Debates

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SIXTH ASSEMBLY

16 FEBRUARY 2006

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Thursday, 16 February 2006

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

Petition

The following petition was lodged for presentation, by **Dr Foskey**, *from 65 residents:*

Woolworths, Mawson

> To the speaker and members of the Legislative Assembly for the Australian Capital Territory
>
> This petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that Woolworths Mawson has been given a direct land grant by the ACT Government to double the size of its shop including acquiring a large area of the existing car park and 2500 square metres of adjacent park land for a new car park.
>
> Your petitioners therefore request the Assembly to undertake a review of the direct land sale process to Woolworths including the purchase price paid by Woolworths for public parkland.

The Clerk having announced that the terms of the petition would be recorded in Hansard and a copy referred to the appropriate minister, the petition was received.

Criminal Code (Mental Impairment) Amendment Bill 2006

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

Title read by Clerk.

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (10.32): I move:

> That this bill be agreed to in principle.

On 19 February 2004 I directed the Chief Executive of the Chief Minister’s Department to set up a high level interdepartmental committee to examine all aspects in relation to the care and custody of people with mental health issues who have come into contact with the criminal justice system. The committee was also asked to examine any requirement for the provision of facilities, including step-down of forensic mental health facilities in the ACT.

This committee considered the needs and views of consumers and carers, the Community Advocate, the courts, police and ACT Corrective Services. As a result of the committee recommendations, on 30 May 2005 the health minister Mr Simon Corbell and

I jointly announced an improved management model for mental health patients who come into contact with the criminal justice system.

This model drew on best practices of other states and territories and on a feasibility study conducted by the Victorian Institute for Forensic Mental Health—Forensicare. The new model was expressed as six key initiatives: the first is a clarification of the definitions that apply to forensic mental health offenders and alleged offenders. The foreshadowed definition of mental impairment in the Criminal Code 2002 will apply to criminal law matters while definitions of therapeutic matters will remain in the Mental Health (Treatment and Care) Act 1994.

The second initiative is a review of the Mental Health (Treatment and Care) Act 1994 by the Department of Justice and Community Safety and ACT Health, which is now under way. The third initiative is a common assessment process for forensic mental health offenders and alleged offenders throughout the ACT's criminal justice system. The fourth initiative is the provision of facilities for the secure detention, treatment and care of offenders and alleged offenders, including a secure facility located at the Canberra Hospital for short and medium-term care. The fifth initiative is step-down options involving support packages and appropriate accommodation options. The sixth initiative is widely available forensic mental health training for government and non-government workers who provide mental health services to these patients.

The bill I introduce to the Assembly today implements the first initiative of this model—the application of different definitions to criminal justice matters and mental health treatment matters. The foreshadowed definition of mental impairment in the Criminal Code 2002 will apply to criminal law matters while definitions for therapeutic matters remain in the Mental Health (Treatment and Care) Act 1994—the mental health act.

The rationale behind differentiating the definitions is that the current mental health act definitions were drafted for medical purposes and are principally about therapeutic treatment. Whether someone has a mental illness or a mental dysfunction dictates how, and by whom, they are managed under the mental health act. However, this therapeutic purpose does not benefit those people when they find themselves before the courts. The objectives are different. The definitions applied need to be different. The definition of mental impairment in the code is designed for criminal trials.

The code definition ensures that in a criminal prosecution a person would not be found guilty of a crime if they suffered from a mental impairment that had the effect that they did not know the nature and quality of the conduct or they suffered from a mental impairment that had the effect that they did not know that the conduct was wrong or they suffered from a mental impairment which had the effect that they could not control their conduct.

The definition used in the code also contemplates a much broader range of medical conditions than the definitions in the mental health act. The code defines mental impairment as including mental illness, which is an underlying pathological infirmity of the mind, whether of long or short duration and whether permanent or temporary, but does not include a condition resulting from the reaction of a healthy mind to extraordinary stimuli. The definition of mental impairment under the code also covers

such conditions as senility, intellectual disability, mental disease, brain damage and severe personality disorder. The amendments will mean that when offenders come before the courts and the Mental Health Tribunal becomes involved the issue for determination will be whether they suffer from a mental impairment and what that means for the allegations before the court by application of definitions designed specifically for the criminal justice system.

The government committed to commence the Criminal Code definition of mental impairment to apply to criminal trials. The bill also commences division 2.3.2 of the code relating to lack of capacity—mental impairment and criminal responsibility. Application of this division was delayed to enable consideration to be given to amendments to existing legislation to ensure conformity with the general principles in the code.

In addition to this the affected provisions have also been reviewed to ensure consistency with the Criminal Code 2002. This government's commitment to the ongoing Criminal Code project and the eventual harmonisation of all ACT legislation with the code to bring offences and related provisions into line with the general principles of criminal responsibility contained in chapter 2 of the code is well evidenced, with the most recent harmonisation bill being passed by the Assembly just recently.

Recently concerns have been raised about some perceived ambiguity in the transitional provisions made by amendments enacted by the Crimes Amendment Act 2005. To put this matter beyond doubt the relevant transitional provisions have been revised and re-enacted to make it clear that the government's intention is to ensure that all decisions made that a person is unfit to plead are reviewable pursuant to section 68 of the Mental Health (Treatment and Care) Act 1994.

This bill, together with the other initiatives developed by the model and the broader review of the Mental Health (Treatment and Care) Act 1994 and corresponding sections of the Crimes Act 1900 being jointly conducted by my department and the department of health, will allow us to take a comprehensive and systemic approach to forensic mental health care and custody and move us forward in the improvement of the care of mental health patients who come into contact with the criminal justice system. I commend the bill to the Assembly.

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

Motor Sport (Public Safety) Bill 2006

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

Title read by Clerk.

MR QUINLAN (Molonglo—Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming) (10.40): I move:

> That this bill be agreed to in principle.

This bill establishes an appropriate legislative platform under which motor sports and dedicated motor sport facilities can be managed. The bill introduces a licensing system for motor sport racing in the ACT. It creates the necessary decision structure surrounding motor sport licensing and it provides for compliance and regulation.

Presently no relevant legislation exists in the ACT. It is legislation that perhaps missed the boat at the time of self-government. This legislation is needed to fill a gap and to bring the ACT into step with other jurisdictions. This bill is based on existing New South Wales legislation that has operated satisfactorily for 20 years. The bill recognises the lack of existing regulation with respect to motor sport in the ACT.

The government has chosen to adopt a system that has worked well for some time. We have consulted with the relevant national and international motor sport bodies that regulate motor sports throughout the world and they have overwhelmingly endorsed our approach with respect to this bill.

Dedicated motor sport facilities present a varied array of regulatory issues. These issues are more complex than, say, events at Exhibition Park in Canberra. Events held at dedicated motor sport facilities need to be regulated, not only to address the essential requirements of public safety, but also to deal with some unique issues. For instance, motor sport events are usually part of a national or international competition framework. They are usually accredited with a governing motor sport organisation and that accreditation requires adherence to national or international standards. Event sponsorship and television coverage may hinge on compliance with these standards. Licensing, insurance, risk and liability management are likewise linked to the standards, directly or indirectly.

Local legislation applying to dedicated motor sports facilities is highly desirable as a means of implementing these standards and regulating activities at these facilities so that they also meet local requirements, particularly in the case of licensing, but also, very importantly, insurance, risk and liability management, environmental protection and vehicle and crowd safety. The legislative scheme envisaged by the Motor Sport (Public Safety) Bill 2006 will achieve these outcomes. I commend the bill to the Assembly.

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

Racing (Jockeys Accident Insurance) Amendment Bill 2006

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

Title read by Clerk.

MR QUINLAN (Molonglo—Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming) (10.43): I move:

> That this bill be agreed to in principle.

Members will recall that I presaged the possibility of this bill in this place in November last year. At that time I informed members of a temporary solution achieved in relation to accident insurance for jockeys racing in the ACT. I further advised that negotiations were under way to secure an agreement between the Canberra Racing Club and RacingNSW under which RacingNSW would extend the accidents compensation insurance it provides to jockeys racing in New South Wales to jockeys, apprentices and approved riders performing racing, track work or barrier trials in the ACT.

I am pleased to report to the Assembly that on 19 December 2005 the board of RacingNSW decided to extend the insurance I have outlined to jockeys, apprentices and approved riders performing racing, track work and barrier trials in the ACT. Negotiations are under way between Canberra Racing Club and RacingNSW to finalise contractual elements of the arrangement following that approval.

Accidents compensation insurance is a very expensive proposition, particularly in cases where the insured activity is inherently dangerous. This arrangement, if properly finalised by both parties, will save the Canberra Racing Club a significant amount of money—in excess of $600,000 in insurance premium costs per year.

The bill, actually an amendment to the Racing Act 1999, is necessary to provide RacingNSW with the requisite status it needs in the ACT for the limited purpose of extending the benefits of its insurance cover to the class of individuals that I have described. The bill establishes a legislative platform under which the status may be conferred and, if necessary, revoked. I commend the bill to the Assembly.

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

Construction Occupations Legislation Amendment Bill 2006

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

Title read by Clerk

MR CORBELL (Molonglo—Minister for Health and Minister for Planning) (10.46): I move:

> That this bill be agreed to in principle.

The Construction Occupations Legislation Amendment Bill 2006 amends a number of acts and regulations relating to the licensing regulation of construction occupations. The bill introduces initiatives which will provide new opportunities for people employed in the local plumbing industry, will recognise a national building product certification scheme and will make provision to allow for the recognition of national plumbing standards. The bill will also make several other changes to building and construction laws to clarify certain points relating to disciplinary procedures and to insert certain defences for partnerships that will make the existing legislation more compliant with the ACT Human Rights Act.

The bill also makes several other minor changes to recognise changes in terminology, to clarify certain meanings and to align the way the legislation interacts with the laws of other states. Laws amended by the bill are the Building Act 2004, the Construction Occupations Act 2004 and Regulations, the Electricity Safety Act 1971, the Gas Safety Regulations 2001 and the Water and Sewerage Act 2000.

The bill will make provision to allow for the recognition of the CodeMark scheme—a national scheme developed by the Australian Building Codes Board. The scheme will assist designers and certifiers in the knowledge that building products are compliant with the Building Code of Australia. The bill will amend the Building Act to recognise that building products, when certified by the scheme, are compliant with the Building Code of Australia. This will give certainty to building designers that the products they employ in their designs will be accepted by building certifiers. The bill provides that the minister may determine the scheme. This will allow flexibility in the event that the scheme established by the Australian Building Codes Board changes at some later date.

The bill will also amend the Water and Sewerage Act to recognise a plumbing standard referred to as the "plumbing code". The act currently recognises standards by specifically referring to them by name or, in most cases, their number. As these standards change from time to time, it is desirable to introduce a greater degree of flexibility by allowing the minister to recognise a plumbing code. This will also allow for the later adoption of a national plumbing code similar to the Building Code of Australia, which is currently being developed by the Plumbing Regulators Forum and progressively being adopted by the various states and territories. It is intended that the Plumbing Code of Australia will subsume the various codes and standards currently in use and will facilitate the introduction of a product certification scheme similar to the CodeMark scheme developed by the Building Codes Board.

The bill will also amend the Construction Occupations (Licensing) Regulations 2004 to adopt a new class of licensed plumber. The new category of irrigation plumber will allow licensed persons to install irrigation systems without the requirement that they obtain their full plumber's licence. There is currently no requirement for type A irrigation systems, such as those attached to garden taps at residential premises, to be installed by licensed plumbers. This new initiative will allow people to undergo a training course specifically dealing with the issues relating to irrigation systems and to commence practising in the field. It will also reduce the regulatory burden on the business sector, which currently requires that irrigation networks be installed by fully licensed plumbers. Licensed plumbers are not always interested in undertaking tasks such as the installation of irrigation systems and often prefer to undertake more complex plumbing systems.

The Construction Occupations Legislation Amendment Bill will also make several amendments to the Construction Occupations (Licensing) Act. It will clarify certain procedures that the Registrar for Construction Occupations must follow in issuing rectification orders and disciplinary notices. The new provisions will simplify procedures for determining whether a rectification order is required in cases of substandard work and will therefore remove unnecessary burdens on both building owners and the Planning and Land Authority.

Since the introduction of the construction occupations licensing regime through the Construction Occupations (Licensing) Act and its associated regulations the ACT Planning and Land Authority has been able to exercise a greater degree of flexibility in handling breaches of building and constructions laws and regulations. The new regime allows the authority to use a variety of compliance and disciplinary measures in enforcing the new regime.

Prior to the commencement of the COLA legislation in September 2004, the authority had few options available to it when dealing with breaches of this nature, other than the suspension of licences and denying licensees their livelihood. The authority is now able to employ a range of enforcement mechanisms such as the issue of reprimands, imposition of demerit points, fines, temporary suspension of licences and, ultimately, cancellation of licences and issuing of rectification orders. These methods allow the authority to encourage compliance without needing to resort to heavy-handed sanctions when these are unwarranted.

The Construction Occupations Legislation Amendment Bill will make minor amendments to further finetune this regime. The amendments will clarify when the registrar may issue disciplinary notices and clarify the rights of licensees in being able to request that inquiries be held in relation to alleged offences. The bill will also introduce defences in instances where an offence is being committed by a partnership and where a partner was not involved in committing the offence.

In line with these amendments, the bill also clarifies terminology in provisions relating to entities, as opposed to the regions that relate to individuals. The bill will also recognise certain repealed laws that were in place before the commencement of the Construction Occupations (Licensing) Act and its associated regulations. These provisions will allow the registrar to take disciplinary action for offences under the old laws as if they were still in effect under the new licensing regime. This measure is important in order to ensure that substandard work undertaken prior to September 2004 can be dealt with by the rectification and compliance provisions in the new laws.

Finally, the bill makes several other minor amendments. It clarifies the meaning of sanitary drains and water services under the Water and Sewerage Act. It changes the way the act defines prescribed electrical articles, as the current definition is reliant on the laws of another state. It updates old references under the Gas Safety Regulations 2000 that refer to the chief executive, rather than the planning authority.

This bill will improve the functioning of the construction occupations compliance regime. It will provide greater clarity to the application of the provisions in the legislation and will implement new initiatives to provide greater certainty and convenience to building designers, the operators of sporting fields and those associated with the building and construction industries in the ACT. I commend the bill to the Assembly.

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

Workers Compensation Amendment Bill 2006

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

Title read by Clerk.

MS GALLAGHER (Molonglo—Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (10.54): I move:

> That this bill be agreed to in principle.

The ACT private sector workers compensation scheme provides compensation to injured workers for injuries arising out of, or in the course of, their employment. The purpose of the Workers Compensation Amendment Bill 2006 is to amend the Workers Compensation Act 1951 to ensure all family day care and in-home care carers in the ACT have the same entitlements to workers compensation under the act; to address an anomaly relating to pre-incapacity weekly earnings; to include rehabilitation treatment as part of the compensation an injured worker is entitled to and enable access to workers compensation for women up until the age of 65 years.

There are currently five Australian government approved family day care services and two Australian government approved in-home care services operating in the ACT. Four of the family day care services and one of the in-home care services employ carers under the Family Day Care (Australian Capital Territory) Award 1999. The carers who work in these services are employees and are covered by the act.

Family day care and in-home care carers who are not employed under the award are considered self-employed. Responsibility for obtaining workers compensation coverage for these carers has not been clear. To clarify the responsibility, the bill will introduce amendments that will allow the service operating these schemes to request that the carers be declared workers for the purposes of the act. The amendments will also enable the minister to make such a declaration on the minister's own initiative. The declaration of carers as workers will only apply for the purposes of this act. This amendment will ensure that all family day care and in-home care carers registered with Australian government approved services will have the same entitlements to workers compensation across the ACT.

The Workers Compensation Advisory Committee has advised the government that there are a number of discrete amendments that would improve the operation of the ACT workers compensation scheme. I would like the thank the Workers Compensation Advisory Committee for their continued commitment to working in partnership with the government to improve the operations of the workers compensation scheme in the ACT and improve outcomes for injured workers.

Currently the act defines pension age by reference to the Commonwealth Social Security Act 1991. Men qualify for the pension at 65 years of age. For women born before 1948 the pension age ranges between 60 and 64 years and six months. The effect of this is that

a woman born before 1948 who is injured more than two years before her pension age will have a shorter period of entitlement to workers compensation benefits than a man of the same age with a similar level of injury or incapacity. To address this inconsistency and to ensure that men and women have the same entitlements under the act, the bill will replace the words "pension age" with "65".

There is currently an anomaly between sections 39 and 42, as amended by the Workers Compensation Amendment Act 2005 (No 2). Under section 39 of the act, for the first 26 weeks of partial incapacity the worker is entitled to receive compensation equal to the difference between the worker's average pre-incapacity weekly earnings and the average weekly amount that the worker is being paid for working or could earn in reasonably available suitable employment. Section 42, which provides for payment of weekly compensation to a worker after 26 weeks of partial incapacity, does not take into account an amount that could be earned in reasonably available employment. To ensure consistency in entitlements during a worker's period of incapacity, the bill will amend section 42 to allow amounts that a worker could earn in reasonably available suitable employment to be taken into consideration after 26 weeks of partial incapacity.

An ACT Supreme Court decision in 2004 questions the liability of an insurer to pay rehabilitation expenses under the act. The decision found that, as costs incurred for rehabilitation of a worker are not costs for which an employer is liable, it is not a recoverable cost from an insurer. This ruling has the potential to make insurers hesitant to commence meaningful rehabilitation treatment for injured workers. This could affect the integrity of the ACT workers compensation scheme and increase the duration of injury and costs to both employers and injured workers.

To ensure that rehabilitation continues to be available for injured workers, the bill will amend the act to include rehabilitation services as a cost that employers and insurers are liable for. Rehabilitation services include training and retraining. This amendment will ensure that injured workers have comprehensive assistance in recovering from illness or injury and assistance with their timely return to work. These amendments will commence with the Workers Compensation Amendment Act 2005 (No 2).

The government is committed to improving the operation of the workers compensation scheme in the territory. The incremental adjustments that are proposed in this bill play an important part in ensuring that the legislation serves its purpose—to provide compensation and rehabilitation for workers who are injured in the course of their employment. I commend the Workers Compensation Amendment Bill 2006 and the accompanying explanatory statement to the Assembly.

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

Domestic Animals (Validation of Fees) Bill 2006

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

Title read by Clerk.

MR HARGREAVES (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services) (11.00): I move:

> That this bill be agreed to in principle.

This bill is necessary to ensure a legal basis for fees that have been collected with respect to the sale of dogs from the Domestic Animal Services Pound between 21 June 2001 and 8 February this year. Regrettably, technical defects have meant that a series of instruments made since the commencement of the Domestic Animals Act in 2001, which determine the fee for the sale of a dog from the pound, have not been legally effective.

Last year the legal affairs committee drew my attention to the possibility that the fee for the sale of dogs from the pound was invalid. The department sought advice from the Government Solicitor's Office, who agreed that this fee was invalid. In the light of advice from the Government Solicitor's Office, I made a new fee determination that was notified on 8 February 2006, and effective from 9 February 2006. However, it remains necessary to validate those fees charged for the sale of dogs from the pound prior to 9 February 2006, which is the purpose of this bill.

While it is regrettable to have to legislate to remedy a technical defect of this kind, members will appreciate that it is not the first time the ACT Legislative Assembly has been asked to do so. Of course, every effort should be made to avoid these problems in future. However, the approach that has been taken is that people have received a dog from the pound in return for paying the fee and that, notwithstanding a technical defect concerning the determination of the fee payable for that dog, the fee should continue to be payable. I commend this bill to the Assembly.

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

Road Transport (Alcohol and Drugs) Amendment Bill 2006

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

Title read by Clerk.

MR HARGREAVES (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services) (11.03): Mr Speaker, I move:

> That this bill be agreed to in principle.

This bill amends the Road Transport (Alcohol and Drugs) Act to clarify the operation of the act with respect to the compulsory blood sampling of people at hospital following a road accident and amends the procedures for analysing blood and other body samples taken under the act. Section 15AA of the act currently requires doctors and nurses to take a blood sample from a person attending hospital if the doctor or nurse has reasonable

grounds to believe that the person was a driver of a motor vehicle involved in an accident.

On the face of the section, the obligation appears to be invoked, notwithstanding that the accident may have occurred many hours, or even days before. The ACT Supreme Court has sought to read down the section. However, the open-ended nature of this provision is undesirable and remains a source of some concern amongst health professionals who feel potentially exposed by its open-ended nature. The requirement to take a blood sample is underpinned by a criminal sanction should a doctor or nurse fail to take a sample in accordance with section 15AA.

The bill amends the Road Transport (Alcohol and Drugs) Act to make it clear that doctors and nurses are only obliged to take a blood sample under section 15AA if they attend to a person who they believe has been the driver of a vehicle in an accident if the accident happened less than six hours before the person arrived at hospital. The bill also amends the act to update the procedures for analysing blood and other body samples taken under the act.

Under the act, part of the sample taken by a doctor or nurse must be placed in a one-way box for collection and analysis by an approved analyst. The requirement that analysts be approved ensures that persons entrusted with the important task of analysing samples in relation to drink-driving matters hold the technical skills and knowledge to be entrusted with this task.

Analytical technology has come a long way since the act commenced almost 30 years ago and the approved analyst no longer personally carries out each step of the analysis. I am advised that an approved analyst generally removes the sample from the one-way box and passes it to another person who prepares the sample and places it in an instrument known as a gas liquid chromatograph. This instrument analyses the sample and provides the results in graph form, which are interpreted by the approved analyst and certified.

The bill updates the act to remove the requirement that the analysis be personally conducted by the approved analyst and replaces it with a requirement that the approved analyst arrange for the analysis to occur at an approved laboratory. The requirement that the laboratory be approved will ensure that the laboratory meets the technical standards required for it to be entrusted with analysing samples. The approved analyst will still check the results and certify them. I commend this bill to the Assembly.

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

Planning and Environment—Standing Committee
Report 18—government response

Debate resumed from 24 November 2005, on motion by **Mr Gentleman**:

> That the report be noted.

DR FOSKEY (Molonglo) (11.07): It has been a fair while since the Standing Committee on Planning and Environment's report on the draft variation to the territory plan No 165 was tabled, so people may need to cast their minds back to have any idea of what I am

talking about. I did ask for the report to be noted because I felt that there were points that needed to be raised and, as I am not on the planning and environment committee, the Assembly is the only place where I can put my point of view.

I am certainly happy to endorse an increase in the gazetting of new areas of open space in the territory plan. It is very important that such places be gazetted, because this gives communities security about the areas that they visit, that they look at, where they walk their dogs et cetera, and they know that those places will remain there for a reasonably long period, if not in perpetuity. However, it is clear that there is inequity in the provision of secure open space in the ACT, and I will look at that further on.

In reading the submissions to the committee, I came across a multitude of views about how people see open space. While, as I mentioned, some people value it as adding to their amenity, others see open space simply as a fire hazard—a place to grow grass, which is then going to be a nuisance. Some people just see it out of their car windows and hardly even notice it, and others see it as just a space that is waiting to be filled with more suburbs, more roads and more houses. Clearly, the Greens do not share this latter view.

Most of the submissions received were from local communities concerned about maintaining their open space amenity. I will not go into detail on those areas here, but it was clear that some residents, for instance the Griffith community, had a different idea from ACTPLA about their open space amenity, as only part of block 34 was zoned in the draft variation. It was pleasing to see that, probably as a result of community consultation, part of block 33 was added. In some areas, football ovals and school grounds are zoned as open space, but it needs to be pointed out that these do not replace parks with mature trees, and they are not necessarily public land to be enjoyed by the public.

Robert Boden, the former director of the National Botanic Gardens, makes the point that people's access to treed areas gives them the opportunity to enjoy the kinds of trees that they are unable, for space and safety reasons, to plant in their yards. We can enjoy an autumn experience by stepping out into parks and kicking the autumn leaves around; we may not have the space to do that in our own yards, if we are lucky enough to have one.

The Commissioner for the Environment points out that the variation did not take adequate note of the habitat value of trees, both standing and on the ground, and their potential as significant trees excludes the importance of young trees that are not yet significant. Young trees below 12 metres, I think it is, do not fit the definition of significant trees and are often just mown down in the developing as urban services grass cutting occurs.

It is clear that the succession of plantings is a major issue for Canberra with its ageing trees. Some trees are able to live for a very long time; others become old and die within a few decades. I am not sure whether that was thought about when our suburbs were planted. So there is major work ahead in caring for and replanting the trees that make our bush capital.

Of course, an increasing number of people do not have private gardens and this makes access to public open space even more important. For instance, Woden has not got a

great deal of public parkland near the town centre and it is already losing much of what it has. I recently visited the area where Guardian House, an arguably valuable building, was removed along with many valued trees and is being replaced by a building that is arguably too big for the space. Residents and workers in the area have complained bitterly about this loss of amenity.

In addition, Sky Plaza, which has 165 apartments, provides no open space apart from a concrete courtyard, with little seating, alleviated to some extent by a beautiful mosaic fountain by artist Bev Hogg, and the parkland across the road, which residents might have enjoyed, will be swallowed up in the Woden East development, a place which is advertised as a location to have a lifestyle rather than a life. I have learnt to read that word "lifestyle" as meaning luxury and out of the range of many Canberra people. I would like to see our planners consider, every time they look at a development application, the access that its residents will have to open space so necessary to our wellbeing.

