Financial Management Act as the cornerstone act.

The government does not agree with reverting to quarterly reports. The reason is that the report for the first quarter is not a great deal of use in terms of where the organisation is heading in the longer term. You will note that in the legislation elsewhere there is a requirement for the organisations to keep government informed of major issues

anyway. The second quarterly report becomes a half-yearly report, and that should take place. The third quarterly report will be available at about the same time as the estimated outcome published in the annual budget; so, because the budget cycle starts at the beginning of the year and a budget comes down in May, you probably have more information contained in the budget.

For those members who may be a little less familiar with what goes on with preparing a set of books, particularly for a commercially oriented organisation, the case is that there are lots of balance day adjustments and measurements to be done for accruals, unpaid bills, unpaid leave and depreciation and a whole lot of figuring that needs to happen each time you want to prepare a decent set of books. I was instrumental in this place in the past, from opposition actually, of relieving government of the task of preparing monthly statements because they were just rubbish and because there just was not time to do all of the balance day adjustments and prepare a set of books that would be truly indicative of where the business was each month.

We went back to quarterly reporting, which is the reporting we have for government agencies. I think that works well and generally does not raise much debate anyway as those reports come down. For commercially oriented entities, this requires a lot of work to be done for no good purpose, as I have said. The first quarter is just too fresh in the year. The half-yearly one will be done. The third quarter one would be being done in parallel with the preparation of the budget and you are going to get the budget in the first week in May. Therefore, I think that the information needs of Assembly members are being and will be satisfied anyway, so that some of the work that goes into that would be a futile exercise.

As I said, we are happy to accept the changes proposed to bring the bill into line with the reporting requirements of the annual report legislation. In relation to the amendment that Dr Foskey has indicated she will move, the government will not be supporting that. Already today the Chief Minister has stood in this place and clearly articulated in relation to another bill why an organisation's direction can be skewed if everything it does is required to be looked at through a particular prism. Particularly with the commercial organisations that we have, if we have a need for awareness of social issues or environmental issues, they must be, I think, articulated in the objectives of each of the organisations, as opposed to saying that everybody on the board has to have some understandings, perceptions or values. So we will not be supporting that. We will be supporting most of Mr Mulcahy's amendments. I thank members for their support.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail stage**

Clause 1.

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

## **Adjournment**

### **Richmond Fellowship offices**

### **Former Macquarie hostel site**

**MR CORBELL** (Molonglo—Minister for Health and Minister for Planning, and Acting Minister for Children, Youth and Family Support, Acting Minister for Women and Acting Minister for Industrial Relations) (5.58): I move:

That the Assembly do now adjourn.

I rise in the adjournment debate this evening to mention two very good events that I had the pleasure and the opportunity of attending today. The first was this morning at 9 o'clock when I joined with members of the Richmond Fellowship and the Canberra Schizophrenia Fellowship to open the Richmond Fellowship's new offices in O'Connor, at the O'Connor shops.

The Richmond Fellowship, for those members who may not be aware, provides a range of very important services to the broader Canberra community. Amongst them is the Canberra accommodation network, which provides supported accommodation and support for people with a mental illness who are rehabilitating themselves and reintegrating themselves back into the community.

The Richmond Fellowship had previously been scattered across Canberra at a range of offices and locations, and I was delighted to be there this morning when the Richmond Fellowship brought all their offices together into a single location in a building owned by the ACT government adjacent to the O'Connor shops. They have been able to work in partnership with the Canberra Schizophrenia Fellowship, which previously had a tenancy over this building they are now in, as well as an adjacent building. The co-location of these two organisations will create a lot of synergies between their respective roles. They do have very similar but complementary roles that they perform in supporting people with schizophrenia and with mental illness more generally.

I was delighted to be there, and I would encourage any members who have an interest to go out and see the new accommodation for the Canberra division of the Richmond Fellowship. I was very pleased also to be joined by the chairman of the fellowship, Chief Magistrate Cahill, and other representatives of the board and the organisation for that event this morning.

The other event which I really enjoyed today and to which I would like to draw the attention of members was the turning of the sod for a new hotel development in Canberra. Many members would be familiar with the Macquarie hostel and the essential role that that building played for so many years in the life of Canberra as a home and haven for many public servants who had nowhere else to go when they first came to the national capital. That site was sold by the commonwealth some years ago and was purchased by a local development and property-owning company, the DOMA Group.

Today I was pleased to formally get under way their work for a new five-star hotel in that location. The government has wanted to support and facilitate additional commercial accommodation in Canberra, particularly four and five-star. All members of this place

are familiar with the demand and the need for that additional type of commercial accommodation. The DOMA Group are putting their money where their mouth is and are building a significant, 160-bed, five-star hotel there on the Macquarie hostel site.

I was particularly pleased by the very strong endorsement that the developers of that site gave to the role played by the ACT Planning and Land Authority. They were extremely complimentary of the work and the assistance that they received from the Planning and Land Authority in facilitating the approval of the development and in facilitating the variation to the territory plan that is required for a later stage of the development. They indicated that something like their development simply would not have been able to get over the hurdles in their way four or five years ago, and they were very complimentary of the assistance and the advice they had received from the ACT Planning and Land Authority.

That only reiterates to me that we are working to change the culture and change the processes for assisting and facilitating good, sustainable development outcomes in our city. To hear it from the mouth of a major local developer that owns four hotels in Canberra, that owns a lot of other property in Canberra and that does a lot of development, is a very strong indicator to me that we are on the right track.

### **Industrial relations—Qantas**

**MR GENTLEMAN** (Brindabella) (6.03): Yesterday in this place Mr Mulcahy waxed lyrical about the wonderful employment conditions enjoyed by workers in this country, thanks to the Howard government. This evening I wish to present a contradictory view to that of Mr Mulcahy. I wish to present a real situation. I want to share with this Assembly the appalling actions undertaken by Qantas Airways against Ross Hocking, a member of the Transport Workers Union and a resident of Gordon in my electorate of Brindabella.

Ross has worked for Qantas in Canberra for some 14 years as a baggage handler. In winter the temperature on the tarmac falls below zero degrees regularly; in summer it hits 40 degrees. This is tough work, and the handlers rely on each other to ensure that the job gets done. This year Ross sustained his fifth injury whilst working at Qantas—yes, his fifth injury. Years of lifting and loading 25-kilo bags in the belly of aeroplanes has taken its toll. As a result of his injury, Mr Hocking cannot return to his job as a baggage handler.

Just two weeks and two days after Mr Hocking had been injured, Qantas decided to terminate his employment. Mr Hocking believes he has been unfairly treated. He is concerned about his future employment prospects and is worried about how he will meet his mortgage repayments. He stands to lose up to three-quarters of a million dollars in wages and entitlements in potential earnings.

Mr Hocking's injury did not have to happen. On any given morning, one to two-person crews, depending on the type of aeroplane, are expected to unload and reload up to 250 mailboxes and up to 130 bags, each weighing an average of 16 kilos, in the space of 30 minutes. With international baggage changeover on a domestic flight, the baggage handlers are expected to unload and reload up to 150 bags in just 35 minutes. These bags weigh up to 32 kilos.

Qantas has been aware of the short-staffing issues there for years, are aware of the overworking of their employees and have put them at serious risk of injury. They are aware of the member of their staff who is on his 13th compensation claim in his 11 years of employment. They are aware that the time between plane arrivals is insufficient to allow employees adequate time to rest their bodies. Mr Hocking recalled that, in a two-week period, a colleague had worked a total of 207 hours; 127 of these were overtime hours. That is three times any normal work demand. If that is not ringing alarm bells, then I just cannot think of what would.

Mr Hocking stated that he and his colleagues have been pushed to the limit to ensure that staffing levels were maintained and departures went out on time. Mr Hocking's limit has been broken. Qantas uses these people like machines, just like you treat your washer on overload: put them on, burn them out and sack them.

Surely a company that posted an annual net profit of \$763 million, up 17 per cent on the previous year, could spare some of this money to ensure adequate staffing and safety levels in Canberra. I want to make clear that I have no problems with Qantas making so much money. I encourage business to thrive and to share the rewards of hard work with its employees, but I abhor profits stemming from putting worker safety at risk.

Mr Mulcahy said yesterday that the ACT industrial legislation prohibits the growth of business in Canberra. Occupational health and safety legislation is not about punishing employers; it is about ensuring the fundamental right of workers to a safe working environment. It is shameful that a company that markets itself as an Australian icon could abuse its employees so blatantly. I urge Qantas to rethink its strategy when dealing with employees; be compassionate. These people have chosen to make a career with your company, not end it.

**Dr Kevin Donnelly**  
**51st CPA conference**

**MR PRATT** (Brindabella) (6.07): I have a preliminary comment first. Poor old Dr Kevin Donnelly! I heard him being slagged off here on Tuesday by my colleague—

**Mrs Burke:** And Wednesday.

**MR PRATT:** And Wednesday too, Mrs Burke. He got a second serve. I thought that I would defend the poor chap, the poor old bugger. Here I am referring to his expertise. Dr Donnelly is well qualified to speak in the arena of education. His book, in fact, has been well received across this country. He is a regular commentator, like Michael Costello by the way, in the mainstream and more interesting areas of the media. But the ALP union-radical left coalition over there that dominate education would have no truck with him, would they? That may have been the root cause of that flare-up about the poor old doctor.

If I may now celebrate the 51st CPA conference that I was most honoured to attend in Fiji. I appreciated that opportunity and I thank the Assembly, my colleagues here and my colleagues broadly for that opportunity. The detail of that trip and the more serious issues will be covered in my report to the branch, but a couple of issues are worth mentioning here.

It is interesting that the small countries conference, which ran for the first two days, was, in some ways, more robust and more interesting than the mainstream conference. In terms of the election of a chairman, you probably all know now that the Speaker of the West Bengal parliament, with about 160-odd votes—167 votes, I think—defeated Sir Geoffrey Henry of the Cook Islands, who got 83. Sir Geoffrey Henry spoke beautifully; in fact, gave the best speech by a country mile. But good luck to the member from West Bengal. Sadly, the last day of the conference was a bit of an acrimonious finish. I will talk about that in more detail perhaps in my report.

I must say that the Australian team was an excellent team. There were members of all of the mainstream Australian political parties, and I could find no fault with any of them. In fact, the Australian team made quite a robust contribution to all of the plenary and workshop sessions, which was lovely to see.

The host country was magnificent. There were jokes about Fiji time and all of that, but they were so graceful and they bent over backwards to host what was quite a successful meeting.

I must put in a plug, finally, for the Australian administration for this trip; it was quite effective. I must put in a plug also for Max, our own home-grown member, the Deputy Clerk, who did a great job. He carried himself well, by the way. It is a pity that he is not here now. His administrative coordination of the entire team effort was most effective and his excellent advice to new chums like me was certainly well received. I appreciated his presence.

### **Principal-for-a-day scheme**

**MS MacDONALD** (Brindabella) (6.11): I rise to inform the house of an event that I took part in on Wednesday, 31 August just gone, which gave a great deal of pleasure to me. Dr Foskey also participated in this event. I refer to the principal-for-a-day scheme. I have to say that it is a brilliant idea. It is now running for its second year in the ACT. I have to say that I had a great day.

My experience of being principal for a day was at the Wanniasa school, which members may or may not be aware is a dual-campus, kindergarten to year 10 school. I had the opportunity to visit both the senior and the junior campuses throughout the day. I know that it is a radical idea having a K to 10 school, but I can say that the Wanniasa school has been operating successfully since the year 2000. They have approximately 800 students between the two campuses. I was guided on the day by the Wanniasa school principal, Judy Pettiford, and had the opportunity to meet with both staff and students.

There were many highlights for the day. The first class that I attended was a studies of society and environment class. They were looking at renaissance. Each class was presenting what they considered to be a renaissance figure, somebody who epitomised a renaissance—I am reluctant to say it—man. They were all men, I have to say. The class was making very good use of some great software and one of the many smart boards that they now have on their campus, because they have taken up the opportunity of the two-for-two to add to their complement of smart boards.



I also, interestingly, was interviewed by the year 10 book committee. I have to say that the list of questions, of which I got a copy in advance so that I had about half an hour to prepare my thoughts about what sorts of answers I would give to them, was a very good list of questions. Judy Pettiford kept saying that she thought that many a journalist could learn from the questions that these students were asking me.

I also read to the blue group one of my favourite primary school books for young people, which is years 1 and 2 approximately, I believe, and that was *Where the wild things are*. I understand the department got a few interesting photos of me reading *Where the wild things are*. I certainly enjoyed it and so did the children, I believe. I was also shown the video which had been taken of the preparation by these schools for their entry into the Wakikiri competition, which they won. I am quite positive that they will do very well in the finals.

The principal-for-a-day initiative is designed to celebrate the strengths of public education and the work done by staff under the guidance of the principal. The initiative brings schools and their communities closer together to work in productive partnerships and offers an opportunity for schools to increase their work of contacts in the local community. It was established in Australia in 1999 and enables business men and women and community leaders to experience first-hand the issues facing schools and to meet with students, staff and the wider school community.

There are a number of ACT business and community leaders involved in the principal-for-a-day program, and afterwards we were able to meet and debrief at a feedback forum held at the Canberra college, Phillip campus, which was very successful. There was a lot of buzz in the room, I am sure Dr Foskey would agree, after the day's events. All the comments were very positive. Everybody had a very positive experience from it. The initiative has impressed me and I think it impressed all those who had not done it before. I know that there were a couple of people who were back for their second go.

**Principal-for-a-day scheme**  
**Griffin Centre**  
**Assembly open day**

**DR FOSKEY** (Molonglo) (6.16): I want to endorse everything that Ms MacDonald said. I went to Melba high school, which was interesting, given the Ginninderra west schooling controversy. I have to say that I felt it gave me a particular insight into that issue. That is one of the reasons, perhaps, I am speaking out about it.

I want to talk today about another two events that I went to in the last week that I think are connected. The first was the Griffin Centre farewell, which occurred in the middle of the day in the middle of last week. As you are all probably aware, the old Griffin Centre will soon be demolished. Lots of people have already moved into the new building over the road. That road used to be just a road to a car park. Now it is a road into Braddon. It is, in that sense, a bit of a divider. I will not comment on the wisdom of that road; I am not really expert enough.

What was really great about this event was that it brought together people who have been using that centre for many years. To commemorate that, there was a big sheet of calico put up and people wrote their thoughts and feelings about the Griffin Centre on it. You have to understand that it has, for lots of people, really been an important social gathering place.

When I first came to Canberra in the mid-1980s, I went to a number of events at that place. People might remember the Africa nights that were organised by Maxwell. He had a very polysyllabic name, so I cannot give you his full surname.

**MR SPEAKER:** Nemadzivhanani; is that the one?

**DR FOSKEY:** Probably. He is no longer in the ACT. I think he is back in South Africa, being part of politics there. That was my introduction to it, plus many meetings in those rather bare, concrete, base rooms. Another symbolic event that occurred was that a lit candle was taken over to the other building, in the sense that people wanted the spirit to live on. There is a lot of trepidation about the new building. People are going in with the right spirit and they will work to try to take that community spirit that they had in the old Griffin Centre over to the new Griffin Centre.

The other event I want to comment on very quickly is the ACT Assembly open day. Like most of you, I participated in that. I believe 90 people came. I just want to say what a good event it is and how the people that I spoke to were very appreciative. Perhaps most people have low opinions of politicians, but it is important that they see that we are just ordinary people doing a very difficult job. They love to see the place, its accessibility.

The staff that were here that day—and they were here in great numbers—were magnificent. Margaret Jones, who probably had a lot to do with it, was absent but her presence was felt in the beautiful touches. Something that Margaret does really well is make an event high class. All the materials are of a really high standard and everything Margaret does is excellent. So to her, thanks.

I also want to say how it shows the importance of—and there has got to be something in this—the reception room remaining a place for people to hold meetings and gather because that is something we lack in this town, especially with the end of the Griffin Centre. We lack those kinds of community meeting spaces. The reception room is a great place to have meetings. It was a good place that day to have our displays. Congratulations to all concerned.

### **Kingston foreshore**

**MRS BURKE** (Molonglo) (6.21): There has been much talk in recent times about the future of Canberra, what we should look like as a city, who we are and what we stand for. I believe that we need to be innovative, creative and energetic in building our city as well as preserving our heritage. Over the past months I have been calling on both the federal and territory governments to get behind the real prospect of revitalising the eastern end of the Kingston foreshore into becoming an historical or heritage precinct. That, I believe, would enhance and complement the arts and culture precinct at the

western end of the foreshore, which currently encompasses the markets and the soon-to-be-completed glassworks at the powerhouse, which the Chief Minister told us about at question time today.

What I would like to add was the Liberal initiative. Money was set aside, we should remind ourselves, four years ago. It will be great to see the completion of that. I recently wrote to both the Chief Minister and the minister for tourism, Mr Quinlan, suggesting that they might consider the development of a transport museum at the current Australian Railway Historical Society in Kingston. In a positive response the tourism minister, Mr Quinlan, said:

I am aware of the continuing interests of the membership of the ARHS in the future development of the site to be part of a broader transport museum. If the ARHS were to expand into a broader tourism museum to showcase a component of our heritage, there would be some tourism value. The ACT is in continual need of fresh tourism product to cater to varying interests of visitors to the territory and Australian Capital Tourism would indeed be part of promoting the new tourist attraction when established.

There you go, Mr Quinlan: your name on a plaque, a legacy to the ACT—one, I am sure, Mr Quinlan would not shy away from at all.

There is no doubt that the redevelopment of such a significant tract of land across the whole of Kingston foreshore—indeed, it is one of the most valuable community assets—is well under way to becoming one of the showpieces of groundbreaking urban design that will, hopefully, blend in well and complement the natural landscape of the Jerrabomberra wetlands adjacent to the old Eastlake precinct.

It is pleasing to the eye to see the shift in the landscape in an area that had always been a precinct designed to service government via the Australian Government Publishing Service and the government fleet workshops. In addition, the powerhouse was a vital public utility during the early development stages and construction of the new capital of Canberra. It is on this very point that I would like to congratulate the former Carnell government and now the current government for their willingness and determination to see, much like the redevelopment of the Kingston bus depot markets, the old powerhouse being once again put to use.

The powerhouse, such an iconic building of significance to the ACT community, will house the glassworks, which I am sure the Canberra School of Arts will establish as a thriving facility to attract and maintain a thriving glass industry for Canberra, including such activities as the creation of the glassworks workshops and classes provided, et cetera. The concept has stirred in me the great idea that, in the spirit of Walter Burley Griffin's design principles, particularly one of symmetry, there is a real prospect of developing another facility at the other end of the residential precinct at the Kingston foreshore. If the powerhouse can have a new lease of life, then surely the rail precinct could also become a premier attraction in the form of a heritage transport museum.

In the same way as the current ACT government anticipates there will be significant benefits to the community from the development of the glassworks, I hope that it will be assumed also that there should be no reason not to consider the real prospect of providing a more broader transport museum that could showcase our heritage and history, centred

on the current rail precinct. The economic, social and cultural return is there for the taking. Let us make sure that we do not abandon good ideas but rather do all we can to preserve organisations such as the Australian Railway Historical Society and thus ensure that our culture and heritage live on for future generations.

Mr Speaker, I know that you are an avid train fanatic. I know that you have been quite interested in this project too, as indeed has the planning minister, Mr Corbell. I hope that we will continue to see positive moves for the ARHS. I thank the government for all their efforts in this work.

**Industrial relations—Qantas  
Condolence on loss of father**

**MR MULCAHY** (Molonglo) (6.26): In the limited time available, Mr Speaker, I will not go into the detail of what I wanted to speak about on fiscal policy but just take up Mr Gentleman's point. I will be interested in making inquiries of Qantas because, in my involvement in industrial affairs over 30-odd years, I usually find that there are always two sides to the story. Qantas is a very critical employer in the ACT; it is a partner of the ACT government; it is the provider of the territory's travel; and I would be very surprised if they, in a cavalier fashion, threw people out onto the street. That is not the reputation they enjoy as an airline. In fairness to them, I will make those inquiries. I do not see the relationship with John Howard on every transgression that occurs in the workplace, but I do believe that matter needs an airing to see if it is as harsh and as unreasonable as presented.

I would also like to take this opportunity to thank the Chief Minister, the Leader of the Opposition and other members for the condolences extended to me this day on the loss of my father. Thank you.

Question resolved in the affirmative.

**The Assembly adjourned at 6.28 pm, until Tuesday, 18 October 2005, at 10.30 am.**

## Schedules of amendments

### Schedule 1

#### Tree Protection Bill 2005

##### Amendments moved by Dr Foskey

**6**

**New clause 67 (3) (aa)**

**Page 43, line 19—**

*insert*

(aa) ecology;

**7**

**New clause 67 (4) (aa)**

**Page 43, line 26—**

*insert*

(aa) 1 or more members with extensive experience in ecology; and

**8**

**Clause 67 (4) (b)**

**Page 44, line 2—**

*omit*

2 or more

*substitute*

3 or more

---

### Schedule 2

#### Tree Protection Bill 2005

##### Amendments moved by Mrs Dunne

**8**

**Clause 73 (2)**

**Page 47, line 5—**

*omit clause 73 (2), substitute*

(2) A determination is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

**9**

**Clause 90 (6)**

**Page 59, line 14—**

*omit*

**10**  
**Clause 113 (2)**  
**Page 76, line 11—**

*omit*

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### **Schedule 3**

#### **Tree Protection Bill 2005**

##### Amendments moved by the Minister for the Environment

**23**  
**Proposed new clause 62 (3) (e)**  
**Page 39, line 16—**

*insert*

(e) each representative Aboriginal organisation.

**24**  
**Clause 62 (4)**  
**Page 39, line 17—**

*omit*

**25**  
**Clause 65 (3), definition of *interested person*, proposed new paragraph (f)**  
**Page 42, line 2—**

*insert*

(f) if the tree is an Aboriginal heritage tree—each representative Aboriginal organisation.

**26**  
**Clause 79, note 1**  
**Page 50, line 10—**

*omit note 1, substitute*

*Note 1 Conservator to be given copy of development application*

The planning and land authority must give the conservator a copy of each development application that relates to land that includes the protection zone for a protected tree or a declared site (including any tree management plan, proposed tree management plan, or proposed amendment of a tree management plan, included with the application) (see Land Act, s 229).

**27**  
**Clause 79, note 4**  
**Page 50, line 23—**

*omit note 4, substitute*

*Note 4 Approvals*

A development approval must not be given that is inconsistent with the advice of the conservator in relation to a registered tree.

A development approval may be given that is inconsistent with the advice of

the conservator in relation to a regulated tree only in the circumstances described in the Land Act, s 231.

**28**

**Clause 80 (2)**

**Page 51, line 15—**

*omit*

its decision

*substitute*

the development

**29**

**Clause 80 (3 (a))**

**Page 51, line 20—**

*omit clause 80 (3) (a), substitute*

- (a) consider the application, including any tree management plan, proposed tree management plan, or proposed amendment of a tree management plan, included with the application; and

**30**

**Clause 81**

**Page 51, line 22—**

*omit clause 81, substitute*

**81 Requirements for conservator's advice about tree protection**

- (1) The conservator's advice under section 80 in relation to a development must include advice about tree protection requirements for each protected tree with a protection zone on, or partly on, the land subject to the development.
- (2) Without limiting subsection (1), the advice may—
- (a) include information about the trees on the land; and
- (b) set out the changes (if any) the conservator considers should be made to any tree management plan or proposed tree management plan that relates to the application, having regard to—
- (i) the guidelines approved under section 29; and
- (ii) the advice (if any) of the advisory panel; and
- (iii) anything else the conservator considers relevant.