Similarly, the redevelopment of Civic may reduce amenity if it does not include open space in the form of pocket parks throughout the city. A park at City Hill is fine but not easily accessible to many who work in the city. For example, see how the area adjacent to Hobart Place is enjoyed on a weekday, providing breathing space, literally, and a place for small markets and casual meetings.

A point that I have made before is that our open space network must include adequate lifestyle corridors and contiguous areas, including broad corridors to enable wildlife to move freely, especially as climate change destroys their habitats. This is crucially important as we cannot know what the impact of climate change will be and definitely we should take a precautionary approach. This, therefore, requires forward planning.

I have not had time to scrutinise the plans in detail but I note that the area at the base of Red Hill off Kent Street, between Hughes and Deakin, is not zoned as open land, although it performs an important link between grasslands in Curtin and Red Hill. We pride ourselves on our nature parks and the fact that we have the largest area of endangered yellow box and red gum grassy woodlands in Australia, but we are eating away at them. The loss of East O'Malley was a planning disaster; there we have another "lifestyle" development of luxury homes that can never be as ecologically valuable as the wooded area, a haven for our disappearing birds, that it replaces.

I am told that there is likely to be another lifestyle medium residential development of four storeys or so behind the Telstra exchange in Kent Street, and this is an incursion on the grasslands of Red Hill. Residents in Hughes and other nearby regions make good use of this area and the loss of it as open space will no doubt be fought hard by them. We know that when residents move into a wooded, grassy area they often start worrying about wildfire, although their activities can be a possible cause of it, and demand buffer strips and tree felling. This is understandable. I do not blame the residents, but I think that they can often be misinformed, and politicians can politically use this and governments can respond, often with an overkill approach since the resources and knowledge for sensitive management of areas contiguous with nature reserves are not usually available.

It is important that if developments are allowed to proceed near sensitive areas and fire vulnerable areas they provide their own fire protection buffer zones and that incursions into nature parks are not required to be provided by government. In other words, when a development approval is given, it is also incumbent upon the developers to create the buffer zone within their own land envelope. I think this is still a grey area in planning.

Since much of our open space is in areas managed by Environment ACT, it is important that ACTPLA gains a greater respect for the work of the department. I noted in the Auditor-General's report on the development application and approval process that there are tensions between these departments, and I am not sure whether they arise in respect of open space management as well.

Finally, the Commissioner for the Environment pointed out in her submission that community views and aspirations were not actively sought during the open space network project process. This points to a problem that I have often mentioned and to which Mr Corbell responded in a question last December, I think—whenever this first came up. It is all very well to apply statutory consultation procedures, but this is an area where active community engagement is needed.

Really, it is an issue of community values. Do we think, as the HIA said in its submission, that our open spaces are just something to view through a car window and to worry about in the fire season, or do we recognise that we are guardians of a dwindling natural resource and habitat and that without open spaces and nature parks we will be depriving many species of homes?

This is about nothing less than our vision of Canberra's landscape—whether it is a source of endless greenfield development with roading and medium density infill encroaching on our open spaces or a bush capital where development respects the need for people's amenity, equity between different areas and nature's needs.

MR GENTLEMAN (Brindabella) (11.18), in reply: I would like to thank Dr Foskey for her comments today. But I would also like to remind her that the Greens are perfectly able to make submissions to the committee during inquiries, the same as everybody else, and for her to say that she has not had an opportunity may be a little naive.

I would just like to take a moment to reinforce some of the committee's comments in the report. Firstly, open spaces in the ACT can be seen as many forms. Some of those that follow have been taken from the words of stakeholders in their submissions: they form a key element of our bush capital and garden city, making Canberra a capital city like no other; provide breathing space for the spirit; are beloved by residents and envied by visitors; meet important community needs in a physical and aesthetic sense; provide space for health-promoting linear recreation activities such as running, cycling and horse riding; allow for the planting of large-scale shade trees which add a sense of permanency and security; absorb pollutants and increase oxygen levels; and provide opportunities for community involvement in management encouraged by a sense of ownership.

These were just a few examples of the ways in which submissions supported this draft variation to the territory plan. The aim of this variation is to determine whether sites should become part of the designated open space network with full statutory protection,

whether they should be given enhanced protection because of their public space values or whether the existing land use policy should be retained.

The committee has taken on board all of the submissions made by stakeholders and interested constituents and responded well in this report. This is something the committee works hard at, with not only this variation but all variations to the territory plan. This is apparent as we have stated in the report that the categories of land considered during the project included:

- land designated in the territory plan as subject to urban space land use policy, which includes pedestrian ways, sports grounds, parks and some other landscaped spaces. These tend to be areas for recreation, environmental protection and amenity, stormwater drainage and minor public utilities.

- hills, ridges and buffer areas under the territory plan—and hills, ridges and buffer spaces under the national capital plan—which are protected areas that conserve the environmental integrity and landscape views of Canberra's hills.

They can be used for recreation, cultural and natural heritage and biodiversity protection, buffer areas, education and research, utilities and agriculture. I would again like to thank those who were involved in the process for this recommendation and report, and in particular our secretary, Hanna Jaireth. I commend the report to the Assembly.

Question resolved in the affirmative.

Legal Affairs—Standing Committee
Statement by chair

MR STEFANIAK (Ginninderra): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Legal Affairs performing the duties of a scrutiny of bills and subordinate legislation committee.

The committee met yesterday, briefly, to consider the Human Rights Commission Legislation Amendment Bill 2006, which the government introduced on Tuesday and is to be debated later on this morning. The committee offers no comment on it. This bill will amend the Human Rights Commission Act 2005 to repeal a provision that the act commence on 1 March 2006 and insert instead a provision for the act to commence on a date to be fixed by the minister by written notice. A number of consequential amendments are also proposed.

Public Accounts—Standing Committee
Statements by chair

MR MULCAHY (Molonglo): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Public Accounts relating to inquiries about certain Auditor-General's reports currently before the committee: the review of the Auditor-General's report No 1 2005: *Management of government grants to the ACT Multicultural Council Inc* and the review of the Auditor-General's report No 3 2005: *Reporting on ecologically sustainable development*.

On 7 April 2005, the Auditor-General's report No 1 was referred to the Standing Committee on Public Accounts for inquiry. On 30 July 2005 the Auditor-General's report No 3 of 2005 was referred to the Standing Committee on Public Accounts for inquiry. Consequently, the committee received a briefing from the Auditor-General in relation to the aforementioned reports on 9 November 2005. The committee considered inquiring into the reports and resolved that they do not warrant further inquiry.

I also seek leave make a statement regarding a new inquiry.

Leave granted.

MR MULCAHY: The Standing Committee on Public Accounts will inquire into and report on the valuation of land in the ACT to determine the clarity, efficiency, equity, accountability, and transparency of:

(a) criteria and methods used for determining the value of improved and unimproved land;

(b) quality controls used to achieve accuracy in land valuations;

(c) professional standards required of the people conducting valuations and criteria for selecting the valuer(s);

(d) criteria, including frequency, and processes for checking the accuracy of valuations;

(e) criteria and processes for resolving errors and disparities in valuations;

(f) criteria and processes for dealing with objections to valuations;

(g) information provided to landholders on the basis for determining evaluations;

(h) impact of claims of commercial-in-confidence on accountability and transparency;

(i) impact of land tax rates on the housing rental market;

(j) information provided to landholders on the data required and the processes for appealing against assessment of land value; and

(k) equity between landholders—information provided to other landholders in the area/suburb in the event that an adjustment is made to the valuation of a local property following a successful appeal.

Executive business—precedence

Ordered that executive business be called on.

Indigenous education

MR CORBELL (Molonglo—Minister for Health and Minister for Planning) (11.26): I move:

> That the resolution of the Assembly of 24 May 2000, regarding half-yearly reports on the performance of indigenous education be amended by inserting the following new paragraphs:
>
> "(3) for the calendar year 2005, one report to be issued; and
>
> (4) from 1 January 2006, reports are to be issued six monthly, based on January to June and July to December each year.".

This motion seeks to bring indigenous education reporting in line with the academic year. As a consequence of a motion put before the Assembly by you, Mr Speaker, on 24 May 2000, the former Liberal government made a commitment to report to the Legislative Assembly every six months on the performance of the government in relation to indigenous education in ACT government schools.

To date 10 reports have been presented to the Assembly. Currently, the reporting period are September through February and March through August. This schedule presents several difficulties, largely because it is not consistent with the calendar year. It also does not align with system student testing reporting periods such as ACTAP results.

This motion proposes to change the reporting periods to reflect the full school year, with the midyear January to June progress report to be provided to the Assembly, followed by an end of year report that will incorporate a fuller account of outcomes for the school year. To implement this new arrangement the next report to the Assembly will reflect the outcomes for indigenous students for the 2005 school year and cover the period January to December 2005.

I understand that my colleague Ms Gallagher and her office have been engaged in discussions with opposition and crossbench members, and I commend the motion to the Assembly.

MR SMYTH (Brindabella—Leader of the Opposition) (11.28): Upon looking at this, initially I was a bit perturbed that perhaps it was an attempt by the government to escape scrutiny. But, as the minister has said, Ms Gallagher has spoken to my office this morning and explained the changes. I have some concerns that there will be only one report for the year 2005. But, if it is an attempt to look at school students in their particular year for the full year, that is acceptable.

The changes of the dates from September to February and March to August would seem to be sensible. Having the first two months of the year in the report from the last year does not seem to make a great deal of sense. Perhaps that was because of the timing of the motion and it was a direction from the Assembly. But, following the explanation and discussions with the minister's office, the opposition will be supporting the motion.

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (11.29): I thank the opposition for that position in relation to this very, very simple procedural change. The government have absolutely no intention or desire to be anything other than very, very patent in relation to reporting on indigenous education. Indigenous educational results are something that we are very focused on, and indeed it is an area in which over the last four years, as a result of very significant increases in investment in indigenous education and support for indigenous students, we are beginning to achieve some quite remarkable outcomes, particularly in the younger years, in the achievements of indigenous children within the ACT government schooling sector.

If there is one area of genuine progress and of some pride for the government in the indigenous community in recent years, it is the extent to which indigenous students, certainly in kindergarten, are now participating far more fully in educational programs than previously. We now see in the interjurisdictional assessment of achievement against national benchmarks that indigenous children in the ACT in year 3 are achieving benchmark results that are indistinguishable from those of non-indigenous children. That is, I believe, a most remarkable achievement, something with which we can all be enormously pleased, acknowledging that it is a first step—a first step only, but certainly a first step—in breaking one of the cycles that lead to continuing disadvantage, which is equality of access to quality education and which is as important or more important, I believe, for our indigenous population of students or children than could be ever fully stated or understood.

Our results over the last two years in the testing, which is undertaken across the nation against nationally agreed benchmarks in years 3, 5 and 7, reveal that this year and last year indigenous students in the ACT are achieving at that benchmark level in year 3 and making enormous strides in year 5. At this stage they are not achieving at the levels that we would hope to achieve in the future in relation to year 7 and, as the cohort of indigenous children in the individual years age, the results regrettably continue to decline in comparison with the results achieved by non-indigenous students.

This is a major test of government. Our commitment is to seek to redress disadvantage in indigenous populations—most certainly within the Canberra indigenous community—and the great responsibility of government in relation to seeking to redress two centuries of disadvantage and discrimination is through the provision of good, high-quality supportive education for Aboriginal children within our school systems, and indeed at other stages of their life. I believe it is through the attainment of first-class educational qualifications and outcomes by Aboriginal people that we will see the greatest inroads in Australia into achieving true reconciliation and some level of equity and equality of opportunity for them to participate in this their country.

So I am very pleased with this new reporting arrangement. The government looks forward to continuing to report against achievement in relation to indigenous education. This is a logical step–a step designed to ensure that we can map the progress of indigenous children through a school year and that we do not create a statistical anomaly in comparing from third to first term and then from second to third term, which has a level of illogicality about it. We believe the new arrangement is far more logical and will produce statistically better results for us to make our annual comparisons against.

I thank members of the Assembly for supporting this arrangement.

Question resolved in the affirmative.

Woolworths, Mawson

DR FOSKEY (Molonglo) (11.34): I seek leave to move a motion, Mr Speaker.

Leave granted.

DR FOSKEY: I move:

> That the petition presented this day concerning a direct land grant to Woolworths, Mawson be referred to the Standing Committee on Planning and Environment.

MR GENTLEMAN (Brindabella) (11.35): As chair of the planning and environment committee, I am happy to take that on board.

Motion agreed to.

Human Rights Commission Legislation Amendment Bill 2006

Debate resumed from 14 February 2005, on motion by **Mr Stanhope**:

> That this bill be agreed to in principle.

MR STEFANIAK (Ginninderra) (11.35): This bill certainly appears to do what the government intends it to do, and I will deal with that first because it is obviously going to pass. But I indicate that, as we opposed the setting up of the Human Rights Commission back on, I think, 23 August last year and the opposition have not seen the necessity for a Human Rights Act in the ACT, we will oppose this bill as well.

In terms of the mechanics of the bill, it does do what it is meant to do. It amends the Human Rights Commission Act to delay its commencement from March to a date to be fixed by the minister. The background for putting back the date for the commencement of the Human Rights Commission is that the positions of president and three of the commissioners—Health Services Commissioner, Disability and Community Services Commissioner and Children and Young People Commissioner—were advertised in November, applications have been received and no decisions on candidates have been made yet. It is expected, I understand, that the Human Rights Commission will become operational in August or September of this year.

The key feature of this bill is the new commencement date, a date to be fixed by the minister. Under the existing commencement provisions of the act, the Human Rights Commission Act would start automatically on 1 March 2006. The new commencement date also applies to provisions in section 79 of the Legislation Act 2001 that provides for automatic commencement after six months. Amendment 1.8 amends the commencement provision in the Public Advocate Act 2005 so that the majority of the act will commence on 1 March 2006, and the commencement of that act is presently tied to the

commencement of the Human Rights Commission (Children and Young People Commissioner) Amendment Act 2005, which is being amended in amendment 1.2.

The requirement in the Public Advocate Act to refer systemic matters to the Human Rights Commission will not commence until the Human Rights Commission Act commences. It sounds a bit like the knee bone is connected to the thigh bone, and basically what it means is that there are a number of consequences that flow from this act not being able to be commenced on 1 March, and those seem to have been taken into account in the bill. So in terms of the technicalities it is fine. In terms of scrutiny report, obviously there is no comment.

It does, however, raise the fundamental issue of whether we do need a Human Rights Act. It is now February 2006, close to 20 months or so after the act commenced. As I think I probably indicated when the Human Rights Commission legislation was passed in August last year, it is setting up another layer of bureaucracy. One of the criticisms voiced of human rights acts by opponents around Australia has been that they tend to establish another level of bureaucracy, and this is clearly something we are seeing here.

From the advertisements, these are quite well-paid jobs, as one would imagine—six-figure jobs. I think the amount set aside in the budget this year for this whole area went from $5 million to over $7 million, and I wonder what benefit we are actually seeing. Some of the benefits, if you can call them that, seem to be a propensity to highlight the likes of people such as criminals, prisoners—people who commit offences. I have expressed concerns before, and I still flag them, that I have not seen too many examples of a human rights act—and perhaps some of these commissions related to that—to deal with the concerns of ordinary, law-abiding Canberra citizens.

I have expressed concerns such as the example of a fellow who wanted the right to play poker machines in his club when he was off duty. He accepted he could not do it when he was on duty there. A regulation was changed to ensure that persons in that situation could not play poker machines or have a punt on the TAB at any stage. There are a number of examples I have raised of ordinary citizens whom the Human Rights Act simply has not been able to assist.

That is in contrast to some of the complaints, and positive steps taken, in relation to people who have claimed under the Discrimination Act that they have problems. That act has been with us since 1991. The Human Rights Commission seems to be able to deal quite satisfactorily with assisting ordinary people with everyday problems in relation to discrimination. So, again, I just make the point that it is early days yet, but we are seeing an exponential increase in the amount of bureaucracy around the Human Rights Act. I have yet to see any real benefit to ordinary law-abiding citizens as a result of that act. I know this is going to pass, and it is probably even too late for me to say this—because I am sure the government will not do anything as it is one of the pet projects of the Chief Minister—but surely, if you are really serious about overcoming a serious budgetary problem, you could do worse than look at areas of government such as this, to see if you do need this level of bureaucracy. Quite clearly, we would say that you do not. I make those points, but in terms of the actual bill, it will obviously pass, and in terms of the technicalities of it, it will do what is proposed for it to do.

DR FOSKEY (Molonglo) (11.41): The ACT Greens support the Human Rights Commission Legislation Amendment Bill 2006, and we acknowledge that, due to hold-ups with the recruitment of commissioners, the start date needs to be pushed back from 1 March 2006. We also note that 1 March was quite a delay from when it was first envisaged that the Human Rights Commission would be set up. We have been assured that the new date should be around August-September of this year. I am pleased that the set-back date does not relate to the changeover of the Community Advocate to the Public Advocate, because she has expressed to me her readiness to make the change and move forward.

The amendment does raise some questions about the state of progress on practical matters such as the commission's location, which I understand is yet to be finalised. This allows me to repeat my previous argument, that we would like to see all the commissioners co-located, with a separate entry and space given to the Children and Young People Commissioner, to ensure an appropriate welcoming atmosphere for children. I will be keen to receive an update on the location of the commission as soon as it is practicable.

I will also be keen to see how the president of the Human Rights Commission and individual commissioners manage to work in a collegiate fashion, because the initial legislation compromised individual commissioners' ability to set their own priorities and make decisions about their own investigations and reports to government. Instead, it has handed this power to the Human Rights Commission as a whole, and this will leave individual commissioners to fight it out within.

I will also be interested to see if, once the individual commissioners begin work, there is strong evidence for their need to promote citizens' rights and examine issues facing groups of people, beyond the current outline, which restricts them to responding to complaints and examining issues related to service provision. But all that is yet to come, and returning to the main point of today: I do support the Human Rights Commission Legislation Amendment Bill 2006.

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (11.44), in reply: I thank members for their contribution to the debate and I might say at the outset that the government, of course, regrets that it has found it necessary to introduce this bill today to seek an extension of the time for when the commission will commence. It is not what the government ideally would have wished.

As has been indicated, we have advertised nationally for a president and for other commissioners. The recruitment process for those did, to some extent, suffer from a combination of summer and some changes of personnel at senior levels within the department of justice. The recruitment process has not progressed. We are not in a position to commence the work of the commission as a result of that, and I, of course, regret that. It is a result of that that we are required today to seek the support of the Assembly in extending the date of commencement, and we will now continue to move on the appointments that are necessary.

I will just take the opportunity to respond to the continuing doubts raised by the shadow attorney about the appropriateness of a human rights commission. I think the shadow attorney's comments were not directed so much at the commission as such, or the establishment of the commission as an administrative model or an appropriate government model for allowing the administration of the statutory oversight bodies that currently exist and which we propose exist, but essentially at a continuing concern about the Human Rights Act and the appointment of a human rights commissioner as such.

It does need to be understood that the Human Rights Commission, so named, is a commission that will incorporate the existing Discrimination Commissioner in her continuing role, the Health Services Complaints Commissioner in the continuing role of that commissioner and will, when appointments are made and legislation commences, include, in addition to the Human Rights Commissioner, a children's commissioner and a disability and community services commissioner. So it is an overarching body that will provide the governing framework for all five commissioners, not just a human rights commissioner.

It is at one level misleading to lambast the commission as such because of one's opposition to a bill of rights or a human rights act as such. The Human Rights Commissioner is just one of four commissioners who will reside within the Human Rights Commission. We had, I think it might be fair to say, a brainstorming session of some sort in order to determine a name for the commission that would be the overarching organisation, governing body or arrangement for the new agreed co-location of our statutory oversight arrangements within the territory, and at the end of the day the government settled on Human Rights Commission, to the extent that each of these commissioners and each of the statutes underpinning their work goes to issues around human rights and the rights of all of us as humans, whether it be in relation to discrimination, human rights per se, health complaints and issues around the work that the Health Complaints Commissioner does, or the work that the children's commissioner or the disability commissioner do. These are all human rights issues, all rights invested in us as humans or as individual members of this society.

So it does need to be clearly understood that the Human Rights Commission is the overarching body within which there will be five resident commissioners, one of whom is the Human Rights Commissioner. It is something of a pity that an objection or opposition to the Human Rights Act and the role of an existence of a human rights commissioner infects a view around the model that has been developed for delivering in a collegiate, coordinated sense the range of statutory oversight functions that I think each of us would accept as being very, very reasonable.

It is in that regard that I take issue with the shadow attorney that the Human Rights Commission exists to meet the needs of people at the edge of society whom the Liberal Party, through their attorney, do not believe deserve support or even deserve to have their humanity recognised, such as criminals. Mr Stefaniak, in searching around for a—

Mr Stefaniak: I didn't say that, Jon. I just said that that seems to be the main emphasis.

MR STANHOPE: The shadow attorney responds that this is the emphasis. The statistics and the facts will prove that not to be the case but, even if that were the case, it does

raise, of course, the suggestion that the Liberal Party object to certain groups of human beings within our society having their humanity recognised, and the group that was singled out by the shadow attorney were criminals. They were just now singled out by the attorney as a group within society who really do not have rights—in other words, they do not have human rights, do not deserve to have their humanity recognised and protected.

That was the essential thrust of the remarks in opposition to the Human Rights Commission and the continuing opposition to the Human Rights Act and the role and function of the Human Rights Commissioner: there are people within our community, within our society, who are unworthy of having their humanity protected and recognised; they should not have the same rights to insist that their human rights be recognised and protected. That, of course, is at the heart of the continuing campaign by the Liberal Party against the Human Rights Act, against the bill of rights.

The shadow attorney suggested in the debate on this bill that the Human Rights Act has not been shown to have had any effect or any utility. Given the single debate around our response as the community of Canberra, not just as Australians, in relation to terrorism and the legislative response to terrorism, to suggest that a recognition or understanding or debate connected to human rights and an understanding of the implications of human rights has not been enhanced, that the debate has not been facilitated and that the quality of debate has not benefited from the fact that here within the ACT we have a legislated Human Rights Act is a classic head-in-the-sand denial of reality.

If anything, I think the events of the last four or five months have made the case clearly for a national bill of rights, not just proved the utility of the ACT's Human Rights Act. We see now around Australia almost a groundswell of acknowledgment that the ACT, in legislating a bill of rights, the Human Rights Act, in the ACT, has shown the way, to the extent that Victoria has now adopted the ACT model and indicated it will now be legislating a human rights act in the same terms as the ACT's Human Rights Act. So the proof of the pudding is in the eating: it has now been adopted.

The ACT Human Rights Act has now been adopted by Victoria. I know there are a couple of other jurisdictions that have begun the process of consultation within their communities, and of course I hope that our national parliament and our national parties will do so. I acknowledge that the Greens and the Democrats are very, very open even now in their support for a national bill of rights, and I await the day that my party nationally joins them in that endeavour, and of course that liberal parties around Australia adopt the attitude that conservative parties in other places around the world have done in relation to human rights acts and bills of rights.

The Conservative Party in the UK were a major and main supporter of the UK Human Rights Act. The Bill of Rights in the United States of America, of course, is tattooed onto the chests of most members of the Republican Party. The Republicans in the US have no difficulty tattooing the US Bill of Rights across their chests. They have aspects of some of the amendments—

Mr Seselja: The right to bear arms.

MR STANHOPE: Absolutely. Of course, Dick Cheney is a classic example of the importance of the right to bear arms. I hope he is frisked before he gets through customs if he ever comes to Australia again. I have a sneaky suspicion that there are members of the Republican Party in the Congress with the US Bill of Rights tattooed across their chests and on their biceps.

The Conservatives in the United Kingdom have no issue with the UK Human Rights Act. Conservative parties across the whole of Europe are supporting and campaign for the European Human Rights Act. There is no difficulty in New Zealand with the Liberals there around the support for a human rights act. But here in Australia, and of course here within the ACT as they pander to the national position and await their instructions from the faceless men and women of their organisation, they will have no truck with human rights or a bill of rights.

It is quite anachronistic that of all the strong Western democracies, the one in which the conservative side of politics continues to rail against a recognition of fundamental human rights and their importance is Australia. It is anachronistic and it is a commentary on the meaning of liberalism and the way in which members of the Liberal Party in Australia respond these days to liberalism and what liberalism really does mean in terms of the rights of the individual. It is quite interesting to me that this sort of wild look comes into the eyes these days of conservatives in this place in relation to anything to do with human rights. We see it time and time again. Having said that, I think the bill of rights in the ACT, the Human Rights Act, is here to stay. It will be replicated around Australia.

Mr Mulcahy: Queensland; will they be following you shortly?

MR STANHOPE: It will in my lifetime. It certainly will; there is no doubt about it. Victoria have moved to adopt it, and I know there are two other jurisdictions on the path. It will inexorably move across the nation and certainly one day we will have the privilege of living in a country that has embraced nationally a human rights act; there is no doubt about that. I thank the Assembly for its support of this bill today.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Workers Compensation Amendment Bill 2005 (No 2)

Debate resumed from 24 November 2005, on motion by **Ms Gallagher**:

> That this bill be agreed to in principle.

MR MULCAHY (Molonglo) (11.57): Although the opposition will support this bill it does have some concern that there is scope for interference by “authorised representatives”, as they are defined. We are obviously concerned about the costs of

complying with additional red tape and the high costs of workers compensation arrangements in the Australian Capital Territory—a matter on which I have previously made representations from time to time.

To refresh members' minds, the purpose of this bill is to simplify and improve accountability of the safety net arrangements by replacing both the nominal insurer and the workers compensation supplementation fund with a new default insurance fund; to focus on injury management and return to work for all workers compensation claims; and to clarify the roles and responsibilities of the government, insurers, employers and injured workers.

The opposition regards the default insurance fund as an improvement in current arrangements. A major flaw with both the current nominal insurer and the workers compensation supplementation fund is that neither provides for injury management and return to work. I should have said at the outset that I appreciate the briefing that was extended by the minister and her advisers, which is something that is always provided and enables sensible discussion of legislation before the Assembly.

The nominal insurer is for injured workers who are employed by an uninsured employer, but there is no incentive to return to work. The workers compensation supplementation fund is for situations where the insurer collapses—and, of course, that has happened on a couple of occasions—but its effectiveness has been brought into question following the Auditor-General's 2004 report which raised concerns about its governance, reporting and accountability.

Disclosure by insurers to employers of all costs is also an improvement. Employers will be able to see the premium that is attributable to government levies and will therefore be able to assess the impact of their own insurance costs when other employers fail to take out insurance policies. The minister hopes that this may create some peer pressure to insure. I hope she is right. Only experience will tell but it seems to be a step in the right direction.

There is, of course, a downside to the bill in that making the information contained in certificates of currency available to union officials further entrenches the problem of union right of entry—a matter to which employer and business organisations have objected previously. Regrettably, this government has once again caved in to its union paymasters on this issue. Its purpose is to give union officials carte blanche to get hold of details of who is employed, the basis of employment, how much they are paid and whether they are members of the union which the officials think they should belong to.

Unfortunately, employers in this territory have had to accept government-sanctioned union interference as a fact of doing business in the ACT. The opposition believes that it is not appropriate for a government to be so one-sided. The correct and balanced approach would be for the certificate of currency for a compulsory insurance policy to be made available to an authorised inspector, which it will be, and the employer who is covered by the policy. We are quite comfortable with the principle of this provision in the bill. But it is not appropriate for the certificate of currency to be inspected by a union because clearly such a provision in the bill has nothing to do with workplace safety and is not, in my view, relevant to core entitlements. It is all about giving information to the

union to increase its influence and bargaining clout. I do not believe an employee organisation should have that level of access to that particular material.

We in the opposition do not condone employers that fail to adhere to their obligations in terms of coverage but we believe there are adequate mechanisms in place to ensure that these matters are drawn to the attention of the appropriate authorities. There are adequate provisions to take steps now. I think the system has worked quite well. I do not accept that there is any convincing case for union officials to review this data. However, another agenda is being pursued, which I suggest is probably the real reason to differentiate between contractors and employees, and this is one of the main areas of interest in the industrial movement today. I would suggest that the government is being partisan on this element of the legislation. This should not be happening.

Accordingly, I foreshadow that the opposition will move amendment No 1 circulated in my name to delete clause 161 (4) (c). This amendment clarifies that a union representative will not be an authorised person to receive information contained in certificates of currency. I have no doubt that this will be opposed because I do not think the government would be game to make a stand on such a position. But as I indicated, the opposition would not see it as a role of employee organisations to be intervening in this area, especially given the level of systems that are in place to protect the interests of workers in this territory against recalcitrant employers who may default. There can be no persuasive argument except for an industrial objective to which I have alluded.

The cost of workers compensation in the ACT is a major problem for business and effectively it serves as a tax on employment. A survey commissioned by Australian Business Ltd in August 2005 revealed that in construction, manufacturing, retail trade, finance and insurance, and personal and other services the cost of workers compensation per employee in the ACT is higher than in New South Wales. In all of those industry categories the cost of workers compensation per employee is the highest in Australia, except for personal and other services in Victoria. This puts the ACT at a serious disadvantage against its competitor states. It discredits the claim that we are trying to make this city more business friendly, it discredits the claim that the ACT is committed to attracting business and industry here and it underlines the fact that we have the balance out of whack with what is reasonable and what ought to be done here to encourage a positive economic environment.

A fundamental problem with the way workers compensation is structured and the major cause of high and rising costs is the prevailing culture of presumed employer guilt at the workplace. Both OH&S and workers compensation take as their starting point the elements of an imbalance of control which is presumed to be embedded in the employer/employee legal relationship. The implicit but false, I suggest, assumption contained within the legal relationship is that the employer is all powerful in the work relationship and, in contrast, that the employees in most respects are witless and powerless.

As a legacy of history, the legislative structures of occupational health and safety and workers compensation are both predicated upon the existence of the employment relationship and this has therefore come to dominate the cultures and administration of the institutions that administer the laws. This results in a number of assumptions being built into the design of regulations that are highly suspect when it comes to practical

work realities. Those assumptions are that when a work injury occurs, the employer, however defined, is responsible for the injury; and that employees have diminished capacity to control their work environment and, when an injury occurs, are assumed to be blameless.

I spent part of my career dealing with a manufacturing industry. Some years ago I was consulting to a manufacturer and I saw firsthand, a situation where an employee came racing into the manager's office minus a finger. He had decided to remove a safety guard that the company had installed on equipment because he found it irritating and, as a consequence, suffered an horrific injury in the workplace. You could argue about that case all you like but it is one I happened to see first-hand. I felt very sorry for this person and their injury, and we got them to rapid treatment. But certainly I gained a lasting impression that these things are never quite straightforward.

Thus, the employer, however defined, is presumed to be at fault, regardless of the actual causes of any particular injury. This distorts the effective functioning of workers compensation arrangements as insurance schemes and OH&S laws as injury prevention mechanisms. This is the starting point from which the policy and operational distortions that occur in workers compensation and OH&S laws can most readily be understood.

Work safety laws take it as a given that the employer controls the work situation and is therefore responsible and liable under both workers compensation insurance and OH&S. But the reality of work situations is that many different individuals have combined control over work, and the one I cited is an example. The truth is that there are normally multiple "hands" on the steering wheel of the work "vehicle". Work safety laws, however, are biased towards the assumption that one "hand", the employer's, controls work. This is a false assumption based on the presence of a legal contractual relationship called "employment". The truth is that employers do have significant control, but so too do employees and many others, including unions, suppliers and government authorities. The outcome of this false assumption about employer control is that individuals who did not have practical, effective or total "control" are held to be totally liable, both from an insurance perspective and a prosecution perspective, and that other individuals who did have control or shared control in any situation are not held liable in any respect.

Twisting the truth about "work control" in such a contorted way diminishes community trust in the fairness and justice of work safety laws, causes people to spend time and energy trying to avoid the injustices of the laws and, I suggest, reduces the effectiveness of public policy targeting safe work practices. The essence of the problem is that the person paying the premiums—that is, the employer, however defined—does not receive the benefit of any claim but suffers the loss resulting from a claim made by someone else.

Under normal insurance the person paying the premium is the person covered and is the appropriate person to receive the benefit in the event of a claim. It is on this basis that actuarial risk is assessed. However, workers compensation design distorts normal actuarial risk assessment. Because the system works on the assumption that the employer is to blame for injury, it is wide open to claims of abuse. I know that Mr Gentleman frequently stands up in this place and talks about the terrible things that happen to members of the TWU at the airport. I would never say there are not rogue employers. I do not know about those particular cases—I have heard contrary views—but certainly

there are rogues out there on both sides of the equation. But my contention today is that the current lack of balance in the system means that we are wide open to claims of abuse.

WorkCover authorities claim that they investigate fraud. In practice, however, the system is often rorted. It is seen by many as a supplement to social welfare. Endemically, workers who may have suffered an injury out of work will claim the injury is work-related. The system assumes that when a claimant alleges the injury was work-related the worker is correct. The onus to prove the injury was not work-related falls on the employer—an almost impossible task.

Some sections of the medical profession are complicit in fraudulent claims. Most medical professionals charge more for a workers compensation consultation than for other consultations. I have no sympathy for that sort of conduct. Some years ago I drew to the attention of the national media the rorting that was going on. I referred to statements coming from medicos to justify a range of ailments which people were more than happy to shift back onto their employer, when often the facts showed that their employment had no bearing on their injuries. It behoves the Australian Medical Association at some point to lift its game in providing some leadership to its members to bring an end to some of these extraordinary practices.

Non-declaration to employers by employees of prior injuries is standard. If re-injury occurs, the employer is required to bear the cost. Workers compensation authorities claim that non-declaration of prior injury can void a claim but this rarely, if ever, applies. Privacy, discrimination and other laws effectively prevent employers from investigating if a prospective employee has prior injuries. This stops employers having proper control over their work risk, yet they must bear the cost of claims.

In summary, the existing workers compensation and occupational health and safety schemes directly and unnecessarily increase operating costs. They dampen productivity and constrain business success. Further, the key national priority—targeting safe working arrangements and compensation for genuine injuries across Australia—is clearly compromised, for reasons I have outlined. The culture and the laws need to be changed to ensure that every individual involved in work is held responsible and liable for the things they control. Only through this process can Australia drive towards truly safe work environments.

The minister is in a special position to correct the unreasonable and costly bias in the present arrangements. She has the challenge before her to reverse the trend of seeing Canberra as not a good environment in which to do business. Investment is being forgone and jobs do evaporate because of the OH&S and workers compensation rorting that has occurred. The opposition will listen with enthusiasm to hear what the minister is going to do to address some of the issues I have presented.

DR FOSKEY (Molonglo) (12.12): I will be supporting this bill, which introduces a number of amendments proposed by the Occupational Health and Safety Council, a tripartite body that plays a crucial role in the management of the ACT's private workers compensation scheme. After a lot of groundwork with employer and employee representatives and people from social services, the insurance industry and medical professionals, the scheme was passed by the Assembly, somewhat contentiously, in 2001.

In a climate of constraint, largely driven by the federal government and insurance businesses, and concerns expressed by employers that workers compensation costs in the ACT would drive away business, the ACT chose to combine the New South Wales table of maims approach to financial compensation for workplace injury, with a focus on open disclosure, injury management and back-to-work support. However, importantly and unusually, this was done without sacrificing the common law rights of workers to sue for damages. The ACT scheme pays regard to both the needs of the injured worker and their family in respect of income support. To that extent, this new scheme caters much more reasonably to those people who are substantially affected by workplace injury, and their families and their dependants, than did the previous regime.

When the bill was passed in September 2001 there were still a number of tensions. It was being argued—by George Wason from the CFMEU, for example—that the scheme was too generous and had been set up to fail. One of the elements of the scheme that required a bit of hard talking, I understand, was to set up regular reporting by the insurance companies of total costs and premiums received for the scheme in the ACT. The WorkCover site has figures up to 2003-04. Some $132.2 million in premiums was collected by ACT insurers in that year, which represents an increase of 46.4 per cent from the initial premiums collected in 1999-2000. In 2003-04 a total amount of $67.6 million was either paid, or expected to be paid in future years, by approved insurers and self-insurers to workers compensation claimants. This is an increase of only 11.2 per cent from 1999 to 2000. In other words, this scheme appears to be serving the insurance companies very well, in addition to providing workers and their families with reasonably good protection.

I think it will soon be time to revisit some of the provisions requiring disclosure of injuries, reporting requirements, and the impact of the rehabilitation regime on individual workers and their workplaces. In the meantime, I believe we can be confident that the basics of the ACT private workers compensation system are proving to be fair and effective. The collaborative approach that underpins this scheme can be seen in the acknowledgement in the minister's tabling statement that the amendments proposed in this bill are a consequence of the involvement of the Occupational Health and Safety Council and that the exposure draft of this bill was modified in response to comments from the Insurance Council and the Chamber of Commerce.

While these amendments are extensive in their drafting, they are not really complex. One key provision, as explained by others in the Assembly, is the extension of the injury management requirements. This is the rationale for the ACT private system to be extended to include the two safety net provisions—those that apply to workers employed by a business which was not carrying insurance and those that were covered by an insurance company which has since collapsed. It does this by setting up a default insurance fund which will be overseen by a tripartite advisory committee.

Both categories of cover will be funded through a post-funding model. In other words, employers would be levied to pay any costs incurred by the default fund. Clearly, if other employers fail to take out insurance the impact will be on those that are part of the scheme. The intention, to quote the statement, is to have a "peer regulating" effect. The thinking behind that, of course, is that there is greater likelihood that all employers will carry their share if the default position is not one of the territory picking up the tab.

One of the other significant amendments in this bill is the requirement for employers to have certificates of currency. In the ACT until now such certificates have not been necessary. They specify the number of employees and their pay rates that an employer has registered with their insurer and are consistent with requirements for employers to keep current six monthly their details with their insurance companies. Authorised persons under the act, including union industrial officers and principal contractors—who may be liable for the workers compensation for subcontractors who were not fully covered—will then be able to request that information.

In the increasingly fragmented workplace, such arrangements greatly assist principals and others with genuine interests in workplace safety to ensure that workers compensation liabilities are met. It is reasonable to make the point that certificate of currency requirements are more formidable in New South Wales. I know that Mr Mulcahy is going to move an amendment to remove the power of an authorised union representative to visit workplaces and I will respond again when he does so.

There are other amendments in this bill that are essentially non-controversial implementations of the underlying policy intent and I expect that these will be addressed by other members. In short, I will be supporting this bill.

MS GALLAGHER (Molonglo—Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (12.19), in reply: The legislation we are considering today, the Workers Compensation Amendment Bill 2005 (No 2), builds on the reforms of the ACT private sector workers compensation scheme introduced in 2002. The bill further develops the objective of reducing the cost of workplace injuries through the application of early intervention, injury management and sustainable return to work for all injured workers.

The government has undertaken extensive consultation during the development of this bill. The ACT Occupational Health and Safety Council's Workers Compensation Advisory Committee has worked in cooperation with the government during the development of the bill and has provided advice on amendments. The bill was made available as an exposure draft in August this year and was on the ACT legislation website. Copies were also provided to all members of the OH&S Council, the Workers Compensation Advisory Committee and other interested individuals. The feedback provided through that process and the submissions received have assisted the government to further improve and refine the bill.

The bill establishes the default insurance fund which consolidates the two safety net mechanisms under the workers compensation scheme—that is, the nominal insurer, which provides compensation for injured workers who are employed by an uninsured employer, and the workers compensation supplementation fund, which provides compensation in situations where an insurer is unable to meet the costs of claims against the workers compensation policies it has issued. The new default insurance fund will hold separate accounts for claims made in each of these circumstances. The liabilities of each account will be funded using a post-funding model so that employers will only be required to contribute to the extent required to meet the costs of claims against each account. As was the case with the nominal insurer, the default insurance fund will be

privately underwritten, ensuring the cost of these claims is met by employers and not transferred to taxpayers.

The bill introduces a requirement for insurers to disclose to their clients the component of their premium that is attributable to the costs of funding the liabilities of the fund. This will improve the transparency of these costs and enable the employers to identify costs to their businesses that are attributable to other employers failing to take out workers compensation insurance. When the cost of employers failing to maintain workers compensation insurance is identified, employers and employer groups may more actively encourage other employers to maintain insurance.

The bill also ensures that the administration of the fund reflects the changes made to improve the efficiency and transparency of the administration of the supplementation fund, following the Auditor-General's report. The bill establishes a tripartite advisory committee with members nominated by employers, employees and authorised insurers. The advisory committee will oversee the operations of the default insurance fund, providing advice to the fund manager and the minister regarding its administration.

The workers compensation scheme aims to reduce the costs to all parties of workplace injury through the implementation of early intervention and injury management. The bill strengthens that strategy by ensuring that workers whose claims are met by the default insurance fund will be provided with similar injury management and return-to-work services available to other injured workers. Consistent with the objective of injury management, the bill also clarifies that employers may consult with a variety of people when developing a return-to-work program for an injured worker. This will allow employers to utilise a broad range of expertise to provide injured workers with an effective and timely return-to-work program.

The bill also clarifies the obligations of employers, employees and insurers under the act and encourages all parties to meet their obligations in a timely manner. This not only increases the administrative efficiency of the act but further supports early intervention and injury management. The bill also provides a strong incentive for workers to make compensation claims in a timely manner by requiring that they make claims within seven days of the injury. If workers do not comply with this provision, insurers are able to cease weekly benefits until a claim is made. This will not apply where the worker is unable to make the claim within the time due to circumstances beyond his or her control.

The bill also provides protection for insurers and employers in a small number of cases where injured workers refuse to attend a medical assessment within the first 28 days of the claim. Currently this means that insurers must accept these claims and are unable to recover benefits paid to the worker even if subsequent medical evidence indicates that the injury did not require compensation. In these circumstances, insurers are also required to give eight weeks notice before they can terminate weekly payments. The bill will allow an insurer to cease weekly payments where the insurer takes reasonable steps to obtain a medical assessment and the worker has failed to attend the assessment within 28 days. Again, this will not apply if the worker is unable to attend due to reasons outside his or her control.

The act currently requires insurers to pay invoices for services within 30 days of the service being provided. This has caused difficulty for insurers in situations where the

invoice has not been received within this time and has exposed insurers to the possibility of prosecution in these circumstances. The bill will clarify that the period within which insurers must pay invoices does not begin until they have received the invoice in writing.

The bill also contains other enforcement mechanisms designed to ensure compliance with the requirements of the Workers Compensation Act by employers, insurers and workers. As part of the compliance framework of the act, the bill establishes a system for issuing certificates of currency. Certificates of currency are intended to ensure that employers maintain adequate workers compensation insurance. Under the act employers are required to maintain compulsory workers compensation insurance and to provide prescribed wage data to their insurers every six months. The required information includes details regarding the numbers of workers employed and the wages paid to those workers. The data from each employer is used to calculate the cost of that employer's premium. Employers and unions have recently expressed concerns that despite the current enforcement mechanisms in the act there is a persistent problem of uninsured employers and employers who under-report their wage data. There is a real concern that this can lead to higher workers compensation costs for those employers who do the right thing.

Certificates of currency will support the enforcement regime within the act by providing a mechanism to identify under-reporting and under-insurance by employers. Certificates will set out reported wage data as well as the period of insurance cover and the period for which the certificate is valid, so that any discrepancies between the details reported on the policy and the actual workers present in the workplace can easily be identified and, where appropriate, action taken. This will be particularly useful in industries such as the construction industry where there is a high level of contracting out. Principals of workers have a strong interest in ensuring that contractors have adequate workers compensation insurance, as under the act an injured worker is effectively entitled to claim compensation from either the principal or the contractor.

There is a similar system operating in New South Wales. Reports from New South Wales WorkCover indicate that the system is an effective mechanism for identifying under-insurance by employers. The certificate of currency provisions included in this bill make some minor changes to the New South Wales system to improve efficiency and reduce administrative costs to insurers and employers. To further reduce administrative costs, certificates of currency will only be required when they are requested by authorised persons. Inspectors, union representatives or principals of workers will be authorised person for these purposes. The certificates will be valid for six months consistent with the current requirements in the ACT for the employers to update the wage data provided to insurers on a six-monthly basis. The government will not be supporting the foreshadowed amendment to be moved by the opposition.

Mr Mulcahy: Surprise, surprise!

MS GALLAGHER: I have missed you, Mr Mulcahy. It has been eight weeks since we have heard such a right-wing speech—we do miss them. You have just given us the speech that we would have expected from you. We enjoyed hearing what you had to say and your speech is in *Hansard* for us all to read. Right of entry has been in operation in the territory for some time now and the sky has not fallen in, as was predicted by the opposition. Although you still believe that the system is not operating well, I must say

that I am yet to receive one complaint about right of entry into workplaces. The system seems to be working well. Unions have a genuine interest in workplace safety. They have a genuine interest in ensuring that their workers are protected by workers compensation insurance. It is only right that this bill allows unions the scrutiny to ensure that their members or employees in the workplace are covered by workers compensation insurance. This is simply what that part of the bill is about and we will not be supporting any amendment to it.

The bill also provides ACT courts and the chief executive with discretion to make publicity orders against employers who have been found guilty of an offence under the act. It is intended that the discretion only be exercised where there have been serious and persistent breaches of the act. Publicity orders can be an effective deterrent against breaching the requirements of the act. Whilst such publications may impact on the privacy of individual employers, it involves information which has been tested in the public domain and is already publicly available. Similar discretionary publicity orders are currently available under the OH&S Act and the Dangerous Substances Act for offences against those acts.

The current structure of the system for workers compensation benefit is designed to encourage return to work. One mechanism which assists to achieve this is the reduction of the amount of benefits a worker receives from 100 per cent to 65 per cent of his or her pre-injury earnings after 26 weeks of absence from work. Under the current act, where a worker returns to work even for a single day, this can restart the 26-week period for full reimbursement of their pre-injury earnings. This is not the intention of the act and it leaves the system open to abuse. The bill will clarify that all absences from this same injury count towards a single 26-week period, after which the reduced benefits will be paid.

The bill also repeals the current framework for dealing with infringement notices under the act. This will be replaced by a schedule created under the Magistrates Court Act so that it will be part of a single consistent regime for infringement notices issued under ACT legislation. The bill also contains other minor amendments to provide consistency throughout the act. The bill will further enhance the workers compensation framework in the ACT.

I would like to thank members and their staff for attending the government briefings held since the introduction of the bill. I thank Dr Foskey for her comments. Also, I thank Mr Mulcahy for his comments. Mr Mulcahy's views on workers compensation as a whole were a bit like a leadership speech. While what he said did not really relate specifically to the bill that we are discussing today, we can see where workers compensation would go if Mr Mulcahy were ever Chief Minister in this territory, and I hope that workers pay particular interest to the comments he made today. I also thank the Office of Industrial Relations and the staff in my office for their work on this bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

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 12.31 to 2.30 pm.

Questions without notice

Budget—midyear review

MR SMYTH: My question is to the Chief Minister. The current ratio is a measure used to assess the liquidity of an entity. It measures the ability of an entity to meet current liabilities with current assets. As a rule of thumb, a ratio of greater than 1:1 indicates reasonable liquidity. A ratio of less than 1:1 indicates problems. Indeed, your budget paper 3 states:

> … a ratio less than 1:1 may indicate an inability to meet short term liabilities.

The midyear review shows that the 2007-08 current liabilities will be $530 million, with current assets of only $503 million; that is, a ratio of less than 1:1. Chief Minister, why have your decisions allowed the government to spend beyond its means?

MR STANHOPE: We have not.

MR SMYTH: Chief Minister, why is the trend over the next few years for the growth in current liabilities to overtake the growth in current assets? Who is going to pay for it? Will you now accept responsibility for the dire fiscal position your decisions have put the territory in?

MR STANHOPE: No.

Budget—superannuation liability

MR MULCAHY: My question is directed to the Treasurer. Page 269 of budget paper 3 of 2004-05—that is, the budget before last—states, in relation to superannuation liabilities, that:

> Actuarial estimates are therefore subject to change as a result of various demographic factors such as … variations in benefit options taken by retiring members. In particular there has been a history of scheme members retiring earlier and an increasing tendency of retiring members opting to take their benefits by way of indexed pension.

It is clear that, as far as back 2004-05, the factors you blamed for the poor position of the territory's finances were well understood. Given that this factor was well known 18 months ago, why did you claim that neither you nor government officials were aware of changing actuarial assessments until 29 November 2005?

MR QUINLAN: You have it all, bar one dimension. The fact is that those things change; yes it is recognised. Our actuary and our treasury officials work together earnestly trying to predict those. If there has been a increase, we take that into account. But if there is an inordinate increase, or an acceleration beyond your expectation, then you could get a rude shock. That has obviously been the case.

I do not have in front of me the figures of what the actuary and the treasury officials discussed two years ago. I know that last November the trend had gone from 50 per cent to 70 per cent of the old 54.11 and taking a pension rather than a lump sum.

From what it increased before that, I do not know. If you do not know that, the question is a non-question. What is the inference of this? Treasury wrote that in the budget: we signed it off and brought it down here; and then bodgied the figures. Why would we do that? We were trying to get an accurate estimate. So you have to take the trends and the demography at the time. When you talk change, you also have to talk about rates of change. It is not all that complex. But you have to talk about a rate of change as well as a trend.

I am fairly confident that the treasury officials and the actuary of the day took the figures and the trends that seemed reasonable on past history to be included in the calculations of the time. But now, with the romp of baby boomers going through the retirement process, there seems to be an even greater level of change. Just allow, in your mind, for a greater rate of increase, even there was previously a rate of increase.

MR MULCAHY: Mr Speaker, I have a supplementary question. Treasurer, what date in late October was superannuation identified as risk, to which you referred yesterday?

MR QUINLAN: I do not have a particular day. But superannuation, if Treasury is writing a briefing to cabinet, then amongst the list of all the other risks that they would identify, superannuation is highly likely to get a mention. Your own question is based on the clear volatility of that process. You would then have to recognise that, when Treasury is giving a briefing to cabinet, they do not say, "Here's a list of all the risks for the budget and future—superannuation—full top". No; it is whole paper that includes all the different risks: land sales, the housing market, wage levels—you name it; all of those things. Amongst that, there will be a paragraph—I am sure; I cannot remember the precise details—that states, "And superannuation could be". It would not say, "There is a risk that a year or so from now there will be an actuarial report that comes down on 12 December and says, 'You need to provide an extra $40 million'". That is just a nonsense. But that is the presumption of your question.