**31**

**Clause 106 (1) (a) (i) to (iii)**

**Page 71, line 6—**

*omit clause 106 (1) (a) (i) to (iii), substitute*

- (i) section 15 (Damaging protected trees—general);
- (ia) section 15A (Damaging protected trees—work done as part of a business);
- (ii) section 16 (Doing prohibited groundwork—general);

- (ia) section 16A (Doing prohibited groundwork—work done as part of a business);
- (ii) section 18 (Failing to notify or contravening tree protection conditions; of development approval)

**32**

**Clause 115 (2)**

**Page 77, line 14—**

*omit*

- *Tree Protection (Interim Scheme) Appointment 2004 (No 1)*  
DI2004-47
- *Tree Protection (Interim Scheme) Appointment 2004 (No 2)*  
DI2004-158

*substitute*

- *Tree Protection (Interim Scheme) Appointment 2005*  
DI2005-159

**33**

**Clause 116 (1)**

**Page 77, line 19—**

*after*

individual tree

*insert*

in a built-up urban area

**34**

**Clause 117**

**Page 78, line 3—**

*omit clause 117, substitute*

**117 Interim tree management precincts**

The built-up urban area in each district under the *Districts Act 2002* is taken to be a tree management precinct on the commencement day.

**35**

**Schedule 1**

**Amendment 1.3**

**Proposed new section 3A**

**Page 79, line 18—**

*omit proposed new section 3A, substitute*

**3A Individual heritage trees**

- (1) The council must not register an individual tree in a built-up urban area.
- (2) Subsection (1) does not prevent the registration of a place where a tree or trees form part of the heritage significance of the place.



- (3) In this section:

***built-up urban area***—see the *Tree Protection Act 2005*, section 7 (2) (Application of Act—built-up urban area).

*Note* The *Tree Protection Act 2005* includes provision for the protection of trees of heritage significance in built-up urban areas. For trees of heritage significance, it provides for the heritage council to be told about approved activities, tree management plans and provisional registration under that Act. It also provides for the heritage council's advice to be taken into account in deciding whether to register a tree of heritage significance under that Act.

### 36

#### Schedule 1

#### Amendment 1.4

#### Proposed new definitions

Page 80, line 17—

*insert*

***registered tree***—see the *Tree Protection Act 2005*, dictionary.

***regulated tree***—see the *Tree Protection Act 2005*, dictionary.

***tree management plan***—see the *Tree Protection Act 2005*, dictionary.

### 37

#### Schedule 1

#### Amendment 1.7

#### Proposed new section 229 (4) (b) (i) and (ii)

Page 81, line 7—

*omit proposed new section 229 (4) (b) (i) and (ii), substitute*

- (i) a copy of each application that relates to land that includes all or part of—
  - (A) the protection zone for a protected tree; or
  - (B) a declared site; and
- (ii) if a tree management plan approved under the *Tree Protection Act 2005*, part 4, a proposed tree management plan, or a proposed amendment of a tree management plan, is included with the application—a copy of the plan or proposed plan or amendment; and

### 38

#### Schedule 1

#### Amendment 1.14

Page 82, line 20—

*omit amendment 1.14, substitute*

#### [1.14] New section 231 (3A) to (3D)

*insert*

- (3A) The relevant authority must not make a decision under section 230 that is inconsistent with the advice of the conservator under the *Tree Protection Act 2005*, section 80 in relation to a registered tree or a declared site.

- (3B) The relevant authority may make a decision under section 230 that is inconsistent with the advice of the conservator under the *Tree Protection Act 2005*, section 80 in relation to a regulated tree only if the authority is satisfied, having regard to the broader strategic objectives of the territory plan, that all reasonable development options and design solutions have been considered to avoid or minimise the need to damage the tree or undertake prohibited groundwork.
- (3C) In making a decision under section 230 that relates to a regulated tree, the relevant authority may, under this section—
- (a) if a tree management plan is already in force for the tree—approve an amendment of, or replacement for, the tree management plan; or
  - (b) in any other case—approve a tree management plan for the tree.
- (3D) A decision mentioned in subsection (3B) must not be made by a person acting as delegate of the planning and land authority.

## 39

## Schedule 1

## Proposed new amendment 1.15A

Page 83, line 8—

*insert***[1.15A] New section 244B***insert***244B Notice of decision to conservator**

If an application relates to land that includes all or part of the protection zone for a protected tree, or all or part of a declared site, the planning and land authority must give the conservator—

- (a) written notice of the decision to approve or refuse the application; and
- (b) a copy of the decision.

## 40

## Schedule 1

## Proposed new amendment 1.19A

Page 84, line 6—

*insert***[1.19A] Dictionary, new definitions***insert*

**damage** a protected tree, for part 6 (Approvals and orders)—see section 222.

**declared site**, for part 6 (Approvals and orders)—see section 222.

**prohibited groundwork**, for part 6 (Approvals and orders)—see section 222.

**protected tree**, for part 6 (Approvals and orders)—see section 222.

*protection zone*, for a protected tree, for part 6 (Approvals and orders)—see section 222.

*registered tree*, for part 6 (Approvals and orders)—see section 222.

*regulated tree*, for part 6 (Approvals and orders)—see section 222.

**41**

**Dictionary, proposed new definition of *Aboriginal heritage tree***

**Page 88, line 14—**

*insert*

*Aboriginal heritage tree*—a tree is an *Aboriginal heritage tree* if it is of particular significance to Aboriginal people because of either or both of the following:

- (a) Aboriginal tradition;
- (b) the history, including contemporary history, of any Aboriginal people of the area where the tree is located.

**42**

**Dictionary, proposed new definition of *representative Aboriginal organisation***

**Page 90, line 6—**

*insert*

*representative Aboriginal organisation* means—

- (a) an organisation declared under the *Heritage Act 2004*, section 14 to be a representative Aboriginal organisation for that Act; or
- (b) an organisation prescribed by regulation for this definition.

**43**

**Dictionary, definition of *tree management plan***

**Page 90, line 11—**

*omit the definition, substitute*

*tree management plan*—

- (a) a tree management plan approved under section 33; and
- (b) in parts 2 to 4—includes a tree management plan approved under the Land Act, section 231 (3C).

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**Schedule 4**

**Tree Protection Bill 2005**

Amendments moved by Mrs Dunne

**1**

**Clause 10 (1)**

**Page 6, line 11—**

*omit*

on leased land

## Answers to questions

### Crime—motor vehicle theft (Question No 459)

**Mr Pratt** asked the Minister for Urban Services, upon notice, on 16 August 2005:

- (1) Further to reports in the media, *ABC Online* of 19 July 2005, that ACT is the ‘weakest link’ in stolen car registrations, how many incidents of stolen vehicles which have been registered in the ACT occurred in the ACT during (a) 2001-02, (b) 2002-03, (c) 2003-04 and (iv) 2004-05;
- (2) How was it discovered that these vehicles were in fact stolen;
- (3) What are the procedures that are meant to be undertaken by the motor registry to ensure that vehicles are not stolen prior to registration;
- (4) Will motor vehicle registration procedures be tightened as a result of this activity; if so, how; if not, why not;
- (5) Why is the ACT supposedly known to criminals as the ‘weakest link’ for registering stolen cars;
- (6) What will the ACT Government be doing to combat this illegal activity in light of the court’s findings that the ACT is the ‘weakest link’ for stolen motor vehicle registrations by large interstate organised crime rebirthing rings.

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

- (1) The Road Transport Authority does not keep a record, in any recoverable form, of stolen vehicles that have been registered in the ACT.
- (2) The two vehicles that caused the media reports were vehicles that were discovered to be stolen through the normal inspection and registration processes and were never granted ACT registration.
- (3) The ACT registration system includes a range of measures designed to prevent the registration of stolen vehicles. The ACT is fully connected to the National Exchange of Vehicle and Driver Information System (NEVDIS), Vehicle Identification Number (VIN) System, and has a fully functional Written-Off Vehicle Register (WOVR). All used vehicles are required to be physically inspected upon first registration in the ACT. Further to this, the ACT undertakes a program of higher-level (“third tier”) identity inspections for those vehicles considered to be of higher risk. These inspections are conducted by government officers in a centralised inspection station, in conjunction with members of the Australian Federal Police.
- (4) All recent auditing of the vehicle registration system in the ACT has supported the measures in place and has failed to identify any system weaknesses that would provide for the opportunity for criminals to register stolen vehicles in the ACT. Nevertheless, as with all systems at the vehicle registration office, procedures are under constant review. In addition, the ACT continues to participate in national vehicle theft initiatives arising from the National Motor Vehicle Theft Reduction Council and other forums.

- (5) As noted in (3) above, the ACT has one of the more robust registration systems. This has been demonstrated by the successful identification of these two stolen vehicles.
  - (6) The Court did not find that the ACT was the “weakest link” in regard to registration of stolen motor vehicles.
- 

**Government—insurance  
(Question No 460)**

**Mr Stefaniak** asked the Treasurer, upon notice, on 16 August 2005:

- (1) What are the names and addresses of the insurance companies which insure the ACT Government;
- (2) What does this insurance cover;
- (3) What were the annual premiums for (a) 2000-01, (b) 2001-02, (c) 2002-03, (d) 2003-04 and (e) 2004-05;
- (4) How much will the premiums be for 2005-06;
- (5) How much are the premiums estimated to be for the forward years 2006 until 2010;
- (6) How much of the ACT Government’s legal costs are covered by its insurance with regard to (a) the coronial inquiry into the bushfires and (b) the appeal against the Coroner;
- (7) How much, in dollar terms, is the ACT Government covered for with regard to potentially successful litigation against the Government as the result of the 2003 Canberra fires.

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

- (1) There are some 56 companies engaged by the ACT Insurance Authority (ACTIA) to provide insurance and reinsurance protection for Government operations. These providers are located both within Australia and off shore (predominantly in London). Names and addresses can be provided, however it may assist if the question could be more specific in what is actually being sought.
- (2) Insurance provided by ACTIA covers the following classes:
  - Property (Industrial special risks);
  - public and products liability and professional indemnity;
  - medical malpractice;
  - Directors and officers liability;
  - corporate travel;
  - group personal accident for voluntary workers;
  - group personal accident for aero medical retrieval team;
  - aviation liability;
  - construction all risks; and
  - standing timber.

- (3) The premiums for the above covers were:
- a. 2000-01 – Not comparable, as ACTIA commenced in April 2001;
  - b. 2001-02 \$4,595,000;
  - c. 2002-03 \$8,006,000;
  - d. 2003-04 \$10,587,000; and
  - e. 2004-05 \$11,819,000.
- (4) The premiums for 2005-06 will be \$10,947,000.
- (5) The premiums for the forward years as at Budget 2005-06 are estimated to be:
- a. 2006-07 \$15,235,000;
  - b. 2007-08 \$16,052,000; and
  - c. 2008-09 \$16,478,000.
- (6) All legal costs of both (a) the Coronial Inquest and (b) the appeal against the Coroner are fully covered by the ACTIA insurance arrangements. Under ACTIA's insurance policy, ACTIA is responsible for the first \$5m of total public liability expenses in any one year, including eligible legal expenses. Claims above that are covered by external reinsurance.
- (7) The amount of cover provided under the public liability reinsurance arrangements is \$300m.

### **Finance—capital works (Question No 462)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 16 August 2005:

- (1) In relation to Changes to Appropriation - Capital Injection, page 322, 2005-06 Budget Paper 4, what is the basis for adding an additional \$5 million in the 2008-09 financial year, to the affordable housing initiative, first provided by the Government in 2004-05 for \$20 million over 4 years, taking the total to \$25 million over 5 years;
- (2) How has the Government been able to provide for an additional \$5 million for the 2008-09 financial year when, at this stage, there was no capacity to commit \$10 million each year for three years to housing capital works.

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

- (1) The budget papers indicate that at this stage there is sufficient capacity to continue this important initiative into 2008-09; and
- (2) As previously stated, the decision not to provide the \$10m in 2005-06 was based on consideration of the already large capital program and budget constraints that relate to 2005-06. The provision of capital works funding to Housing ACT will be considered again in the context of the 2006-07 Budget process.

**Social welfare—poverty  
(Question No 464)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 16 August 2005:

- (1) Further to the recent findings of a review of financial aid and emergency relief conducted by Nucleus Consulting, in what ways is the Department of Disability, Housing and Community Services working to reform the provision of financial aid and emergency relief to assist in breaking poverty and homelessness cycles in the ACT;
- (2) How much additional funding is to be allocated, on a non-recurrent basis, to assist in meeting identified areas of need.

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

- (1) The initial findings of Nucleus Consulting were used to assist the funded organisations to improve service delivery. However, the draft Report is still a working document. Further work is being undertaken on costings for the program based on revised program guidelines.
- (2) The Government announced additional recurrent funding of \$150,000 per year in the 2004-05 Budget.

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**Motorcycle registration fees  
(Question No 465)**

**Mrs Burke** asked the Minister for Urban Services, upon notice, on 16 August 2005:

Is the Government considering lowering vehicle registration fees for motorcycles in the ACT; if so, will the cost of registering a motorcycle in the ACT better reflect differences between other motor vehicles and motorcycles such as size, weight, passenger capacity and impact upon the environment.

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

- (1) The Government currently has no plans to reduce the registration fee for motorcycles.

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**Health—red reflex screening  
(Question No 466)**

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

- (1) Have any concerns been raised with the Government or the Health Department regarding the conduct of red reflex screening in the ACT;
- (2) What regulations are currently in place in the ACT to ensure red reflex screening does take place and at what age is screening meant to take place;

- (3) Are there similar concerns in the ACT to those found in a recent study in New Zealand that doctors and midwives need more training and education about red reflex screening of infants with results showing many do not conduct the test correctly and do not fully understand its importance.

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

This question refers to the process of examining infant's eyes at the time of birth to exclude such morbidities as cataract, retinoblastoma, glaucoma or other congenital eye problems.

- (1) No concerns have been raised with The Canberra Hospital (TCH).
- (2) Clinical examination of the eyes is part of the newborn examination prior to discharge at TCH. The examination may be undertaken by a resident, registrar or midwife trained in complete examination of the newborn.

The Obstetric and Gynaecology resident or the Neonatal Registrar conducts almost all newborn checks also known as the "Well Baby Assessment", which includes the red reflex. These checks usually occur on the day of discharge which can be on day one or up to day four or beyond particularly if conducted in the Centre for Newborn Care.

Formal ophthalmologic examination is undertaken by a consultant who regularly attends the Centre for Newborn Care if an abnormality is found at the initial examination.

Further examination is undertaken by the GP at 6 weeks or by hospital staff if the baby represents in a follow-up clinic.

All new residents are provided with training in examination of the newborn and medical students are regularly examined in this context during their medical school training.

Midwives/Nurses have to undergo a "Well Baby Assessment" study day run through the Staff Development Unit at The Canberra Hospital. They have to perform numerous baby checks under supervision of either an Obstetrics and Gynaecology resident or Neonatology Registrar, and then undergo an annual competency review.

- (3) Are there similar concerns in the ACT to those found in a recent study in New Zealand that doctors and midwives need more training and education about red reflex screening of infants with results showing many do not conduct the test correctly and do not fully understand its importance.

TCH is unaware of significant omissions to date in relation to doctors.

With regards to nurses and midwives, to date, there have been no incidents in relation to red reflex checking as only those midwives and nurses who have completed the competency program conduct the test.

*(Extract from Newborn examination manual is available at the Chamber Support Office)*

## **Health—asthma (Question No 468)**

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



- (1) How many asthma sufferers are there in the ACT;
- (2) Is the Asthma Clinic at Calvary Hospital no longer operating;
- (3) What are the reasons for the cessation of this service and is it related to a lack of funding from the Government;
- (4) How many clients, on a monthly average, used the Asthma Clinic while in operation;
- (5) Is it true that the asthma educators at the hospital have now left; if so, why;
- (6) Is there any truth to claims that the asthma educators left because of lack of support for their work from management;
- (7) Are there any similar services available at The Canberra Hospital for asthma sufferers.
- (8) If there is no truth to the claims in part (6) what support is available in the ACT for asthma sufferers and are such services adequate.

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

- (1) In response to your query, the most recent, reliable data on asthma prevalence for the ACT is from the 2001 National Health Survey. In 2001, 12.6% of ACT respondents to the National Health Survey reported having been previously diagnosed with asthma.
- (2) Yes, the Asthma Clinic at Calvary Hospital no longer operating
- (3) There was insufficient demand for the Calvary Health Care service. The Calvary Clinic was staffed to run 2 days per week with a capacity of 14 patients per week, or 56 per month. During the last 7 months of operation (Jan-July 2004) the average number of patients seen per month were 14, which is a utilisation of 25%.

Asthma management has changed significantly in recent years. In 2003 Calvary participated in a Commonwealth funded asthma research project which focussed on providing patients and general practitioners with information packs and action plans. This practice continues today and is thought to be the reason why demand for the asthma clinic has decreased.

This decision was not related to a lack of funding from the Government.

- (4) A monthly average 19 patients or 23 occasions of service for the whole time the clinic was in operation. During the last 7 months of operation (Jan-July 2004) the average number of patients seen per month was 14.
- (5) Yes – 2 accredited asthma educators who were employed for a combined total of 0.3 FTE for asthma education have resigned - both staff left to pursue other career opportunities.
- (6) I cannot answer on the specific individual staff member's reasons for leaving.
- (7) The Department of Thoracic Medicine at The Canberra Hospital provides Adult Asthma Education. Patients are referred from the ACT and local region and are seen at no charge. There is no waiting time for appointments and patients are seen as soon as it is convenient for them.

Inpatient adult education is also provided at TCH. Home visits are provided for patients who may have difficulty accessing the Department. 63 patients have had Adult Asthma Education in the past 3 months provided by this service. The Asthma Educator also provides Asthma Education talks to community groups and other health service providers.

- (8) Asthma education is provided in a primary health care model through Community Health, general practitioners and The Canberra Hospital's Asthma Clinic.

The Community Asthma Support Service, ACT Health provides Asthma Education to children, young adults up to 25 years of age and their families. This service provides 2 clinics each month at the Paediatric Outpatient Department at TCH and home visits for their other patients. The service also provides education for community groups and training for the "Asthma Friendly School" program.

Registered nurses, who are accredited asthma educators, work closely with family doctors (GPs), paediatricians, specialists, pharmacists, teachers, hospital staff and the ACT Asthma Association.

Any family or young person under 25 years can use the service if a doctor has diagnosed their child or youth with asthma. The asthma educators will arrange to see families in their homes, in hospitals, clinics or in health centres.

Schools, childcare centres and community organisations are able to request group education sessions in their own venue.

Any individual seeking information about asthma is also welcome to contact the service.

Current wait time for this service is less than 2 weeks.

### **Hospitals—bypass figures (Question No 469)**

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

- (1) On how many occasions this calendar year has (a) Calvary Hospital and (b) The Canberra Hospital been on bypass;
- (2) What is the breakdown of the figures in part (1) each month from January to July 2005 and what is the current figure for the month of August;
- (3) What were the reasons for the bypass on each occasion that a hospital has been placed on bypass this calendar year.

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

- (1) The Canberra Hospital has been on bypass on 41 occasions in the 2005 calendar year.
- (2) The breakdown of the figures in each month

No. of occasions	Jan 05	Feb 05	Mar 05	Apr 05	May 05	Jun 05	Jul 05	Aug 05
TCH	7	4	0	5	4	7	3	11

The numbers above refers to the number of consecutive episodes of bypass, i.e. if on one calendar day “bypass” is called twice with a non-bypass time in between this counts as 2 episodes. Consecutive episodes are counted as 1 regardless of the amount of consecutive time on “bypass”.

- (3) The reason that The Canberra Hospital (TCH) goes on bypass (load share) is to distribute the workload by directing less urgent ambulance patients to Calvary Hospital, allowing staff at TCH to attend to more seriously ill patients and ACT Ambulance resources to be used in the most efficient manner.

The answer to the member’s question for Calvary Health Care is as follows:

- (1) On how many occasions this calendar year has Calvary Hospital been on bypass.

Calvary Hospital has been on bypass 11 times this year. It should be noted that on the weekend of the 23-25th July by-pass was due to the upgrade of the electrical board change over and the limited bypass was planned in advance.

- (2) What is the breakdown in figures in each part (1) each month from January to July and what is the current figures for the month of August.

Calvary Hospital has been on bypass on 11 occasions in the 2005 calendar year

No. of occasions	Jan 05	Feb 05	Mar 05	Apr 05	May 05	Jun 05	Jul 05	Aug 05
Calvary	1	0	0	0	0	0	7	3

The numbers above refers to the number of consecutive episodes of bypass, i.e. if on one calendar day “bypass” is called twice with a non-bypass time in between this counts as 2 episodes. Consecutive episodes are counted as 1 regardless of the amount of consecutive time on “bypass”.

- (3) What were the reasons for the bypass on each occasion that a hospital has been placed on bypass this calendar year

Bypass is used to distribute less urgent cases to TCH when Calvary Hospital is experiencing peaks in demand. This is a mutual arrangement with TCH and ensures that ACT Ambulance resources are used in the most efficient manner.

### **Hospitals—elective surgery waiting lists (Question No 470)**

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

- (1) Does the Government monitor and keep a record of the “other reasons” that patients are removed from the elective surgery waiting list; if so, how many people removed for “other reasons” (a) died, (b) received their surgery interstate, (c) received their surgery at a local private hospital, (d) chose not to have surgery and (e) their surgery was cancelled; if not, why not and will you begin monitoring and recording these reasons;
- (2) If no to part (1) what does the Government presume are the reasons that people are removed from the elective surgery waiting list under the category “other reasons”;
- (3) Why in the months of May and June have the figures for patients removed for “other reasons” been so high in comparison to previous months.

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

- (1) Yes the Government does record the total removals from the waiting list for 'other reasons'. Hospital information systems are not able to divide these into individual reasons.
- (2) Removals from the waiting list for 'other reasons' include – could not be contacted; treated elsewhere, died, surgery not required or declined and transferred to another hospital's waiting list.
- (3) The removals for 'other reasons' were high in May and June as TCH and Calvary Hospital conducted a whole of waiting list audit during these months.

### **Hospitals—psychiatric services units (Question No 471)**

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

- (1) Further to the response to question on notice No 331 in which you provided details for the Psychiatry Services Unit and as my original question asked for details regarding the New Psychiatric Secure Unit as listed on page 149 of the 2004-05 Budget Paper No. 4, what funds have been expended to date on the "Extension of Psychiatric Secure Unit" listed as New Works in the 2004-05 Budget;
- (2) What has been delivered for that expenditure;
- (3) Was this project meant to be completed by March 2005; if so, was the project completed in March; if not, why not;
- (4) If the project was completed by March 2005, when will the extension be open for use.

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

- (1) The question the member has asked in relation to the Psychiatric Secure Unit is, in fact, the extension of the Psychiatric Services Unit located on campus at The Canberra Hospital. The expenditure to date on this project is \$1,248,554 (exclusive of GST).
- (2) The project has delivered a new secure reception area including office and workroom, new Low Dependency Unit staff station, new egress doors from the interview rooms, a new seclusion area extension, internal refurbishment of Suite B, new external courtyard area and other improvements in accordance with the recommendations of the Mann-Laroche report. A fire sprinkler system has also been installed for all patient areas.
- (3) The original project schedule was for the works to be completed by March 2005. The project was subject to delays due to a number of factors including:
  - difficulties in securing appropriately designed seclusion room doors
  - sprinkler system design approval installation all patient areas. This required a solution which was compliant to appropriate building codes.
  - a busy construction industry which resulted in delays in materials
  - undertaking construction whilst maintaining sufficient patient beds and keeping the facility operating 24 hours per day.
- (4) The project was completed in July 2005 and new areas are now available for use.

**Hospitals—funding  
(Question No 472)**

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

- (1) How much of the funding allocated to (a) sub and non-acute service – phase 1 (\$5.15m) and (b) sub/non acute services supplementary funding (\$4.6m) has been expended to date;
- (2) What guarantee will you give that the project will be completed in October 2006 as indicated in the 2005-06 budget papers given that phase 1 of this project was originally scheduled for completion in December 2004, then February 2006 and now October 2006;
- (3) What are the delays associated with this project since funding was first allocated by the Government in the 2003-04 budget.