Mr Smyth: But it was important enough to put in the budget.

MR QUINLAN: Excuse me, Mr Speaker, I have had enough of that.

Mr Smyth: My first interjection for the day.

MR SPEAKER: Order! Mr Smyth.

Opposition members interjecting—

MR QUINLAN: I am leaving this place shortly, but I will say this once: you need to grow up. You do not listen. This is schoolyard babble.

Mr Smyth: What do you think you are doing?

MR SPEAKER: Order! Mr Smyth, cease interjecting.

MR MULCAHY: Mr Speaker, I rise on a point of order. I think the minister should direct his response to my question through you.

MR SPEAKER: It would be helpful if the opposition would cease interjecting.

MR QUINLAN: Cabinet will get regular briefings on the risks—up and down. If you are saying that superannuation is a risk, then all of a sudden there should be perfect knowledge of what will happen in 12 months time, or what will happen out of perfect knowledge instantaneously. That is nonsense. Be warned that there are a number of areas, because a number of areas in our budgets are volatile. They have been volatile for many years; they will be volatile in the future.

Occasionally in this place you get a level of final expenditure versus the original budget, and say, "The government missed their budget by this much". But if you drill down below that, you will find that in most areas there are ons and offs. Even if one year was close and the next year was far away, it does not necessarily mean that the close year was any more accurate; it just means that the ons and offs happened to balance each other. That is the process. That is life. The budget is an estimate. You then go through the process of reality.

Building design—five-star energy rating

MR GENTLEMAN: My question is to the Minister for Planning. In its election policy the government committed to achieve a mandatory five-star energy rating for new dwellings and a minimum standard for water efficiency. Minister, can you tell the Assembly what action you have taken to deliver on the promise in relation to energy?

MR CORBELL: I thank Mr Gentleman for the question. I am very pleased to have announced today that all new dwellings in the ACT will be required to meet a five-star energy rating under mandatory requirements that we will adopt and have in effect from 1 May this year. We will be the second jurisdiction in Australia, after Victoria, to extend to five stars the mandatory requirement for all new dwellings.

Since their introduction, four-star energy rating measures have helped raise community awareness of the important role that building design can play in reducing energy consumption. It has resulted in some improved design, but we need to go further, and that is what the mandatory five-star decision is all about. The introduction of a mandatory five-star energy rating will help the territory to better meet its goals of reduced energy consumption. Obviously, that has major implications for the contribution our city can make to reducing greenhouse gas emissions and helping to alleviate and moderate the worst consequences of climate change.

I note that the building industry, and in particular the Housing Industry Association, have come out today and criticised me. Of course, this is an organisation that believes it should be left to the market to decide how best to manage energy consumption in buildings. The Housing Industry Association is on the record as saying that it does not support mandatory standards and believes that it should be left to the market to decide how builders should respond to demands for managing energy efficiency. This is not a view that I or the government support. It is particularly telling that on Kyoto day, which is today, we see the Housing Industry Association opposing measures that will improve the energy efficiency of dwellings.

What does a five-star rating mean? It means that, when you go home in the evening of a hot day, your house is going to be cooler than it would be if it was a four-star energy rated dwelling. It means that your energy bill will be lower. It means that your energy consumption will be lower. What is the problem with that sort of measurement? It is a positive and important step forward.

The housing association have claimed that cost is the reason why this should not happen. But that is simply a smokescreen for their philosophical position that they do not support any mandatory standards when it comes to building design in terms of energy consumption. The Australian Building Codes Board have investigated this issue comprehensively. Their research shows that the average cost to ACT householders of moving from a four to a five-star energy rating will be approximately $500 at the time of construction and that this is paid back with an average saving on your energy bill of about $80 per year. So it is very clear that there are real benefits to householders.

At the same time as looking at this issue, the government has also been investigating the possibility of introducing the new New South Wales building sustainability index, BASIX. I have announced today that the government will not be proceeding with this system at this stage, because the introduction of the five-star energy efficiency rating and the new targets that the government has also outlined through the new water sensitive urban design guidelines effectively allow the ACT to achieve the same outcomes in water and energy savings as would be achieved if we were to adopt the BASIX scheme. So we are getting the same outcomes but without the same level of administration that would come with BASIX.

Finally, I just want to flag to members that the government will also be considering the introduction of a mandatory green star environmental rating system for commercial buildings, using the Green Building Council of Australia's green star methodology. However, we need to do this in conjunction with the Green Building Council of Australia, and we are working with them on that matter right now. These are important steps forward to achieve greater energy efficiency and to tackle climate change in the built form in our community.

MR GENTLEMAN: I have a supplementary question, Mr Speaker. Minister, what is the government doing in relation to its commitment on a minimum standard for water efficiency?

MR CORBELL: Again, I thank Mr Gentleman for the question. Water is the other side of this equation. The new guidelines that I have announced, which will be out for public

consultation today, adopt new targets for reduced energy use. The aim is to reduce water usage by 40 per cent in all new developments and redevelopments. These new guidelines, which set out these targets and requirements, will shortly commence a nine-week public consultation period.

What does this mean for new homes? It means that new homes will need to have a rainwater tank or a grey water recycling system as part of their development. In addition, there will be requirements for increased standards of plumbing to allow that water to be reused—for example, through the toilet or through other grey water activities in the household.

This target, to reduce water usage by 40 per cent, compared with 2003, in all new developments and redevelopments, including single residential dwellings, multiunit developments, commercial developments, institutional and industrial developments and all new residential estates, is a comprehensive response to the very important issue of reducing water use in new homes, new subdivisions, and commercial and industrial buildings.

It is important that as a community we focus on better managing water, our most valuable resource. These new water guidelines—standards when they are formally introduced—will make a significant contribution in that regard and will again see the government honouring a commitment we made at the last election to put in place tougher standards to manage water in all new dwellings in Canberra.

Budget—superannuation liability

MRS DUNNE: My question is to the Chief Minister. Last year the Auditor-General qualified the territory's 2004-05 financial statements. As you would know, when an auditor says something is qualified, the auditor actually is saying, "I don't believe you."

The financial statements were qualified because they failed to include the revaluation of the superannuation liability. Had the revised superannuation liability been included, the correct operating result for the general government sector would have been a deficit of $188 million, not the stated surplus of $26 million. Why do you perpetuate this error by including the revaluation of assets, but not the revaluation of liabilities, in the government's financial statements?

MR QUINLAN: I think I should answer that question. First of all, Mrs Dunne, in the question you said—you could not help yourself, I suppose—that when the auditor qualifies a statement she is saying, "I don't believe you." That is just not the case. What the Auditor-General was saying was that the treatment that the government has applied—did you understand the question you asked and are you interested in the answer?

Mrs Dunne: Yes. Don't worry. I have been doing this for a while.

MR QUINLAN: I do not think you do understand the question you asked.

MR SPEAKER: Order! Come to the question.

MR QUINLAN: There is a case that, from time to time—and we have seen it and discussed it earlier—there is an actuarial assessment of superannuation liability. Variously over time standards have changed. Superannuation can be brought in through the operating statement. It would be below the line. It would be something like the $95 million that was in the 1995-96 $344 million deficit that the Carnell government delivered to us. That had a $95 million below the line adjustment for the same thing—superannuation.

The standard that exists today, which only changed on 1 July last year, is that those adjustments that relate to the past should be adjustments to the balance sheet but should not distort the operating statement because they are abnormal items and relate to previous periods. The standard that prevails now requires us to charge that money against the balance sheet. We do not say, "Oops, we lost that money in the last 12 months." That would be the communication from the operating statement. You would not want that. Mrs Dunne, I am sure you would not want the operating statements of the ACT to give people the wrong impression of what is actually occurring. Harmonisation is one of the standards that have been changed to ensure that we do not distort our operating standards. In applying that standard last year, this government was ahead of its time.

MRS DUNNE: I ask a supplementary question. I am glad you mentioned harmonisation. Do you expect that the harmonisation of the financial reporting systems, which you foreshadowed, will overcome completely the flaw in the government's financial reports to enable us to end up with a more accurate picture for the electors of the ACT?

MR QUINLAN: Understand that harmonisation is about generally accepted accounting. Therefore, it is the system that your Treasury spokesman is saying ain't relevant. I do not know all the ins and outs of harmonisation, but I do know that the treatment of adjustments to liabilities like these as balance sheet items conveys a far more accurate assessment of the operating year by not being included in an operating statement like they were in 1995-96. It exaggerated the figure. It was a figure that the Carnell government brought to us.

According to the books that were done, the Carnell government had a deficit of 250 something million dollars in 1995-96, I think. But it was reported as $344 million because there was a below the line item. If you happened to be saying to people that the territory had an operating loss of $344 in that year under the Carnell government, you would probably be exaggerating the deficit that the Carnell government brought to us because, in fact, the real deficit was about $250 million.

Mr Mulcahy: Even on those figures it is still pretty bad, Ted.

MR QUINLAN: You do not understand it either, do you? I think the standard of today would say that the Carnell government delivered an operating deficit of $250 million-odd—I cannot remember the exact figure—in that year, but there was a below the line figure that boosted it. If the standards that apply today had been applied back then, we would not have had that distortion. We would not want distortion of reporting. We would not really want to berate the Carnell government for delivering a $344 million deficit if, in fact, they only delivered a $250 million deficit.

I will close, Mrs Dunne, by saying that if the government does the same thing in its reporting for this financial year as it did last year—and it will because we have a very sizeable adjustment of $300; we have been talking about that in the midyear report—the auditor will not qualify it. She will believe us this time.

Water—Snowy Mountains

DR FOSKEY: My question is to the Minister for the Environment and concerns the sale of the Snowy hydro-electric scheme. Since privatisation means that the focus of the Snowy hydro will shift to private shareholder profits and there will no longer be a need to answer broader environmental and economic responsibilities or to be answerable to the public via commonwealth and state governments, could the minister please advise the Assembly whether he has argued against the sale in the light of its potential impact on environmental flows in the Murrumbidgee and other impacts on the ACT?

MR STANHOPE: I thank Dr Foskey for the question on a very important issue, having regard to the history of the establishment of the Australian Capital Territory as the national capital of Australia and decisions that were taken in the early part of the last century in relation to the administrative arrangements that should be put in place and the legal arrangements that were required to assure the future of the Australian Capital Territory as the national capital.

Many of those legal agreements and arrangements that were made as long ago as 1909 involved the need to secure a water source for the national capital and to secure the catchments that would ensure a secure supply of water. Decisions were made at that time, for instance, to secure paramount rights over the Queanbeyan River and all of the catchments within the territory's border and catchments in New South Wales, including those involving the Queanbeyan River and, indeed, the Snowy River. There were paramount rights vested in the commonwealth wholly and solely as a result of the decision to excise some New South Wales land to establish the Australian Capital Territory.

That background actually leads us to the position in which we find ourselves today. I am one of those that believe that, simply as a result almost of an accident of history, an oversight, slackness or sheer bastardry, in the negotiations for self-government in 1988 and 1989, acknowledging that there was a Labor government in power federally at the time—

Mr Mulcahy: It was your mates.

MR STANHOPE: Absolutely. It was still bastardry. The 13 per cent which the commonwealth retained of ownership in the Snowy Mountains scheme was retained by the commonwealth for and on behalf of the Australian Capital Territory. I think that there is no doubt or dispute that, as a matter of straight moral position, we have a right as a territory, the inheritors of the rights which the commonwealth held on our behalf until 1989, to that 13 per cent. I think that the position can be put strongly, cogently, that the Australian Capital Territory has been denied its rightful ownership of a 13 per cent stake in the Snowy Mountains scheme. We have been. It is a matter of fact and it is irrefutable. The commonwealth, of course, will not budge on the issue.

In terms of the valuation of the Snowy scheme, the 13 per cent holding of the commonwealth is worth just on $400 million—$400 million that I believe has been ripped off the people of the ACT. There is no doubt in my mind that we have been, just as we have in relation to a whole raft of commonwealth-retained land within the territory. The position of the Snowy Mountains Authority is, essentially, the same as that which pertains to commonwealth-owned land throughout the territory, land which was retained in 1989 by the commonwealth for commonwealth purposes and which the commonwealth has now concluded it no longer requires for commonwealth purposes and disposes of to suit the needs of its own budget, land which quite clearly in a moral sense should be handed straight to the ACT government.

I believe that it is vitally important that, in arrangements that are made with a privatised owner of the Snowy hydro, the ecological and environmental integrity of the catchment is maintained, enforced. I am particularly pleased that at this stage the governments of New South Wales and Victoria have committed $30 million each to environmental enhancement within the Snowy catchment and I look to the commonwealth to match that. I think that it will be a travesty if the commonwealth, with its portion of the sale, does not commit the lot to the Murray-Darling Basin. That would be my hope. I have not made formal representations to that effect, but I would hope that the commonwealth, with the $390 million to $400 million which it will take from its share, a share which I believe it does not in any moral sense have a claim or right to, will be now fully and wholly devoted to the Murray-Darling Basin.

DR FOSKEY: If we had had that 13 per cent share handed over, would the ACT government have been interested in selling it, along with the other states?

MR SPEAKER: That is a hypothetical question.

DR FOSKEY: Okay. What involvement will the ACT government have in planning and managing the environmental flows in the Murrumbidgee when the Snowy hydro is sold?

MR STANHOPE: The ACT will, of course, continue to assert its authority within its borders in the way that it currently does. To that extent, we will have the control that we have in relation to a waterway such as the Murrumbidgee that traverses, as it does, three, perhaps even four, Australian jurisdictions, where there is, through arrangements which are in place, particularly through the Murray-Darling Basin as it affects the Murrumbidgee in relation to the future of that particular catchment, a relationship in which we are actively involved as a participant in the commission, not a member.

To the extent that your question may go to what role or influence the ACT government may have in relation to the management of the Snowy, regrettably none other than one of moral persuasion and argument about the need to protect and enhance that much denuded and beaten river system. That is something which we do regularly and which we will continue to do. But, at the end of the day, it is a most unsatisfactory and, I think, frustrating position for the ACT to find itself in.

I do not know whether it was an act of deliberate bastardry by commonwealth negotiators and I do not know whether those that were perhaps members of the legislative council at the time within the ACT were not mindful of some of these

particular issues, as it is not an issue that was negotiated or debated at the time, but it certainly is a matter of history that that 13 per cent which the commonwealth is now selling in the Snowy Mountains rightfully belongs to the people of the ACT.

Budget—midyear review

MR STEFANIAK: My question without notice is addressed to the Treasurer. Yesterday Mrs Dunne asked you about the current investments line in the midyear review balance sheet. You will recall that there will be a reduction in current investments during 2005-06 of $240 million, or around one-third of our total current investments. Mrs Dunne asked you where that $240 million of current investments had gone. In your reply you mentioned that non-current investments might account for it. Later you suggested that we look at the bottom line. Well, we have, and non-current investments increased by about $152 million. However, the bottom line of the balance sheet, net assets, goes down by $237 million. Given that neither the bottom line nor the non-current investments reconcile to the drop in current investments, can you provide a reconciliation of the $240 million drop in current investments?

MR QUINLAN: No.

Dr Foskey: It is a stupid question.

MR QUINLAN: It is still a dumb question. I think I tried to communicate that yesterday.

Mrs Dunne: They were dumb answers, Ted.

MR SPEAKER: Order!

MR QUINLAN: The schoolboy chortle does not hide the fact that it is a dumb question.

MR SPEAKER: Order! The minister will come to the question.

MR QUINLAN: I said yesterday in my answer that if we are to reconcile we have to look at all the changes in the balance sheet. We can change from year to year between current and non-current investments, depending on the date that the investments mature. That is what decides whether an investment is current or non-current. That is the accounting rule for current investments. A non-current investment means we have to do something extra to liquidate it in the following accounting period. That is the end of the story.

If you want to try to reconcile the bottom line you look at all the shifts in liabilities. Here is a clue: we have just been talking about superannuation and an increase overnight of $300 million in our superannuation liability. Do you reckon that might go to your net worth, Bill? It does not. All I was trying to communicate yesterday is that you just have to look further than one line or two lines. If you are to reconcile the bottom line you have to reconcile the complete suite of increases in liabilities, decreases in assets, or increases in fixed assets because you might, in fact, be increasing your capital assets. That is the best that I can do.

MR STEFANIAK: Given that we seem to be getting there, Treasurer, can you now account for the disappearance of $240 million? You seem to be getting there.

MR QUINLAN: I am not very good at this anymore, am I? Not by addressing current assets alone.

Budget—midyear review

MR SESELJA: My question is to the Treasurer. According to table 13 in the 2005-06 *Mid year review*, page 21, GFS net borrowing for this year is $638 million, rising to $774.7 million in 2006-07. What is the reason for this very high figure for net borrowing?

MR QUINLAN: Are they the new figures or the old ones? The good news is that those figures are overstated. There is an error in the midyear review. Everybody in the house would know that by now. There was a double count of depreciation, which, instead of being factored out, has been factored in twice. The good news is that that line will be a whole lot lower; it will be a line that is declining.

I asked Treasury officials this morning, in my own vernacular, could I have a corrigendum or an updated report, signed in blood. They could not sign it in blood immediately because they were, at the time, hanging by their thumbs. I respect the work that Treasury has done for me in my time. Given the resources that they have had, the constant raids on staff by the commonwealth and the cherry-picking of staff, the work has been exemplary.

We have a clear error in these figures. The good news is, of course, that the resultant figures, when the error is corrected, impact favourably on our GFS net lending/borrowing. It does not impact upon our operating bottom line at all; it is the way that GFS measures whether you are, as they call it, a net lender or a net borrower. That is one of the measures that are taken into account; it is not the primary measure. It is one of the measures that are taken into account.

I advise members that I would like to reissue the amended statements before the end of business today, but I do not guarantee it because we want to check them and check them again, as you would appreciate. I apologise on behalf of the government for tabling these incorrect figures. Under the Westminster system, I take full responsibility. I advise the house that I am now prepared to consider my future as the Treasurer, on the basis of having presented incorrect figures in the house.

Skilled labour shortage

MS PORTER: Mr Speaker, my question, through you, is to the Chief Minister. Chief Minister, can you inform the Assembly about the status of the campaign that aims to attract new residents to Canberra, particularly those with skills that are in short supply?

MR STANHOPE: Thank you, Ms Porter, for the question. It is a very important question. As we are all acutely aware, Canberra, along with almost every other place in Australia—certainly the major cities—is suffering a very acute skill shortage. It is

important that the government take action to address what is, indeed, in many sectors within the territory, something of a crisis. It is quite pleasing that COAG, at its meeting last week, was able to develop a range of responses, new policy proposals and very much a joint approach to a whole range of aspects on issues of skill shortages, particularly those going to training and the need for far more collaboration nationally in relation to training and the development of skills across the board.

In December last year, I announced that the ACT government would seek to pursue, in partnership with the private sector in the ACT, a pilot campaign, aimed essentially at southern and south-western Sydney, to address the skilled labour shortage. Since that time, a great deal of work has been done by the Chief Minister's Department and the Department of Economic Development, in partnership with the private sector. All of the business community and those parts of this community that are very, very involved in or concerned about this, such as the academic institutions, the tourism sector and business generally, have been involved in the campaign.

The campaign will be launched in a month or so. As I say, it will target Sydney. It will rely very strongly on the very positive aspects of life in Canberra—the built environment, the physical environment, aspects about the nature of the city, the high levels of income, the best education and health systems in Australia and all of those things that each of us that call Canberra home know to be the fantastic aspects of living in Canberra.

We will, of course, highlight those as well as the fact that we now have a trend unemployment rate of 3.3 per cent, a clear 2 per cent lower than anywhere else in Australia. We have enormous gaps within skills. The latest reports on job vacancy advertisements show the highest level of vacancy proportionate to the work force of any place in Australia. There is a whole range of reasons why you would come to Canberra.

The campaign will be run through Canberra Connect. We have also built and developed a specific website to support the campaign and provide people who seek to respond with all the information highlighting why you might move to Canberra. We are in the process of producing a brochure which will feature a range of testimonials from people that have moved to Canberra in the last two years or so about why they believe it was the best decision they ever made in their life.

We have undertaken some research, through a research company in Sydney, of Sydneysiders' perspectives of Canberra, Canberrans and life in Canberra, which has thrown up some very, very interesting results. It was a random telephone survey which shows, very pleasingly, that, despite some other perceptions that we, as Canberrans, have of what we believe other Australians think of us, 52 per cent of respondents to the telephone survey reported they had a very positive opinion of Canberra as a place in which to live. Fifteen per cent of those that were surveyed indicated that they would very actively consider relocating to Canberra to live.

The survey has certainly demonstrated that we have a foothold already—a toehold—in terms of people's perceptions of Canberra. It has sparked our interest in doing more to promote Canberra and Canberra's lifestyle advantages to, in this first instance, Sydney and, hopefully perhaps later, other places in Australia.

The campaign that we will launch will, to some extent, leverage off the success of the Australian Capital Tourism's see yourself in the national capital, Canberra, campaign. We will be basically doubling up, to the extent that we will be running a campaign about seeing yourself living and working in Canberra. It will be a trial. I am aware of some of the experiences of other places in Australia, notably Adelaide in relation to campaigns to seek to attract people to live and work in Adelaide, which have run into some road bumps along the way.

MS PORTER: Chief Minister, what support has the government received from the business community in developing the campaign?

MR STANHOPE: As I said earlier, this is very much a genuine partnership between the ACT government and the business sector within the ACT. I do not think there is a single key industry group or business group that has not willingly and enthusiastically agreed to be part of this trial of a campaign in Sydney to attract people to live and work in the ACT. It bodes particularly well for its success that every peak industry organisation not only recognises the issue we have in relation to skill shortages but is prepared to work with the government to seek to do something about it through this particular campaign.

To the extent that it is not all that usual—and I applaud the nature of the relationship and the strength of the responses that we have received—to date, we have 15 private sector partners, each of whom is contributing $10,000 to the campaign. We are continuing to receive expressions of interest. It has got to the stage now where we continue to be approached by organisations and businesses wanting to be a part of this joint campaign, this partnership. We currently have 15 organisations that have committed $10,000 each. Those are organisations, as you would expect, across the business sector and all the sectors in business that are struggling to some extent as a result of the skill shortages. That is tremendous.

I am very happy to name each of them today. I look forward to doing that later when the campaign is bedded down. We are still taking on additional partners from the university sector, the construction industry and the real estate industry. Even licensed clubs have signed up and are participating and are reaching into their own pockets. It is great that they are being so enthusiastic and so supportive and essentially reaching into their own pockets and the pockets of their organisations. It is a fantastic result, recognising an issue which we, as a community, face, that the government has been so successful through this particular idea, this particular campaign, in attracting such broad-based support from the business sector for what it is that we are seeking to achieve.

We are running it strategically. It is very focused. We are focused on particular areas in Sydney. There will be a detailed advertising campaign over a month. We will case-manage each of the respondents. One of the difficulties always with campaigns of this order—advertising is the easy bit—is the follow up; it is case-managing those that express an interest, keeping them involved and interested and providing that bit of support that might lead to them making a positive decision. Those are the issues we are working on through the creation of a distinct website and a determination to have in place the resources to case-manage each of the responses that we receive.

I look forward to the launch. We are nearly ready. It is those last details, ensuring that we can follow up and manage the responses, that have led to us ensure that we get it right before we launch it. It will involve a major advertising campaign. I hope it is successful. It is an additional arrow in the bow in relation to the things that we need to do, as a city and community, to address issues of skills and population.

There is a population aspect to this, of course. We have to acknowledge our relatively low population growth over recent years. Perhaps, with this particular initiative, we can begin to address the two issues with the one program.

Budget—midyear review

MRS BURKE: My question is to the Chief Minister. Chief Minister, the midyear review of the ACT budget that your Treasurer tabled yesterday notes that a balance of unencumbered cash had been accumulated over recent years. Page 6 of the report states, "The currently forecast budget deficits can be accommodated without the need for a large borrowing program." Chief Minister, given that the midyear review that you have released acknowledges that some borrowings will be required, how much will be required and what will these borrowings be used for?

MR STANHOPE: I thank Mrs Burke for her question. As Mrs Burke said, the midyear review indicates that territory unencumbered cash certainly will decline. I am going on memory but I think it will be something of the order of $250 million this year to $1 million next and then it will grow in the outyears. As Mrs Burke said, the midyear review indeed indicates that the approved capital works program can be funded without the need for large borrowing. Indeed, the capital works program, as approved, can be funded without any borrowing.

I think that is an interesting form of expression that is used in the midyear review. I do not know why those particular words were utilised in the context of approved capital works. The statement to which Mrs Burke referred, which remains positive, means that the approved capital works program can be funded without borrowing. Of course there is nothing inherently wrong in borrowing. We have a very low borrowing ratio in the ACT—it is probably fair to say that we have the lowest in Australia. It is not something that governments in the ACT have been inclined to do, though by device it has been forced on agencies such as ActewAGL, in particular, by the previous government in relation to its one and only attempt at seeking to fund our superannuation liability.

Essentially that was achieved by that sleight of hand of forcing borrowings upon ActewAGL and, as the Treasurer indicated yesterday, by robbing Peter to pay Paul—dragging a dividend out of ActewAGL to lump into superannuation liability and, in doing so, forcing ActewAGL to borrow. But there is nothing intrinsically wrong at all. This is not some shock-horror possibility or prospect that the territory might choose to borrow. There is a range of very good reasons why we might borrow.

In answer to Mrs Burke's question, at this stage the government has given no detailed or active consideration to borrowing. We have only just begun our budget cabinet process for this year. I think I indicated in answer to Mr Seselja yesterday that there is no aspect of the government's finances, or the future, or the way in which revenue will be sought

or achieved, or what decisions we make in relation to expenditure, that is not on the table. One of the issues that will be on the table this year, as it was last year, the year before and the year before that is: should the government give consideration to borrowing?

That is something we have chosen not to do but it will be on the table, just as there will be on the table—as there has been in every budget I have been associated with and as I am sure there was in every budget delivered by every other government since self-government—a range of issues at every budget cabinet discussion. What shall we spend money on? What expenditure shall we approve? What are the priorities? Should we be looking at our revenue sources? Should we be raising sources of revenue from those existing sources? Should we be finding new sources of revenue? Should we terminate a particular revenue line? Should we contemplate borrowing? Is it cost-effective in outcomes for us to borrow?

Once again, in the budget process we have just commenced we will deal with all those issues. We will be considering all those issues. We have a tight budget position; there is no doubt about that. It is not dramatic and it is not in crisis. It is tough. In the overall scheme it is not the sort of bottom line that causes me any grave concern. None of my colleagues or I are wobbling at the knees at the prospect of this particular bottom line and the need to address it.

Mr Smyth: Just pushing to stare it down.

MR STANHOPE: We will, which is what good governments do and what this government will do. We will deal with it. That, of course, is the test of governments. It is a test we are prepared to face and one that we will.

MRS BURKE: I ask a supplementary question. Chief Minister, I still have to ask you this question: how do you reconcile the statement in the midyear review with your statement yesterday that your government was not actively considering borrowings? Can you make the position more clear? I do not think you really answered my first question.

MR STANHOPE: I did.

Mrs Burke: You are either borrowing or you are not.

MR STANHOPE: I was actually being pedantically correct in my answer. I cannot quite remember the question but I was determined to be precise. I know that I used the word "actively" which Mrs Burke just utilised. Just to be clear on this, what I meant by that was that we have not reached a stage in our budget cabinet deliberations where any of the issues—

Mrs Burke: That you might be borrowing?

MR STANHOPE: We might, most certainly. It is on the table but it is not yet being actively considered. If you ask me this question or you repeat this question, say, at the end of March or in early April I will probably be able to give you a far more precise answer. So ask me again in April. As of today this government is not actively considering borrowing. We have not discussed it or considered it—

Mrs Burke: But you might be?

MR STANHOPE: Yes. But it is certainly one of the issues we will consider. Just so that we are clear about this, there is no doubt that as of today we are not actively considering borrowing. But between now and when the budget is finalised we will at some stage actively consider borrowing. At the moment we are not, but it is certainly part of the mix. Between now and when we bring down the budget we will actively consider increasing expenditure and we will actively consider reducing expenditure. Between now and when we bring down the budget we will actively consider increasing taxes and we will actively consider reducing taxes. Between now and when we bring down the budget we will actively consider borrowing and we will actively consider not borrowing. So we will do all those things. Ask me in April or May.

Budget—midyear review

MR PRATT: My question is to the Chief Minister. Chief Minister, page 42 of the *Mid year review* of the ACT budget that your Treasurer tabled reveals that your government is proposing to introduce new taxes as from next financial year. What is worrying about these new taxes, apart from the fact that they are proposed, is that they are estimated to raise, in aggregate, only $2.5 million a year. Why is your government proposing to introduce more nuisance taxes when we have devoted considerable energy to trying to get rid of a raft of nuisance over recent years?

MR STANHOPE: I have not memorised page 42 of the *Mid year review*. I apologise for that, Mr Pratt. In fact, I do not think I have actually opened the *Mid year review* to page 42. My colleague the Treasurer, who of course has administrative responsibility for the midyear review and to whom you might possibly have addressed your question, has whispered to me—and I will take it as formal advice—

Opposition members interjecting—

MR STANHOPE: I now have page 42 of the *Mid year review*, and Mr Pratt is right. It refers to other taxes received. These are decisions that were obviously taken in the last budget. I have absolutely no idea what they relate to.

What decisions did we take in the last budget? We took decisions in relation to gaming—that is, poker machines—and we took decisions in relation to parking. It might be gaming, Mr Pratt. It is a total of $2.5 million. These were decisions that were taken last year as part of the mix. In the coming budget we will either actively consider increasing them or actively consider decreasing them or actively consider leaving them alone.

To clarify, these are taxes that were imposed in the last budget. I would have to go back and find out exactly which part of the taxes imposed these are. But these are not new taxes. The midyear review does not impose taxes, Mr Pratt. These are not taxes that actually have been conjured up by Treasury of itself to add to the mix. If your question was "are these new taxes?" the answer quite obviously is no—quite clearly no.

Health—allied health building at University of Canberra

MS MacDONALD: My question is directed to the Minister for Health. Minister, you recently turned the first sod for the construction of a new health building annex at the University of Canberra. Could you tell the Assembly how this building will benefit the people of Canberra?

MR CORBELL: Since it has been in office, the government has focused a strong program on improving our health work force. The most recent part of that strategy came to fruition only last week, with the commencement of construction of a new allied health building annex at the University of Canberra. This has been made possible through a $10 million grant by the ACT government. It is part of our strategy to increase the number of allied health professionals here in the ACT.

This building will house a raft of disciplines within the allied health area, including physiotherapy, pharmacy, nutrition, psychology and sports science. It will be co-located with the existing nursing and midwifery building, a building also funded by the previous Follett Labor government. This new building is expected to be complete by the end of 2006. The new allied health facility is expected to take its first students at the beginning of 2007.

This new building is an important facility. It will be four storeys. It will augment the existing architecture of the surrounding landscape. The range of facilities will include a food science training room and kitchen preparation for nutrition and dietetics courses, a physiotherapy gym, a gym teaching section, and training rooms. There will also be a teaching clinic with reception and waiting area, which will be used by a range of allied health disciplines, at which students under professional supervision can treat members of the general public.

It will also have a sports treating laboratory with a run-out track, a 229-person lecture theatre to be used for health and nursing courses, a dispensing and medical review laboratory for pharmacy students, an allied health research space, staff offices and common areas.

This is an important investment in the future of the ACT health work force. We know that across the health work force, whether it is medical students, allied health students or nursing students, we face some real pressures. When it comes to allied health, this investment in the new allied health facility will greatly improve the capacity for us to train people here in Canberra in those important services of pharmacy, nutrition, physiotherapy and so on. It will allow us to keep those people here in Canberra. It builds on the other investment the government has made through medical teaching with the new medical school facilities at the Canberra Hospital and Calvary Hospital.

These two investments by the ACT Labor government will ensure that into the future our city will have the capacity to train its own work force in the health area. No longer will we be completely hostage to having to attract health and medical students and allied health students from other places to come and work here in Canberra. We will have the capacity to grow our own. That is so important for the future of public health services here in the city. This latest investment by the Stanhope government is an important

demonstration of our commitment to making sure that we are able to grow the health work force we need for the future.

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

Supplementary answers to questions without notice
Budget

MR QUINLAN: In the last couple of days I have received about three questions in a row—three questions anyway—that seem to have an underlying theme: what did you know about superannuation; there is a conspiracy here and if we ask this question often enough, we might convince someone that there is a conspiracy here.

I have two pieces of paper in front of me. They are, I think, out of cabinet briefs so I hope my colleagues do not castigate me for actually divulging something out of cabinet papers. The first, dated 14 October, is entitled *Emerging and/or difficult to quantify budget risks*. It deals with a whole lot of things, including workers comp, land revenue, insurance, ACT forests, commonwealth grants and the superannuation actuarial review. The note states, "The annual review of superannuation liability represents a risk to the bottom line," and the amounts are filled in for 2005-06, 2006-07, 2007-08 and 2008-09. They are: "None", "none", "none" and "none—unable to quantify".

The second note, dated 7 November, lists identified risks and, as you would understand, there is again a whole raft of them, including superannuation actuarial review. The note states: "Indicative estimates of future increases in emerging cost deficit and accrual expenses-figures will be quantified in December." The estimates for 2005-06, 2006-07, 2007-08 and 2008-09 are shown as $8 million, $10 million, $8 million and $8 million.

So had I gone to estimates in November and not October and had you asked me those questions and had I given you those figures, we would all now be decrying the fact that I gave you bum information. In fact, if you had asked me in November in estimates, I would have said that we should wait for the actuarial review anyway. I would like to scotch any grubby inference, as was alluded to on the radio, I think yesterday morning, by Mulcahy, that I had figures that I would not divulge.

Mr Mulcahy: I raise a point of order, Mr Speaker. If Mr Quinlan feels that he has been misrepresented in the house, then I think it is appropriate to raise that matter here. But I do not think that comments in a radio interview are covered by the standing orders.

MR SPEAKER: He is permitted to provide additional information in relation to the question.

MR QUINLAN: I think I should be able to refer to a grubby slur on the radio, Mr Speaker.

MR SPEAKER: You can provide additional information, Mr Quinlan.

MR QUINLAN: Yes. I think I have provided enough, really.

Universities admission index

MS GALLAGHER: Yesterday in question time Dr Foskey asked me a question about the universities admission index, and specifically about a table. I indicated in my answer that the table was not publicly available.

Just to clarify that answer. I am advised that the Universities Admissions Centre intends to make available a table that converts the tertiary entrance rank to the universities admissions index. The table is not readily available but can be obtained on request from the New South Wales Technical Scaling Committee. There is a partial table available through the New South Wales University Admissions Centre website.

Quamby Youth Centre

MS GALLAGHER: On 14 December 2005, Mrs Burke asked a question of Mr Stanhope as Acting Minister for Children, Youth and Family Support about the capital works program at Quamby. The response is that $1.1 million has been spent prior to this financial year. Since September 2005 further expenditure has been undertaken. The new transportable unit is now operational, and the cost of purchasing, transporting and reinstalling the transportable was $1.77 million.

In addition, a further $800,000 has been spent on minor new works for Quamby to improve the amenity of the facility for young people and address issues raised by the Human Rights Commissioner. The majority of the recommendations of the Human Rights Commissioner that can be addressed, given the physical constraints of the existing facility, have now been completed. Of the remnant $900,000 from the original budget allocation, $500,000 is programmed to be spent by the end of this financial year, with the remaining funds to be used for minor new works at the existing centre until the opening of the new youth detention centre in 2008.

Paper

Mr Stanhope presented the following paper:

> ACT Criminal Justice Statistical Profile—September quarter 2005.

Cultural Facilities Corporation
Paper and statement by minister

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

> Cultural Facilities Corporation Act, pursuant to subsection 29 (3)—Cultural Facilities Corporation—Quarterly Report for the period 1 July to 30 September 2005.

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

Leave granted.

MR STANHOPE: As members may be aware, the Cultural Facilities Corporation delivers a range of arts and cultural programs and services for access by the ACT community at a number of venues that the corporation manages. These venues are the Canberra Theatre, the Playhouse, Canberra Museum and Gallery, the Nolan Gallery, Lanyon Homestead, Calthorpe's House and Mugga Mugga. The corporation also has responsibility for developing Civic Square as a cultural precinct.

Under the Cultural Facilities Corporation Act, the Cultural Facilities Corporation is required to provide quarterly reports on its activities and to table these reports in the Assembly. I am now pleased to say the corporation has completed its report for the first quarter of 2005-06, being the period July to September. From the first quarter report members will see that the corporation delivered a diverse range of programs and activities for the benefit of the ACT community from its theatres, galleries and historical places.

I draw attention to a number of key highlights from the Cultural Facility Corporation's report. Significantly, over 95,000 people attended the corporation's facilities during the quarter; 59,400 people attended theatre productions at the Canberra Theatre and Playhouse; 22,800 visited Lanyon, Calthorpe's House and Mugga; and 13,000 people visited the Canberra Museum and Gallery and the Nolan Gallery. The corporation not only entertained large numbers of people but also gained well-deserved recognition for its activities.

Notably, in September, the Canberra Museum and Gallery staff received an AIDS Action Council annual general meeting award. The award recognises volunteers, members of the community and organisations who, during the past 12 months, assisted in advancing the services or educational purposes of the council. The award also recognised the management and staff of the Canberra Museum and Gallery for their professionalism, dedication, care and attention to detail in curating the exhibition *Reflections: 20 years of HIV/AIDS activism and education*. In addition, the partnership between the Canberra Theatre Centre and the Royal Blind Society was acknowledged during the quarter with a 2005 Prime Minister's Award for Excellence in Community Business Partnerships. The partnership involves the provision of high quality audio services to people that are visually impaired.

The corporation also delivers programs for our young citizens. The Canberra Museum and Gallery's education program for young children *What do artists make?* continued to attract large audiences with over 350 young children participating in the program during the quarter. The program introduces children to artworks in a gallery setting, engendering an understanding and appreciation of arts and culture. The Nolan Gallery's outreach education program *Tall tales* continues to be well received by local preschools, with over 340 children participating in the program throughout the quarter. Inspired by the works of Sidney Nolan, children explore painting and drawing techniques.

The diversity of the corporation's programs is also highlighted by events such as the Lanyon Woolfest, held at Lanyon Homestead. Over 700 people visited Lanyon and participated in activities that focused on the wool industry, including demonstrations by

working sheepdogs, sheepshearing, wool classing and an Australian wool fashion industry parade. The Lanyon Winter Concert Series was presented on Sunday afternoons throughout 2005 with popular concerts featuring performances by leading ACT musicians.

The Canberra Theatre Centre presented three subscription season productions from nationally recognised performing arts companies. These were the Sydney Theatre Company and Melbourne Theatre Company's co-production of *Two Brothers*, the Western Australian Ballet's production of *La Boheme* and OzOpera's production of *Carmen*. These activities and events highlight the great diversity and popularity of the Cultural Facility Corporation's programs and services, as reflected in the report, which I table.

Papers

Mr Quinlan presented the following papers:

> Independent Competition and Regulatory Commission—Reports—
>
> Report 1 of 2006—Draft report—*Competition inquiry into Capital Linen Service*, dated 9 January 2006.
>
> Report 2 of 2006—Draft decision—*Retail prices for non-contestable electricity customers*, dated February 2006.

Land (Planning and Environment) Act 1991—lease variations
Papers and statement by minister

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

> Land (Planning and Environment) Act, pursuant to section 216A—Schedules—Leases granted, together with lease variations and change of use charges for the period 1 October to 31 December 2005.

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

Leave granted.

MR CORBELL: Section 216A of the Land (Planning and Environment) Act specifies that a statement be tabled in the Legislative Assembly outlining details of leases granted by direct grant, leases granted for community organisations, leases granted for less than market value and leases granted over public land.

The schedule I have just tabled covers leases granted for the period 1 October last year to 31 December last year. During the quarter 26 leases were issued by direct grant. Of these, two were granted using Disallowable Instrument 220 of 2003. The first of these was granted over blocks 75 and 76 section 8 Phillip to Indigenous Business Australia on 8 November last year. Block 75, with an area of 55 metres, was granted to permit the construction of the ramp to the rear of Scarborough House. Block 76, with an area of

368 metres, was granted to provide access to the front of the same building. Scarborough House is used for office accommodation.

The second, a lease over blocks 25, 30, 32, 33 and 38 of section 50 Macquarie was granted to Amarso Pty Ltd on 16 November last year to facilitate the redevelopment of the Jamison group centre in accordance with the Jamison Group Centre master plan.

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

Land (Planning and Environment) Act 1991—exercise of call-in powers
Papers and statement by minister

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

> Land (Planning and Environment) Act, pursuant to subsection 229B (7)—Statement regarding exercise of call-in powers—Development applications—
>
> No 200502504—Block 1 Section 24 City, dated 14 December 2005.
>
> No 200503275—Block 14 Section 18 Hume, dated 27 January 2006.

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

Leave granted.

MR CORBELL: This statement is in relation to the exercise of the two call-in powers that I have just outlined. The first call-in relates to block 1 section 24 City, the former Acton Hotel. On 16 November last year I directed the Planning and Land Authority to refer to me this development application. The application sought approval to vary the purpose clause and gross floor area provisions of the crown lease for block 1 section 24 City and to subdivide the site into two blocks.

On 13 December last year I advised the Planning and Land Authority by notifiable instrument that I had decided to consider the development application, and on 14 December last year I approved the application using my powers under section 229B of the land act. In deciding the application, I gave careful consideration to the issues raised during the consultation period. The key concerns included the proposed building's effect on the heritage, amenity and views of the subject site and surrounding area; the effect of additional parking and traffic; an increase in the number of buildings within the site as a result of the lease variation; and tree removal required by this proposal.

I have imposed conditions on the approval that require the site to be assessed for possible contamination and, if necessary, remediated to the satisfaction of Environment ACT; restrict the area for bank and cooperative society use; require that the lessee shall not, without the previous consent in writing of the territory, remove any tree to which the Tree Protection (Interim Scheme) Act 2000 requires; and require the lessee to pay any change of use charge that may be payable.

In deciding the application I have also given careful consideration to the demand for car parking, the potential impacts of the proposed additional uses and gross floor area on the surrounding area and the opportunity to achieve the goals of the City West master plan in regard to enlivening the City West area. I also made this decision on the basis that the development will complement the Canberra central program and work of the Griffin legacy project. Further, it supports the logical sequence of development that I have provided in the government's response to the Canberra central task force report. The proposal is also consistent with the requirements of the National Capital Plan and the territory plan.

I have used my call-in powers in this instance because I consider the proposal has a substantial effect on the achievement of the objectives of the territory plan to maintain and promote the city centre as the main commercial centre for Canberra and the region, providing a centre for Canberra that is vibrant, interesting and lively and encouraging a mix of land uses, including residential, which contribute to our diverse and active character. A clear benefit to the Canberra community arises from the contribution the development will make to a stronger and more vibrant city centre by providing for cultural facilities and commercial accommodation and increasing the housing choice for people wishing to live close to places of work, education, community services and cultural activities.

The other call-in I am outlining today relates to the new ACT prison, the Alexander Maconochie Centre. On 14 December last year I directed the Planning and Land Authority to refer this development application to me. On 27 January I advised the authority I had decided to consider the application, and on 27 January I further approved the application. The application sought approval for the construction of a 374-bed correctional facility and associated works.

In deciding the application I gave careful consideration to the requirements of the territory plan, the National Capital Authority's development control plan, the 2004 ACT prison preliminary assessment evaluation, advice from the ACT Planning and Land Council, the Canberra spatial plan and the Canberra social plan. I also gave consideration to the 76 written submissions and the six late comments received by the Planning and Land Authority during the public notification period of the development application in November last year. I have imposed a range of conditions requiring additional details on landscaping, stock-proof fencing, a water retention pond and associated land management and the effectiveness of raptor deterrent devices.

The land act provides for specific criteria in relation to the exercise of the call-in power. I have used my call-in powers in this instance because I consider that the proposal responds to a major policy issue and provides a substantial and far-reaching public and social benefit to the ACT by providing opportunities to rehabilitate ACT prisoners closer to their families and in their local community rather than being transferred interstate where the ACT community has little or no influence over their management and rehabilitation. The desirability of the maintenance of prisoner, family and community relationships was especially recognised by the Royal Commission into Aboriginal Deaths in Custody.

Section 229B of the land act specifies that, if I decide an application, I must table a statement in the Assembly within three sitting days of the decision. As required by the act and for the benefit of members, I have tabled statements in respect of these two decisions. These provide a description of the developments, details of land where the developments are proposed to take place, the names of the applicants, the details of my decision and the grounds for the decision. With the statements, I have also tabled the comments of the ACT Planning and Land Council on these matters.

In conclusion, I want to briefly summarise the use of the ministerial call-in power over the four-year period so far of the Stanhope government. The power has been exercised 15 times in that period. The majority of these have been in relation to development proposals in the city. They have been for the Metropolitan building on section 6 City; new commonwealth offices on section 88 City; the QIC development on section 84 City; new student accommodation for the Australian National University at section 30 City; another QIC development, more commonwealth offices, on section 89 City and the Acton Hotel redevelopment on section 24 City. Of the remainder, part of the Kingston Foreshore development was called in to enable this major first stage of the Kingston Foreshore project to proceed. There was also call-in of two separate developments for the Space residential developments in Turner, which were consistent with the territory plan and the Northbourne Avenue planning guidelines.

The other residential related call-in allowed the fast tracking of new ACT Housing properties in Duffy that were destroyed in the 2003 bushfires. I have also made call-in decisions relating to the Big W and Coles developments in Gungahlin, which avoided unnecessary delays and allowed these to proceed as a critical part of the Gungahlin Town Centre's development. Finally, I have exercised the call-in power relating to two aged care developments in Bruce and Ainslie, which will provide much needed accommodation for older people in our community.

The government and I have maintained a consistent line with the exercise of the call-in power in relation to commercial development proposals where objections have essentially been on commercial grounds and where there is no basis for appeal in terms of loss of amenity, inconsistency with the territory plan or that the proposal does not contribute significantly to the benefit of the territory. As part of the planning system reforms the government is currently working through, I would like to foreshadow now that I will be proposing that there be no appeal rights in respect of such commercial development proposals.

In conclusion, the government has been clear and transparent in its exercise of the power, including the tabling of all relevant information, including the reasons for each, advice received from the independent Planning and Land Council, as required by the relevant legislation. The government has met its legislative requirements on each occasion that the call in power has been exercised.

DR FOSKEY (Molonglo) (15.55): I seek leave to make a statement in relation to the papers tabled by the Minister for Planning regarding to the call-in of the prison project and the former Acton Hotel site.

Leave not granted.

Paper

Ms Gallagher presented the following paper:

> Children and Young People Act—Review of the operation of the Children and Young People Act 1999—Report on key findings, dated December 2005.

Safety of children in the care of the ACT and of ACT Child Protection Management
Papers and statement by minister

MS GALLAGHER (Molonglo—Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (3.56): For the information of members, I present the following papers:

> The Territory as Parent—Third six-month status reports—
>
> Review of the safety of children in the care of the ACT and of ACT child protection management, dated February 2006.
>
> The Territory's Children—Ensuring safety and quality care of children and young people—Report on the audit and case review, dated February 2006.

I move:

> That the Assembly takes note of the papers.

I am pleased to table the third six-month progress report on the implementation of the agreed recommendations of the reports into child safety and protection in the ACT—*The Territory as parent* and *The territory's children*. I previously reported to the Assembly on these matters in February and August last year.

We continue to get on with the job of reforming our care and protection system. The pace of progress has not slackened despite the continuing increase in demand for care and protection services. In 2004-05 reports of abuse or neglect of children or young people in Canberra grew by 52 per cent over the previous year. There have already been 4,500 child protection reports in the first six months of 2005-06. As members will be aware, this is a national trend. In the ACT a number of factors contribute to the ongoing increases in demand, including better reporting procedures and heightened community awareness about child protection issues. The Vardon and Murray reviews and similar work in other jurisdictions have raised community awareness of child protection issues. We also have a well-educated, informed population that tends to report, as well as 15,000 mandated reporters in various professions.

In 2004-05, 8,115 child protection reports were made to care and protection authorities in the ACT. In the same year the number of children and young people in care was 423. At the end of December 2005, that number had grown to 449—double the number three years ago. These numbers make it very clear to members and the community that an ongoing challenge for care and protection services continues in the ACT. These are all

indicators of demand on government for these services. In the face of this growing demand, I can tell the Assembly that, thanks to the investment of approximately $130 million by the Stanhope government in the Office of Children, Youth and Family Support since July 2004, we have a greater capacity to respond to the community's concerns about children and young people who are at risk of neglect.

The government's commitment to delivering a quality child protection system for vulnerable children and young people has not diminished. For example, we are recruiting and retaining more child protection workers. In 2005-06 the office is funded for 155 positions in care and protection, and recruitment to date has brought front-line staff to 115, up from 51 in April 2004.

The government is also making progress in building better services for at-risk children and young people. As members know, out-of-home care services for children and young people were outsourced some years ago. New three-level agreements with out-of-home care sector agencies will expand the range of foster care and residential services in the ACT and provide 156 foster care placements in this year.

In 2006 there will also be an increase in the range of available residential care placements, rising from 32 places to 51. This increase broadens the availability of specific support services for children and young people in care. It is now almost one year since Narrabundah House opened, providing a support service to indigenous young men. Narrabundah House can accommodate up to four young people and staff 24 hours a day, seven days a week. Since 1 March the hostel has accepted 20 referrals, with young people staying for varied lengths of time.

An important part of building the capacity for response lies in strengthening partnerships within government and between government and non-government agencies. This has been a primary focus for the past six months. Greater collaboration is also occurring across government. A practical example of this is the co-location of both a police officer and an ACT Health staff member within the centralised intake service at the office. This exchange of expertise is having real benefits in better coordination of services to children and young people in need.