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

- (1) Approximately \$0.5m has been spent to date with another \$1.7M committed. The construction for next year is estimated to be in the order of \$7.8M
- (2) I refer the member to Budget Paper No.4, page 188 which outlines the estimated completion dates.
- (3) This has been an extremely complex project to bring together, involving numerous key stakeholders and representative groups. It has involved the rationalising of a currently disjointed Territory wide service, and the development of a workable model of care in order to allow the 2 distinct services to be provided from a single facility. At the end of the Preliminary Sketch Plan stage, the design requirements for this facility far exceeded the available budget. A Value Management Study was initiated to challenge and revisit many of the assumptions made about the needs of the service providers. At the end of the Final Sketch Plan stage the building remained over budget, requiring a review of the design elements to further reduce cost. This has now been completed and the project team is now confident in the ability to deliver the building within budget.

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**Hospitals—transition care places  
(Question No 473)**

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

- (1) Did a joint press release issued by the Federal Minister for Ageing, the Hon Julie Bishop MP and yourself as the Minister for Health state that 'the ACT had been allocated 10 new transition care places for 2005, which would become operational as local services become ready'; if so, how long will it take for local services to be made ready to accommodate this allocation of beds from the Federal Government;
- (2) In which local facility or facilities is it likely these beds will be housed.

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

- (1) That is an accurate quote from the 22 July 2005 joint press release.

It is anticipated that the allocation of 10 new transition care places for 2005 will be operationalised from 1 October 2005. These will be community-based packages.

- (2) The 10 new transition care places for 2005 will be community-based packages in the first instance. A tender has recently been issued seeking a residential component of the program, and the location of those beds will not be known until completion of the tender process.

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**Aboriginal and Torres Strait Islander regional health plan  
(Question No 474)**

**Dr Foskey** asked the Minister for Health, upon notice, on 18 August 2005:

- (1) Given that the Aboriginal and Torres Strait Islander Regional Health Plan 2000-2004 has now expired, is the Government reviewing the effectiveness of the Plan; if not, why not; if so, who is involved in the review and what is the process;
- (2) Is the Government producing another Aboriginal and Torres Strait Islander Regional Health Plan for the future; if not, why not; if so, who is involved in the review and what is the process.

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

- (1) That the Government has recently developed a draft Aboriginal and Torres Strait Islander Health and Family Wellbeing Plan for 2005 to 2010. The Plan has been released for comment as a Consultation Draft, to all government departments and to key Aboriginal organisations.
- (2) The Plan was developed collaboratively by the Aboriginal and Torres Strait Islander Health Forum. The Health Forum comprises representatives of ACT Health, Winnunga Nimmityjah, and the Australian Government Office of Aboriginal and Torres Strait Islander Health. As part of the process of developing the Plan, the Health Forum reviewed the effectiveness of the previous Plan and identified areas to be addressed by the new Plan.

The new Plan will be updated to incorporate feedback received, and will be released following final approval from the Health Forum.

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**Office of Aboriginal and Torres Strait Islander Affairs  
(Question No 475)**

**Mrs Burke** asked the Chief Minister, upon notice, on 18 August 2005:

- (1) What plans, if any, are there to scale back the operations of the Office of Aboriginal and Torres Strait Islander Affairs within the Chief Minister's Department;
- (2) If there are plans to scale back the operations, how many staff will be transferred or offered redundancies as a result of reduction in staff members of the Unit.

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

(1) There are currently no plans to scale back the operations of the Office of Aboriginal and Torres Strait Islander Affairs within Chief Minister's Department. As part of the broad 5% cut across government agencies, announced in May this year, the Cabinet and Policy Group within Chief Minister's Department is undergoing organisational review. Specifically in Community Affairs, which includes the Office of Aboriginal and Torres Strait Islander Affairs, a review process over the next six months will examine organisational options to best support strong whole of government policy development.

(2) See above.

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### **Animals—product testing (Question No 476)**

**Mrs Burke** asked the Attorney-General, upon notice, on 18 August 2005:

Is there evidence to suggest the use of animals in testing of cosmetics and household products in the ACT; if so, what steps is the Government taking to eradicate the testing of products on animals in the ACT.

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

There is no evidence to suggest the use of animals in testing of cosmetics and household products in the ACT.

No organisation has applied for a licence or been registered in the ACT to use animals for the purpose of testing cosmetics and household products. The *Animal Welfare Act 1992* establishes licensing and authorisation requirements for the use of animals in the course of research and teaching activities.

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### **Housing—tenant rights (Question No 477)**

**Mrs Burke** asked the Attorney-General, upon notice, on 18 August 2005:

What steps are being taken to assist tenants in the ACT to extend their statutory rights to terminate leases, by following appropriate notice to vacate, without incurring liability or penalty for the remainder of a lease or part of a lease where a tenant (a) becomes unemployed or (b) is offered a public housing tenancy agreement.

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

General assistance to tenants in the ACT is provided through a number of avenues:

- the Tenants' Union of the ACT provides advice and legal assistance through the Tenants' Advice Service;
- the Residential Tenancies Tribunal provides a forum for the resolution of tenancy disputes;
- the Welfare Rights and Legal Centre also operates through the Tenants' Advice Service;

- the Legal Aid Commission offers free minor advice and assistance through the Legal Aid Offices in the ACT.

These bodies offer tenants assistance in understanding their statutory rights and obligations under the *Residential Tenancies Act 1997* and other associated legislation.

Tenants in the ACT can apply to the Residential Tenancies Tribunal to terminate a residential tenancy agreement on grounds of significant hardship under section 44 of the *Residential Tenancies Act 1997*.

The *Residential Tenancies Amendment Act 2005* was notified on 31 August 2005 and is yet to commence. Consultation was undertaken with stakeholders, including community tenancy organisations, in formulating amendments and the ability to terminate tenancy agreements beyond the scope of the current Act was not identified as a problem.

### **Housing—tenant advice service (Question No 478)**

**Mrs Burke** asked the Attorney-General, upon notice, on 18 August 2005:

- (1) What steps have been taken to consider forming a tenants' advice service in the ACT;
- (2) If a service has been established, where has funding been drawn from to operate the service.

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

There is currently a tenants' advice service in the ACT. It is funded from interest generated by the Office of Rental Bonds.

### **Finance—Treasurer's Advance (Question No 479)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 18 August 2005:

- (1) Of the \$10 million Treasurer's Advance, did \$896 000 remain to be spent by 30 June 2005 on fire safety works in Housing ACT multi unit properties; if so, was this spent; if not, why not;
- (2) Have the outstanding works been completed at (a) Booloominbah Court, (b) Ambara Court, (c) Ainslie Flats, (d) Northbourne Flats, (e) Stuart Flats, (f) Strathgordon Court, (g) Illawarra Court (first block) and (h) Griffith Flats;
- (3) Has the balance of works to occur at Illawarra Court, Kanangra, Gowrie, Allawah and Bega Courts commenced, as the new Total Facilities Management (TFM) contractor is known;
- (4) What are the new fire safety works arrangements and have they been agreed to between Housing ACT and the new TFM.



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

- (1) The Treasurer's Advance of \$10 million for fire safety works in Housing ACT multi unit properties was expended prior to 30 June 2005;
  - (2) The status of works is as follows:
    - (a) Booloominbah Court – minor structural works outstanding;
    - (b) Ambara Court – practical completion achieved;
    - (c) Ainslie Flats – completion due October 2005;
    - (d) Northbourne Flats (Braddon) – practical completion achieved;
    - (e) Stuart Flats – works in one unit outstanding;
    - (f) Strathgordon Court – electrical works complete;
    - (g) Illawarra Court (first block) – practical completion achieved;
    - (h) Griffith Flats – completion due September 2005
  - (3&4) Procurement for the balance of works at Illawarra Court has commenced. Planning and procurement for fire safety works at other multi unit properties is the subject of discussion between Housing ACT, the Total Facilities Manager and ACT Procurement Solutions.
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**Animals—de-sexing pets  
(Question No 480)**

**Mrs Burke** asked the Minister for Urban Services, upon notice, on 18 August 2005:

- (1) What steps are being taken to provide a differentiation between the registration costs of de-sexed and non-desexed cats and dogs;
- (2) What forms of financial incentive are to be considered to encourage domestic pet owners to de-sex a pet;
- (3) Is there any evidence of an increase in the number of de-sexed domestic pets being registered in the ACT; if so, what was the increase.

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

- (1) A person must not, without reasonable excuse keep a cat or a dog that has not been desexed unless the person is the holder of a permit under the *Domestic Animals Act 2000*. Owners of sexually entire dogs must obtain a permit that attracts a one off fee of \$267.90 or \$53.55 for concession holders. Whereas owners of de-sexed dogs are not required to obtain a permit.

There is no requirement to register cats in the Territory.

- (2) As above.
  - (3) The Domestic Animal Services database is not able to provide this information.
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### Health—meningococcal disease (Question No 481)

**Mr Smyth** asked the Minister for Health, upon notice, on 18 August 2005:

- (1) How many cases of meningococcal have been diagnosed in the ACT in (a) 2001-02, (b) 2002-03, (c) 2003-04, (d) 2004-05 and (c) 2005-06 to date;
- (2) Were there any deaths related to meningococcal in the ACT in (a) 2001-02, (b) 2002-03, (c) 2003-04, (d) 2004-05 and (c) 2005-06 to date.

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

- (1) Notifications received for confirmed cases of meningococcal disease to ACT Health in 2001-02, 2002-03, 2003-04, 2004-05 and 2005-06 (to date), are outlined in table 1 below.

**Table 1**

	Financial Year	Number of Meningococcal Disease Notifications
(a)	01/07/01 – 30/06/02	7
(b)	01/07/02 – 30/06/03	4
(c)	01/07/03 – 30/06/04	17
(d)	01/07/04 – 30/06/05	9
(e)	01/07/05 – 31/08/05 (present)	2
	<b>Total 01/07/01 – 31/08/05</b>	<b>39</b>

- (2) Notification of deaths reported to ACT Health as a result of meningococcal disease in 2001-02, 2002-03, 2003-04, 2004-05 and 2005-06 (to date) is outlined in table 2.

**Table 2**

	Financial Year	Number of Meningococcal Disease Deaths
(a)	01/07/01 – 30/06/02	0
(b)	01/07/02 – 30/06/03	1
(c)	01/07/03 – 30/06/04	1
(d)	01/07/04 – 30/06/05	0
(e)	01/07/05 – 31/08/05 (present)	0
	<b>Total 01/07/01 – 31/08/05</b>	<b>2</b>

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### Calvary Hospital—night staff (Question No 483)

**Mr Smyth** asked the Minister for Health, upon notice, on 18 August 2005:

- (1) What would be the normal process followed in assisting a patient who presents to the Emergency Department of Calvary Hospital at night time with a suspected ankle fracture;
- (2) Is it clinically acceptable for such a patient to be told to go home and return the following day for treatment as particular staff have gone home;
- (3) Why are there no staff available at night times to treat injuries like suspected fractures;

- (4) If there are no staff to treat suspected fractures at night time at Calvary Hospital, why don't staff at Calvary Hospital Emergency Department refer these patients to The Canberra Hospital Emergency Department or Canberra After Hours Locum Medical Service for treatment.

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

- (1) At Calvary Health Care ACT between the hours of 2230 and 0700 there is no on site Radiographer to perform x-rays that are not considered urgent. By urgent I mean that the x-ray (CT or U/S) is required to make or confirm a potentially life or limb threatening injury and it can not be postponed until after 0700.

In the case of a suspected ankle fracture, the patient's ankle is assessed for pulses, neurological intactness and degree of pain, deformity and swelling. If the ankle is suspected to be fractured with significant displacement of the fractured bones or dislocated then the x-ray staff are called in at the time to do the x-ray. If the ankle is not significantly swollen, deformed or painful and the foot is neurologically intact and the pulses are present then the patient may safely be discharged home with analgesia and asked to return to the ED the next day for x-ray.

In cases where there is a strong suspicion of a fracture but no deformity and pulses and neurology are all intact then the doctor may elect to place the lower limb in a back slab (half plaster) for pain relief until the x-ray is completed. The patient is still safe to go home.

- (2) Yes (see point 1.)
- (3) Calvary Health Care ACT provides routine on site radiological services from 0700 to 2230 hours and from 2230 to 0700 urgent cases are provided via an on-call arrangement. Radiological services are provided on an on-call only basis outside of the hours as demand is insufficient for 24 hour on-site services.
- (4) As detailed in point 1, it is safe to send these patients home. If the patient requires urgent x-rays then x-ray staff are called in at Calvary.

It is not necessary to transfer these non-urgent patients to TCH ED.

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### **Hospitals—waiting times (Question No 484)**

**Mr Smyth** asked the Minister for Health, upon notice, on 18 August 2005:

- (1) What would be the normal process followed in assisting a patient who is presented to the Emergency Department of The Canberra Hospital (TCH) by ambulance with serious blood disorders necessitating a hospital stay of several weeks;
- (2) Is it clinically acceptable for this patient to wait for over 30 hours to be admitted to a bed;
- (3) Is it acceptable practice for hospital staff not to clean or change a patient's clothes and bedding when they have wet themselves;

- (4) Are staff at the Emergency Department of TCH required to routinely check up on patients waiting for beds and treatment; if not, why not.

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

- (1) There are many types of blood disorders, not all of which are serious and without specific details, it is not possible to comment on the usual procedures for assessing patients with blood disorders. However, in general, patients with blood disorders will require initial assessment by the Emergency Department staff, blood tests and possibly other investigations, assessment by the haematology registrar and/or specialist and possible admission.
- (2) A wait of 30 hours is very unusual but during this time a patient would be undergoing the same clinical assessment by specialist staff, investigations and treatment as would occur if the patient were admitted to a ward. Deciding whether a patient requires admission can sometimes take several hours and may depend on the results of investigations, further delaying admission.
- (3) and (4) While patients are in the Emergency Department nursing staff provide a high level of ongoing nursing care including changing the patient's clothes and the bed linen if necessary. Delays may occur if the patient is unaware of a problem and has been unable to communicate this to the nursing staff. If specific details of the patient are provided this could be investigated further.

It is not possible to comment accurately on hypothetical medical cases without more information.

### **Hospitals—waiting times (Question No 485)**

**Mr Smyth** asked the Minister for Health, upon notice, on 18 August 2005:

- (1) If a person presented to the Emergency Department at The Canberra Hospital or Calvary Hospital with a broken arm that needed pinning and plastering, what would be the normal process that would be followed in assisting this patient;
- (2) Would it be acceptable for this patient to be sent away and told to come back four days later (for example, presents on Monday and told to come back Friday) for the injury to be treated;
- (3) Would it then be acceptable for this patient, when they return in four days still with a broken arm that has not been pinned or plastered, to sit in the waiting room from 9 am to 6 pm and be told at 6 pm that they could not be treated that day and then be told to come back three days later (for example, sat in the waiting room on Friday told to come back on Monday);
- (4) Is it acceptable for a person to wait a total of seven days, with a broken arm that requires pinning and plastering, before they receive treatment; if not, why not and why has this been allowed to happen recently;
- (5) Would such a patient have had to wait so long purely because a Bateman's Bay Hospital could not treat him and he was told to go to Canberra; if so, why are we making

Bateman's Bay patients wait seven days for what would be deemed emergency treatment; if not, why would a person be made to wait for seven days for emergency treatment.

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

(1) to (5) In general, fractures require fixation to reduce pain, to reduce damage to surrounding tissues and to allow the bone to heal in the correct position.

If a patient is not in much pain and the fracture is stable, there may be no urgency about fixation. Sometimes it is preferable to delay fixation to allow swelling to subside.

It is not possible to comment accurately on hypothetical medical cases without more information.

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### **School cleaners—complaints (Question No 487)**

**Mrs Dunne** asked the Minister for Education and Training, upon notice, on 18 August 2005:

Has the Minister received any complaints this calendar year, to date, regarding school cleaners; if so, (a) how many complaints have been received, (b) what were the nature of these complaints and (c) how has she responded; if not, what is she doing to monitor the situation with school cleaners given the problems previously experienced with contractors.

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

(1) My office has received no complaints this calendar year regarding school cleaners.

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### **Waste disposal (Question No 488)**

**Mrs Dunne** asked the Minister for Urban Services, upon notice, on 18 August 2005:

Did you state in a press statement issued on Monday 1 August that ACT NOWaste is also developing a number of other initiatives that target organic material to form an integrated waste management approach "for example, ACT NOWaste is currently working with its contractors to develop processes to target and extract green waste from mixed loads" and that "trials have already commenced on construction and demolition waste to remove and process green waste"; if so, what are the initiatives that you are working on, in addition to the said trial.

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

ACT NOWaste has been actively working on a number of initiatives to continually facilitate increased recovery and recycling of garden wastes and timber from mixed waste streams in addition to the trials being conducted at the Mugga Lane Landfill by the landfill sub-contractor. These initiatives include:

- facilitating the establishment of three skip waste recycling businesses at the Parkwood Road Recycling Estate;

- working with another two skip operators to set up sorting operations at Hume and Mugga Lane Landfill; and
- agreeing to the Mitchell Resource Management Centre contractor commencing a trial of skip waste sorting at that site in September 2005.

### **Transport—private bus drivers (Question No 491)**

**Mr Pratt** asked the Minister for Urban Services, upon notice, on 18 August 2005:

- (1) Further to a report on *ABC News Online*, 15 August, that a school bus driver returning from the NSW snowfields was charged with drink driving, how many ACTION bus drivers have been (a) randomly and (b) routinely breath tested during (i) 2001-02, (ii) 2002-03, (iii) 2003-04, (iv) 2004-05 and (v) 2005-06 to date;
- (2) How many private bus drivers have been (a) randomly and (b) routinely breath tested during (i) 2001-02, (ii) 2002-03, (iii) 2003-04, (iv) 2004-05 and (v) 2005-06 to date;
- (3) How many bus drivers in each of the years above have been (a) charged, (b) convicted, (c) suspended from duty or (d) dismissed as a result of a drink driving offence;
- (4) If no bus drivers have been routinely or randomly tested, why not.

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

- (1) While the drivers of public and private buses are required to submit to police breath testing in the same way as any other motorist in the ACT, the profession of drivers is not routinely recorded by ACT Policing. It is therefore not possible to provide data on this issue.
- (2) See response to question 1.
- (3) See response to question 1.
- (4) See response to question 1.

### **Roads—line markings (Question No 492)**

**Mr Pratt** asked the Minister for Urban Services, upon notice, on 18 August 2005:

- (1) Further to a report in *The Canberra Times*, Letters to the Editor "Thin White Lines" 15 August 2005, page 10 that ACT lane markings are confusing for some motorists, are there any differences between lane markings in the ACT and NSW; if so, what are those differences and why are they different;
- (2) Do all line markings in the ACT meet with Australian Standards; if not, why not;
- (3) Have there been any complaints recorded relating to the marking of road lanes in the ACT; if so, how many complaints have been received during (a) 2005-06 to date,

(b) 2004-05, (c) 2003-04, (d) 2002-03 and (e) 2001-02, and what were the nature of those complaints;

(4) Have any accidents occurred in the ACT as a result of lane markings being misinterpreted by drivers during the years listed in part (3); if so, how many and what was the nature of the misinterpretation;

(5) Have any reviews been conducted into lane marking procedures and guidelines across the ACT and in comparison with nearby jurisdictions in NSW; if so, what are those reviews and where can they be accessed; if not, why not.

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

(1) Generally there is no difference between the lane markings in the ACT and in NSW. Both the ACT and NSW follow the Australian Standards and RTA guidelines for all lane markings.

(2) Yes, all line markings in the ACT satisfy the Australian Standards. However, in some locations, minor variations are adopted to emphasise potential conflict points. For example the use of pavement markers in the ACT, to highlight line types especially during night times, is higher than other jurisdictions.

(3) It is not possible to report on complaints that relate to the markings of road lanes only.

(4) No information is available on the number of crashes that have occurred in the ACT as a result of lane markings being misinterpreted.

(5) Refer to (1) above. The Australian Standards are reviewed from time to time and the ACT, and other jurisdictions, contribute to these reviews and adopt any change over time.

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### **Environment and conservation—tree plantings (Question No 493)**

**Mr Pratt** asked the Minister for Urban Services, upon notice, on 18 August 2005:

(1) Further to a report in the *Canberra City News* 21 July, page 9 regarding the planting of 4000 trees throughout the ACT, where exactly will these trees be planted and how many will be planted in each location;

(2) What species will be planted and why have they been chosen;

(3) How many trees in total have been lost in the ACT as a result of (a) Gungahlin Drive Extension and (b) the January 2003 bushfires.

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

(1) The trees are located across two hundred locations (each containing on average 30 trees) within or adjacent to road corridors. The total number of trees corresponding to each road is:

**Urban Roads (associated with GDE project)**

Barton Highway	730
Belconnen Way	130
Coulter Drive	300
Federal Highway	30
Ginninderra Drive	760
Gundaroo Drive	120
Gungahlin Drive	185
Kingsford Smith Drive	320
Tuggeranong Parkway	470

**Rural Roads (associated with bushfire recovery)**

Boboyan Road	180
Brindabella Road	245
Coppins Crossing	35
Cotter Road	75
Paddy's River Road	215
Point Hut Crossing	25
Uriarra Road	185

**TOTAL** **4005**

Additionally, 18,700 fire-damaged plants including trees have been replanted throughout urban roads and urban parklands since the January 2003 bushfires.

(2) The following local native tree species have been used:

Casuarina cunninghmaniana  
 Eucalyptus blakeleyi  
 Eucalyptus bridgesiana  
 Eucalyptus mannifera  
 Eucalyptus melliodora  
 Eucalyptus polyanthemos  
 Eucalyptus rossii  
 Eucalyptus viminalis

The above has been selected for their suitability to local climate and soil conditions, and to reflect the local plant communities of which they form a part.

In areas considered vulnerable to fire, tree characteristics were considered in relation to fire spread and capacity to regenerate after a fire event. For sites of considerable ecological value, stock has been grown from locally sourced seed.

(3) (a) 8000 trees (trunk diameter >100 mm) were removed to facilitate the Gungahlin Drive Extension. A total number of 16,000 trees are to be planted either along the route of the GDE corridor or along main roads under the current tree planting project.

(b) Tree losses relating to the January 2003 bushfires within Department of Urban Services land management areas, such as Urban roads and parklands are estimated to be in the order of 13,000.



**Lollipop Childcare Centre—safety  
(Question No 494)**

**Mr Pratt** asked the Minister for Police and Emergency Services, upon notice, on 18 August 2005:

- (1) In relation to incidents of threat and violence against passers-by, including parents and children attending the nearby Lollipop Childcare Centre, in the vicinity of the needle exchange located at the Phillip Health Centre in Woden, how many such incidents have been reported during (a) 2001-02, (b) 2002-03, (c) 2003-04, (d) 2004-05 and (e) 2005-06 to date;
- (2) How many of these incidents have involved users of the needle exchange program at the health centre;
- (3) Have any of these incidents involved needle-stick injuries;
- (4) Does the Minister regard operating a needle exchange and disposal outlet in close proximity as a childcare centre as a safe and acceptable policy; if so, why;
- (5) What will the ACT Government do to ensure the safety of children and parents attending the Lollipop Childcare Centre who may be feeling threatened by users of the needle exchange.