Having a Children and Young People Commissioner within the Human Rights Commission will further strengthen government focus on the provision of quality services for children and young people. The commissioner will have an important role in providing feedback and resolving complaints to the betterment of ongoing service delivery and will also provide a means for children and young people from all backgrounds to make their views known in a sympathetic and supportive environment.

Collaboration is also under way between the office and its government and non-government partners to develop a model of integrated case management. This will improve service delivery and provide support to families in ways that will reduce the risk of children and young people needing to be involved in care and protection or youth justice services. The leadership team and final structure of the office is now bedded down. I remind members that this includes the first identified indigenous position at the executive level across the ACT Public Service.

A team of family support workers has been created to work with care and protection staff and with youth justice staff to monitor service provision to indigenous children and young people. This team helps other staff respond in culturally sensitive and appropriate ways to particular needs of indigenous children, young people and their families, and coordinates additional service provision. The specialised indigenous foster care service inaugurated seven months ago is also helping deliver better quality care to the indigenous community. Recruitment of indigenous foster carers and the provision of training for them support the government's goal of working with the indigenous community to combat some of the disadvantages they carry.

The changes I am speaking about here today are underpinned by an improved regime of compliance and accountability. I can report to the Assembly that statutory compliance obligations under the Children and Young People Act are being met. Section 162 (2) reports as well as section 267 annual review reports are being provided to the Community Advocate, as required. The timeliness of response, as required by the Community Advocate's office, is also improving.

The Community Advocate has also recognised that other practice improvements are occurring. The new MOU between the office and the Community Advocate has an emphasis on monitoring quality outcomes for children and young people in care, as well as statutory compliance. To ensure a sustained focus on quality decision making and reporting, the office has again engaged Ms Gwenn Murray, consultant to the Vardon review, to work with Care and Protection Services on a follow-up file audit and case review. This work commences next week.

Quality assurance has also been addressed in the establishment of the Advocacy, Review and Quality Branch within the Department of Disability, Housing and Community Services. The branch coordinates service review functions, internal review and complaints management.

While much has been achieved in implementing the agreed recommendations of *The territory as parent* and *The territory's children* reports, the Office for Children, Youth and Family Support is also working on other service priorities. Amendments to the Children and Young People's Act have been introduced into the Assembly, and we are working closely with non-government agencies and the Foster Carers Association to develop strategies for the recruitment and training of foster carers. Support for kinship carers is also a high priority.

Not only are we increasing our capacity to respond to client needs but also we are making sure that what we do is determined by evidence-based research, which will continue to improve the quality of service delivery to children and young people in the ACT. In 2004 the Stanhope government agreed to establish the Institute of Child Protection Studies at the Australian Catholic University. We are also collaborating with the ANU and the University of South Australia. These partnerships provide immediate input into the work of the Office for Children, Youth and Family Support, characterised by collaborative research; support for new graduates; support for creation of postgraduate opportunities; support for research-driven policy and program development in child protection; support for in-built evaluation mechanisms in program

development; and enhancing training standards in the ACT for child protection staff mandated professionals, foster carers and the community as a whole.

Research produced by these institutions has yielded ways of further improving practice and has provided the office with policy and procedural models for best practice, case management, placement planning, child-centred practice decisions, and how we are undertaking our role in identifying young people at risk and looking at the regulatory framework which within child protection work is undertaken. Such work is critical to continuing the implementation of Vardon report recommendations and determining future service initiatives.

Almost all business units of the office have moved into one building. This has had a marked impact on productivity and is helping to create a new positive culture for the organisation. Significant progress continues to be made in implementing the reform program, which has been supported by the efforts of staff, non-government partners, colleagues across ACT government agencies and volunteer foster and kinship carers. The government acknowledges the level of commitment made by all parties to put in place and sustain improvements in the support of young children and young people in care in the ACT.

These reports meet my commitment to advise the Assembly, every six months through to 2005, of the progress in implementing Commissioner Vardon and Ms Gwenn Murray's mid-2004 recommendations for reform of the ACT care and protection system. However, I will provide the Assembly with further advice about achievements against the reforms at a later time. In doing so I will focus on the way forward now that a significant start has been made in dealing with the issues that Ms Vardon and Ms Murray have laid out so clearly for us. I commend to the Assembly the third six-month status report on the implementation of *The territory as parent* and *The territory's children* reports.

Question resolved in the affirmative.

Papers

Ms Gallagher presented the following paper:

> Occupational Health and Safety Act, pursuant to section 228—Operation of the Occupational Health and Safety Act 1989 and its associated law—Second quarterly report for the period 1 October to 31 December 2005.

Mr Hargreaves presented the following paper:

> Australian Crime Commission—2004-05—Annual report, dated 20 October 2005.

Mr Corbell presented the following paper:

> **Petition—out of order**
> Child care and day care centres—establishment of 40 km speed limits—Mr Hargreaves (1,265 signatures).

Land (Planning and Environment) Act 1991—exercise of call-in powers

DR FOSKEY (Molonglo): I seek leave to make a statement in relation to the papers tabled by the Minister for Planning regarding the call-in of the prison project and the former Acton hotel site.

Leave granted.

DR FOSKEY: I thank the minister for his thoughtfulness, both in regard to his fellow minister Ms Gallagher and in safeguarding my right to speak here. I am quite sure that Mr Corbell anticipated that I would have something to say. I felt he gave a very full description and summary of his use of the call-in powers to date.

The Greens, as the minister knows, have opposed the Minister for Planning's ability—and that is not just Mr Corbell; it is any minister for planning—to use his call-in powers on planning projects. Though Mr Corbell did in most cases justify his uses of them, it is not always as transparent. There are concerns, quite understandable community concerns, when projects are called in before they have been through the full processes. I am quite sure there are other ways to deal with it. I am concerned about the impact of planning reform on the minister's power over planning decisions.

First of all, I want to make it absolutely clear that the ACT Greens support the development of an ACT prison and that we acknowledge the substantial benefits to the ACT community and the potential inmates that will flow from an ACT human rights compliant prison. We do not believe that it is good for prisoners or for their families and, ultimately, for our community that prisoners are taken out of the territory for their period of internment. Whatever we think about prisons, sentencing and the way that sentencing contributes to rehabilitation, the arguments come in on the side of having an ACT prison.

It is also important for the rehabilitation of inmates that they have that contact with their family, their friends and their community. It is of course important to children that they can continue their relationships with their parents if they are in prison. We are concerned about the way in which approval has been given to the final design of the prison. While I have no intention of requesting that this specific call-in be revoked, this is an opportunity for me to alert the Assembly to issues related to the use of the call-in powers over this particular project. There are a couple of issues.

We know that many—perhaps not all, though you would never know from the publicity—of the Jerrabomberra residents oppose the location of the prison and that they give traffic and safety concerns. We might not agree with them, but we believe they have the right to speak out and to use the existing processes to express their concerns. Apparently there were 76 written submissions and six comments. Most of those were from people who live adjacent to the site and were concerned about the location. I guess that alerts us to the fact that special consideration needs to be made in the design and security of the prison so that those people's concerns prove to be unjustified. The minister's use of call-in powers does not assist in solving these problems, and it is quite possible that many of the concerned community residents feel it is like a slap in the face.

One of the things that I have spoken about publicly is the absence, so far as I know—I have not seen it—of a prison health plan. We believe that it is very difficult to assess whether the prison design will reach its human rights potential without viewing that plan. In this case, of course, the minister who is responsible for the call-in on the design is also the minister responsible for the health plan.

We have been told by everybody who is concerned about this issue that the health plan is something that needs to be considered from the very beginning of the design of the prison. It is not something you add on at the end. It is something that needs to be thought of through placement of facilities and a whole lot of other things that I, of course, am not an expert in.

We know that many—indeed, most—offenders are likely to have mental health issues and perhaps drug dependencies, which I suppose is a physical health problem. They may have other physical health problems. It would be very good if people could come out of prison healthier than when they went in, even though that might lead some people to say, "It is a health farm." I have seen letters to the media along those lines. Indigenous prisoners who are over-represented in the prison population have particular concerns, and we need the evidence that those are addressed. We keep hearing about how the prison is best practice, but we have not yet seen how the government will deal with the physical and mental health needs of our prison population.

Before the building goes ahead, we would like to know how the government plans to keep prisoners healthy. That includes things like exercise space, food programs, safety and physical and mental health services. That needs to be addressed in the plan. I have spoken previously about the need for the health plan to address strategies to reduce blood-borne diseases and perhaps to keep people healthy and to seek rehabilitation and recovery from drug addictions. That is a health issue.

In the 1980s and 1990s, community, justice and government organisations recognised and campaigned for the fight against AIDS. It was understood that prisons were one site where the HIV/AIDS virus was spread. Of course all the efforts were made to make that difficult. We all are reasonably well aware of the things that go on in prisons, regardless of our best efforts. Nonetheless, we have to make sure we are putting in our best efforts. Harm minimisation steps were taken in prisons to prevent the transmission of AIDS. Those included the introduction of condoms, dental dams, bleach for cleaning syringes and education programs. This campaign was quite successful in quelling an AIDS epidemic in our prisons and then, of course, in the broader community.

Since then minimal steps have been taken to prevent the transmission of other diseases in our prisons, mainly hep C. Shared needles are commonplace. It is estimated that one-third of prison inmates are infected. Rates are higher for women, given that a lot of women go to prison because of drug-related offences. Our prisons are incubators for hepatitis C and lead to greater transmission rates when inmates return to the community.

We know that some countries have not swept this issue under the carpet. Switzerland, Germany, Spain, Moldova, Krygastan and Belarus successfully run needle syringe programs in their prisons. A pilot program will soon commence in New Zealand's prisons.

There has never been a documented case of needles being used as a weapon in any prison which provides them, and there has not been an increase in drug consumption or injecting. As a result, there have been positive results and a decrease in hepatitis C and AIDS transmissions, as well, of course, as a reduction in overdoses, injection-related infections and an increased uptake on drug rehabilitation.

Harm reduction initiatives such as needle and syringe programs do not condone illegal drug use. I repeat that: they do not condone it. They recognise that reducing the transmission of blood-borne diseases and overdose deaths is a more urgent and achievable goal than ending illegal drug use. We support and assist the provision of needle exchange programs in our broader community. So it is just a small step to take it into our prisons.

The other matter to consider is that, if the prison is to be human rights compliant, the ACT government needs to offer the same health services to inmates as it does to the community. So I am hoping that Mr Corbell will soon advise the Assembly on the status of the prison health plan and why he felt it was okay to call in the prison design before that integral part was notified.

In relation to the former Acton hotel site, we have had representations from constituents with concerns about the buildings planned for that site, primarily, the height of those buildings. Our own concerns are: the access that people will have to the lake and whether we are going to see the privatisation of public space here. We feel that it is really important that we insist that that foreshore of the lake remain public space and easily accessible.

National Multicultural Festival
Discussion of matter of public importance

MR TEMPORARY DEPUTY SPEAKER (Mr Gentleman): Mr Speaker has received letters from me, Ms MacDonald, Mr Mulcahy, Ms Porter, Mr Smyth and Mr Stefaniak proposing that matters of public importance be submitted to the Assembly. In accordance with standing order 79, he has determined that the matter proposed by Ms Porter be submitted to the Assembly, namely:

> The importance of the National Multicultural Festival in maintaining ethnic diversity and harmony in the ACT community.

MS PORTER (Ginninderra) (4.20): I am pleased to have the opportunity this afternoon to highlight the importance of the National Multicultural Festival in maintaining ethnic diversity and harmony in the ACT community. The festival has provided Canberrans and interstate visitors with the opportunity to celebrate our diversity and social harmony, and they have been doing so in record numbers.

Since the commencement of the festival on 6 February this year there have been record attendances at the main festival events; at the fringe festival every night at the Street Theatre; at the Canberra Theatre, which staged the international Chinese performance Beijing visions on Wednesday, attended by 520 people; and at the international concert last Friday evening, attended by 625 people. The 2006 food and dance spectacular, held

on Saturday, 11 February, exceeded all expectations, with crowds estimated by the *Canberra Times* at 60,000. Not included are an estimated 20,000 people who attended the Canberra Contact event, the Chinese New Year celebrations, and the Greek Glendi on the following day.

Through their ambassadors or high commissions, other countries have taken a keen interest in the festival. The Bangladesh Minister for Cultural Affairs, accompanied by her troupe to Canberra, hosted an event jointly organised by the Bangladesh High Commission and the community to acknowledge the troupe and to open the new stage recently built at the high commission. The cultural affairs minister met with Minister Hargreaves and attended the international showcase concert. The Belgian Ambassador will perform the ceremony for the Breughel wedding on Sunday, 19 February 2006, at the Carillon.

The wide variety of festival exhibitions which are staged across Canberra have attracted approximately 1,200 people so far. Project Samoa, a local production by university students, has sold-out performances. The fringe festival has to date attracted 2,500 partygoers who have witnessed a great range of talents, both local and international, such as the Bangladesh Dance Co, Drifting, Silk and Bamboo, the Salut baroque concert, the Indian Dance Troupe, the Macedonian choir, the Mirramu Dance Co, Mozart magic, and Zulya and the Children of the Underground, all playing to packed houses. The festival not only attracts a huge number of visitors but is also a magnet for members of the multicultural community, the broader community, volunteers, performers, cooks, organisers, artists, musicians and dancers.

The festival is not the only symbol of our diversity. Australia's population has always been diverse, with Aboriginal people comprising over 500 different cultural groupings. From the beginning of European settlement, migrants came from a range of nations, cultures and religious backgrounds. As we have grown as a nation, we have enjoyed successive waves of migration from all around the world. In fact, I came with my family as a beneficiary of this migration when I came to Australia from the UK as a £10 tourist in 1954.

In spite of discriminatory policies until the late 1970s, the Immigration Act of 1949 enabled thousands of migrants to come to Australia, many arriving to work on the landmark Snowy Mountains hydro scheme, the most significant engineering project undertaken in Australia. Not only did the Snowy scheme transform the engineering landscape of Australia but the overseas workers who laboured on it included people from nations that had, at the time, been opponents during World War II and who worked side by side to achieve a shared vision of creating new electricity to power our towns and factories and water to irrigate our crops. The growing recognition of the success of cultural diversity led to the dismantling of the white Australia policy by the Whitlam government in 1973.

Many of these Snowy workers and their children subsequently settled in the ACT, bringing a wealth of experience and skill to a number of professions, including the building industry, the legal profession, information technology and engineering. These migrants, who were in a sense Canberra's cultural pioneers, built many of Canberra's original and iconic cafes, bars, restaurants, clubs and churches, thus establishing important social and physical infrastructure for all Canberrans.

Theo Notaras, for example, the man after whom the recently opened Multicultural Centre is named, established Canberra's first sit-down cafe, the Capitol cafe. A man of enterprise, Theo also opened the first bookstore, hair dressing salon and souvenir shop. Our well-known migrant Mr Gus Petersilka opened Gus's cafe in Civic, which remains today as one of Canberra's most popular casual eateries. Gus brought alfresco dining to the capital. While he fought many battles in his business life, he was recognised in 1978, being voted Canberran of the year.

Canberra's history is richly infused with contributions by members from our culturally and linguistically diverse population. The 2003 publication *A social and demographic profile of multicultural Canberra* documents that the total number of people who were born overseas, or who had a parent born overseas, was 44.7 percent of the total Canberra population. That is nearly one in two Canberrans. This total overseas influence comprises nearly a fifth of all children living in Canberra, nearly a quarter of all young adults, over a third of mature adults, and one in 10 of older Canberrans.

Canberra receives about 1,200 new settlers a year from a wide variety of countries, with the largest numbers from New Zealand, China, the UK and India. Over a quarter of the overseas born people working in Canberra are employed in public administration and defence, with the next largest employment numbers in property, business, education, accommodation and cafes. Canberra is now home to people from over 200 different countries. Our diversity and harmony would be hard to match anywhere. Australia is one of the most multicultural nations in the world, and Canberra one of its most multicultural cities. Canberrans with diverse cultural and linguistic heritage maintain and celebrate their culture of course and, at the same time, are very much part of our community life and embrace the Australian way of life.

The Stanhope government is proud to represent such a diverse, inclusive and harmonious community. Multiculturalism is an inclusive concept that celebrates and encourages diversity. I am fortunate to have attended and officiated at many multicultural events and celebrations since I have been in this place. However, we should not remain complacent because there are threats to multiculturalism, as evidenced by tensions we are currently witnessing not just internationally but closer to home. Racially motivated acts of violence and terror on any scale need not lead us into a culture of fear, suspicion and hatred, although some would encourage us to do so. It defies logic to blame the crimes of individuals on his or her culture or religion. We must not fall into the trap of sanctioning discrimination against any ethnic, cultural or religious group, including refugees.

By accommodating this intolerance against any grouping of people, we open the door to discrimination against all people within our community, which is one of the many reasons why in 2004 the ACT government launched the Canberra social plan which established priorities to guide our decision-making over the next 10 to 15 years. It includes the priorities of respect, diversity and human rights, with the goal of respecting diversity by protecting each other's rights—this is essential if all Canberrans are to have the opportunity to reach their full potential; fostering a culture of respect and inclusion to help overcome barriers to participation; and celebrating diversity to allow us to draw on the wealth of different experience that we have here and to add to our knowledge and understanding of the world. The key objective of the Canberra social plan is community

inclusion, sometimes referred to as social inclusion. This is about addressing social and economic disadvantage so that all people feel included in the life of our community.

During wide-ranging consultation with members of the ACT community to develop building our community, community inclusion was seen as the best term to describe the aims and actions of this plan; the way we create a place in which all people reach their potential, make a contribution and share the benefits of our community; the way we seek to enable all members of our community to be engaged in the social and economic life of the ACT, regardless of a person's social status, age, sexuality, race, religious beliefs or cultural or linguistic background. This may simply mean assisting someone who has recently arrived in the ACT, through to helping vulnerable people with their multi-faceted needs. Social trust and quality of life in a harmonious society depend greatly on the strength of this inclusiveness and connectedness.

The ACT government has implemented a number of measures to achieve an inclusive and harmonious society within our cultural and linguistically diverse Canberra community. The government funds community projects that enhance community harmony through a number of grant programs. The multicultural grants program aims to enhance the ACT community through the development of innovate projects that highlight the community's cultural diversity and contribute to social harmony. The multicultural radio grants program provides funding to assist multicultural broadcasters in the ACT. The multicultural community language grants program provides funding to assist those who wish to operate community language schools.

The office of multicultural affairs also administers the work experience and support program, a program to assist Canberrans from culturally and linguistically diverse backgrounds who have been long-term unemployed to enter the work force by giving them the opportunity to improve their skills and confidence and to develop important networks in the ACT public service. Since 2002, about 80 per cent of participants have gained employment following their participation in seven programs.

As I said, I encourage everyone to remain vigilant in protecting and promoting the gains that we have made in our multicultural society. In the current global and national context, it is imperative that we continue to embrace our identity as a multicultural community, enjoying and harnessing every opportunity that life in the ACT has to offer. It is imperative that we continue to grow in our appreciation and understanding of our friends and our neighbours. It is imperative that we continue to strive for true equality, fairness and respect for basic human rights. This is a shared responsibility of government, business, the community and the media. The Stanhope government today confirms its commitment to this, through leadership, strategic policy and, most importantly, action.

MR PRATT (Brindabella) (4.32): I stand to join with Ms Porter in celebrating the multicultural festival, which is the essence of her MPI. Ms Porter has ranged widely over multicultural affairs in her speech. I do not intend to do that because I did that yesterday in response to Dr Foskey's motion. I do not think we need to do that. I am going to celebrate the multicultural festival, which is very much the essence of what Ms Porter's speech was.

I would simply say that the government is right. The multicultural festival is a very, very important event and a very, very important part of our landscape here, socially as well as economically. It plays a pivotal role, it certainly does, in encouraging ethnic diversity and harmony. You cannot beat having kids of all cultures thrown together in the same shopping centre because nearly everyone shops there on a Saturday afternoon. The food and dance spectacular that we saw here really captured everybody, whether they wanted to be there or not. That is the beauty of that particular event.

That is why Civic, as a venue, is by far the best idea, because it really is an opportunity to expose the strengths of our multicultural community to the broader Australian community; everybody is rubbing shoulders, eating tucker and watching very colourful activities; and it is a brilliant way of promoting diversity. It means that we break down those barriers and force people to have a good, hard look at each other's culture. It is great.

The activity that we saw on Saturday afternoon was by far the best I have seen in this place in five or six years. There may be some questions about whether the venue can carry that event—it certainly was very crowded—and there may be some things that departments could look at to help the organisers. Be that as it may, the organisers themselves, the festival association, the various multicultural groupings, be they the council or the forum, and the ethnic leaderships did a great job in putting that dance and food spectacular together. The Office of Multicultural Affairs and our departments did the best that they could—urban services, too—in making sure that the central services were in place to assist the festival to roll along quite smoothly.

There were issues and certainly questions of crowds, long queues and maybe some of the amenities. But they are the lessons that I would hope and I would expect the authorities and the city to be looking at and seeing what lessons could be picked up from the experience of last Saturday afternoon. I must say that another activity I went to last night—and I saw the minister there, too—was a really funny affair at the Dickson Tradies. That was the John Barresi program. I have not laughed that hard in a couple of decades. What a great little play that was, put on by the Tradies, with a national-standard class act of John Barresi and his entourage. It was colourful, extremely funny and a bit raw here and there, but what it did was tell a beautiful story about the marriage of two cultures. Therefore, the play itself had a very, very important role to play in this festival. I thought it was fantastic.

My 6-year-old daughter loved it. Thank God, the distorted blue language and suggestive material pouring from John Barresi went right over the top of her head. But she laughed her head off. It is really important that we all laugh at ourselves, be we born to Anglo-Celtics, spectacularly colourful Italian mammas or Brits. That is what that play was really all about. There are always lessons to be learnt. I thought it was a great affair.

The festival is going well so far. We have until the 19th before the festival itself is over. This is very important for Canberra. It certainly promotes the economy. I do not think there are very many cities in this country that look as colourful and as vibrant as Canberra did on Saturday afternoon. Surely if the food and dance spectacular continues to be as successful as that, then it must grow in strength and Canberra's tourism must get

a boost from that example. Let us see how it goes. Well done to everybody who was involved.

Let me take the opportunity to pick up on some of the key players who ought to be recognised for the roles that they have played in this particular festival. Of course there is Nic Manikis, who heads up the OMA; and Domenic Mico. Let us take our hats off to Domenic. I call him the comeback kid. He was desperately ill in recent times and was a very sick man. He has bounced back almost as if he had never had a brush with death. He has been out there and put together a very good activity. It was great to see him there on Saturday afternoon.

Others include the logistics officer, George Simpson; the theatres coordinator, Liz Topperwien; the music coordinator for the food and dance spectacular, Seth Jordan; as well as the National Multicultural Festival team. Helen Cross has been out there and in some ways is making a bit of a comeback as well. Others include the volunteers coordinator, Trisha Wong; accommodation logistics, Jodie Hughes; stage managers, Guy Scott Gibson, Corri Hakaraia and Jan Wawrzynczak; the theatre team leader, Steve Walsh; the technical support, Rodney Bates and Joanne Topperwien; communications officer, Yersheena Nichols; the harmony parade coordinators, Alison Cronan and Jim Andriopoulos; and website co-ordinators, DHCS Media and Communications, Renee Ness. Congratulations to all of those people on that National Multicultural Festival team. All power to them. Let us see where the festival goes from here.

MR HARGREAVES (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services) (4.39): I thank Ms Porter very, very sincerely for bringing the matter to the Assembly today. It is important. The issue of multiculturalism in this country is a matter of public importance and is topical at the moment. I also express my sincere appreciation to Mr Pratt for his support not only in the words that he has produced today, for which we are very, very grateful, but particularly for those people that he has acknowledged. I appreciate that and I very much appreciate his appearance at many of the events during the festival.

It shows, in fact, that we are as one when we come to celebrating the multicultural diversity of this town. Indeed, if I can be so bold, it shows that we are at one in the fierceness of our preparedness to defend it. We cannot underscore the importance of multiculturalism too much. It is an absolute and pure demonstration of the sense of family. It is acute.

With regard to the National Multicultural Festival, Mr Pratt has been very good to name most of the people that have been involved. I echo his sentiments. I will not repeat those names, other than, of course, to single out Dominic Mico. That is warranted every time we sing people's praises regarding the festival. I mention young Jorian Gardner, the madman behind the fringe festival. He has done the most fantastic job, under some trying circumstances, I have to say, particularly last night during the storm, when, of course, the whole place had to be evacuated because it was an outdoor event.

When I was talking to Mrs Cross about the festival earlier today, we both observed that one of the beaut parts about living in this town, in such a multicultural society—and we

have got something like 80 or 90 different groups; in fact, if you take them all together, there are about 200 of them; there are quite a few organisations within the same cultural grouping but there are about 80 or 90 different cultural groups—is that we have at least 80 or 90 little parties that go on during the year when they celebrate festivals, feast days, national days and other days of national significance. That is when they put their particular culture on show for us all to enjoy.

I have seen the Deputy Speaker at many of these events. They are the good part of the job. I have seen the Leader of the Opposition at many of those events as well. I am sure we are at one when we say that that is the good part of the job. We had a wonderful time at the turning of the sod at the Tamil senior citizens function on the weekend—to see the joy in the people's eyes and to see the sense of welcome that we get. You will get some white eyes like me turning up to a Tamil function. Essentially, it is a Hindu function. A Catholic guy turning up at a Hindu function—we do it all the time, and we are welcomed. It is a sense of brotherhood, sisterhood and family. It is wonderful.

We have had these little parties during the year; we might pop over to the embassy or whatever. Then, once a year, we come together and party big time. We celebrate in true and very professional fashion, the diversity and the coming together of all of these pieces of the multicultural jigsaw into the oneness of Canberra. I am particularly pleased.

I have got to share this with you. You know you have made it in politics when somebody bags you on the internet. I got bagged on the internet—I was so pleased—by this clown who was bagging multiculturalism.

Mr Smyth: We can do it some more if you want.

MR HARGREAVES: I know. You guys are better at it. This guy has got the IQ of a carrot. He was bagging multiculturalism and said, "I saw an advertisement in Perth for the National Multicultural Festival. Why on earth would you do that?" Is it not a measure of some of the success of the festival, if in fact the people in Perth know about it?

Mr Pratt was dead right in his speech when he said it is a boost for tourism. We get people from overseas. We get the embassies assisting with the multicultural festival organisers and bringing in overseas people. They do not come by themselves. We get people coming from all of the states in Australia. We get people coming from the regions.

The estimate on the crowd for last Saturday's food and dance spectacular was 60,000 people. That is the preliminary estimate. The estimate for the same event last year was 50,000 people. We have seen a 20 per cent increase in that one day. I am expecting to see a similar type of increase next Saturday when the harmony parade is on. I know we are all going to stacks of events that day. I know I have to front up to about six of them, plus the parade itself. I am expecting similar crowds again. I do not think we will have any trouble at all in knocking off the 125,000 people that we had last year.

I believe that, in Canberra, when we come together like this, we are showing this sense of family, this sense of brotherhood and sisterhood and oneness of Canberra so beautifully and joyously to the rest of the nation. Every now and again on that horror show called the news you will see racial tension; you will see racial vilification; you will

see ethic violence; you will see religious fanaticism; and you will see all manner of things. It is horrible. You wonder why in fact it has got a G rating instead of a PG rating or even something bigger than that half the time when you see some of the footage of the abuses in jails and things like that. You think, "What on earth are people doing across the world?" When you reflect on what we are doing here in the National Multicultural Festival, you think, "Yes, this is where it is at."

We will occasionally get little examples of racial vilification and racial violence. Let us not kid ourselves; it is not perfect. I reckon it is the closest thing to perfection this country has to offer. I have observed before in this place that part of it is because of the nature in which people from different cultures absorb right into every street in the town. We do not have enclaves and things like that.

It was put earlier by Mr Pratt that everybody is down at the same shopping centre on a Saturday afternoon. He is dead right. Go and have a look at the kids swimming teams, their track and field teams and their footy teams. You have got them in all shapes and sizes. So we do not have that sense of division. Every now and again you get some hothead who is really into violence; he is not into anything else. It has got nothing to do with racism. Every now and again you get a little collective of them. We have had a couple of two, three or four-member gangs running around. I know in Tuggeranong we had them at the interchange for a while. That is targeted and is stamped out, and on we get.

Generally speaking, this is a beautiful town to live in. It is a magnificent example to the rest of the world of how not only can we get on together and enjoy the fruits of opportunity this town offers but how we come together about 100 times a year and celebrate it. Can anybody tell me off the top of their head how many different functions you can think of overseas? They have got the Thaipusam ceremony. That is pretty good. There is the St Patrick's Day parade in Chicago. That is good. I just ran out of examples. In this town I do not think a week goes by without some particular culture having some function where, if we want to go and enjoy their culture, we can do just that. And we do not do that much.

One of the other things that I have observed too, and one of the beauties of multiculturalism in this town, is that we do not talk about it much. Racial difference, religious difference and all that sort of thing are not a topic of conversation; we just live it here. Every now and again we do something really splendid like our National Multicultural Festival. I have to say it was an absolute privilege for me to have this portfolio and this responsibility to be able to facilitate and encourage those other wonderful people that you mentioned in your speech, Mr Deputy Speaker: the George Simpsons of this world, the Yersheena Nicholses of this world, the Nic Manikises of this world, the Vic Rebikoffs of this world and all the rest of these people who have done all those wonderful things. All I can do is facilitate them and encourage them and then, at the end of the day, we will celebrate.

Mr Deputy Speaker, you mentioned some other little glitches that may have happened. I assure the house that after this festival is over we are having a professional evaluation done of all of the processes to make sure that our assumptions are right and that the infrastructure is supported properly. Presumably we will talk about that at some other stage.

DR FOSKEY (Molonglo) (4.50): First of all, I should say that I have not been as lucky as many of the people here in that I do not have the same ease of attending events in the multicultural festival, which is sad. Perhaps one day, when my daughter grows up and leaves home, I will be better able to go to things for pleasure, whereas at the moment I have to prioritise meetings over pleasure. That is the way it is. I have been over to the Theo Notaras Centre and had a look at an exhibition there. I am continually salivating over the events that I am missing.

From where I stand, then, hearing all about it, seeing the publicity, talking to people, I am very much aware that the multicultural festival is a success. I participated in the Actew event on Sunday. It is an excellent idea that that is now placed in the middle of the city, instead of Commonwealth Park, because it means that people who did not even know they were at an event like that suddenly find themselves walking through a number of displays and finding out about community groups they did not know existed. Certainly on the Greens stall, that was a very positive thing for us.

I want to say that often when we talk about multiculturalism, we talk as though multiculturalism is about other cultures, not about our culture. It reminds me of an exercise that a teacher I had at ANU called Jindy Pettman used to do with beginning students in her subject, which is globalism and the politics of identity, in which she asked everyone to talk about what they saw as their ethnicity. There was this tendency for people from our—and I look around; yes, I speak for most of us here—Anglo-Saxon or northern European backgrounds often not to recognise that we have an ethnicity as well. My apologies to those people who do not come from that background, because of course you cannot tell ethnic identify just from looking at people. So it is important that we realise that we are not just talking about other people when we talk about ethnic communities; we are talking about ourselves as well.

When we have our ordinary festivals and our ordinary events that are not multicultural, then they need to be inclusive of all the different communities that we have in the ACT as well. While acknowledging the great success of the multicultural festival and the number of people who are involved, I am also very keen that it happen in the suburbs as well, that it is not just something that you come to the centre of Canberra for and that the little events are as important as the big events.

I do not believe that we can be complacent about the harmony that we have in our community because there are a lot of things going on outside our little town which influence our little town and seek to destabilise that harmony. I am not going to repeat my speech of yesterday in relation to my motion, but I believe that we need to be constantly keeping that harmony alive, that having a festival once a year, while very important, is not going to do it for us and that we need a community development approach which does not go just into helping ethnic communities, including our own, but which maintains diversity and cultural practices and involves bringing communities together and mixing them up, through putting age groups together, interest groups together—keep mixing us up—because that is how we are going to maintain the community that we keep boasting about where conflict is unknown or, at least, kept to a minimum. Thank you, Ms Porter, for putting this on the discussion list today.

MR GENTLEMAN (Brindabella) (4.55): I endorse the sentiments of my Assembly colleagues Ms Porter, Mr Hargreaves, Dr Foskey and, earlier, Mr Pratt. I feel a strong sense of pride to be living in and representing a city that has such a high regard for cultural and ethnic diversity. While Canberra is a place of national leadership in the political realm, we as a community also show the rest of the country leadership in another area, multiculturalism. From the highly successful National Multicultural Festival and the minister's multicultural summit, to the opening of the Theo Notaras Multicultural Centre in Civic, we live in a community which thrives on diversity.

In fact, such is that desire that many thousands of our citizens flocked to the National Multicultural Festival's food and dance spectacular in Garema Place at the weekend in search of some culture and delicious treats. The coming together of the dozens of communities that comprise our city was a wonderful, exciting and harmonious event. All of the people there wanted to share in someone else's culture. They wanted to interact in a peaceful and respectful way. They wanted to enjoy all that is great about the national capital.

However, the success of the food and dance spectacular was in stark contrast to the shocking and, indeed, very sad racial riots and retaliation at Cronulla in early December. While peace and harmony have now been restored to the beach suburb, police and authorities are still monitoring the area closely to ensure there are no further disruptions. Cronulla has since moved on from the riots, and leaders from ethnic and community groups are working together to ensure that there is no repeat of that violence.

While the issues that sparked the riots are deep rooted and will take some time to resolve, those helping with the healing process may choose to look at the harmonious way in which the ACT's multicultural community exists. We as a community embrace diversity, yearn for it and, most of all, enjoy all the benefits it brings.

The National Multicultural Festival, now in its eighth year, is very firmly placed as a highlight in our city's social and cultural calendar. It is a celebration for all our citizens, whether they were born here or arrived here after choosing to make a new life for themselves within our borders. But the festival is not the only way we celebrate our diversity. In any of our suburbs on any given day, there are neighbours of different ethnic and cultural backgrounds getting to know one another. Whether it is exchanging a freshly prepared bowl of homemade Thai green curry or a plate of spanakopita over the back fence, or sharing stories of their homelands, harmonious cultural interaction is happening at a grassroots level.

That is happening because, I firmly believe, the people of Canberra are a tolerant, welcoming and inclusive community. We want to help each other and we want to get to know one another. These qualities are something we can and should be very proud of. It is these qualities that make our city such an excellent option for new citizens in which to settle and for the rest of the country to look upon as inspiration for a true multicultural society.

MR DEPUTY SPEAKER: The debate is now concluded.

Workers Compensation Amendment Bill 2005 (No 2)
Detail stage

Debate resumed.

The bill.

MR MULCAHY (Molonglo) (4.59): I move amendment No 1 circulated in my name *[see schedule 1 at page 281]*. The effect of this amendment is to remove the union representative as an authorised person to inspect certificates of currency for compulsory insurance policies held by an employer with an insurer. The bill, as it stands, makes information obtained in certificates of currency available to union officials, thereby entrenching the problem of union right of entry to a workplace.

The minister earlier today said that she had never heard of a problem with this, but in fact there are celebrated examples of which I am aware from various parts of Australia. The location has little bearing on the fact that it is a practice that can be misused. In fact I am aware that, in one section of the hotel industry, officials of the Miscellaneous Workers Union started turning up at hotels and going into the guests' bedrooms whilst they were assigned to particular guests, on the pretext of wanting to talk to their employees, the housekeepers, in their place of employment.

This illustrates the heavy-handed approach of the unions. It is always about the housekeepers in hospitality because often it is people from other countries—and we hear this speech about multiculturalism—that seem to gravitate to those jobs. They are new to Australia; they take that sort of work; and of course it is easier to intimidate people who have a limited command of the English language and who are not as familiar with the circumstances in Australia.

Mr Corbell: It is easier to take advantage of them, too, Mr Mulcahy.

MR MULCAHY: The minister talks about taking advantage of them. It has certainly been my observation, in the hotels to which I am referring, which are some of the major chains in Australia, that those people were very well taken care of.

Of course it is always easy to put pressure on people when union officials turn up. We saw that with some of the celebrated characters from the Miscellaneous Workers Union in Sydney. Mr John Morris, the man they call the silent senator, who spent an entire career in the Senate without much of an utterance at all, would come down to Canberra in his union capacity and turn up at the steps of the Hyatt Hotel in Canberra and drag the housekeepers out and tell them that he was looking after their interests.

There are many examples I have observed where right of entry has been misused. It is lamentable that this government wants to continue in that vein with this aspect of its legislation in what otherwise is a sensible bill. I reiterate that the government has caved in to it is union paymasters on this issue.

The purpose of giving union officials the status of authorised person at subsection 161 (4) (c) is to give them carte blanche to get hold of details of who is employed, the

basis of employment, how much employees are paid and whether they are members of the union that the officials think the employees should belong to. The government should not embody this special interest privilege for union officials in legislation; nor should they embody it for employer organisations as well. It is an inappropriate extension, an intrusion into the workplace.

The information contained in certificates of currency for compulsory insurance policies should only be a matter between the employer, who is paying for the insurance, the insurer, who hopefully covers the risk, and an authorised inspector, who is responsible for checking on compliance. It is not appropriate for certificates of currency to be inspected by union officials, because clearly such a provision in the bill has absolutely nothing to do with workplace safety. It is all about giving information to unions to increase their influence and bargaining clout. Of course the real agenda here is keeping track on contractors as opposed to employed labour. It is regrettable that the government is partisan on this matter, and they ought to rethink their position on this particular aspect of the legislation.

In the interest of fair and impartial governance, I urge members to support the amendment. The minister has previewed the government's position on this, but it is very important that on the public record it be made quite clear that the Liberal opposition will have no bar of a measure of this nature that is designed to reinforce intimidatory tactics by union officials which we continue to see in this country and which, hopefully, over a period of time will diminish as more and more people in this city realise that their interests are not well served by union officials. There is now as little as 18 per cent membership; most of those will be in the public sector.

As I have said in this place before, unions do have a role to play. Many of the current leaders have lost track of their real duties and their obligations and, as a result, people are finding them increasingly less relevant. Whilst they may be propping up our colleagues opposite and providing the direction that they have to adhere to, most people in Canberra realise that arming union officials with these powers is not something they will warm to. Over time that message will continue to be heard louder and louder in this city.

MR CORBELL (Molonglo—Minister for Health and Minister for Planning) (5.04): On behalf of Ms Gallagher, I indicate that the government will not be supporting this amendment, but I am sure Mr Mulcahy feels better for having made those comments. The opposition's proposal is to remove subsection (c) from proposed new section 161 which removes these words "an industrial union of workers representing the worker employed by the employer" from the definition of "authorised persons" for the purposes of the certificates of currency scheme. This means that a worker's representative would not have the right to request that an employer produce a certificate of currency.

The government believes that unions have a legitimate interest in ensuring that their members have access to workers compensation and that their members are covered by an appropriate workers compensation insurance policy. That is why we believe that unions should have the right to inspect this material.

Having unions involved in addition to inspectors and employers or principals will make a significant contribution to supporting higher levels of compliance with this part of the legislation. And we have already seen this. Already having union representees acting as

authorised representatives under the Occupational Health and Safety Act has led to an improvement in the administration of that act. I would have thought that all of us here would be interested in ensuring that the act was more effectively administered.

Mr Mulcahy's amendment is merely a restating of the same tired, ideological argument that the Liberal Party make in attempting to remove union officials from acting, for example, as authorised representatives under the OH&S act. Given the upheaval of recent days, it is refreshing to see the Liberal Party acting with consistency and cohesion for once. It is disappointing that, despite the success of union-authorised representatives under the OH&S act, they continue to sprout the same, ill-conceived, narrow-minded arguments such as those we have just heard from Mr Mulcahy.

Not only are union-authorised representatives beneficial for employees and insurers; they also provide benefits for all those employers who comply with their obligations. It is ultimately other compliant employers who will bear the costs of employers who are either not insured or who are underinsured. As the administrative costs of the certificates of currency scheme have been minimised, providing unions with access to this information would not impose a significant additional burden on either employers or insurers. In short, there is no reasonable argument to oppose this clause, except the ideological fixation of Mr Mulcahy and those opposite.

DR FOSKEY (Molonglo) (5.08): Again, I do not suppose Mr Mulcahy would be surprised that I am not supporting the amendment either. I am sure that Mr Mulcahy feels that he needs to put his amendments because of the constituency that he speaks for. I have the sense that Mr Mulcahy wants unions to be a tea club or a social club and that the minute that people start organising for better working conditions they become undesirable. At the moment he has got the federal government on his side.

The Greens have consistently recognised the concrete benefit to employees in having workplace union occupational health and safety officers. Whatever the legislative framework in place to protect the health and safety of employees, you would have to be wilfully blind to imagine that unions do not play a vital role in ensuring that those protections are maintained and improved.

I see ideology as a kind of wilful blindness. Certainly it leads to blinkering. I believe that the Australian Liberal Party has taken an ideological stand on minimising the influence of unions and on limiting the capacity of employees to organise collectively. The underlying presumption of that stance is that business is more competitive and flexible when unconstrained by unions or organised labour, and that a more profitable, inflexible business is, by very definition, better for everyone.

There is an increasing array of employment arrangements developing throughout industry, although the concept of principal contracts with a number of subbies is not new. These provisions allow occupational health and safety officers to ask subbies or whoever for a certificate of currency. The employer in that situation would need to ring their insurance company. The onus would then be on the insurance company to respond within a specified timeframe. If the arrangement is good for WorkCover staff and principal contractors who would be responsible for the subbies' workers, then it is also reasonable for union occupational health and safety officers to have that capacity.

MR GENTLEMAN (Brindabella) (5.10): Mr Speaker, it gives me great pleasure to stand in this place to support the bill but, as you are aware, we will not be supporting the amendment. I am always pleased to support any attempt by this government to protect the interests of working families and good employers.

This bill is not only about protecting workers and their families; it is about protecting good employers; it is about ensuring that competition between employers is not at the expense of worker safety. I make it clear that I do not support the amendment moved by Mr Mulcahy. He irresponsibly seeks to remove any rights of union involvement with certificates of currency. Perhaps there are reasons for Mr Mulcahy's irresponsible position, and I will outline only a few as I understand we have a time limit.

There are a couple of things I found very interesting in Mr Mulcahy's grumble this morning, the first being his inability to use the term "duty of care". Clearly, common law is lost on the opposition but, to be fair, it appears endemic in the Liberal Party. The second point of interest is Mr Mulcahy's waffling on about shared responsibility in the workplace. It always seems to me that Mr Mulcahy's definitions actually mean less responsibility by employers. But I forget Mr Mulcahy's past, that his exposure to the workplace has been to represent employers.

I thought I would help Mr Mulcahy. I have talked to employers and employees at the workplace about conditions and responsibility. What has shared responsibility meant for some workers? I have spoken to some hundreds of workers, and they have a different definition from Mr Mulcahy.

Let me tell you about Mark Blundell. Mark was a local employee of CC Wholesale, and a loyal employee. One winter's morning, stepping back from the truck he was loading, Mark slipped on an icy step and fell backwards onto an empty pallet. The step was unsafe. The pallet should not have been there. Mark sustained soft tissue damage as a result. He was put on a return-to-work arrangement of two days on light duties a week for about two months. Rocco, his employer, asked Mark to return to full-time duties early. Mark quite rightly chose to take his doctor's advice on how best to recover from his accident and refused to return to work early.

His doctor ordered a further six weeks of light duties. Rocco, like all responsible employers, thinks that he should share the burden and promptly tells Mark there is no longer a position for him at CC Wholesale, that he is redundant. To Mark's surprise, two things happen. First of all Rocco, in his infinite wisdom, forgets to lodge his insurance forms in a timely fashion, causing poor Mark and his family great financial hardship. And Mark discovers that his redundant position has now been filled by Rocco's HR consultant.

We know the Liberals' position on compensation and workplace safety. Let us remember their Youth 500 scheme and DiscSpeed printing technologies, which was a recipient under the Carnell government's business incentives scheme. It was convicted of safety breaches both before and after receiving the grant and received some more government handouts under the Liberals' Youth 500 scheme.

It was convicted in November 1995 of injuring a worker in an unguarded printing press. DiscSpeed received a $60,000 ACT BIS grant the following July. The next year, in August 1997, DiscSpeed was again convicted of injuring another employee in an unguarded printing press, this time an apprentice. This safety record did not stop the Liberals giving DiscSpeed yet more money through the Youth 500 subsidies only a couple of months later.

What about Mr Mulcahy's statement this morning about workers injuring themselves on the weekend and claiming insurance on Monday? How about the gentleman who fell 2½ metres from a container at the airport and died, Mr Mulcahy? Did he perhaps die on the Saturday, rebirth and come in on the Monday to die again? Shared responsibility, I think not. Profit before responsibility, more likely. I implore Mr Mulcahy to engage in some discussion with workers before he puts before this Assembly any amendment that may affect their health and safety.

Question put:

> That **Mr Mulcahy's** amendment be agreed to.

The Assembly voted—

Ayes 6		Noes 9	
Mrs Burke	Mr Stefaniak	Mr Berry	Ms MacDonald
Mr Mulcahy		Mr Corbell	Ms Porter
Mr Pratt		Dr Foskey	Mr Quinlan
Mr Seselja		Mr Gentleman	Mr Stanhope
Mr Smyth		Mr Hargreaves	

Question so resolved in the negative.

Amendment negatived.

Bill, as a whole, agreed to.

Bill agreed to.

Crimes (Offences Against Pregnant Women) Amendment Bill 2005

Debate resumed from 24 November 2005, on motion by **Mr Stanhope**:

> That this bill be agreed to in principle.

MR PRATT (Brindabella) (5.21): Mr Speaker, the Crimes (Offences Against Pregnant Women) Bill was tabled by the Chief Minister in November last year apparently as a response to a bill I had previously tabled for protection of the unborn child, a bill that was rejected twice by the Stanhope government despite the fact that the second time it had been redrafted to address many of the concerns the government raised in its first rejection of my bill. It seems that, despite its outright rejection of my legislation without

so much as proposing any amendments to it, the government has now been forced into tabling legislation similar to that of the opposition due to public outcry at its having rejected my bill.

The government failed to initiate this process. In fact, there has been an outcry around the country as to the loopholes that exist in law about protection of the unborn. Perhaps the Chief Minister is finally bending to that outcry. It took pressure from the opposition and the public for the government to do something. It did not take the initiative and bring in protection for pregnant mothers and their unborn children. The government had to be brought kicking and screaming to do something after New South Wales and other states either brought in similar laws or began to evaluate existing laws with a view to doing something about the loopholes that exist in law around the country.

Pregnant women and their unborn children have been less protected than they should have been by law for a couple of extra years. We could have resolved this issue in this place a couple of years ago. We have been in limbo legally in terms of the protection of women because pride took precedence over initiating sensible law. The Stanhope bill mirrors the opposition's rejected bill in some ways—

Mr Stanhope: I take a point of order, Mr Speaker. It does not bother me unduly, but the member is consistently reflecting on votes taken in this place in relation to the previous bills that were debated and defeated, which really is not appropriate.

MR SPEAKER: It is disorderly to reflect on past votes, Mr Pratt. Discontinue that, please.

MR PRATT: Mr Speaker, I take note of your ruling. That is fine. I am sorry; I seem to have rubbed the fur the wrong way.

Mr Stanhope: No, you were disorderly.

MR PRATT: I was disorderly and I have rubbed the fur the wrong way. Thank you, Chief Minister. The offences in relation to pregnant women in this latest proposal by the government are offences made against the woman herself and the unborn child has no separate identity. The Stanhope bill provides that an aggravated offence will apply if one of the general offences was committed against a pregnant woman and the commission of the offence caused the loss of, or serious harm to, the pregnancy or the death of, or serious harm to, a child born alive—a child born alive—as a result of the pregnancy but injured prior to birth.

The bill incorporates provisions into the Crimes Act to create aggravated offences for the following offences: manslaughter, intentionally inflicting grievous bodily harm, recklessly inflicting grievous bodily harm, wounding, inflicting actual bodily harm, assault occasioning actual bodily harm, culpable driving of a motor vehicle causing death, which I will talk about a bit later, and culpable driving of a motor vehicle causing grievous bodily harm. That is all very useful. That is all useful up to a point. The concerning factor now, as identified in the government's explanatory statement, is that the Human Rights Act 2004 constrains the identity of the unborn child as an individual. The Human Rights Act 2004 explicitly states that the right to life applies only from the time of birth. Therefore, the government's position is that, until a child is born alive, any

harm caused to a pregnancy may only be referenced against the mother. Therein lies the rub in terms of the fallacy of this Chief Minister's law.

Let us look at this issue a little deeper. Take the given situation of a pregnant woman who, late in her pregnancy, is badly beaten by somebody who knows her to be pregnant. This is a description of events that have actually occurred. Injured, she is taken to hospital and goes into labour prematurely as a consequence of the assault. The woman does not die, but the birth is a stillbirth, apparently as a consequence of the assault. Under this law, manslaughter cannot be applied if a foetus dies as a consequence of an assault. At best, the penalty can only be a maximum of grievous bodily harm for the assault of the woman. Under Mr Stanhope's law, a magistrate would be entitled to add about a 30 per cent penalty to the GBH maximum because of the stillbirth.

Mr Seselja: A 30 per cent loading.

MR PRATT: That is right, a loading. On the other hand, if the birth actually occurred and the new baby was born alive but died shortly after as a consequence of the assault I have detailed, GBH, then a charge of manslaughter may be applied under the Stanhope law.

Mr Seselja: What a stupid distinction.

MR PRATT: Stupid is right. That is, the offender is now saddled with the consequences of offences against two living entities. I do not mind that. I do not mind it if it is law which actually flies, but there are questions about that. It is illogical, however, that a charge of manslaughter could be applied for an act that took place before that child was pronounced a living entity under this government's standard. Therefore, can this law work? The advice that we have is that there are very deep concerns about that and perhaps the offender's case could easily be defended. It seems to me that this is a weakness in the government's bill that can easily be defended by the perpetrator.