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

- (1) A search was conducted of the Police database based on the parameters of common assault or threat to kill. No incidents were reported for the offence types at the Phillip Health Centre Woden and the Lollipop Childcare Centre during the requested reporting periods.
  - (2) No incidents were reported.
  - (3) No incidents were reported.
  - (4) I am advised by ACT Health that Needle and Syringe Programs (NSPs) operate in all states and territories in Australia. In the ACT, there are over 40 outlets including pharmacies and community health centres. While efforts are made not to locate outlets near childcare centres, particularly in town centres, some will be relatively close to childcare centres. The ACT Government has a Sharps Hotline service and a City Ranger will collect and dispose of inappropriately discarded needles and syringes 24 hours a day, seven days a week. Puncture proof disposal containers and safe disposal bins are located across the ACT. Two safe disposal bins are located outside Phillip Health Centre in Woden.
  - (5) ACT Policing takes all reports of disturbances and criminal activity seriously, especially those involving children, and will respond in accordance with established priorities. ACT Policing encourages people to report all incidents to police in order that they may gain as accurate a picture as possible of incidents occurring and effectively deploy resources.
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## Roads—alcohol and drug driving tests (Question No 495)

**Mr Pratt** asked the Minister for Police and Emergency Services, upon notice, on 18 August 2005:

- (1) Further to a report in The Canberra Times of 25 July entitled “ACT push for drug-driving tests”, page 1, how many motorists have been (a) tested, (b) arrested, (c) charged or (d) convicted for driving under the influence of drugs other than alcohol in the ACT during (i) 2001-02, (ii) 2002-03, (iii) 2003-04, (iv) 2004-05 and (v) 2005-06 to date;
- (2) How many motorists have been (a) tested, (b) arrested, (c) charged or (d) convicted for driving under the influence of alcohol in the ACT during (i) 2001-02, (ii) 2002-03, (iii) 2003-04, (iv) 2004-05 and (v) 2005-06 to date.

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

(1) (a)

	2001-02	2002-03	2003-04	2004-05	2005-06
Drug driving tests	8	3	2	3	0

*Source PROMIS as at 05 September 2005*

(b)

	2001-02	2002-03	2003-04	2004-05	2005-06
Drug driving arrests	2	2	3	1	0

*Source PROMIS as at 05 September 2005*

(c)

	2001-02	2002-03	2003-04	2004-05	2005-06
Drug driving charges (arrests)	2	2	3	1	0
Drug driving charges	8	3	1	3	0

*Source PROMIS as at 05 September 2005*

(d) The following statistics have been provided by the ACT Courts:

Financial Year	Convicted
2001 - 2002	793
2002 - 2003	903
2003 - 2004	1197
2004 - 2005	1088
2005 to date	153

*ACT Courts database is unable to differentiate between Alcohol and Drug convictions.*

Please note there are approximately 278 defendants who have had their matters adjourned pending the decision from the Supreme Court and now Court of Appeal on the gazzetting of the Alcolmeter issue. These matters have not been finalised.

(2) (a)

	2001-02	2002-03	2003-04	2004-05	2005-to date
Random/Targeted breath tests*	75176	76675	48332	46898	n/a

*Source: Traffic Operations*

*\* DOES NOT include post-accident testing*

*n/a ~ data not available*

(b)

	2001-02	2002-03	2003-04	2004-05	2005-to date
Drink driving arrests**	104	98	133	144	22

Source: PROMIS as at 05 September 2005

\*\* Includes arrests/charges from RBT, targeted testing and post-accident testing

(c)

	2001-02	2002-03	2003-04	2004-05	2005-to date
Drink driving charges**	1097	1429	1666	1288	197

Source: PROMIS as at 05 September 2005

\*\* Includes arrests/charges from RBT, targeted and post-accident testing

Please note as a result of quality assurance processes and manual data verification these figures may differ from previously reported information

Footnote – Traffic Operations is currently conducting an audit of records for 2001-02 and 2002-03. It is anticipated that this manual verification may result in a minor variation in results of 0-5%. Any variation in final results will be reported at the conclusion of this review.

(d) Please refer to the answer to question 1(d).

### **Bushfires—hazard reduction (Question No 496)**

**Mr Pratt** asked the Minister for Police and Emergency Services, upon notice, on 18 August 2005:

- (1) Further to a report in the *Canberra City News*, 21 July 2005 entitled “Lessening the risk of bushfires” page 9, where specifically did the 18 hazard reduction burns totalling 628 hectares take place and on what date were they conducted;
- (2) Of the 198 hectares of the ACT’s Urban Edge that had extensive physical removal undertaken, in what locations were these operations conducted and when;
- (3) Of the 3 577 hectares mown or slashed, in what locations were these operations conducted and when;
- (4) Of the 5 677 hectares of non-sensitive land that was grazed, in what locations and when were these operations conducted and was there a significant reduction in bushfire fuel as a result of the operation;
- (5) Does the ACT Government consider the grazing of non-sensitive land an efficient method for fire fuel hazard reduction; if not, why not;
- (6) Will the ACT Government continue with each and all of the above fire fuel hazard reductions in the future; if not, why not.

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

- (1) I am not prepared to provide the level of detail of the timing and location of the 18 Hazard Reduction burns described in the article. Nevertheless, I will provide a break up

of the hazard reduction burning that was undertaken between 1 July 2004 and 30 June 2005:

- a. Eight of the burns were on lands managed by Environment ACT, totalling an area of 207 hectares, with three occurring on Black Mountain and the remainder within the areas of McArthur Hills, Wanniasa Hills, Red Hill, Mt Painter and Boboyan Pines;
  - b. Two of the burns were on lands managed by the ACT Planning and Land Authority, totalling an area of seven hectares within the areas of Bruce and Urambi Hills;
  - c. Three of the burns were on lands managed by Canberra Urban Parks, totalling an area of 16 hectares within the areas of O'Connor, Oxley Hill and Calwell Hill; and
  - d. Five of the burns were undertaken by ACT Forests, totalling an area of 398 hectares, for the removal of burnt pines in Stromlo, Uriarra and Pierces Creek.
- (2) I am not prepared to authorise the use of the very considerable resources that would be involved in providing the detailed information required to answer the Member's question.
  - (3) I am not prepared to authorise the use of the very considerable resources that would be involved in providing the detailed information required to answer the Member's question.
  - (4) I am not prepared to authorise the use of the very considerable resources that would be involved in providing the detailed information required to answer the Member's question.
  - (5) Yes, the ACT does support the use of grazing as an effective technique for the management of bushfire fuels
  - (6) Yes, the ACT Government will continue to undertake the management of bushfire fuels using the techniques described in these questions

### **Crime—drink spiking (Question No 497)**

**Mr Pratt** asked the Minister for Police and Emergency Services, upon notice, on 18 August 2005:

- (1) Further to claims reported in Victoria of drink spiking utilising a sterilisation agent called Progesterex, have any incidents of such drink spiking been recorded or reported in the ACT; if so, on how many occasions and where and when did these incidents occur;
- (2) Have there been any reports or record of Progesterex being mixed in with Rohypnol in relation to any of the above reports;
- (3) Have any charges been laid for drink spiking using Progesterex in the ACT the last 4 years; if so, how many in each year have been recorded;
- (4) What is the ACT Government currently doing to warn the ACT community of the dangers, of drink spiking (a) in general and (b) using Progesterex.

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

- (1) No incidents have been reported.

- (2) No incidents have been recorded of either Rohypnol or Progesterex being used in the ACT.
- (3) No charges have been laid for drink spiking specific offences using Progesterex in the ACT.
- (4) ACT Policing established Operation Skeet in 2000 as a result of intelligence analysis indicating an emerging trend in ecstasy distribution and use throughout ACT nightclubs and dance parties. Stemming from this was the identification of a growing trend within the nightclub scene of 'drink spiking'.

The project contributes to Outcome 1 and 2 of the ACT Policing (ACTP) Purchase Agreement, with the primary objectives being: to identify the scope of ecstasy use and incidents of drink spiking in the ACT and implement harm minimisation strategies to reduce the risk to the ACT Community, identify and engage the support of the stakeholders in the interest of the project, and educate the stakeholders in concerns/issues of the use of ecstasy in the ACT.

Operation Skeet is a long-term, ongoing operation including criminal investigations and the distribution and implementation of education packages. An education program was designed to target street level users, and young adults generally associated with the dance party scene. The aim of the package is to educate target groups of associated risks involved with ecstasy use, and to educate target groups attending dance parties and nightclubs, of associated risks relating to incidents of drug facilitated sexual assault.

It consists of posters, pamphlets, cards and stickers. To date the package has been distributed throughout the ACT to schools, businesses, social and welfare groups and universities, and to all police jurisdictions within Australia. A module for the AFP drug education resource 'Making the Difference' has been prepared for use by Community Policing members.

Operation Skeet has been widely promoted by the AFP through the Intergovernmental Committee on Drugs (IGCD), National Police Drug and Alcohol Coordinators Committee (NPDACC) and other forum as an innovative drug law enforcement initiative regarding both the use of amphetamine type stimulants and drink spiking. Other police services have shown interest in the package and information has been widely disseminated amongst law enforcement and health agencies.

The Ministerial Council on Drug Strategy has also funded research under the Cost Shared Funding Model in a two stage project. The Australian Institute of Criminology completed stage one of the project which produced the research report National Project on Drink Spiking: Investigating the nature and extent of drink spiking in Australia. In response to this report, State and Territory Governments have agreed to review their criminal offences, in terms of the applicability to different forms of drink spiking and appropriate maximum penalties. The Standing Committee of Attorneys General has referred this issue to the Model Criminal Code Officers' Committee.

An advertising company has been commissioned with stage two of the project. They are developing awareness raising packages for the police, sexual assault counsellors, hospital emergency staff and the liquor industry. The packages will consist of posters, manuals, information cards and DVDs, and distributed nationally.

**Crime—car re-birthing  
(Question No 498)**

**Mr Pratt** asked the Minister for Police and Emergency Services, upon notice, on 18 August 2005:

- (1) How many incidents of car re-birthing have been identified in the ACT during (a) 2001-02, (b) 2002-03, (c) 2003-04 and (d) 2004-05;
- (2) How many offences have been recorded for car re-birthing in the ACT during each of the years listed in part (1);
- (3) How many charges or convictions have there been for car re-birthing in each of the years listed in part (1).

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

- (1) The term 'car re-birthing' is an anecdotal reference to the re-identification of stolen motor vehicles. Car re-birthing may involve the commission of numerous offences dependant on the circumstances of particular incidents. There is no specific offence category of 'car re-birthing'. In recent months however, ACT Policing's collegiate response incorporating ACT Road User Services, NSW Road Traffic Authority and state police jurisdictions has resulted in two arrests and the seizure of five vehicles for related offence types.
- (2) Refer to the answer to question 1.
- (3) Refer to the answer to question 1.

**Policing—Civic  
(Question No 499)**

**Mr Pratt** asked the Minister for Police and Emergency Services, upon notice, on 18 August 2005:

- (1) On how many occasions were the 15 CCTV cameras in Civic (a) not operational or in need of repair, (b) not being monitored and (c) unable to have data or vision retrieved during (i) 2001-02, (ii) 2002-03, (iii) 2003-04, (iv) 2004-05 and (v) 2005-06 to date;
- (2) What is the explanation in each case for the failure to monitor CCTV cameras, inability to retrieve data or vision, and/or the cameras not being operational;
- (3) Do any persons other than police ever monitor the CCTV cameras; if so, who undertakes this task;
- (4) Are the cameras monitored in "real time" or are they reviewed at a later date; if so, (a) how, (b) when, (c) where and (d) by whom;
- (5) What is the longest period of time that any camera has been non-operational, what camera was this and when;

- (6) Are the same rigorous testing procedures that are applied to speed cameras also applied to CCTV cameras; if not, why not;
- (7) Is the data or vision from CCTV cameras retrieved by an independent operator other than police, or are police themselves able to access and download vision from CCTV cameras in the first instance.

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

- (1) It is too resource intensive to obtain this information, however the Chief Minister's Department in conjunction with ACT Policing, is currently undertaking a full review of issues surrounding CCTVs in Civic. Please note that of the 15 cameras, 12 are operational at this time. While cameras 9, 10 and 11 are out of service, it is anticipated that camera 11 will be operational before the end of September.

Regarding the issue of monitoring in particular, no police personnel are dedicated to the full time monitoring of the CCTVs as this is conducted on an operational needs basis

- (2) As with the response for question one in relation to the monitoring of the CCTVs, there is a review underway and a response cannot be provided at this time.
- (3) The Code of Practice permits staff of the Australian Federal Police to operate the CCTV system. This may include non-sworn staff. All personnel who operate the system must have the approval of the designated 'Manager' of the Civic Safety Camera System. The appointed manager is currently the ACT Policing Superintendent of North District.
- (4) The Civic Safety Camera System is monitored on an operational needs basis, for example during major events such as New Years Eve and Summernats. At other times, it may be used reactively by ACT Policing to assist in the response to, or investigation of incidents or offences. If video is required for review, this will occur within the confines of the City Police Station. Several ACT Policing staff members are trained to access, retrieve and review this video.
- (5) In November 2003, camera 10 (located on the Bunda Street footpath opposite Garema Arcade) was removed by building contractors undertaking construction works in this area. To date, camera 10 remains out of service.
- (6) The 'testing procedures' applied to speed cameras in the ACT, occur in accordance with the Road Transport Act 1999 and in particular, the Road Transport (Safety and Traffic Management) Regulation 2000. Section 104 articulates how often, by whom and the general specifications involved with regards to the testing and measurement of traffic offence detection devices. Similar legislative provisions do not apply to CCTVs.
- (7) See responses 3 to 4.

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**Emergency Services Authority—funding  
(Question No 500)**

**Mr Pratt** asked the Treasurer, upon notice, on 23 August 2005:

- (1) In relation to the provision of \$5.449 million of additional funds to the Emergency Services Authority during 2004-05, when did the Government receive advice from the Authority of the need for additional funding of \$5.449 million;
- (2) What were the components of the additional funding that were sought by the Authority for (a) general insurance premium, (b) Comcare premium, (c) overtime costs for ACT Fire Brigade, (d) security upgrade at the Authority's headquarters, (e) implementing the Strategic Bushfire Management Plan, (f) costs associated with the January 2003 Coronial inquiry, (g) costs associated with ACT Emergency Service medals, (h) additional establishment costs, (i) indexation for salaries, (j) additional media resources, (k) other salaries and wages and (l) any other matters;
- (3) Why, and for what specific purposes, were three requests for (a) \$1.271 million, (b) \$2.089 million and (c) \$2.089 million made for the additional funding of \$5.449 million;
- (4) Why was the first request for \$2.089 million dated 3 June 2005 and the relevant Direction 2004-05/8 dated 14 June 2005;
- (5) Why was the second request for \$2.089 million dated 20 June 2005 and the relevant Direction 2004-05/10 dated 27 June 2005;
- (6) Why were there two requests for an identical amount of \$2.089 million;
- (7) Was an evaluation undertaken of each of the requests for additional funding from the Authority; if not, why not;
- (8) If an evaluation of these requests was made, what did those evaluations reveal;
- (9) Were all the additional funds sought by the Authority to be spent during 2004-05; if so, were all these funds committed or spent by 30 June 2005; if not, why not;

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

- (1) The Commissioner of the Emergency Services Authority wrote to the Under Treasurer on 20 May 2005 requesting funding from Treasurer's Advance;
- (2) The Authority requested funding from Treasurer's Advance for salaries and administrative expenditure because of the following unforeseen expenditure during 2004-05:
  - (a) general insurance premium (\$0.370m);
  - (b) Comcare premium (\$0.400m);
  - (c) overtime costs for the ACT Fire Brigade (\$0.932m);
  - (d) security upgrade at the Authority's headquarters (\$0.170m);
  - (e) implementing the Strategic Bushfire Management Plan (\$0.250m);
  - (f) costs associated with the January 2003 Coronial inquiry (\$0.272m);
  - (g) costs associated with ACT Emergency Service medals (\$0.189m);
  - (h) additional establishment costs (\$0.566m);
  - (i) indexation for salaries (\$0.060m);



- (j) additional media resources (\$0.112m); and
  - (k) other salaries and wages (\$2.128m).
- (3) The Authority requested additional funding of \$5.449 million for the period up to 30 June 2005. This period covered three cash disbursement dates, 31 May 2005, 14 June 2005 and 28 June 2005. Rather than provide the whole amount in one instalment, Treasury requested the Authority to cash manage its funding and submit funding requests according to its needs at each cash disbursement date. Based on individual requests, Treasury provided additional funding of \$1.271m, \$2.089m and \$2.089m for salaries and administrative expenditure on 31 May 2005, 14 June 2005 and 28 June 2005 respectively;
  - (4) 3 June 2005 was the date Treasury commenced processing the request. 14 June 2005 was the date the instrument number 2004-05/8 was signed by the delegate. The cash disbursement to the Authority was made later that day;
  - (5) 20 June 2005 was the date Treasury commenced processing the request. 27 June 2005 was the date the instrument number 2004-05/8 was signed by the delegate. The cash disbursement to the Authority was made 28 June 2005;
  - (6) For the cash disbursement date of 14 June 2005 the Authority requested \$2.329 million, but Treasury provided \$2.089 million after evaluation of the Authority's cash position and projected payments. For the cash disbursement date of 28 June 2005 the Authority requested \$2.089 million and was provided the same amount;
  - (7) Each funding request was evaluated separately;
  - (8) Evaluation of the requests revealed that the Authority did not have sufficient funds to meet its normal operational expenditure;
  - (9) The Authority advises that all additional funds it sought in 2004-05 were spent by 30 June 2005. The main reason the Treasurer's Advance request was dealt with in three stages was to ensure that no more cash was provided to the Authority than needed.
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### **Motor vehicles—registrations (Question No 501)**

**Mr Pratt** asked the Treasurer, upon notice, on 23 August 2005:

- (1) In relation to the reduction in revenue of \$1.6m in motor vehicle registrations and transfers as reported in the June 2005 interim quarterly report, how much of the \$1.6m was attributed to the drop in (a) motor vehicle registrations and (b) transfers;
- (2) What was the reason for the drop in (a) motor vehicle registrations and (b) transfers.

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

- (1) Financial information on the stamp duty applied to new motor vehicle registrations and transfers is recorded and budgeted as a single line item. It is not feasible to separate the \$1.6m decrease between the estimate recorded in the 2005-06 Budget papers and the June interim outcome into the two elements.

- (2) The original budget for Motor Vehicle Registration and Transfers was \$24.858m. The estimate was increased for the estimated outcome for 2004-05 to reflect a base change that flowed through from a higher than expected outcome in the previous year, as it was considered at the time, likely to continue in 2004-05. The market did not, however, experience the forecast continued growth, resulting in the \$1.6m underachievement when compared to the estimated outcome.
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**ACTION buses—bike racks  
(Question No 502)**

**Mr Pratt** asked the Minister for Planning, upon notice, on 23 August 2005:

- (1) On how many ACTION buses will bike racks be installed and how many have been installed to date;
- (2) What will be the total cost for the installation of the bike racks;
- (3) When will the bike rack installation project be completed;
- (4) What is the annual ongoing cost of maintaining the bike racks;
- (5) Is the passenger accompanying the bike or the bus driver responsible for fitting the bikes onto the racks;
- (6) What training requirements must be met for (a) drivers and (b) passengers to be proficient in the loading of the bikes and how long on average must they be in front of the bus to load a bike successfully;
- (7) How many bikes does each bike rack hold;
- (8) If the bike racks are full, will additional bike-wielding passengers be allowed to load their bikes inside the bus; if not, why not, and is the passenger then turned away from boarding the bus if the bike rack is full;
- (9) Were there any problems found during the trial of the racks; if so, what were these problems and have these problems or potential problems been addressed or rectified; if not, why not;
- (10) Does the 'overhang' of the racks together with the extended effective length of the bus cause any problems for the safety of pedestrians, motorists or cyclists; if so, what are those problems;
- (11) Do buses that have the racks installed have any problems navigating smaller roundabouts or bus bays due to the extended effective length of the buses;
- (12) Have there been any complaints from drivers concerned about the safety of the racks; if so, what has been the nature of the concerns raised and what has been done to address them;
- (13) Have there been any incidents to date where passengers, pedestrians or drivers have been injured by the racks or have been in a collision with the racks; if so, what is the detail of these incidents, including (a) when they occurred, (b) what was the nature of

the collision, (c) who was found to be at fault and (d) have ACTION been subject to any insurance claims as a result of such incidents;

- (14) Has the Occupational Health and Safety (OH&S) officers of ACTION or any other similar representative body expressed concerns about these bike racks; if so, what are those concerns and have the bike racks since been given OH&S approval; if not, why not.

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

- (1) 65; 4 installed.
  - (2) Budget allocation of \$345,000 for bike racks, installation, public education/awareness campaign and training.
  - (3) Proposed to complete implementation process: November 2005.
  - (4) Any costs will be incorporated in the ongoing vehicle maintenance regime.
  - (5) It is the responsibility of the bike owner/rider to stow and un-stow the bike rack and to mount and dismount bikes.
  - (6) (a) Drivers –education/awareness program will be provided. The program will cover the use of the bike rack, practical demonstration, hand out of literature outlining ACTION's usage policy and a Q&A session where all drivers' questions about the use of the racks will be answered.  
  
(b) Passenger bike owner/rider – education/awareness program will be provided.
  - (7) 2.
  - (8) No, if the bike rack is full bikes will not be allowed inside the bus due to safety issues. If the bike rack is full the passenger bike owner/rider has the option of waiting for the next bus. As all bike racks will be installed on the Intertown 300 series, the waiting period would be approximately 6 minutes during peak hours.
  - (9) No.
  - (10) When the rack is in the down position with bikes fitted it will be necessary for drivers to make allowances for the extra length of the bus.
  - (11) See response (10)
  - (12) Driver TWU delegates and OH&S representatives conducted route audits, in non-operational and operational conditions, with two buses fitted with bike racks and bicycles. Issues raised by these groups have been addressed by ACTION.
  - (13) No.
  - (14) See response (12).
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**Crime—graffiti incidents  
(Question No 503)**

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

- (1) How (a) much has the ACT Government spent on graffiti removal, (b) many reports of graffiti vandalism were received, (c) many graffiti incidents were cleaned up within 24 hours of being reported and (d) many offenders have been (i) caught, (ii) charged and (iii) penalised or prosecuted for graffiti related offences, for the period 1 January to 30 June 2005;
- (2) What was the average penalty given for graffiti offences for the period 1 January to 30 June 2005;
- (3) How many (a) graffiti offenders have been successfully rehabilitated through diversionary art programs, (b) participants have there been in these diversionary art programs over the last three financial years and (c) people charged, cautioned or otherwise with graffiti offences have previously participated in diversionary art programs.

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

1.  
**For the period 1 January to 30 June 2005,**
    - a) \$458,625
    - b) 4,895
    - c) The graffiti removal contracts for government assets require most areas to be inspected weekly. Graffiti with offensive words or messages must be removed within 24 hours of observation or notification. All other graffiti must be removed within 3 days. Although less than 2% of the reported graffiti is offensive, more than 80% of **all** reported graffiti incidents are removed within 24 hours. The remainder, with the odd exception is removed within 3 days. The contracts require at least 95% compliance. This is being achieved.
    - d) The Department of Urban Services does not keep this information.
  2. The Department of Urban Services does not keep this information.
  3.
    - a) The programs have been a successful diversionary measure for the majority of participants. This was evident in their interest to learn art skills, the increasing pride they took in learning to draw and creating their artworks, increased social confidence, increased skills, motivation to continue on to learn other art skills in a formal context and participation in public murals where they adjusted their styles as needed.
    - b) The first such courses occurred in 2004. There have been two courses in 2004/05. Thirty-two young people attended these workshops. Subsequent workshops have been run by ReLink, a service of the Police and Citizen's Youth Club, and they have maintained a regular attendance of between six – ten participants for each course.
    - c) The Department of Urban Services does not keep this information.
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**Roads—black spot programs  
(Question No 504)**

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

- (1) In relation to the additional Commonwealth funding of \$75 700 received for the Road Safety Black Spot Program and \$15 700 received for the Interstate Road Transport Program as adjusted for the 2004-05 appropriation and approved by the Treasurer on 29 June 2005, what was/is this additional funding for each program to be used for and what is the breakdown of program expenditures within the additional funding;
- (2) When will these programs be fully expended and does the Minister expect ongoing Commonwealth funding for the continuation of any of these programs; if so, what ongoing funding will be provided and which programs will continue under this funding.

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

- (1) No overall increase was received in the ACT Black Spot Road Safety (BSP) funding from the Commonwealth in 2004/05. The \$75,700 was an adjustment in appropriation approved by the Treasurer to accommodate authorisation for work commenced during 2004/05 and completed in 2005/06 financial years.

With regard to the additional \$15,700 received for the Interstate Road Transport Program (IRT), this funding was used for the Heavy Vehicle Route maintenance program.

- (2) The 2004/05 funding allocation for both programs is fully expended. It is a matter for the Commonwealth Government to determine whether these programs continue.

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**Disasters—mitigation funding  
(Question No 505)**

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

- (1) In relation to the \$762 200 received in Commonwealth funding for the Natural Disaster Mitigation Program as adjusted for the 2004-05 appropriation and approved by the Treasurer on 29 June 2005, what was/is this funding to be used for and what is the breakdown of program expenditures within the \$762 200;
- (2) When will these programs be fully expended and does the Minister expect ongoing Commonwealth funding for the continuation of any of these programs; if so, what ongoing funding will be provided and which programs will continue under this funding.

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

- (1) The Natural Disaster Mitigation Programme (NDMP) is a national programme aimed at identifying and addressing natural disaster risk priorities across the Nation. The Department of Urban Services has undertaken activities through this programme to reduce the affect of bushfires in the following areas:

- a. Structural works along the urban edge that mitigate the severity of damage and intensity of bushfires on life and property include: removing impediments such as rocks, stumps and vegetation to improve fuel reduction mowing and access; and the removal of trees, vegetation and the construction of new mineral earth breaks/fire trails to improve property protection. NDMP funding \$145,000.
  - b. Mount Franklin Road is a strategic road for bushfire fighting along the western border of the ACT. Mitigation activities along this road include: clearing roadside vegetation to improve access, fire fighting capabilities and widen the area as a strategic fuel break, and undertaking a engineering and environmental review on providing float and dozer access found to be deficient during the January 2003 bushfires. NDMP funding \$577,598.
  - c. Initial data collection to support the development of Geographic Information Systems (GIS) fuel dynamics and fuel load models for the ACT. NDMP funding \$39,621.
- (2) The funding available for 2004-05 will be expended by the beginning of October 2005 after receiving agreement from the Commonwealth Government for an extension of time. The National Disaster Mitigation Programme is an ongoing programme and is coordinated by the ACT Emergency Services Authority on behalf of the Territory.

### **Trail bikes—incidents and charges (Question No 506)**

**Mr Pratt** asked the Minister for Police and Emergency Services, upon notice, on 23 August 2005:

- (1) Further to a media release of 16 August 2005 entitled Police act on trail bike reports, of the 36 large capacity trail bike riders that have been charged or cautioned in the North Belconnen area in the last 12 months, how many of those were actually charged;
- (2) How many riders have been (a) charged and (b) cautioned in the last three months;
- (3) Of the riders that have been charged over the last year, what (a) were they charged with and (b) penalties did they receive;
- (4) Have any offenders been cautioned or charged on more than one occasion;
- (5) Were the parents of those riders that were cautioned informed of the cautioning process if they were minors; if not, why not;
- (6) How many of the riders were found to be riding without a helmet;
- (7) How many trail bike riders have been (a) charged and (b) cautioned in the ACT over the last 12 months;
- (8) Of those charged or cautioned in over the last 12 months, (a) in what suburbs and (b) when did the offences take place;

- (9) How many patrols have been dispatched to the North Belconnen area to target dangerous trail bike riders over the last 12 months;
- (10) How many reports from residents have the police received in the last (a) three and (b) 12 months relating to trail bike riders in (i) North Belconnen and (ii) other areas of the ACT;
- (11) How many trail bikes have been confiscated in relation to any offences in the last (a) three and (b) 12 months in (i) North Belconnen and (ii) other areas of the ACT.

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

- (1) The media release of 16 August referred to a discreet 12-month period in which ACT police had actively targeted one geographic region of the ACT and achieved good results.

In relation to the Member's other questions ACT Policing advises me that there is no specific offence category that relates only to trail bike riders for reporting purposes and that trial bike riders may be involved in the commission of numerous offences dependant on the circumstances of particular incidents.

I am further advised that the identification of incidents and offences involving only trail bike riders would require considerable manual data extraction and examination of individual records. Undertaking such a task would require the commitment of a significant amount of police resources for a protracted period. Given this advice from ACT Policing, I am not prepared to authorise the diversion of police resources from important policing duties to answer the Member's questions.

- (2) Refer to the answer to Question 1.
  - (3) Refer to the answer to Question 1.
  - (4) Refer to the answer to Question 1.
  - (5) ACT Policing's response to incidents involving children and young persons is in accordance with the legislative requirements of the *Children and Young People Act 1999* and ACT Policing's Children and Young People Practical Guide. To identify incidents involving children and young persons riding trailbikes is too resource intensive as identified in the answer to Question 1.
  - (6) Refer to the answer to Question 1.
  - (7) Refer to the answer to Question 1.
  - (8) Refer to the answer to Question 1.
  - (9) Refer to the answer to Question 1.
  - (10) Refer to the answer to Question 1.
  - (11) Refer to the answer to Question 1.
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### Hospitals—paediatricians (Question No 508)

**Mr Smyth** asked the Minister for Health, upon notice, on 23 August 2005:

- (1) How many paediatricians currently practise in the ACT and how many of these are based in the ACT;
- (2) How many paediatricians based in the ACT specialise in other areas of paediatric medicine for example, paediatric haematology, paediatric gastro-enterology and what are their specialties;
- (3) How many paediatric surgeons currently practise in the ACT and how many of these are based in the ACT.

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

- (1) The total number of Paediatricians currently practising at The Canberra Hospital (TCH) is 21.

The total number of Paediatricians currently practising at Community Health (CH) is five.

The total number of Paediatricians currently practising at Calvary Health Care ACT (CHC) is five.

The total number of Paediatricians based in the ACT is 15.

The total number of Neonatologists currently practising at TCH is three. The total number of Neonatologists based in the ACT is three.

- (2) Paediatric sub-specialties based in the ACT are as follows:

Paediatric Respiratory	2
Paediatric Gastroenterology	1
Paediatric Endocrinology	1
Paediatric Epilepsy	1
Developmental Medicine	5
Child Protection	1

Adult Physicians who provide further Paediatric Specialist services for children at PatCH (Paediatrics at The Canberra Hospital) are as follows:

Paediatric Immunology	2
Paediatric Renal Medicine	1
Adolescent Diabetes	1
Paediatric Rheumatology	1

- (3) The total number of Paediatric surgeons currently practicing at TCH is three.



The total number of Paediatric surgeons currently practicing at CHC is one, however the doctor rarely works at CHC.

The total number of Paediatric surgeons based in the ACT is three.

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### **Hospitals—psychiatric units (Question No 509)**

**Mr Smyth** asked the Minister for Health, upon notice, on 23 August 2005:

Did the 2004-05 March Quarter Capital Works progress report state that ‘ACT health is anticipating the completion of the Extension of Psychiatric Unit during the final quarter of 2004-05’; if so, has the extension of the PSU been completed; if so, when was it completed and was the project to budget; if not, (a) why has it not been completed, (b) what is the expected completion date and (c) is the project running to budget.

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

ACT Health was confident that the construction program at the time would result in the project being complete by the end of the final quarter of 2004-05. The project experienced some delays and completion was achieved at the end of July 2005. The project was completed with a budget overrun of \$80,000. This was due in part to the overheated construction market, the difficult nature of working in an occupied site whilst maintaining bed numbers and design and construction issues related to the installation of fire sprinklers to patient areas.

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### **Capital works—project funding (Question No 510)**

**Mr Smyth** asked the Minister for Health, upon notice, on 23 August 2005:

- (1) Why was there nil expenditure on the (a) Bush Healing Centre and the (b) New Psychiatric Forensic Centre projects funded in the capital works budget, listed under ‘Financial and Economic Business Case’, as at the end of the March Quarter;
- (2) What, if any, funding had been expended on these two projects as at the end of the 2004-05 financial year;
- (3) When will these two projects be completed.

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

- (1) The Bush Healing Centre feasibility study was underway at this time, however no invoices had been recorded against this project funding. It is unclear which project the member is referring to in (b) above, however the 3 mental health related feasibility studies (Crisis Assessment and Treatment Team, New Psychiatric Secure Unit and Adolescent Mental Health Services Infrastructure Plan) are being undertaken by the same consultant.

- (2) At the end of the 2004-05 financial year, \$85,000 had been expended on the Bush Healing Centre and \$50,000 had been recorded against the Adolescent Mental Health Services Infrastructure Plan.
  - (3) The Bush Healing Centre report will be completed in October 2005. The 3 Mental Health Reports are expected to be completed in October 2005.
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**Capital works—feasibility studies  
(Question No 511)**

**Mr Smyth** asked the Minister for Health, upon notice, on 23 August 2005:

- (1) What is the purpose of the 'Crisis Assessment and Treatment Team – Feasibility Study' as funded in the Capital Works budget;
- (2) Why as at the end of the March Quarter had there been nil expenditure on this project;
- (3) What was the (a) status of this project and (b) total amount of expenditure on this project as at the end of the 2004-05;
- (4) Was there an outstanding authorisation; if so, what was the total;
- (5) Has this feasibility study been completed; if so, when and what did it reveal; if not, why not, and when will it be completed.

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

- (1) To establish the most cost effective arrangements for providing mental health crisis services, including accommodation arrangements.
  - (2) This project was one of three projects (plus New Psychiatric Secure Unit and Adolescent Mental Health Services Infrastructure Plan) which are being undertaken by the same consultant. Work started late in 2004 and at the time of reporting, no expenditure had been recorded against this project funding allocation.
  - (3) This project has been undertaken by external consultants and is progressing. A final report is expected to be provided by the end of September 2005. It is expected that expenditure will be recorded against the project in the 1<sup>st</sup> Quarter of 2005-06.
  - (4) The balance of funding unexpended on the project at the end of the 2004-05 year was \$100,000.
  - (5) No. The study is considering a number of complex issues related to the provision of various mental health services. The consultants are progressing the study, with the report to be finalised in September 2005.
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**Capital works—projects  
(Question No 512)**

**Mr Smyth** asked the Minister for Health, upon notice, on 23 August 2005:

- (1) Did the 2004-05 March Quarter Capital Works progress report show that the \$70 000 allocated to the 'Mental Health Forensic Centre' had been expended; if so, will the Minister release the financial and economic business case prepared for this expenditure; if not, why not.
- (2) Will the Minister provide copies to MLAs; if so, when.

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

- (1) The funds were expended against the project.
  - (2) Consideration will be given to public discussion of this Feasibility Plan upon completion.
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**Capital works—projects  
(Question No 513)**

**Mr Smyth** asked the Minister for Health, upon notice, on 23 August 2005:

- (1) What is the status of the 'Renal Dialysis Satellite – Northside' capital works project, as listed in the 2004-05 March Quarter Capital Works progress report;
- (2) Why does it appear that funding has been withdrawn for this project;
- (3) Why was money allocated to this project in the first instance;
- (4) What will be the impact of withdrawing funding for this project;
- (5) Will this project be funded in the future; if not, why not.

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

- (1) This project was cancelled and the funds returned to Government as the service will be provided by a private sector operator and government capital funds are no longer required.
- (2) Funding for capital works was withdrawn due to an alternative solution to providing the Renal Dialysis Satellite being provided.
- (3) ACT Health was undertaking a tender process to seek to establish and operate a Privately Operated Satellite Haemodialysis Centre on the Northside of Canberra. At the stage when the capital funds were allocated, it was unclear whether this tender process would yield a successful result. Capital funding was provided to ensure the facility would be built by ACT Health if a suitable facility was not able to be provided via the private sector.

- (4) There will be no adverse impact of withdrawing funding for this project. A contract was awarded by ACT Health to Fresenius Medical Care Australia Pty Ltd in August 2005. It will provide for 13 dialysis beds and be located in an underutilized building on the Calvary Hospital site. A \$1M 'owner/operator' refurbishment program is currently underway of this facility and has an anticipated completion date of late November 2005. It is expected that patients will be able to receive treatment from this new facility prior to Christmas.
- (5) No new capital funding for this project will be required as the service has been provided by alternative means.

### **Aboriginals and Torres Strait Islanders—partnership plan (Question No 514)**

**Mrs Burke** asked the Minister for Arts, Heritage and Indigenous Affairs, upon notice, on 23 August 2005:

- (1) What evidence is there to suggest that progress has been made by the ACT Government to formulate an ACT Indigenous Partnership Plan with the Indigenous community in the ACT;
- (2) If the ACT Government plan has not been formulated due to perceived external factors, why would the Government, in the interests of the local Indigenous community, not continue to formulate the plan.

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

- (1) The formulation of an ACT Indigenous Partnership Plan involving the ACT Indigenous community, ACT Government and ATSIC was delayed with the announcement in April 2004, by the Federal Government, that it would abolish ATSIC and the Queanbeyan ATSIC Regional Council.
- (2) The ACT Government is committed to the establishment of a representative body for the Aboriginal and Torres Strait Islander community of the ACT and will work to formulate a partnership plan with the new elected body.

As an interim measure, the Government is currently developing an across-government policy framework in relation to Indigenous Affairs and will look to develop a draft plan in collaboration with the ACT Aboriginal and Torres Strait Islander Community Consultative Council.

### **Capital works—projects (Question No 515)**

**Mrs Burke** asked the Minister for Arts, Heritage and Indigenous Affairs, upon notice, on 23 August 2005:

Does the most recent quarterly capital works progress report available, September Quarter 2004-05 show that the outstanding authorisation for the Aboriginal and Torres Strait Islander (ATSI) Cultural Centre project is \$1.5m and is this the same figure as when the Australian

Labor Party came into office in 2001; if so, why hasn't one cent been spent from the capital funding on the ATSI Cultural Centre project at Yarramundi Reach.

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

No.

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**Development—Garran  
(Question No 517)**

**Mrs Burke** asked the Minister for Disability, Housing and Community, upon notice, on 23 August 2005: Services—

- (1) Further to the response to question on notice No 440, when did the Government reach the decision to review the future development of Hartigan Gardens, Garran;
- (2) What effort is Housing ACT making to re-house applicants on the waiting lists in the 13 units at Hartigan Gardens, Garran that are currently vacant, if options for future development are currently under review.

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

- (1) Following a briefing from my Department in May 2005, I agreed that the future development of Hartigan Gardens should be reviewed.
  - (2) The vacant units at Hartigan Gardens do not meet current public housing standards both in terms of size and/or amenity. In the past, Public Housing Applicants who were offered properties at Hartigan Gardens declined to live there. However, in case of emergencies there may be instances where the accommodation may be used.
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**Hospitals—elective surgery admissions  
(Question No 520)**

**Mr Smyth** asked the Minister for Health, upon notice, on 24 August 2005:

- (1) Do the patient activity datasets for June 2005 note that elective surgery counted for 27.6% of total admissions at The Canberra Hospital (47 077) and 55.8% of total admissions at Calvary Hospital (16 752); if so, is it the case that there were 22 340 admissions for elective surgery in 2004-05;
- (2) If it is the case that there were 22 340 admissions for elective surgery in 2004-05, why is there such a disparity between the number of admissions for elective surgery in 2004-05 and the number of actual surgeries done (8 369);
- (3) Is it the case that patients who arrive at hospital for their surgery, complete formalities such as signing Medicare forms, but have their surgery cancelled count as an admission for elective surgery.

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

(1) No

The figure in the hospital datasets noted as “elective admissions” refer to all elective admissions – not just elective surgery. Admissions for medical procedures such as renal dialysis, chemotherapy and interventional cardiology are all elective in nature and are included in the “elective admissions” total.

(2) See answer to question one

(3) No

Only patients who receive surgery are counted as a removal from the elective surgery waiting list. However, all patients who complete admission procedures are included in hospital admissions data (but not in elective surgery data) in accordance with national standards on the recording of hospital activity. The relatively small resource usage required for these patients is reflected in the cost weight for their stay.

### **Canberra Hospital—funding (Question No 522)**

**Mr Smyth** asked the Minister for Health, upon notice, on 24 August 2005:

- (1) Does the 2004-05 March Quarterly Capital Works Progress Report show that for The Canberra Hospital the year-to-date New Works spending as at the end of March was \$71 000, yet the ‘total expenditure to date’ figure is only \$21 000; if so, which is the correct figure and what funding was expended on which projects as at the end of March;
- (2) Why had less than 2% of funding allocated to projects at The Canberra Hospital been expended nine months into the capital works budget;
- (3) What was the total amount of expenditure as at the end of 2004-05 for new works at The Canberra Hospital and what projects was funding expended on in the June Quarter;
- (4) In relation to (a) MNW Hospital Keying System Project, (b) MNSW Carpark Gaunt Place, (c) MNW Loading Dock Wash down area, (d) MNW Pathology Building, Airlock to Main Entrance and (e) MNW Canberra Community Dialysis Centre, have the projects, listed as ‘project savings’ in the 2004-05 March Quarterly Capital Works Progress Report been postponed, cancelled or otherwise and what are the reasons for the decision made around each of these projects,
- (5) Why was funding allocated to these projects initially if they are now listed as project savings.

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

- (1) \$71 000 is the correct expenditure, a figure of \$50 000 was not transferred across to the Total Expenditure Column for the Stroke Unit project due to a formula issue in the table. This has been corrected to ensure the issue does not occur in the June Quarterly Report.
- (2) All TCH MNW projects are continually reviewed against competing priorities to ensure projects with the highest operational, health, safety and security needs are authorized and funded. In October 2004 TCH requested a change to its priorities for the MNW program, on the basis that new and more urgent projects had been raised. This process of review

resulted in an initial delay in issuing these projects to Procurement Solutions for action until December 2004.

(3) The total expenditure for FY 04/05 was \$2.187m of which \$2.116m was expended in the June Quarter. Project expenditure was incurred on Major Works including:

- Building 10 lifts and dumb waiter upgrade
- Orthopaedic Theatre refurbishment
- Imaging Department reception

Feasibility Studies including:

- Early Warning Intercom System and Emergency
- Public Address System
- Neonatal Intensive Care Unit

Minor New Works including:

- Building 10 generator replacement
- Car park Gaunt Place
- Floor coverings replacement project
- Food Services refrigeration plant
- Haemodialysis Nurses Station refurbishment
- Pathology Core Laboratory
- Specimen Reception office accommodation
- UPS Cardiac Catheter Suite
- Stroke Unit level 7
- Cancer Services offices
- Radiation Oncology offices
- Main Reception security
- HITH expansion
- Anesthetics Department modifications,
- Communications Office and;
- Level 6 bathroom modification.

(4) All TCH MNW projects were reviewed against competing priorities to ensure projects with the highest operational, health, safety and security needs are authorized and funded. The projects identified have been deferred to subsequent Minor New Works programs whilst the car park Gaunt Place did proceed with a reduced budget.

(5) At the time of budget submissions the initial projects were deemed as suitable for the Minor New Works program. Other projects were identified and determined by TCH to be of a higher priority due to operational, health and safety and security needs.

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### **Hospitals—inpatient services (Question No 523)**

**Mr Smyth** asked the Minister for Health, upon notice, on 24 August 2005:

- (1) What has been delivered for the \$169 000 expended to date this year, as at the end of the March Quarter, on the Sub/Non Acute Inpatient Services (Phase 1) project;
- (2) What was the total amount of funding expended on this project as at the end of 2004-05;

- (3) When will (a) Phase 1 of the project be completed and (b) work start on Phase 2 of the project;
- (4) Have any of the funds allocated for Phase 2 been expended to date; if so, how much and what has been delivered for that expenditure;
- (5) What is the delay with Phase 1 and Phase 2 of this project;
- (6) Why has only \$22 000 of the \$300 000 allocated in the 2003-04 Budget for forward design for Sub and Non-Acute Inpatient Services for the ACT been expended;
- (7) Does this mean that the forward design for the facility has not yet been completed and is this part of the reason this project has been delayed.

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

- (1) Preliminary Sketch Plans for the new Sub and Non Acute (SNAS) Unit were completed by March 2005.
- (2) \$219,000.00 was expended by the end of 2004/05.
- (3) Phase 1 and 2 no longer exist as such. The project was funded over 2 financial years and funding was allocated accordingly. Now that the design is complete, construction will follow. The facility is now in construction documentation phase. The consultant team has been engaged with the exception of the Construction Manager. It is planned to deliver this project by a lump sum contract, with construction anticipated to commence January 2006, completion December 2006.
- (4) No funds have been used from Phase 2 funding at this stage. All remaining funding is now allocated to the construction phase of the project. Cash flow expenditure will accelerate during construction and it is anticipated that all funds will be expended by the end of the project.
- (5) The delay has only been with 'stage 1', which has involved the design and documentation of the facility. Given the extensive number of groups involved in stakeholder consultation it has taken time well in excess of initial expectations. Design reviews have also been a frequent requirement as the project team endeavoured to bring the facility back to budget.
- (6) The same design consultant was engaged for the Canberra Medical School and the Sub and Non Acute Service. Coding of expenditure was initially not broken into each sub project. Full expenditure has been achieved against this funding and future reporting will reflect this.
- (7) Final Sketch Plans for the design of the Sub and Non Acute Facility are complete. Construction and tender documentation is presently being undertaken ready for the first letting of trade packages in January 2006.

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### **Hospitals—pediatrics refurbishment (Question No 524)**

**Mr Smyth** asked the Minister for Health, upon notice, on 24 August 2005:



- (1) What has been delivered for the \$934 000 capital works expenditure as at the end of March on the refurbishment of Paediatrics;
- (2) What was the total expenditure on this project as at the end of the 2004-05 financial year;
- (3) When will this project be completed;
- (4) How will this refurbishment deliver better outcomes or services to consumers.

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

- (1) The \$934,000 capital works expenditure on the refurbishment of Paediatrics as at the end of March 2005 delivered 100% completion of the design work and 64% completion of Stage 1 construction works on level 4. All demolition, passive fire works, floor leveling and grinding, rough in of engineering services and a proportion of the final fit out was completed in this quarter.
- (2) The total expenditure for the Paediatrics Refurbishment Project at the end of the 2004-05 financial year was \$3,592,996.
- (3) The Paediatrics Refurbishment Project is planned for completion and handover in October 05
- (4) The refurbishment of the Paediatric Department is predicated on the concept of a "children's space" within a general hospital setting.

The refurbishment facilitates the consolidation of all inpatient activity on the same floor. This allows for more efficient use of resources especially given the seasonal nature of paediatric hospitalisation requirements.

The refurbishment process has allowed:

1. integration of the entire in-patient service;
2. consolidation and cost effective infrastructure;
3. efficient distribution and use of medications, equipment, beds, monitoring services;
4. common departmental protocols;
5. common school senior and primary hospital space with integrated teacher functionality;
6. a single in-patient entry point and ward clerk services;
7. improved patient and parent facilities;
8. integration of Ronald MacDonald House/Rooms for parents;
9. purpose built adolescent spaces;
10. increased size and functionality of safe play spaces and better play therapy facilities;

11. efficiencies in nurse and medical care with enhanced work flows and work processes ensuring improved discharge planning;
  12. larger and better equipped High Dependency Unit including high dependency isolation;
  13. Quiet Room and improved interview rooms for parents;
  14. separate space for children with immune deficiency and cancers to play safely and without risk of infection from others; and
  15. improved storage of paediatric equipment ensuring greater longevity and fewer breakages.
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**Calvary Hospital—capital expenditure  
(Question No 525)**

**Mr Smyth** asked the Minister for Health, upon notice, on 24 August 2005:

- (1) Why was there nil capital expenditure as at the end of March on the forward design to refurbish the ICU and CCU at the Calvary Hospital;
- (2) What was the total amount of expenditure on this project as at the end of the 2004-05 financial year;
- (3) What is the delay with completing this project and when will it be completed.

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

- (1) A decision was made that it would be inappropriate to go forward with the design of a facility without knowing the outcomes of both the ACT Clinical Services Plan and The Canberra Hospital and Calvary Hospital Master Planning exercise.
  - (2) \$48,000 has been spent to date.
  - (3) The project is currently on hold pending finalisation of the Clinical Services Plan and service modelling. When this has been finalised, the project will be reviewed and preliminary conceptual design undertaken.
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**Belconnen arts centre  
(Question No 526)**

**Mr Stefaniak** asked the Minister for Arts, Heritage and Indigenous Affairs, upon notice, on 24 August 2005:

- (1) What has been delivered for the \$12 000 of capital expenditure as at the end of the 2004-05 March Quarter on the Belconnen Arts Centre;
- (2) What was the total amount of funds expended on this project as at the end of the 2004-05 financial year;

- (3) Have any funds been expended on this project to date this financial year; if so, how much; if not, why not;
- (4) What is the forecast expenditure on this project this financial year;
- (5) What is the estimated completion date of this project;
- (6) Is this project running according to schedule to meet that completion date.

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

- (1) What has been delivered for the \$12 000 of capital expenditure as at the end of the 2004-05 March Quarter on the Belconnen Arts Centre;

This amount was the first payment to Munns Sly Architects who were engaged to complete the Functional Requirements Brief for The Belconnen Arts and Cultural Centre.

- (2) What was the total amount of funds expended on this project as at the end of the 2004-05 financial year;

The total amount of funds expended on this project at the end of the 2004-05 financial year was \$43,048.

- (3) Have any funds been expended on this project to date this financial year; if so, how much; if not, why not;

\$13,922 has been expended on this project this financial year.

- (4) What is the forecast expenditure on this project this financial year;

The forecast expenditure on this project in this financial year is \$665,000.

- (5) What is the estimated completion date of this project;

Pending budget allocation for construction the estimated completion date is 2007.

- (6) Is this project running according to schedule to meet that completion date;

Yes, the project is running to schedule to meet the completion date.

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### **Registrar General's Office—identity documentation (Question No 529)**

**Mr Stefaniak** asked the Attorney-General, upon notice, on 24 August 2005:

- (1) Did the media recently highlight a case where a woman went to the Registrar General's Office to get a copy of her birth certificate but was not asked for identification and are the rules clearly stipulated on the Department of Justice and Community Safety website that if you wish to obtain a birth certificate you must provide proof of identity and justification for the release; if so, why was a person allowed to get a copy of a birth certificate given the strict rules around proof of identity;

- (2) What has the Minister done since this incident to ensure that anyone asking for copies of certificates within the Registrar General's Office is asked to provide appropriate proof of identity;
- (3) Will the Minister give an assurance that this situation will not occur again.

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

- (1) There was a recent story in the media concerning a young woman who applied online to the ACT Registrar-General's Office website for a copy of her birth certificate. The application was completed correctly with all the required information being provided to establish the bona fides of the application and the identity of the applicant. In this case, the applicant opted to collect the birth certificate in person from the Registrar-General's Office. It is the usual business practice for such an applicant to be requested to provide proof of identity documentation, together with what is known as 'shared secrets' information, before the certificate is handed over the counter. With the number of birth, deaths and marriage certificate applicants that attend the office, it has not been possible to verify whether this did or did not occur in this case.
- (2) Procedures have been reviewed to ensure that proof of identity documentation is called for and sighted in all cases where birth, death and marriage certificates are being supplied to applicants over the counter. At about the same time as the incident is alleged to have occurred, new procedures were being introduced to remove the option for online applicants collecting certificates in person from the Registrar-General's Office. A certificate applied for online is now sent by registered post to the address furnished on the application form. This has been done in the interests of efficiency and without in any way compromising proof of identity arrangements.
- (3) Every effort is made by the Registrar-General's Office to ensure that proof of identity requirements are as good as they can be. Procedures are being reviewed continually, and in line with other jurisdictions, to minimise the risks of identity fraud.

### **Capital works—projects (Question No 530)**

**Mr Stefaniak** asked the Minister for Urban Services, upon notice, on 24 August 2005:

- (1) What was delivered for the \$478 000 of capital expenditure on the Facilities Improvement Program in Sport and Recreation as at the end of the March 2004-05 Quarter;
- (2) What was the total amount of expenditure on the Facilities Improvement Program as at the end of the 2004-05 financial year;
- (3) What further improvements were made in the last quarter of the 2004-05 financial year;
- (4) If there was a roll-over into the 2005-06 financial year, what was the amount and has it been spent to date this financial year; if so, on what; if not, why not and when will it be spent;
- (5) Has any of the \$1.1 million allocated in the 2005-06 capital works budget for 'Sports Facilities' been expended to date this financial year; if so, how much and on what; if not, why not and for what sports facilities is it planned that the money will be spent on.

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

(1), (2) and (3). The Facilities Improvement Program provided the following outcomes to the end of the 2004-05 financial year, incurring total expenses of \$1.0m;

- the upgrading of lights to national/international standard on Diamonds 2 and 3 at the Canberra Softball Centre, Hawker;
- refurbishing and upgrading of the pavilion at the Hawker Softball Centre;
- installation of new training lights at Stirling district playing fields;
- landscaped viewing terrace and replacement of pumps at the Dickson Pool;
- a new hypochlorite handling system at the Manuka Pool; and
- fencing and minor landscape and amenity improvements at a number of sporting and recreational facilities.

Most of these works were in progress at the end of March 2005, incurring expenses of \$0.478m at that time.

(4) There was no roll-over of funding into the 2005-06 financial year.

(5) Subject to final costings, the 2005-06 sports facilities capital upgrades program will include:

- new cricket training facility – Lyneham Oval;
- new training lights – Garran and Jerrabomberra Ovals;
- additional changeroom facilities – O'Connor Enclosed Oval;
- canteen facilities – Latham Oval; and
- minor improvements to changerooms, pipework etc. at Dickson and Manuka Pools.

In addition, some of the funding is retained to cover minor works that arise during the year such as fencing and other minor improvements.

Expenditure for the current financial year to date has been limited to two projects:

- (i) repainting and repair of office space at Canberra Olympic Pool following a roof leak (\$16,950); and
- (ii) renovation of the Reid Oval turf cricket wicket (\$21,000).

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### **Capital works—projects (Question No 531)**

**Mr Stefaniak** asked the Minister for Urban Services, upon notice, on 24 August 2005:

- (1) What has been delivered for the \$46 000 of capital expenditure, as at the end of the 2004-05 March Quarter, on forward design for a permanent enclosure and refurbishment of the Civic Pool;
- (2) Was there any further expenditure on this project in the final quarter of the 2004-05 financial year; if so, how much, and what was delivered; if not, when will the outstanding authorisation of \$24 000 be expended;

- (3) Has this project been completed; if so, what did the feasibility study recommend and what action will the Government now take to enclose the Civic Pool; if not, when will it be completed;
- (4) Why was there a need to undertake this feasibility study given that the former Liberal Government also funded a feasibility study for a permanent cover for the Civic Pool.

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

- (1) & (2) The allocation of \$70,000 made in the 2004-05 budget for forward design of the Civic Pool permanent enclosure and refurbishment, provided for a review of the principal findings of the 2001 feasibility study by a specialist leisure consultant to determine whether those findings remained valid in the light of recent developments in the aquatics industry.

The department also commissioned a Conservation Management Plan for the site, in recognition of the Pool's heritage status and a recommendation of the 2001 study. This Plan has established guidelines for the facility's redevelopment in line with its heritage status.

Funding was also used to obtain specialist advice from the same consultant to assist in developing specifications for the new management contract for Civic Pool and Lakeside Leisure Centre that took effect from 1 July 2005.

The allocation of \$70,000 has been fully expended.

- (3) The project has been completed. However, as noted above, the project was not a feasibility study. The review of the 2001 study essentially supported the earlier findings in terms of the design principles and components to be included in the redevelopment. The Conservation Management Plan allows for a permanent enclosure structure, subject to certain guidelines. The exterior of the main buildings must be retained but the interiors may be reconfigured. The eventual design will need to recognise these constraints.

The Government will again consider funding the project as part of the 2006-07 budget, subject to other capital works priorities. Completion timing will be dependent on funding and the programming of works.

- (4) As noted in 3 above, this project was not a feasibility study. Some additional work was necessary to progress aspects of the 2001 study and issues relating to the management of the Civic Pool, such as the Conservation Management Plan.

### **Kippax library (Question No 532)**

**Mr Stefaniak** asked the Minister for Urban Services, upon notice, on 24 August 2005:

- (1) What was the total year's capital expenditure on the Kippax Library project in 2004-05;
- (2) Has this project been completed; if not, why not and when will it be completed;
- (3) Will this project be delivered on its allocated budget of \$3.5 million.

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

- (1) Total capital expenditure in 2004-05 was \$2.305m.
- (2). Construction of the library has been completed and the library was opened to the public on 30 August 2005.
- (3) Yes.

### **Roads—parking infringements (Question No 533)**

**Mr Pratt** asked the Minister for Urban Services, upon notice, on 24 August 2005:

- (1) How many parking infringements have been issued to vehicles for sale illegally parked on roundabouts or nature strips across the ACT, listed by month for the last 12 months, including infringements issued in August 2005 to date;
- (2) How many such infringements have been issued in the previous four financial years to 30 June 2005;
- (3) What (a) is the category of infringements issued for this offence and (b) was the average costs of each infringement, at parts (1) and (2) above;
- (4) Have any such infringements been (a) disputed and (b) withdrawn; if so, how many and when, listed by month/year as per parts (1) and (2) above.

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

- (1) The total number of infringements issued to vehicles illegally parked on nature strips by month for the last 12 months is:

August 2004	151
September 2004	159
October 2004	168
November 2004	212
December 2004	129
January 2005	145
February 2005	295
March 2005	373
April 2005	343
May 2005	266
June 2005	255
July 2005	240
August 2005	152 (as at 24/8/05)

- (2) The total of infringements issued for being illegally parked on natures strips for the last four financial years is:

2001-2002	1360
2002-2003	1531

2003-2004	1768
2004-2005	2713

- (3) (a) Infringements for parking on roundabouts or nature strips are issued under *Australian Road Rule 197* for “**Stopping on a path, dividing strip or nature strip**”.

(b) The penalty amount associated with the infringement of “**Stopping on a path, dividing strip or nature strip**” is increased each financial year in accordance with CPI. The penalty amount applied over the past five years has been:

2001-2002	\$62.00
2002-2003	\$63.00
2003-2004	\$66.00
2004-2005	\$68.00
2005-2006	\$70.00

- (4) The total number of such infringements that have been disputed and withdrawn is:

For the last 12 months including to date in August 2005

	Disputed	Withdrawn
August 2004	26	6
September 2004	29	6
October 2004	39	17
November 2004	68	29
December 2004	30	8
January 2005	40	12
February 2005	91	34
March 2005	91	30
April 2005	68	23
May 2005	60	15
June 2005	50	14
July 2005	56	15
August 2005 to date	19	8

For the last four financial years to 30 June 2005

	Disputed	Withdrawn
2001-2002	243	93
2002-2003	292	106
2003-2004	315	112
2004-2005	635	216

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### **Burringiri Aboriginal Corporation (Question No 535)**

**Mrs Burke** asked the Minister for Arts, Heritage and Indigenous Affairs, upon notice, on 24 August 2005:



- (1) Further to the response to question on notice No 134 that asked whether or not Burringiri Aboriginal Corporation had gained access to the capital works budget of \$1.542 million set aside for future capital works improvements to be made to the Indigenous Cultural Centre at Yarramundi Reach in which you stated that the terms of the contract between the ACT Government and Burringiri Aboriginal Corporation does not allow for access to capital works funds, why would the Burringiri Aboriginal Corporation believe that they had direct access to the funds to make improvements to the site;
- (2) Did the Minister indicate that he had no involvement in the expenditure of the money set aside for the site and did he also state on WIN News on 12 July 2005 that he is not making decisions because it is not my responsibility and that it was also disrespectful and patronising; if so, why in the answer to question on notice No 134, did he state that the Chief Minister's Department and Urban Services have been in consultation with Burringiri on the development of a 5 year capital refurbishment program.

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

- (1) I cannot answer for the Burringiri Aboriginal Corporation. As a community organisation, Burringiri does not have direct access to the capital works fund.
- (2) (a) Yes.  
(b) Yes.  
(c) Because it is a fact that the Chief Minister's Department and Urban Services have been in consultation with Burringiri on the development of a 5 year capital refurbishment program.

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### **Housing—price signalling mechanisms (Question No 536)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 24 August 2005:

- (1) In response to question on notice No 216, did the Minister indicated that Housing ACT does not have any plans to implement price signalling mechanisms to provide public housing tenants with incentives such as the Sales to Tenants program, that would see some tenants move into alternative housing options other than social housing; if so, is this still the case;
- (2) If it is the Government's wish to see security of tenure remain as a central tenet of the public housing system, even for some tenants who are clearly capable of leaving the system to free up properties for more needy applicants, why would the Chief Minister now indicate that he wants to review the system and set in place mechanisms to encourage market renters to become more independent by moving into the private market, as reported in *The Canberra Times* on 23 July 2005.

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

- (1) No, I did not indicate that "Housing ACT does not have any plans to implement price signalling mechanisms to provide public housing tenants with incentives such as the Sales to Tenants program".

Question on Notice No. 216 asked:

How will ACT Housing implement price signalling mechanisms to aid some market renters in public housing properties *who do not take up incentives* such as the Sales to Tenants Program to move into alternative housing options other than social housing [emphasis added].

This does not correspond with the wording of Question on Notice No. 536 above which asks if I indicated that “Housing ACT does not have any plans to implement ... mechanisms to provide public housing tenants with incentives such as the Sales to Tenants program”.

- (2) The Chief Minister advised that the Government is considering whether there should be a system which would assist people who pay market rent to purchase their house from the government or move into the private rental market. The Government’s stated policy on security of tenure remains in place.

**Albert Hall  
(Question No 537)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 24 August 2005:

- (1) When leasing arrangements for Albert Hall again come under the scrutiny of the Department of Disability, Housing and Community Services, will confirmation of bookings be able to be made for dates after 30 June 2006;
- (2) Are there any plans to sell the facility;
- (3) What guarantee will the Minister provide to ensure this unique ACT Heritage Listed landmark remains public property and accessible to all Canberrans given that the Chief Minister announced in the 2005-06 Budget the possible refurbishment of Albert Hall will be examined as part of a \$40 000 scoping study.

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

- (1) Leasing arrangements for the Albert Hall are currently managed by the Chief Minister’s Department, not Department of Disability, Housing and Community Services.

The current sub- lease is due to expire on 30 June 2006. The Government is assessing options for the future use of Albert Hall. At this stage no work has been undertaken in relation to a new management lease.

- (2) There are no plans to sell the facility.
- (3) Part of the funding for the scoping study has been allocated to the preparation of a Conservation and Landscape Management Plan for Albert Hall. This will inform the Government of any opportunities and constraints that might affect its refurbishment given the heritage significance of the Hall. The Government is committed to providing continued community access and use to Albert Hall.

**Griffin Centre—security  
(Question No 539)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 24 August 2005:

- (1) How many swipe cards will the Minister be directing the Department of Disability, Housing and Community Services to issue to tenants and visitors to gain access to the new 'high security' Griffin Centre;
- (2) Why wasn't the matter of access to the building discussed and decided upon during the initial planning process;
- (3) Why are the tenants of the Griffin Centre now footing the costs of security in the new Griffin Centre.

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

- (1) The issue of the cards to tenants and users is a matter for the Griffin Centre to determine and is not an issue for Ministerial direction;
- (2) Access to the building was considered and discussed during the initial planning phase. It was decided to install a swipe card access system based on the work done at that time. Following further discussions with the ACT Council of Cultural and Community Organisations Inc, a consultant was engaged to provide additional advice. That report has been received and is being considered by the Department in close consultation with the Council;
- (3) The tenants of the old Griffin Centre met the security costs of that building.

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**Libraries—internet pornography  
(Question No 540)**

**Mrs Burke** asked the Minister for Urban Services, upon notice, on 24 August 2005:

What measures does the ACT Government have in place to block access to pornography on the internet at public libraries and other venues where the public have access to the internet, in order to protect children from accidental or deliberate access to pornography.

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

- (1) A filtering system called Content Keeper has been in place to block access to pornography on the Internet in all public library branches since March 2004. Content Keeper also blocks internet sites that include:
  - Adult Content
  - Violence/Undesirable content
  - Malicious - ie hacking etc.

When a site is blocked an appropriate message informs the customer what has happened and why. If Content Keeper blocks a legitimately inoffensive Internet site, public library customers can approach service desk staff to request that the site be unblocked.

Public Libraries are currently the only Department of Urban Services' venues where the public have access to the Internet.

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### **Suicide prevention (Question No 541)**

**Mr Seselja** asked the Minister for Health, upon notice, on 25 August 2005:

- (1) What does the draft Suicide Prevention Strategy say about (a) life skills programs for apprentices and trainees throughout the ACT and (b) provision of services to men who are seeking help;
- (2) What changes in emphasis have been made to the draft recommendations on these two points through various drafts of the Suicide Prevention Strategy document;
- (3) What are the reasons for these changes.

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

- (1) (a) About life skills programs for apprentices and trainees throughout the ACT, the draft Suicide Prevention Strategy says:
    - 1.1.3: Explore options for building on life skills programs that focus on resilience building, coping strategies and help seeking behaviors for apprentices and trainees throughout the ACT.
  - (b) About provision of services for men who are seeking help, the draft Suicide Prevention Strategy says:
    - 2.3.1: In partnership between government and community organisations investigate and identify successful approaches and protocols to increase help seeking among men and improve men's social and emotional well-being.
  - (2) All actions within the draft Suicide Prevention Strategy, including these two, have been developed through an extensive consultation process and have undergone numerous changes throughout that process. The emphasis within these two actions has always been on finding ways to improve services for men and increasing men's utilisation of existing and future services to improve their mental health and reduce the risk of suicide amongst men.
  - (3) The actions as included in the final draft of the Strategy reflect the consensus position of key stakeholders and the ACT community as agreed during the consultation process.
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**Transport—capital expenditure  
(Question No 543)**

**Mr Seselja** asked the Minister for Planning, upon notice, on 25 August 2005:

- (1) What was delivered for the \$169 000 of capital expenditure, as at the end of the 2004-05 March Quarter, on the forward design of the Sustainable Transport Initiative, Stage 1;
- (2) Was there any further expenditure on this project in the final quarter of 2004-05; if so, how much and what was delivered for that expenditure; if not, why not;
- (3) What is the current (a) total expenditure and (b) status of this project;
- (4) What is the completion date for this project;
- (5) Is the project running according to schedule to meet that completion date and will it be met on budget.

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

- (1) The following items have been delivered as at end March 2005:
  - bus station design guidelines
  - governance model and committee terms of reference for project oversight
  - initial route options work for early discussions with stakeholders
  - proposed route announced in January 2005
  - completion of route options for busway through City West area and initial option identification for bus operation in the City Centre
  - capitalised salary for dedicated project staff
  - tenders called for route identification and Preliminary assessment of Belconnen-City Busway
  - tenders called for specialist Busway program management assistance.
- (2) Expenditure for the June quarter was \$1.18m.

Total expenditure for the year was forecast at \$1.5m of which \$1.47m was spent as at the end of June 2005. During this quarter the following was delivered:

  - a one-off annual transfer of \$0.5m made to Department of Urban Services for completion of bicycle path construction in 2004-05 as part of the 10 year cycle master plan;
  - contract awarded for the Belconnen – City route identification and Preliminary Assessment work;
  - contract awarded to McCormick Rankin and Cagney, an international transportation and Busway specialist organisation, for work to be undertaken in 2005 – 2007.
  - Completion of preliminary sketch plans for bus priority measures in Belconnen Town Centre.
  - Preparation of tender documentation for a number of tenders to be called in Quarters 1-2 2005-06, including:
    - City Transport feasibility study supporting the Canberra Central work.

- Real Time Passenger Information and Signal Priority system
- Planning Study (Preliminary Assessment) for improved bus transit in the Belconnen Town Centre

Note: an increase in expenditure for this June 2005 quarter is typical for a major capital infrastructure project where the previous quarter involved the calling of tenders and letting of contracts, followed by a period of increased expenditure as work is undertaken and contract payments occur.

- (3) (a) \$1.47m; (b) The projects are on time and delivering projected outcomes.
- (4) Projects currently funded within the Sustainable Transport Plan Stage 1, are due to be completed at end 2006 with the exception of the Belconnen – City Busway detailed engineering design and tender documentation which is due to be completed in Quarters 2-3 of 2006-07.
- (5) Projects are running to time and budget and the forecast is for completion dates to be achieved.

### **Roads—Wells Station (Question No 544)**

**Mr Seselja** asked the Minister for Planning, upon notice, on 25 August 2005:

- (1) Are there two forward design projects titled ‘Hoskins Street Wells Station Drive to Flemington Road’ and ‘Wells Station Drive Hoskins Street to Flemington Road’ in the 2004-05 capital works program; if so, what are the details around these two projects;
- (2) What is the feasibility study for these two projects designed to report to Government;
- (3) Will these projects involve a road being constructed from the Wells Station Drive/Hoskins Street intersection directly across to meet with Flemington Road; if so, where is it proposed that such an access road would meet with Flemington Road.

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

- (1) Yes.

a) Hoskins Street from Wells Station Drive to Flemington Road

The proposed road extension has two 3.5 metre wide lanes with on-road cycle lanes and parallel parking bays on both sides of the road. It is a major collector road through the suburb of Franklin and will provide access to Mitchell and the Gungahlin Town Centre.

b) Wells Station Drive from Hoskins Street to Flemington Road

Wells Station Drive is a proposed arterial road linking Gungahlin Drive and Horse Park Drive. The road forms the boundary of three suburbs, Franklin, Harrison and Kenny. Part of the road has been previously constructed to link Gungahlin Drive to Hoskins Street in Mitchell industrial area. This project comprises the section of Wells Station Drive from Hoskins Street to link to the next major arterial road, Flemington Road.

- (2) The alignments of these two roads were set by the East Gungahlin Draft Variation to the Territory Plan and the Concept Plans for Harrison and Franklin. The two forward design projects will provide Government with detailed design of these two sections of the road.
  - (3) Yes. The road will meet Flemington Road at the southwest corner of the suburb of Harrison.
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### **Transport—joint venture projects (Question No 545)**

**Mr Seselja** asked the Minister for Planning, upon notice, on 25 August 2005:

Has the Minister or the Government been approached by the private sector to undertake a joint venture to provide more public transport opportunities to the people of Canberra through projects like light rail or a monorail system; if so, when was the Minister or the Government approached and what was the response; if not, would the Minister or the Government consider a joint venture project to improve public transport opportunities to the people of Canberra.

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

- (1) Yes the Government was approached in May 2004 regarding a proposal to build a monorail network in Canberra at the cost of \$3 billion. In return the proponent would require from the ACT:
    - Sites in the town centres for stations, plus right-of-ways for the track;
    - 400 hectares of land (a location south of William Hovell Drive and west of Coppins Crossing was suggested) for a 'monorail hub centre';
    - \$5 million on signing of the MOU for undertaking planning and development;
    - \$5 million on signing the completed 'Monorail Development Agreement';
    - \$500 million bank guarantee to be lodged with project financiers; and
    - Operational franchise of 40 years.
  - (2) ACT Treasury assessed the proposal (based on the information available) as not viable. Based on the available information the benefits to the ACT were more difficult to establish than the costs or risks.
  - (3) The Government would consider a viable proposal that is consistent with the objectives of the Sustainable Transport Plan, and where the benefits and costs were able to be fully analysed.
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### **Gungahlin to Civic busway (Question No 547)**

**Mr Seselja** asked the Minister for Planning, upon notice, on 25 August 2005:

- (1) What was delivered for the \$11 000 of capital expenditure, as at the end of the 2004-05 March Quarter, on the Business Case for the Gungahlin to Civic Bus Way, Stage 2;

- (2) Was there any further expenditure on this project in the final quarter of 2004-05; if so, how much and what was delivered for that expenditure; if not, why not;
- (3) What is the (a) current total expenditure and (b) current status of the project;
- (4) What is the completion date for this project and is it running according to schedule to meet that completion date;
- (5) If the project has been completed will the Minister release publicly the Financial and Economic Business Case;
- (6) When does the Minister expect to make a decision on the viability of this project.

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

- (1) By the end of the 2004-05 March Quarter, a range of options (three main options and more than ten sub-options) for the busway were identified and associated materials delivered.
- (2) As end June 2005, the expenditure was \$52,963. During this quarter, the following was completed:
  - identification of issues and options
  - traffic survey and analysis
  - preliminary consultations with key stakeholders
  - traffic modelling of key options
  - analysis of alternatives
- (3) (a) \$52,963; (b) the project is progressing on time and is meeting the objectives of the project.
- (4) The draft report is expected in September 2005 and the final report in October 2005. The progress is in accordance with the expected timelines.
- (5) Once completed, it will initially be a document for internal Government circulation and consideration.
- (6) The viability of the project will be considered as part of the Government's examination of the final report and as part of any business case submitted with future Capital Works programs.

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### **Roads—capital expenditure (Question No 548)**

**Mr Seselja** asked the Minister for Planning, upon notice, on 25 August 2005:

- (1) What has been delivered for the \$120 000 of capital expenditure, as at the end of the March Quarter, on the Gungahlin to Civic Corridor, Stage 1 – HOV priority measures;
- (2) Was there any further expenditure on this project in the final quarter of 2004-05; if so, how much and what was delivered for that expenditure; if not, why not;



- (3) Has there been any expenditure on this project in the current financial year and what is the total amount of funding that has been expended on this project to date;
- (4) What is the completion date for this project;
- (5) Is this project running according to schedule to meet the completion date and according to budget.

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

- (1) As at the end of the 2004-05 March quarter, preliminary engineering investigations and preliminary sketch plan designs were completed.
- (2) As at the end of June 2005, the expenditure on the project was \$155,492 out of a total budget allocation of \$900,000. Initial agencies and stakeholder consultation was completed, and there has been substantial progress with the final design.
- (3) There has been no expenditure on this project in the current financial year. Total expenditure is \$155,492 as at 30 June 2005.
- (4) December 2005.
- (5) Yes.

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**Crime—assaults  
(Question No 549)**

**Mr Pratt** asked the Minister for Police and Emergency Services, upon notice, on 25 August 2005:

- (1) How many assaults were (a) reported and (b) attended to by police in (i) the City, (ii) Belconnen, (iii) Gungahlin, (iv) Tuggeranong and (v) Woden, on the nights of Friday, 19 August and Saturday, 20 August 2005;
- (2) How many (a) arrests and (b) charges were made as a result of these assaults;
- (3) How many police patrols were on duty at each of the locations listed in part (1) on each night;
- (4) How many assaults were reported to which police did not attend the incident at each of the locations listed in part (1) on each night;
- (5) What is the weekly average number of assaults (a) reported and (b) attended to on Friday and Saturday evenings during (i) 2004-05, (ii) 2003-04, (iii) 2002-03 and (iv) 2001-02 at each of the locations listed in part (1);
- (6) Further to part (5), what is the average number of (a) arrests, (b) charges and (c) convictions made.

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

(1)(a) Number of assaults reported to police for the City, Belconnen, Gungahlin, Tuggeranong and Woden regions.

	Friday 19th August	Saturday 20th August
City	1	0
Belconnen	1	0
Gungahlin	0	0
Tuggeranong	4	0
Woden	1	0

*Source: PROMIS database as at 12 September 2005*

Note:

- For the purpose of 'night', the data reflects the periods 1800 to 0600.
- The geographic regions are not limited to any respective town centre but include the total patrol areas.
- Assault includes all non-sexual assaults including family violence incidents.
- Assault offences do not include instances of assault as a result of a robbery. In accordance with Australian Bureau of Statistics publication 1234.0: Australian Standard Offence Classification 1997, an assault where the intent is to rob or steal from a person, is classed as an aggravated robbery.

(1)(b) Number of assaults attended by police for the City, Belconnen, Gungahlin, Tuggeranong and Woden regions.

	Friday 19th August	Saturday 20th August
City	1	0
Belconnen	0	0
Gungahlin	0	0
Tuggeranong	4	0
Woden	1	0

*Source: PROMIS database as at 12 September 2005*

Note:

- For the purpose of 'night', the data reflects the periods 1800 to 0600.
- The geographic regions are not limited to any respective town centre but include the total patrol areas.
- Assault includes all non-sexual assaults including family violence incidents.
- Assault offences do not include instances of assault as a result of a robbery. In accordance with Australian Bureau of Statistics publication 1234.0: Australian Standard Offence Classification 1997, an assault where the intent is to rob or steal from a person, is classed as an aggravated robbery.

(2) For the City region, there were two arrests and one assault charge laid between the hours of 1800 and 0600 on 19 August 2005. There were no other arrests or assault charges made, in any police region of the ACT between these hours on 19 and 20 August 2005.

(3) The following data is displayed by police region, number of patrols and corresponding hours of operation:

	19 August 2005	20 August 2005
City	3 patrols 1600 – 2400	2 patrols 1800 – 0600

	5 patrols 2000 – 0600	2 patrols 2000 – 0600
Belconnen	4 patrols 1400 – 2400 3 patrols 2000 – 0600	3 patrols 1800 – 0600
Gungahlin	1 patrol 1500 – 2300	1 patrol 1500 – 2300
Tuggeranong	1 patrol 1300 – 2300 2 patrols 1400 – 2400 2 patrols 2000 – 0600 1 patrol 2100 – 0700	1 patrol 1300 – 2400 1 patrol 1500 – 0100 1 patrol 1700 – 0200 2 patrols 2000 – 0600 1 patrol 2100 – 0400 1 patrol 2100 – 0700
Woden	1 patrol 1000 – 2000 2 patrols 1400 – 0000 2 patrols 1300 – 2300 1 patrol 1500 – 0100 1 patrol 1900 – 0500 3 patrols 2000 – 0600	1 patrol 1000 – 2000 1 patrol 1400 – 0000 3 patrols 1500 – 0100 1 patrol 1600 – 0200 1 patrol 1900 – 0500 3 patrols 2000 – 0600

*Source: ACT Policing North and South Districts*

Note: while the above figures do not include shift supervisors, there is capacity for supervisors to attend incidents should circumstances warrant this level of assistance.

- (4) One assault reported to Belconnen Police Station on the evening of 19 August 2005, did not result in attendance by a police patrol. The complainant in this matter did not return police telephone calls and did not re-attend a police station in relation to the assault. Patrols responded to all other incidents requiring police attendance on 19 and 20 August 2005.
- (5)(a) Average number of assault offences reported to police per week for the City, Belconnen, Gungahlin, Tuggeranong and Woden regions. The following data is consistent with standard counting rules for ACT Policing.

	2001-02	2002-03	2003-04	2004-05
City	3.4	3.3	2.4	2.5
Belconnen	2.0	2.3	1.4	1.8
Gungahlin	2.2	2.7	2.6	1.9
Tuggeranong	2.2	2.6	1.8	2.0
Woden	0.3	0.5	0.3	0.2

*Source: PROMIS database as at 12 September 2005*

Note:

- For the purpose of ‘evening’, the data reflects the periods 1800 to 0600.
- The geographic regions are not limited to any respective town centre but include the total patrol areas.
- Assault includes all non-sexual assaults including family violence incidents.
- Assault offences do not include instances of assault as a result of a robbery. In accordance with Australian Bureau of Statistics publication 1234.0: Australian Standard Offence Classification 1997, an assault where the intent is to rob or steal from a person, is classed as an aggravated robbery.

- (5)(b) Average number of assault offences attended by police per week for the City, Belconnen, Gungahlin, Tuggeranong and Woden regions. The following data is consistent with standard counting rules for ACT Policing.

	2001-02	2002-03	2003-04	2004-05
City	3.3	3.0	2.2	2.3
Belconnen	1.9	2.2	1.4	1.7
Gungahlin	2.1	2.5	2.5	1.8
Tuggeranong	2.1	2.5	1.7	1.9
Woden	0.3	0.5	0.3	0.2

Source: PROMIS database as at 12 September 2005

Note:

- For the purpose of 'evening', the data reflects the periods 1800 to 0600.
- The geographic regions are not limited to any respective town centre but include the total patrol areas.
- Assault includes all non-sexual assaults including family violence incidents.
- Assault offences do not include instances of assault as a result of a robbery. In accordance with Australian Bureau of Statistics publication 1234.0: Australian Standard Offence Classification 1997, an assault where the intent is to rob or steal from a person, is classed as an aggravated robbery.

(6)(a) Average number of assault offences cleared by way of arrests per week for the City, Belconnen, Gungahlin, Tuggeranong and Woden regions. The following data is consistent with standard counting rules for ACT Policing.

	2001-02	2002-03	2003-04	2004-05
City	1.5	1.0	0.7	0.8
Belconnen	0.6	0.8	0.4	0.3
Gungahlin	0.6	0.7	0.6	0.2
Tuggeranong	0.6	0.6	0.5	0.6
Woden	0.1	0.3	0.1	0.0

Source: PROMIS database as at 12 September 2005

Note:

- For the purpose of 'evening', the data reflects the periods 1800 to 0600.
- The geographic regions are not limited to any respective town centre but include the total patrol areas.
- Assault includes all non-sexual assaults including family violence incidents.
- Assault offences do not include instances of assault as a result of a robbery. In accordance with Australian Bureau of Statistics publication 1234.0: Australian Standard Offence Classification 1997, an assault where the intent is to rob or steal from a person, is classed as an aggravated robbery.

(6)(b) Average number of assault offences cleared by way of charges per week for the City, Belconnen, Gungahlin, Tuggeranong and Woden regions. The following data is consistent with standard counting rules for ACT Policing.

	2001-02	2002-03	2003-04	2004-05
City	0.3	0.6	0.2	0.2
Belconnen	0.4	0.4	0.1	0.4
Gungahlin	2.1	0.6	0.4	0.3
Tuggeranong	0.2	0.4	0.3	0.3
Woden	0.1	0.2	0.0	0.0

Source: PROMIS database as at 12 September 2005

Note:

- For the purpose of ‘evening’, the data reflects the periods 1800 to 0600.
- The geographic regions are not limited to any respective town centre but include the total patrol areas.
- Assault includes all non-sexual assaults including family violence incidents.
- Assault offences do not include instances of assault as a result of a robbery. In accordance with Australian Bureau of Statistics publication 1234.0: Australian Standard Offence Classification 1997, an assault where the intent is to rob or steal from a person, is classed as an aggravated robbery.

(6)(c) In relation to convictions made, it is too resource intensive to provide this data within the timeframe provided.

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**Veterans memorial—capital expenditure  
(Question No 550)**

**Mr Smyth** asked the Chief Minister, upon notice, on 25 August 2005:

- (1) What has been delivered for the \$1 000 capital expenditure, as at the end of the 2004-05 March Quarter, on the ACT Veterans’ Memorial;
- (2) What was the total amount of expenditure on this project as at the end of the 2004-05 financial year;
- (3) Has this project been completed; if so, when was it completed; if not, (a) what is its current status, (b) why was it not completed by June 2005 as forecast in the 2004-05 Budget, (c) what is the new completion date, (d) what design will the Memorial take and (e) at what stage are the plans at for this Memorial;
- (4) What consultation has taken place for this project.

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

- (1) The \$1,000 of capital expenditure was associated with research materials and consultation activities relating to the development of the ACT Memorial.
- (2) Expenditure at the end of the 2004-05 financial year totalled \$1,254. The remaining funds were rolled over into the 2005-06 Budget.
- (3) I accepted the recommendation of the Memorial Reference Group to develop the Memorial in two integrated parts – the physical memorial and a website with a database of those who have an association with the ACT and who have served the country. An additional \$250,000 was allocated in the 2005-06 Budget.
  - (a) The Memorial Reference Group is currently considering designs for the physical Memorial. A researcher has been appointed to prepare data for the ACT Memorial database. Work has commenced on the development of a website to support the Memorial.
  - (b) The project’s forecast completion of June 2005 was changed to extend the scope of the project.

- (c) The project is scheduled for a Stage 1 completion in April/May 2006, which will comprise the final testing of the website and database, and the dedication of the physical Memorial (Stage 2) is planned for after August 2006 on a date to be confirmed with the Memorial Reference Group.
  - (d) Five artists have contributed design concepts for the physical Memorial. The Memorial Reference Group is currently considering the concept designs and costings for recommendations to the Government. A public announcement of the Memorial will be made once a design has been selected.
  - (e) See (c) and (d) above.
- (4) Consultation with the Memorial Reference Group has been an ongoing and integral part of this project. The Memorial Reference Group comprises representatives from the ACT branches of the Returned & Services League, the RAAF Association, the Australian Federal Police Association, Canberra Legacy, the Korea and South East Asia Forces Association, Vietnam Veterans' organisations, a military academic and the daughter of a serviceman killed in World War II. Members of the Memorial Reference Group consult with their constituents.

**Public art program—capital expenditure  
(Question No 551)**

**Mr Smyth** asked the Minister for Arts, Heritage and Indigenous Affairs, upon notice, on 25 August 2005:

- (1) Why had the Government only expended 3% of the capital funds available for the Public Art Program and Arts Facilities (New Works) as at the end of the 2004-05 March Quarter;
- (2) What was the total amount of capital expenditure on (a) the Public Art Program and (b) Arts Facilities as at the end of the 2004-05 financial year;
- (3) What was delivered for the \$10 000 capital expenditure on the Public Art Program, as at the end of the March 2004-05 Quarter;
- (4) What is planned for the Public Art Program in the current financial year;
- (5) What was delivered for the \$2 000 capital expenditure on Arts Facilities, as at the end of the March 2004-05 Quarter;
- (6) What is planned for improving or adding to Arts Facilities in the current financial year;
- (7) If the Government is committed to the Arts why is it not ensuring capital injection in the Arts is a greater priority.

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

- (1) Public art funds have been committed to two projects which are in progress. A new public artwork for Lake Ginninderra is awaiting development approval. The anticipated practical completion of the work is December 2005 (Budget \$140,000). A new public

artwork is being commissioned for the ACT Prison. This project is tied to the building schedule and will be completed when the Prison building is completed in 2007 (Budget \$110,000).

Arts works on arts facilities were being planned, designed and procured in the first three quarters of the year with construction work completed by 30 June 2005.

- (2) Total expenditure at end 2004-05 financial year for:
  - a) Public Art Program - \$10,185
  - b) Facilities - \$101,125 (budget fully expensed)
- (3) The \$10,185 for public art was used to run a design competition for the Lake Ginninderra artwork and provide the selected artists with a 5% payment for the final design phase.
- (4) The Government has committed \$1 million over two years to commission iconic public artworks for Canberra.
- (5) The \$2,000 was spent on design work for disabled access to the Gorman House Arts Centre.
- (6) The Government has a significant program of work planned for, and already commenced, in the current year for arts facilities. Ultimately this work will lead to a greater number, diversity and quality of opportunities for our community to access and participate in local arts activities. Work currently underway or planned for this year, includes:
  - commencing final design for the Belconnen Arts and Cultural Centre;
  - finalising design and commencing construction of the Glass Centre in the Powerhouse at Kingston Foreshore;
  - undertaking a cost benefit analysis on the establishment of a major new Choreographic facility in the ACT; and
  - developing a functional requirements brief for a significant new performing arts complex in City West.
- (7) The Government is ensuring that capital expenditure in the arts is given a high priority, as evidenced by the significant list of current arts facilities projects outlined at (6) above.

This Government has committed more funds to commissioning new public art in this financial year than has any previous ACT Government in any previous year.

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### **Glassworks project—capital expenditure (Question No 552)**

**Mr Smyth** asked the Minister for Arts, Heritage and Indigenous Affairs, upon notice, on 25 August 2005:

- (1) What is the delay with the Glassworks project;
- (2) What was the total amount of capital expenditure on this project as at the end of the 2004-05 financial year;

- (3) What funds, if any, have been expended on this project to date this financial year;
- (4) What is the current completion date for this project;
- (5) Is the Government still committed to this project.

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

- (1) There is no delay with the project. The Government has committed to opening the new glass centre in late 2006, which was established as the appropriate completion date by the design and construction consultants engaged to undertake the project. The project remains on track to meet this commitment.
- (2) \$417,000.
- (3) None to date. The project is currently in final design stage, and I will shortly announce the completion of this phase and the commencement of construction.
- (4) The construction phase will be completed in November 2006. Following commissioning of the specialised glass production equipment, the centre will be opened in December 2006.
- (5) As a clear demonstration of its very strong commitment, the Government has allocated substantial financial and human resources to this important project.

**Crime—strict liability offences  
(Question No 553)**

**Mrs Dunne** asked the Attorney-General, upon notice, on 25 August 2005:

- (1) How many strict liability offences were enacted where an element of the offence is an element of (a) strict and (b) absolute liability in (i) 2001, (ii) 2002, (iii) 2003, (iv) 2004 and (v) 2005 to date;
- (2) Of those offences enacted between 2001 and 2005 to date containing an element of (a) strict and (b) absolute liability, how many were punishable by a term of imprisonment;
- (3) In which pieces of legislation can these offence provisions be found;
- (4) How many people were prosecuted for an offence containing an element of (a) strict and (b) absolute liability in (i) 2001, (ii) 2002, (iii) 2003, (iv) 2004 and (v) 2005 to date;
- (5) Of the prosecutions embarked on between 2001 and 2005 to date, for an offence containing (a) strict and (b) absolute liability, how many of those offences prosecuted were proved;
- (6) Of those offences found to be proved, in how many was a term of imprisonment imposed;
- (7) How many bills currently before the Assembly contain an offence where an element of the offence is an element of (a) strict and (b) absolute liability.

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



- (1) The Criminal Code 2002 did not apply to offences created in 2001 and 2002. Consequently, it would be a major task and an undue demand on my department's resources to attempt to provide the information requested for those years because there was no necessity at that time for an offence to state whether strict or absolute liability applied to the offence or an element of the offence. Therefore, to determine the position for those years it would be necessary to examine each offence and make an assessment based on a number of varying and competing factors such as the nature of the offence concerned, the language used and the level of penalty that applies.

As for the offences created in the years 2003, 2004 and 2005, the task involved in accessing and collating that information is significant and not one I could justify my department to undertake given that it is publicly available on the internet and that, in my opinion, the questions are designed to produce misleading answers. For instance the results will not show:-

- the number of existing strict liability offences (with prison terms) replaced by the strict liability offences enacted in those years;
- the amount of legislation enacted in those years compared to others;
- the proportion that related to criminal law matters or incorporated regimes (such as regulatory regimes) that justified the inclusion of strict liability;
- the nature of the legislation involved and the serious consequences that could flow from a contravention of the offences concerned;
- the instances in which absolute or strict liability was applied to a particular physical element of a fault element offence that has little if any relevance to the culpability of the defendant (such as where the defendant may think that he or she is obstructing a Commonwealth official instead of a Territory official – see for example section 361(b) of the Criminal Code);
- the instances in which absolute or strict liability was applied to a particular physical element of an offence as a device to deactivate section 22 of the Code so that a more suitable element that relates to fault could be applied (such as sections 13 (1)(b) and (3) of the *Classification (Publications, Films and Computer Games) (Enforcement) Act 1995*);
- the instances in which the enactment of such offences was supported by non government members of the Assembly.

- (2) For the reasons stated in my response to question 1, this would be too resource intensive to answer. Also, for the years 2003 to 2005 to date, the information requested can be obtained from the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au) by clicking on the link titled "Acts" and then the annual list of Acts as notified for 2003, 2004 and 2005 and then opening each Act for that year and under the drop down menu titled "Edit", click "Find" and in the box indicated type in the phrase "strict liability and "absolute liability" for each Act.

- (3) See response to question 2.

- (4) The Office of the Director of Public Prosecutions (the DPP) has advised that it does not collect the requested information in a statistical form and that the work involved in obtaining that information would place a significant burden on the resources of the DPP and, in its view, cannot be justified.

- (5) See response to question 4.
- (6) See response to question 4.
- (7) See response to question 2.

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**Infrastructure—capital expenditure  
(Question No 554)**

**Mrs Dunne** asked the Treasurer, upon notice, on 25 August 2005:

- (1) Why did the Government record nil capital expenditure, as at the end of the 2004-05 March Quarter, on the ‘Sustainable Infrastructure’ project;
- (2) What was the total amount of capital expenditure on this project as at the end of the 2004-05 financial year;
- (3) What is the current status of this project in terms of expenditure and what has been delivered for that expenditure;
- (4) Is the Government committed to sustainable infrastructure in the ACT; if so, why was \$2.5 million for this project rolled over into the 2005-06 financial year;
- (5) Why was the Government not able to meet its commitment to the Sustainable Infrastructure project in the financial year that the funding was allocated to it.

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

- (1) The Sustainable Infrastructure Program is not a specific individual capital works project but a Fund that is aimed to supplement individual capital works projects to enhance their environmental performance. As noted in the 2004-05 Budget papers (2004-05 Budget Paper No. 3, page 210):

“The programs will implement measures aimed at increasing energy efficiency, conserving water and reducing emissions. It will explore the use of alternative energy sources, materials and design elements to deliver cost effective enhancements in the environmental performance of public facilities and infrastructure.”

Hence activities that are supported by the Fund are elements of other, larger projects and are inextricably linked to the timeframes for the delivery of the individual projects.

Whilst at the end of the 2004-05 March quarter there had been no cash expenditure from the Sustainable Infrastructure Program, a total of \$1,500,000 had been committed to a number of projects. These projects are the Birrigai Redevelopment, the Health Protection Service, Holder and the North Building refurbishment.

- (2) As at 30 June 2005, a total of \$2,315,000 had been committed to a total of 7 different projects.
- (3) The majority of available funds have been committed to a number of projects that are currently under construction or are scheduled to go to tender in October. The

contributions from the Sustainable Infrastructure Fund will enable these projects to be more sustainable than would have otherwise been possible without support from the Fund. The projects which are currently under construction are:

- a. Birrigai Redevelopment;
- b. Health Protection Service, Holder;
- c. North Building refurbishment; and
- d. Gungahlin Child and Family Centre.

A further two projects are scheduled to go to tender in October 2005:

- a. Palmerston Community Hall; and
- b. Environment ACT Ranger House replacement.

A review of rainwater retention and reuse issues at Exhibition Park was also undertaken. The review indicated that the costs of introducing an integrated rainwater collection and reticulation system at EPIC significantly outweighed the potential benefits of the proposal.

- (4) Yes. The Funds were rolled over to ensure that they remained available to be applied to increasing the sustainability performance of a range of infrastructure projects.
- (5) As noted above, the majority of funds were committed to projects during 2004-05. Provision of the funds in the 2004 Budget enabled commitments to be made for a wide range of projects that are now under construction and for an enhanced level of sustainability elements to be incorporated into the design stage of other projects.

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### **Work-based child care—capital expenditure (Question No 555)**

**Mrs Dunne** asked the Minister for Children, Youth and Family Support, upon notice, on 25 August 2005:

- (1) What was delivered for the \$54 000 year-to-date capital expenditure, as at the end of the March 2004-05 Quarter, on 'Work-Based Child Care Centres';
- (2) If the year-to-date expenditure on this project, as at the end of the March quarter, was in fact \$54 000, why does the total expenditure figure, as shown in the March capital works progress report show that only \$14 000 has been expended;
- (3) Is this an error in the report or is there another explanation for the apparent error in these figures;
- (4) What is the current (a) status of the 'Work-Based Child Care Centres' project and (b) total expenditure on this project.

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

- (1) As at the of the March quarter for the 2004-2005 financial year, \$54,000 was expended on the Work-Based Child Care Project. The funds were expended on a feasibility study to examine the issues around the establishment of:

- a. work based child care centres for ACT public service employees; and
  - b. shared work based child care centres with ACT private sector employers.
- (2) The year to date expenditure on the project, as at the end of the March quarter, was \$54,000. The capital works progress report shows that \$14,000 had been expended in the December quarter.
- (3) Please refer to the response to question 2.
- (4) (a) The feasibility study was completed on 30 June 2005.
- (b) The total expenditure for the project was \$97,000.

### **Aboriginal cultural centre (Question No 556)**

**Mrs Burke** asked the Minister for Arts, Heritage and Indigenous Affairs, upon notice, on 25 August 2005:

- (1) Does the Lonely Planet *Aboriginal Australia and the Torres Strait Islands Guide to Indigenous Australia* state that the Ngunnawal Aboriginal land council plans to set up an Aboriginal Cultural Centre at Yarramundi Reach, on the western shore of Lake Burley Griffin in 2001 and that it will focus on the culture and history of Indigenous peoples of the Canberra region; if so, why is the Minister allowing the ATSI Centre to be promoted as such to tourists when it is currently far from being a tourist destination;
- (2) Given that the ATSI Cultural Centre at Yarramundi Reach is currently being used for little more than circle sentencing and storage, when will the Government spend the capital funds available to make the Centre a 'Keeping Place' that will showcase Indigenous heritage and culture from the ACT and region;
- (3) When will the Minister spend the funds allocated to this Centre to make it the tourist destination that it should be and was intended to be.

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

- (1) The 2001 edition of the Lonely Planet *Aboriginal Australia and Torres Strait Islands Guide to Indigenous Australia* does state that the Ngunnawal Aboriginal land council plans to set up an Aboriginal Cultural Centre at Yarramundi Reach, on the western shore of Lake Burley Griffin in 2001 and that it will focus on the culture and history of Indigenous peoples of the Canberra region. The Ngunnawal Aboriginal Land Council is a Queanbeyan-based entity, incorporated in NSW, and independent from the ACT Government.
- (2) The Chief Minister's Department and Department of Urban Services have been in consultation with Burringiri Aboriginal Corporation on the development of a 5-year capital refurbishment program. The work plan is being developed in line with directions set by Burringiri to support its management of the Cultural Centre and its programs.
- (3) Funds are being spent in accordance with the work plan developed as described above.

**Land—releases  
(Question No 557)**

**Mrs Burke** asked the Minister for Planning, upon notice, on 25 August 2005:

- (1) How is the ACT Government looking for innovative ways for the Land Development Agency (LDA) to release land in an effective and timely manner to maintain some control over the actual cost of land and in effect see a reasonable value on each block of land in new land releases;
- (2) What is the real net return to the ACT Government on each block of land released for sale by the LDA after servicing of the blocks by connecting all the necessary utilities, for example, electricity, water, sewage and gas and running costs of the LDA, are taken into consideration;
- (3) If the Government was to sell a portion of surveyed land to a private developer, what would be the real net return to the ACT Government on each block of land.

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

- (1) The Land Development Agency (LDA) is responsible for the delivery of land to the market in a timely and commercial manner. The land sales program is monitored and reviewed against market conditions to ensure development meets market demand and that commercial returns are optimised.

Depending on the market conditions at the time and specific objectives required for a particular development, land may be released as a LDA estate, in a development arrangement with the private sector or by englobo sale to the market.

- (2) The average real net return for each block of land sold by LDA at Wells Station and Ginninderra Ridge (LDA developments) during 2004-05 was \$99,000.
- (3) The average real net return for each block of land sold by LDA to private developers during 2004-05 was \$86,000.

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**Housing—fire safety  
(Question No 558)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 25 August 2005:

- (1) Has any evidence been presented to Housing ACT concerning a rodent infestation in or around any of the properties owned and managed by Housing ACT at Karuah Street, Dickson; if so, what will Housing ACT do to rectify the situation;
- (2) When was the last fire safety inspection carried out at the properties on Karuah Street that are the responsibility of Housing ACT;
- (3) What were the recommendations arising from such a fire safety inspection and were they reported to the Department;

- (4) If recommendations were made to upgrade fire safety at any Housing ACT property on Karuah Street, were they put into practice; if not, why not;
- (5) Is there any evidence of any occupational health and safety issues at Housing ACT properties on Karuah Street.

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

- (1) Housing ACT has received evidence of rodents at some of the properties at Kaurah Street, Dickson. Rodent baits were put in the courtyards of the dwellings in May 2005 and no further evidence has been presented to Housing ACT on this matter.
- (2) Housing ACT has not carried out fire safety inspections at these properties.
- (3) As per 2.
- (4) As per 2.
- (5) Housing ACT is not aware of any occupational health and safety issues at the properties on Karuah Street, Dickson raised by tenants that have not been addressed.

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**Housing ACT—electoral forms  
(Question No 559)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 25 August 2005:

- (1) Can Housing ACT staff advise or assist tenants to submit an electoral enrolment form to the Australian Electoral Commission (AEC), in line with the process of re-signing or offering a new tenancy agreement; if not, why not;
- (2) If this practice is not already in place, how will the Minister consider assisting the AEC in maintaining a more accurate and up-to-date Electoral Roll.

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

- (1) and (2) This is the role of the Australian Electoral Commission (AEC)

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**Bushfires—warnings  
(Question No 561)**

**Mrs Burke** asked the Minister for Police and Emergency Services, upon notice, on 25 August 2005:

- (1) At what time and date were residents at (a) Pierces Creek, (b) Tharwa, (c) Uriarra and (d) Stromlo, officially (i) given warning and (ii) directed to evacuate due to the bushfire on and around 18 January 2003;

- (2) What adequate bushfire response plans did the Emergency Services Bureau put in place that would identify that rural settlements such as Tharwa, Pierces Creek, Uriarra and Stromlo face a major threat from a bushfire.

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

- (1) The question falls within the sub judice convention and I therefore do not propose to provide an answer or enter debate concerning the question. The relevant court proceedings are both the 2003 Bushfire Coronial Inquiry and the current ACT Supreme Court proceedings arising from the January 2003 bushfires.
- (2) The question falls within the sub judice convention and I therefore do not propose to provide an answer or enter debate concerning the question. The relevant court proceedings are both the 2003 Bushfire Coronial Inquiry and the current ACT Supreme Court proceedings arising from the January 2003 bushfires.

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**Spence primary school  
(Question No 568)**

**Mrs Burke** asked the Minister for Urban Services, upon notice, on 26 August 2005:

What (a) short, (b) medium and (c) long term plans does the Government have for the old Spence Primary School, Mount Rogers, in Spence.

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

The former Spence Primary School was converted into the Mount Rogers Community Centre in 1999. It currently has many tenants that cover a diverse portfolio of activities. Each tenant has an individual period of tenure that commenced from the date that the tenancy was agreed. The current tenants at the Centre are:

- The Baringa Child Care Centre Incorporated
- Dale Stevens
- The Canberra Dance Development Centre
- JCE Positive Outcomes Pty Ltd
- Kip McGrath
- Light Educational Ministries
- Northside Christian Church Incorporated
- The Spastic Centre, NSW
- St Paul's Anglican Church Ginninderra
- Sue Read

There are no plans at this stage for any change to this arrangement.

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**Children—playground safety  
(Question No 569)**

**Mrs Burke** asked the Minister for Urban Services, upon notice, on 26 August 2005:

- (1) Where and what was delivered for the \$212 000 of capital expenditure on the "Playground safety program 2004-05" as at the end of the March quarter;
- (2) Was there any further expenditure on this project in the final quarter of 2004-05; if so, where and what was delivered for that expenditure and what was the total amount of expenditure as at the end of 2004-05;
- (3) Were there any funds rolled over for this project into the 2005-06 financial year; if so, how much of that funding has been expended to date this financial year and what has been delivered for that expenditure;
- (4) If there is no rolled over amount, why not;
- (5) If there are outstanding improvements to be made to playgrounds from the 2004-05 budget, where and what are the outstanding improvements;
- (6) Was there new funding allocated to playground safety improvements in the 2005-06 budget; if so, how much and what, if any, of that budget, has been expended; if not, why not;
- (7) Is there a list or schedule of improvements for the current financial year; if so, where are the sites that improvements will be made.

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

- (1) \$200 000 was advanced to ACT Procurement Solutions (Project Director) to cover expenditure and money committed for expenditure for the design, documentation, tender preparation and anticipated works for the upgrade of nine playgrounds programmed for upgrade in 2004-05. The remaining \$12 000 was expended by the end of the third quarter of 2004-05 to deliver the following works:
  - Swing replacement in Oxley
  - Landscaping and Engineering design and sketch plans for the upgrade of the giraffe swing at Yerrabi District Park
  - An item of play equipment upgraded at Kippax Shopping Centre playground
  - Infant swing seats installed at the local playgrounds in Fisher, Hughes, Lyneham, O'Connor, Pearce and Warramanga.
- (2) Yes, a further \$288 000 was advanced to ACT Procurement Solutions in the final quarter. Upgrade construction work was completed in the 2004-05 final quarter at the following playgrounds:
  - Wakefield Gardens, Ainslie
  - Hackett Gardens, Turner
  - Canaway Place, Evatt
  - Strumm Place, Latham
  - Bowling Place, Spence
  - Hansen Circuit, Isaacs
  - Florey Drive, Latham

The full \$500 000 budget was expended or advanced to ACT Procurement Solutions (Project Director) by the end of 2004-05 financial year.

- (3) No funds were rolled over into the 2005-06 financial year.



- (4) No funds were rolled over as the funding was either expended or committed during the 2004-05 financial year.
  - (5) Two playgrounds from 2004-05 Playground Safety Program awaiting completion are Sanderson Close, Flynn and Herron Place, Latham. The finalisation of these playgrounds is behind schedule due to delays in the supply and installation of play equipment.
  - (6) Yes, \$500 000 has been allocated to the 2005-06 Playground Safety Program. None of the funds have been expended to date. The design stage for the 2005-06 programmed works is underway with the submission of Preliminary Sketch Plans due by mid October 2005. The construction stage of the program is scheduled for delivery in the third and fourth quarter of 2005-06.
  - (7) The 2005-06 Playground Safety Program includes the following playgrounds for upgrade:
    - Black Mt. Peninsula District Park, Liberty Swing installation
    - Fadden Pines District Park, Junior Playground upgrade
    - Nicklin Crescent, Fadden
    - Livingston Avenue, Kambah
    - Julia Flynn Avenue, Isaacs
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**Transport—capital expenditure  
(Question No 570)**

**Mr Pratt** asked the Minister for Urban Services, upon notice, on 26 August 2005:

- (1) What was delivered for the \$3000 of capital expenditure on “Accessible public transport facilities” as at the end of the March 2004-05 quarter;
- (2) Why was only 1.5% of the budget allocated to this project spent as at the end of the March quarter;
- (3) Was there any further expenditure on this project in the final quarter of 2004-05; if so, where and what was delivered for that expenditure and what was the total amount of expenditure as at the end of 2004-05;
- (4) What was the total amount rolled over for this project into the 2005-06 financial year;
- (5) If there is no rolled over amount, why not;
- (6) What is planned for this project as part of any rollover amount in 2005-06;
- (7) Given that the Government has been talking about the need to improve public transport in Canberra, why does it seem expenditure on this project has such a low priority.

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

- (1) The \$3,000 capital was spent on the connection of a bus pad and footpath in Fawkner Street, Braddon and a traffic control device plan for a new bus stop at the Canberra Centre.
- (2) The tender for the majority of this work was only called in March 2005.

- (3) \$197,000 was expended for numerous bus pads at various suburbs, including Gungahlin Town Centre, Nicholls, Palmerston, Turner, Phillip, Garran, Hughes, Deakin, Forrest, Barton, Civic, Yarralumla, Griffith and Kingston. The 2004-05 expenditure was \$200,000.
  - (4) There was no roll-over to 2005-06.
  - (5) No funding remained to roll over.
  - (6) Refer to (4).
  - (7) The project was fully expended within 2004-05, as per the budget forecast.
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### **Roads—lighting (Question No 573)**

**Mr Pratt** asked the Minister for Urban Services, upon notice, on 26 August 2005:

- (1) Where and what was delivered for the \$7000 of capital expenditure on “Arterial roads lighting” as at the end of the March 2004-05 quarter;
- (2) Why was only 2% of the funds allocated to this project been expended as at the end of the March quarter;
- (3) Was there any further expenditure on this project in the final quarter of 2004-05; if so, where and what was delivered for that expenditure and what was the total amount of expenditure as at the end of 2004-05;
- (4) What was the total amount rolled over for this project into the 2005-06 financial year;
- (5) If there is no rolled over amount, why not;
- (6) Where and what projects are planned as part of this rolled-over amount in 2005-06;
- (7) Was there new funding allocated to “Arterial roads lighting” in the 2005-06 budget; if so, how much and what, if any, of that budget, has been expended;
- (8) Is there a list or schedule of improvements for the current financial year; if so, where are the sites that improvements will be made.

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

- (1) The \$7,000 was expended on the preliminary design of the Gungahlin Drive/Mirrabei Drive mid-block street lighting;
- (2) Most of the work was carried out in the final quarter of 2004-05;
- (3) \$293,000 was expended for the design and construction of Gungahlin Drive/Mirrabei Drive mid-block street lighting, the supply of lamps and luminaries for Limestone Avenue/Melrose Drive and closing off a previous “Streetlighting” project. The 2004-05 expenditure was \$300,000.

- (4) There was no roll over of funding to 2005-06;
  - (5) No funding remained to roll over;
  - (6) Refer to (4);
  - (7) \$200,000 has been allocated in 2005-06 with \$34,000 expenditure to-date; and
  - (8) The proposed works are the completion of Gunaghlin Drive/Merrabei Drive mid-block street lighting and a section of Parkwood Road mid-block street lighting.
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### **Roads—Kings Highway (Question No 575)**

**Mr Pratt** asked the Minister for Urban Services, upon notice, on 26 August 2005:

- (1) Does the 2004-05 capital works budget include an amount of \$50 000 for the “Kings Highway”; if so, what is the purpose of this funding and why had there been nil expenditure as at the end of the March quarter;
- (2) What was the total amount of expenditure on this project as at the end of the 2004-05 financial year;
- (3) Were funds rolled over into the 2005-06 financial year; if so, how much and how much of that roll-over has been expended.

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

- (1) The 2004-05 Capital Works budget does contain an item “Kings Highway” with an allocation of \$50,000. The purpose of this funding is to study the current and predicted use of the Kings Highway, identify substandard areas and develop proposed remedies for any deficiencies identified. No work had been completed in March 2005;
  - (2) There has been no expenditure in 2004-05; and
  - (3) \$50,000 was rolled over into the 2005-06 financial year and \$38,000 has now been expended.
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### **Roads—Majura Parkway (Question No 576)**

**Mr Pratt** asked the Minister for Urban Services, upon notice, on 26 August 2005:

- (1) What was delivered for the \$275 000 of capital expenditure on “Majura Parkway forward design” as at the end of the March 2004-05 quarter;
- (2) Was there any further expenditure on this project in the final quarter of 2004-05; if so, what was delivered for that expenditure and what was the total amount of expenditure as at the end of 2004-05;

- (3) Why had only 18% of the budget allocated to “Majura Parkway forward design” been expended as at the end of the March 2004-05 quarter;
- (4) What work is planned on this project in the 2005-06 financial year.

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

- (1) A preliminary evaluation report of issues relating to the planning of a future Majura parkway was delivered for the \$275,000;
  - (2) Yes, there was further expenditure in the final quarter covering preliminary design work and initial consultation with the Department of Defence, the National Capital Authority, the management of Canberra Airport and Environment ACT with regards to the preliminary evaluation report. \$400,000 was expended on this project at the end of June 2005;
  - (3) Progress was slower than originally planned due to the need to review the traffic impact of an expanded Canberra Airport employment base in the short to medium term; and
  - (4) During the 2005-06 financial year, the preliminary evaluation report will be released for public comment and will be followed by either a formal Preliminary Assessment or a full environment assessment impact depending on the nature of the comments received.
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### **Roads—residential street improvements (Question No 578)**

**Mr Pratt** asked the Minister for Urban Services, upon notice, on 26 August 2005:

- (1) Where and what was delivered for the \$200 000 of capital expenditure on “Residential street improvements” as at the end of the March 2004-05 quarter;
- (2) Was there any further expenditure on this project in the final quarter of 2004-05; if so, where and what was delivered for that expenditure and what was the total amount of expenditure as at the end of 2004-05;
- (3) Why had only 40% of the budget allocated to “Residential street improvements” been expended as at the end of the March 2004-05 quarter;
- (4) What was the total amount rolled over for this project into the 2005-06 financial year;
- (5) If there is no rolled over amount, why not;
- (6) Where and what projects are planned as part of this rolled-over amount in 2005-06;
- (7) Was there new funding allocated to “Residential street improvements” in the 2005-06 budget; if so, how much and what, if any, of that budget, has been expended;
- (8) Is there a list or schedule of improvements for the current financial year; if so, where are the sites that improvements will be made.

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

- (1) The \$200,000 capital was expended on Langdon Avenue/Heagney Crescent local area traffic management, road barriers, stormwater drainage at Bonner Close, Holt, and a pedestrian crossing at Namatijira Avenue, Weston;
  - (2) \$246,000 was expended on Kingston stormwater augmentation and Langdon Avenue/Heagney Crescent local area traffic management. The 2004-05 expenditure was \$446,000;
  - (3) The tender for Wakefield Avenue/Cowper Street was not called until April 2005 and the work undertaken on the Kingston stormwater augmentation was not completed until May 2005;
  - (4) \$54,000 has been rolled into the 2005-06 financial year;
  - (5) Refer to (4);
  - (6) The roll over will be used for the Wakefield Avenue/Cowper Street roundabout;
  - (7) \$200,000 has been allocated in 2005-06 with \$1,000 expenditure to-date; and
  - (8) Completion of the Wakefield Avenue/Cowper Street roundabout.
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**Community paths—capital expenditure  
(Question No 579)**

**Mr Pratt** asked the Minister for Urban Services, upon notice, on 26 August 2005:

- (1) Where and what was delivered for the \$150 000 of capital expenditure on “Community paths – Rehabilitation” as at the end of the March 2004-05 quarter;
- (2) Was there any further expenditure on this project in the final quarter of 2004-05; if so, where and what was delivered for that expenditure and what was the total amount of expenditure as at the end of 2004-05;
- (3) Why had only 21% of the budget allocated to “Community paths – Rehabilitation” been expended as at the end of the March 2004-05 quarter;
- (4) What was the total amount rolled over for this project into the 2005-06 financial year;
- (5) If there is no rolled over amount, why not;
- (6) Where and what projects are planned as part of this rolled-over amount in 2005-06;
- (7) Was there new funding allocated to “Community paths – Rehabilitation” in the 2005-06 budget; if so, how much and what, if any, of that budget, has been expended;
- (8) Is there a list or schedule of improvements for the current financial year; if so, where are the sites that improvements will be made.

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

- (1) At the end of the March quarter new paths had been completed at Dalglish Street Curtin and Carnegie Crescent Red Hill. Rehabilitation of existing paths had also been completed at various sites throughout Canberra;
  - (2) At the end of 2004-05, \$615,917 had been spent on the "Community Paths" project. New paths had been completed at A' Beckett Street Watson, Dennis Street Garran, Groom Street Hughes, Wyselaskie Circuit Kambah, Kingsford Smith Drive Melba, Hopetoun Circuit Yarralumla and Damala Street Waramanga. Rehabilitation of additional paths has also been completed at various sites throughout Canberra;
  - (3) Only completed work had been paid for;
  - (4) \$84,083 has been rolled into the 2005-06 financial year;
  - (5) Refer to (4);
  - (6) New paths have been completed at Mirrabei Drive Nicholls, Streeton Drive Weston, Waramanga Place Waramanga, Damala Street Waramanga and Haverfield Place McKellar;
  - (7) The ACT Government has provided a budget initiative of \$1,995,000 over three years of an expansion of the footpath maintenance program within the ACT, particularly in older suburbs. None of this program has been expended yet. The ACT Government has also provided \$350,000 as part of the 'Sustainable Transport Initiatives' project in the 2005-06 Capital Works program for new footpaths and \$18,238.07 of this budget has been expended; and
  - (8) The suburbs of Dickson, Kingston south of Wentworth Avenue, Griffith, Turner and Reid are expected to be treated under the Footpath Maintenance budget initiative this financial year subject to the amount of defects found in each suburb. The 'Sustainable Transport' project will fund the provision of a new path connecting Jennings Street and the North Curtin District Playing Fields.
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**Finance—capital expenditure  
(Question No 581)**

**Mr Pratt** asked the Minister for Urban Services, upon notice, on 26 August 2005:

- (1) Where and what was delivered for the \$46 000 of capital expenditure on "Neighbourhood improvements" as at the end of the March 2004-05 quarter;
- (2) Was there any further expenditure on this project in the final quarter of 2004-05; if so, where and what was delivered for that expenditure and what was the total amount of expenditure as at the end of 2004-05;
- (3) Why had only 5% of the budget allocated to "Neighbourhood improvements" been expended as at the end of the March 2004-05 quarter;
- (4) What was the total amount rolled over for this project into the 2005-06 financial year;
- (5) If there is no rolled over amount, why not;

- (6) Where and what projects are planned as part of this rolled-over amount in 2005-06;
- (7) Was there new funding allocated to “Neighbourhood improvements” in the 2005-06 budget; if so, how much and what, if any, of that budget, has been expended;
- (8) Is there a list or schedule of improvements for the current financial year; if so, where are the sites that improvements will be made.

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

- (1) The \$46,000 expenditure delivered community path upgrades at Watson;
- (2) A further \$66,000 was expended in the last quarter of 2004-05 on community path upgrades at Watson, a pedestrian refuge at Groom Street, Hughes, various signs and linemarking at Downer, Forrest, Garran, Griffith, Narrabundah, Red Hill, Watson and Yarralumla.
- (3) The tender for this work was only awarded in March 2005 with the majority of expenditure taking place after March as indicated in No. (2) above.
- (4) There was no roll-over to 2005-06.
- (5) No funding remained to roll over.
- (6) Refer to (4).
- (7) \$500,000 has been allocated in 2005-06 with \$236,000 expenditure to-date.
- (8) Improvements are planned for the Wakefield Avenue / Cowper Street roundabout, lighting for the King Street carpark at Deakin, linemarking at David Street and a pedestrian crossing at Hopetoun Circuit.

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**Roads—on-road cycle lanes  
(Question No 582)**

**Mr Pratt** asked the Minister for Urban Services, upon notice, on 26 August 2005:

- (1) Further to NRMA’s decision to undertake an investigation of the on-road cycle lane system and given that in Estimates hearings this year the Minister stated that he had received “no negative feedback” on the cycle lanes and that the NRMA had been consulted on two or three occasions, is he able to give reasons for this sudden call by NRMA to undertake this review;
- (2) Will the Minister be taking NRMA’s safety and usage findings on board; if not, why not;
- (3) Did the Minister have consultations with NRMA specifically on on-road cycle lanes or did he simply inform them of his decisions to construct additional on-road cycle lanes rather than asking for their valuable input; if not, why not.

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

- (1) The NRMA is a private organisation and therefore I am not privy to the reasons behind their decision. I suggest that you direct this question to the NRMA.
  - (2) I will consider the findings of the safety audit on its merit.
  - (3) Yes, the matter of on-road cycling has been the subject of discussion at various meetings of the Traffic Liaison Committee. This committee convened by Urban Services includes representatives of both the NRMA and the police.
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