If injuries sustained prior to birth can be recognised as having affected the individual after it is born, that is in effect recognising retrospectively that the unborn child was an individual prior to birth when it originally sustained the injuries that led to its death. This point goes to the heart of the amendment that I will be tabling later. I will talk more about that later. That is why the opposition will be proposing as an amendment the incorporation of a proposed new section, section 42A, in the government's bill, an amendment which I will seek to move a little later.

The amendment, if I can talk to it roughly now, basically recognises that, if a manslaughter charge can apply to a child after birth as a result of injuries sustained while in utero, so too should a manslaughter charge apply to the child killed prior to birth. This is not, as the government would have everyone believe, reopening the abortion debate. I say that to pre-empt the Chief Minister leaping to his feet and ideologically throwing it back in our face that we are simply reopening the abortion debate. That is a pretty poor defence, but that is what we are going to hear again and again, as we have over the last couple of years. The proposed amendment explicitly states that the proposed section does not apply to a lawful abortion or anything done by a pregnant woman in relation to her unborn child, et cetera. I will come back to that in some detail later, Mr Speaker.

The government's central argument for providing greater protections to pregnant women through greater deterrence is that the condition of pregnancy—not the foetus, which we on this side of the house believe to be an important living entity—may cause additional penalties to be applied: a 25 per cent per cent loading for manslaughter of a pregnant woman; a 30 per cent loading for assault of a woman if a pregnancy is also terminated.

The government does not say, nor philosophically will it ever say, that it is providing greater protections to the unborn. The government says that it is protecting only the woman, but at a greater penalty rate than for a non-pregnant woman. The woman is at least being protected. I will give the government credit here. It is certainly doing something to increase protections for pregnant women; there is no question about that. The government is doing something to provide some sort of deterrence. But it only looks at the woman as a woman who is afflicted by some material additional condition.

So, if the pregnancy is terminated by an offence, if a foetus dies, tough; that is just one of those material aspects of the woman's condition. We are protecting only the woman: we do not give a damn, we do not identify, we do not care for the unborn in the Chief Minister's world of legal protections. Fundamentally, therefore, the government's legislation is much weaker and in our view provides for much weaker deterrents against assault on pregnant women. It is at least better than nothing, but it is still fundamentally flawed.

Because the government's law will not enshrine the living entity as something worth protecting and protecting with strong laws, it is weak law. The government is straddling barbed wire. The government knew that it had to do something, but it is frightened about the impact of lobbies and what they have to say. Because the government wants to avoid getting into a debate about when does life begin, it has produced weak laws embedded in its human rights legislation that permits life to be recognised only at birth, that are open to legal debate about how manslaughter can apply as a result of injuries sustained prior to being declared an entity before birth. The government continually says that it wants to avoid the debate about backdoor abortion, so it has come up with this piece of legislation which is not as powerful and does not really afford protection for the unborn child.

If the Stanhope government had taken the lead of states such as Queensland, it might have introduced laws which would be much more effective and give much more recognition to the status of the unborn child. Section 313 of the Queensland Criminal Code Act 1899, which relates to killing an unborn child, states:

> (1) Any person who, when a female is about to be delivered of a child, prevents the child from being born alive by any act or omission of such a nature that, if the child had been born alive and had then died, the person would be deemed to have unlawfully killed the child, is guilty of a crime, and is liable to imprisonment for life.
>
> (2) Any person who unlawfully assaults a female pregnant with a child and destroys the life of, or does grievous bodily harm to, or transmits a serious disease to, the child before its birth, commits a crime.
>
> Maximum penalty—imprisonment for life.

We think that that is good law and we are disappointed that the Stanhope government did not look at the Queensland law as a benchmark and build its own law upon that foundation.

Mr Speaker, it is extremely disappointing that the Stanhope government, in order to avoid the tough questions about when an unborn child should be recognised as a life form, has taken the easy way out by only referencing offences against a pregnant woman. I will talk to the government's proposed amendment in more detail later, but I will say before I move on that I have noted that the government watered down its aggravated offence provisions after civil libertarians highlighted concerns about the bill in relation to offences committed by a person who might not know a woman was pregnant at the time of an assault. This goes to the heart of the fault element of culpable activity.

The law, in the opposition's view, is already weak. It does not contain provisions to enable the protections that we believe pregnant women in our society deserve to have. The government's law does not provide the deterrents which are needed to send a very strong message right across our community that assaults against a pregnant woman are simply despicable and unacceptable and will be heavily penalised. What is the government doing at the eleventh hour of this debate? It is bringing in an amendment which will further water down its bill. I will talk more about that later.

I want to refer this place quickly to a very interesting letter that I received from a women's group with legal input on the Stanhope government's proposed law. Let me quote a few pieces from that. They say:

> The proposition is extraordinary. It is poor law as one is responsible for the outcome of any unlawful act. Does Stanhope plan to revise the entire criminal code? Or only where the unborn are involved?
>
> As Stanhope's bill does not include the superior provisions of the Queensland reforms (that is, damage to the child is an offence against the child itself) but goes the woosy way of the New South Wales provisions (that is, aggravation of a charge for the offence against the mother) then he can't have it both ways.

They go on to identify and pull out the strong points of the Queensland law, saying:

> If a person so offended in Queensland then one would have to look at what that person intended in respect of the (a) mother: did the person intend serious bodily harm and the mother died …

that, in fact, would amount to murder—

> (b) what did the person intend against the child: necessary question as the child is a subject of these provisions in Qld. If serious harm was intended then the same principle applies; if the child dies, it is murder. If the person did not know that the woman was pregnant but intended to seriously harm her, then it would be murder in respect of her but manslaughter in respect of the child who dies as a result of an unlawful act i.e. assault on the mother.

This piece of advice goes on to point out:

> In Stanhope's bill the child does not exist; harm to the "pregnancy" is the language. Consequently there can be no separate questioning of the mother's assailant in respect of the child. The offence is of one character, an offence against the mother. Therefore if the mother is unlawfully injured, even killed, and she is pregnant, with damage to the "pregnancy", then the usual legal reasoning prevails. The assailant is liable for all the consequences/harm that results.
>
> The perpetrator of an unlawful act does not need to know the value of the vase s/he broke. If a person guilty of dangerous driving could see only the driver as s/he smashed into the other car, would we say s/he is not responsible for the small children strapped in the back because s/he did not know that they were there. This approach is arrant nonsense—

that is the advice that I have received here—

> and would not be argued by anyone except for those who place no value on the unborn child.

That is the rub, is it not, Mr Stanhope? You place no value on the unborn. Like Canberra civil libertarians, you are in a cold ideological lockstep with lobbies that would seek to blur the edges of the debate about these very important issues.

In conclusion, I say that Mr Stanhope's law is weak. Not only that: it is weak law which has been watered down to make it even weaker. Mr Stanhope is stuck on the hardcore ideological point about the question of the living entity. Clearly, he demonstrates that the pregnancy is merely a condition, that it is a material asset, that it is a material add-on, to the woman whom at least he is protecting. The Chief Minister has bent to civil libertarians and quite weakly caved in. Mr Stanhope's law is at least better than nothing. The opposition will be supporting it today because there is nothing else in place, but it is extremely disappointing. As with his cave-in to civil libertarians on antiterrorism laws, which are therefore the weakest antiterrorism laws in this country, we find that for the same reasons he has thrown in the towel and we are now getting weak law instead of the comprehensive law which is required.

The protection of women in our community is of paramount importance and the protection of pregnant women and their unborn is of paramount importance. The attempts over two years to introduce meaningful law to protect that important component of our society have been wasted. Two opportunities to adopt legislation were thrown away and now we will have in place law which is at least better than nothing but is still weak. It is still weak and we have wasted two years.

We will grudgingly support this law. We will seek to amend it to make it strong, to make it more meaningful, but at this point the opposition is crying out that this is law which will have no teeth, this is law which will not provide deterrence at all to offences of assault against a woman and her unborn. It is a shameful law. Given the pressures around the country, a lot more could have been done by the Chief Minister, but he has failed dismally.

DR FOSKEY (Molonglo) (5.41): I think that it is appropriate that I stand up and at least pepper the opposition's speeches with a speech that actually addresses the bill. It is extremely evident from the debate raging in the big house at the moment that we have to keep reminding ourselves what that debate is really about. The legislation introduced in the big house just suggests that an expert committee—

Mr Seselja: It is about silly slogans on T-shirts, like Kerry Nettle had. Is that the Greens' position?

Mr Pratt: Talking about that—

MR SPEAKER: Order, members, please!

DR FOSKEY: If you do not listen, you do not ever have to have a different view. We are seeing the debate in the big house being hijacked, whereas it is actually just about the body that approves the use of certain medications, the Therapeutic Goods Administration, rather than a minister who made it very clear in his speech that his judgment is driven by a particular set of values.

It is really a pity that this debate is also becoming so clouded. I want to compliment the drafters of this legislation, who must have known that they were entering a minefield. I am not an expert, but I think that they have produced some legislation that manages to tread around all those landmines quite effectively. I do think that we need to remember that each of the members of the opposition did receive election funding of about $3,000 which, basically, commits them to taking the stance that apparently they are all taking today.

This legislation is important and complex. What it tries to do is to guide the courts when they are deciding on a case where, due to a criminal action, a woman's pregnancy is harmed. The first key reason that I support this legislation is that it recognises that the pregnant woman and her foetus are one being.

Mr Seselja: She says that with a straight face!

DR FOSKEY: The men chuckling over there have had personal experience of this, I expect. In this regard, the bill follows the ACT's human rights guidelines in recognising that a foetus is not an independent being until it is actually born. Indeed, physiologically that is the case.

The second key reason that I support this legislation is that it targets a situation where pregnancies are usually wanted. Let's face it, sometimes pregnancies are not wanted in the first instance and we have the full range of options there. If a woman decides to go through with a pregnancy, the loss of that pregnancy can be absolutely devastating, whether it is through a miscarriage or, especially, it is due to the actions of a party outside herself. I think we have to remember that often the loss of a pregnancy is as a result of domestic violence.

Therefore, I do exhort the opposition to put as much effort into getting rid of domestic violence as it does into arguing the case of the moral right and also to put as much effort

into creating a society where violence is less likely to happen and where the children who are chosen and wanted have access to good health, education and social services, because all these things create an environment where we are going to have healthier children, healthier adults and less domestic violence. Let us realise that this bill is just one part of a suite of efforts to reduce violence against women and to safeguard wanted pregnancies.

This bill appears to be the result of some high-profile cases involving assaults on pregnant women, and we have seen New South Wales legislation, which may have been a model for this legislation, being prepared in response. In one of these cases, the victim lost her child in utero as a result of an assault by the father of her child. This case proceeded through the courts and resulted in the Court of Criminal Appeal finding in December 2003 that the close physical connection between a pregnant woman and her child in utero means that the loss of that child can constitute grievous bodily harm to the pregnant woman even if there is no other injury to her.

That was to some degree an historic finding, for it legally recognised the close physical bond between a pregnant woman and her foetus and that any harm done to that foetus is done to the pregnant woman. New South Wales responded by passing the Crimes Amendment (Grievous Bodily Harm) Bill in 2005, extending the definition of grievous bodily harm to include the harm done to a pregnant woman's foetus.

The ACT version goes further than that of New South Wales. It redefines a number of other levels of harm and provides for lengthier sentencing options. Whilst on the whole I am happy with the ACT version, I would appreciate an explanation from the Attorney-General as to why he felt the need to take it further. We must proceed with caution when considering this bill, due to its strong connection with the previously mentioned high-profile cases and the problems that arise when moving from the specific to the general. We must be wary to ensure that, as a result of our actions, we do not allow for injustice to occur in unforeseen circumstances.

This legislation has been very carefully phrased in order not to reopen the abortion debate. I think that the debates up on the hill show that, on the whole, the Australian legislatures are made up of people who still support a woman's right to choose. Our reproductive and health rights were won over decades of struggle and it is very disappointing to see that that struggle continues, but we will not surrender to those who wish to impose their own ideological or religious agendas on women's bodies. Mr Pratt mentioned a number of times the Queensland legislation as a model, but I think he might be disappointed because, in fact, it has never been used to challenge a woman's right to abortion. So, even though it goes further than this legislation, no-one has yet used it in that way.

This bill touches on life and death, and that demands scrutiny. Consequently, I thank the officers who briefed both us and Mr Pratt and his staff and who went away after that briefing and, I believe, partly as a result of that—no doubt we will hear of it from the Chief Minister when he presents it—produced an amendment that shows that there was a responsiveness to the concerns that were expressed by some of us at the briefing.

Even though this bill is, I think, very careful about protecting the human rights of women and does not open the door to those who wish to see it as a way of fighting women's

right to choose, I think it is incumbent upon us in this atmosphere where women's rights constantly have to be defended to keep an eye on this legislation and make sure that it only does what it is intended to do.

MR STEFANIAK (Ginninderra) (5.51): I listened with interest to what Dr Foskey and Mr Pratt had to say and I am well aware of the path that this legislation has taken. Back in, I think, 2002, Mr Pratt was very keen to amend section 45 and various other sections around it of the ACT Crimes Act in relation to this subject. He put up a bill which pretty well did the job and which was voted down some time last year. At least that forced the government to introduce some type of legislation which will make the situation better than it is now.

Dr Foskey talks about most or all of the members of my party being given donations by the right to life organisation. Yes, I was one of those. I am very proud to support a number of issues they want supported. However, I do not see this bill as a bill about abortion. It is about, I would, say two lives: a pregnant woman's and her baby's. Dr Foskey forgets about the people who get donations from the CFMEU and Emily's List. What is the difference there with getting a donation from the right to life organisation? I really think you are being very selective there, Dr Foskey.

Perhaps I should declare one thing now. As I have told members of my committee, several weeks ago I was invited to join the Council for Civil Liberties, which has had input to this legislation. I feel that I should declare that. I asked them initially whether they were serious and whether they had a right-wing faction that perhaps I could be involved in. They were quite genuine and I became a member of the Council for Civil Liberties. I am just an ordinary member; I am not part of the executive or anything else, but I do declare that. There are probably a number of issues in relation to the powers of bureaucrats on which I might be able to have some input. Obviously, I would disagree with a number of other things that my fellow members would point out and I would probably disagree with what is being pointed out here, but I needed to make that point. If there is any problem with my membership, I suppose I can resign and just tell them to keep the money as a donation, but I do not necessarily think that that will be the case. I do declare that because it is right and proper to do so.

Causing any injury to a pregnant woman is a heinous crime. Any assault against a woman, be it a common assault, assault occasioning actual bodily harm, grievous bodily harm, wounding, manslaughter or murder, is a heinous crime. Dr Foskey mentioned things about domestic violence. I would agree with a lot of what she said there. This bill and, especially, Mr Pratt's bill are intended to go some way to deterring it. I do not resile from the fact that I think that Mr Pratt's bill is far better. In fact, even the Council for Civil Liberties liked a lot of it and said that it is probably a better bill. But politics comes into it and the government could not have the opposition coming up with good ideas, so that bill was voted down. At least this bill does go some way towards acting as a deterrent for people who would commit heinous crimes against women, especially pregnant women.

Such legislation has been passed in some states. I think the Queensland bill to which Mr Pratt referred is a particularly strong and effective bill in regard to ensuring that community attitudes and abhorrence in regard to this type of violence are properly replicated in legislation, especially in the more serious areas. Section 313 of the

Queensland code has no qualms about describing an unborn child as such. It states in terms of the killing of an unborn child:

> Any person who, when a female is about to be delivered of a child, prevents the child from being born alive by any act or omission of such a nature that, if the child had been born alive and had then died, the person would be deemed to have unlawfully killed the child, is guilty of a crime and is liable to imprisonment for life.

Life, of course, is what you get here for murder. It goes on to say:

> Any person who unlawfully assaults a female pregnant with a child and destroys the life of, or does grievous bodily harm to, or transmits a serious disease to, the child before its birth commits a crime.

The maximum penalty is imprisonment for life. That is strong, stark law which I hope will act as some type of deterrent against these types of actions. It certainly reflects the gravity with which society holds these crimes. If you talk to ordinary people in the streets, if you talk to people in the pubs, if you talk to people in the clubs and if you talk to people at sporting matches, you will find that they are certainly appalled by serious acts of violence against women generally, but against women who are pregnant with a child particularly. That is one of the lowest acts any accused or any defendant can do.

I know that a lot of them are to do with crimes of passion and relationships that have gone wrong, but it is a particularly nasty act. I have seen on occasions in this jurisdiction and elsewhere reports of these types of acts occurring, luckily in the instances I can recall with no actual lasting damage to the women concerned. In one instance there might have been some damage to a child. I had ceased to practise by then and I am not too sure what happened to that case, but they were particularly nasty acts and I do not think that the law in the ACT has been sufficiently strong to deter these acts in the past.

I will come now to some of the items in this bill. It is better than nothing. I am pleased to see the Chief Minister and Attorney-General is actually increasing penalties. He has put on a loading, as my colleague Mr Pratt says. The loading is 30 per cent in some instances and a bit less than that in other instances. But for manslaughter, for example, the penalty is 20 years imprisonment. Everywhere else it is at least 25 years or life. I hope that we will go up to that. At least here it is up from 20 years to 26 years. There is a new section for inflicting grievous bodily harm, for which I believe the penalty is 15 years imprisonment in the territory and is now up to 20 years for this offence. So there is a loading there of 30 per cent or thereabouts.

I think that the penalty for recklessly inflicting grievous bodily harm is to go from 10 years to 13 years as there is to be a loading there. I always thought that the maximum penalty of five years for wounding was ridiculously low for what is a quite serious offence. It is to go up to seven years here, as it will for actual bodily harm and assault occasioning actual bodily harm. The penalty for culpable driving is to go from seven years to nine years. I think that the penalty in the ACT for culpable driving is about twice as low as the most serious culpable driving offence in New South Wales.

I think that that shows as much as anything else the stark need for a revision of some of the penalties in our Crimes Act. I know that the part about crimes against a person will be the next part of the Criminal Code to come up. I certainly hope that the attorney and

his advisers are addressing that. Whilst increasing a maximum is hardly the be-all and end-all, it does represent the community's abhorrence in relation to certain offences, and it is obviously of very strong assistance to any court that is sentencing someone to know what the community regards as a proper maximum for the worst type of offence in that category. I think that our penalties for a number of offences are still far too low. I would encourage the attorney and his officers to look at increasing some of these offences generally and then, obviously, come back and put them up again if he is going to keep to this regime of giving a top-up for offences against a woman and her unborn baby.

I note that the government has circulated an amendment to clause 18 which provides that an offence is not an aggravated offence if the defendant proves, on the balance of probabilities, that he or she did not know, and could not reasonably have known, that the woman was pregnant. There is a big problem with that. You cannot use a defence like that in relation to culpable driving. If someone is haring around a corner on the wrong side of the road at 100 kilometres an hour, smashes into a car and kills a little kid in the back of the car, not knowing that the kid is there, that is culpable driving. I think that that makes a nonsense of this amendment.

At 6.00 pm, in accordance with standing order 34, the debate was interrupted and the resumption of the debate made an order of the day for the next sitting. The motion for the adjournment of the Assembly was put.

Adjournment

Belwest Foxes Soccer Club

MR BERRY (Ginninderra) (6.00): I would like to take the opportunity tonight to recognise the work in the community of the Belwest Foxes Soccer Club. I am the patron of that club and it has given me a great deal of pleasure to be associated with it for several years.

Belwest Foxes is a fun-based, family and community orientated organisation that provides the environment for anyone in the West Belconnen area to participate in the game of football regardless of their skill or ability. The teams have been spectacularly successful. Over 700 men, women, boys and girls play in Belwest jerseys. Fifty-four teams play each weekend of the season and 2005 was a particularly successful year for the growth in participation of women and girls in the sport—a direct result of the effort put into this area by the club. Belwest Foxes also participate in the Kanga Cup, with some success on the field.

I have to say that on the occasions when I have visited the playing fields when these teams have been playing—from the littlies right through to more senior players—it is like a well-honed military operation, with teams coming and going and the organisational skills at work to ensure that the game is developed in West Belconnen.

What I would like to recognise is the amount of work that goes on behind the scenes to make the club such a success. It does not just happen because a bunch of people want to have a game of soccer; it happens because there is a group of women, men and families who want to engage with the community to ensure that young people communicate with each other in a social and sporting way out there in the community.

I have said many times that these sporting arrangements and these organisations are part of the glue that creates a better and progressive society. You cannot say too much in favour of the people that organise these clubs. Running these clubs is not just about collecting fees and organising rosters, although that might be what it looks like from the outside. It is about keeping up with changes in the rules of the game; enlisting volunteers; grading teams, and making sure people have the skills to do this; recruiting and supporting coaches and managers—encouraging people to come forward, gain the skills and put in the time as volunteers; fundraising; ensuring that all the teams have quality, safe equipment; enlisting volunteers; merchandise sales; attendance at meetings and forums to represent players; organising interclub visits and school carnivals; promoting fair play, for which the club was awarded the fair play club award for its 2nd and 3rd division teams; and securing sponsorship.

None of those tasks are easy and they take a lot of time for everybody involved. I must say that I am in awe of the people at this club—and that applies to many other clubs that provide sporting opportunities for young people. It has been a pleasant experience to be associated with the people that are behind the Belwest Foxes because of the professional way they run this small business and their commitment to making sure that this game is a success for all of the young people. With a budget of less than $100,000, they manage to put 700 or so people on the paddock during the season every weekend, time after time after time. I think that is a magnificent effort and I would like to congratulate the outgoing committee, led by President Adrian Dodd, for all of the hard work that they have done over the past year.

I know that there will be some new committee members coming on board after the annual general meeting, which I attended last evening, and I would like to acknowledge them and of course wish them all the very best in their efforts during the forthcoming year. We as community leaders and politicians that represent people right across the ACT know that these sorts of organisations create a better place for our people to live in and to develop in. It is especially important to engage with young people at an early age so that they can socialise with people in a peer group that they enjoy.

Mental health

MS MacDONALD (Brindabella) (6.05): The issue of mental health is a significant one in our society. More than 16 per cent or 3.3 million Australians are affected by a mental disorder in any one year. Around 14 per cent of Australians have diagnosed mild or moderate mental health disorders, including anxiety and depression, and severe illnesses affect around 2.5 per cent of the population at any one time. Those illnesses include disabling psychotic disorders such as schizophrenia and bipolar disorder, as well as severe depression and anxiety disorders. Up to seven per cent of these people are not receiving any treatment, and nearly a quarter or 117,000 of them are receiving only very limited health care treatment.

I learnt from an early age about the complexities and frustrations of the mental health system, from living with a mother who has bipolar disorder, which, of course, used to be called manic depression. I have always followed closely with interest the issue of mental illness in Australia, but even more so since the Standing Committee on Health and

Disability commenced its inquiry into affordable and accessible housing for people with mental illness.

Whilst still stigmatised, mental illnesses are becoming more recognised and accepted in our community, and last week's COAG meeting was a testament to this. For the first time the issue of mental health was discussed at the meeting and, although no additional funding has been allocated, there is a commitment towards additional funding for the next round of COAG. This was disappointing, but for the first time mental health is firmly on the national agenda at every level of government and has been recognised as a major problem for the Australian community. It is encouraging to see that the commonwealth and the states and territories have all agreed to craft an action plan to be backed by significant resources. The governments have agreed that shared responsibility, coordinated action and investment across all jurisdictions are needed to reform the mental health system and reduce the impact of mental illness on individuals, families and the community.

Australia's government heads recognise that three critical areas need to be addressed to fully provide appropriate care to people with mental disorders. These areas include clinical services, including diagnosis, treatment and management by health care providers such as early intervention; accommodation services, such as stable housing, particularly for those who suffer disability as a result of their mental disorders; and rehabilitation and disability services, including employment support, education, income support and community and family care.

It is positive to see that there is much more awareness about mental illness and there is better treatment and more understanding that something needs to be done. But we need action and we need to see it soon. We need a collaborative movement to make sure mental health is addressed and addressed quickly. I look forward to seeing the outcome of the action plans developed by the commonwealth, state and territory governments, and am hopeful that they will go a long way to addressing the issue of mental disorders in Australia. Serious and continued commitment is required from all if we are to more effectively manage both the extent and consequence of mental illness throughout our community.

I would add that I would like to see more focus within the area of mental illness on the issues of research into and treatment for mental illness, because there are many people who are living with schizophrenia or bipolar disorder who continuously struggle with the medication that they are given. It may address their problems to a certain extent, but then it may not, and it is a merry-go-round for them while they try out the different medications, to see what will work for them and what will have a negative impact on them. This is an issue that is far too important for politics and it is important that we as a legislature, and community leaders, talk about the issue openly and frankly, without treating it like a political football.

Medical research—cord blood and stem cells

MR SESELJA (Molonglo) (6.10): Last year, after my wife gave birth to our third child, she was surprised to find that there were no facilities in the ACT for the donation of cord blood, and I want to say a few words about the issue tonight. Placenta or umbilical cord blood is the blood that remains in the placenta and umbilical cord following birth. Cord

blood is a rich source of the baby's own bone marrow stem cells, the building blocks of everything in the blood. Cord blood stem cells are similar to the ones found in bone marrow and they have the ability to develop into different types of mature blood cells. But, unlike bone marrow, a cord blood stem cell can be transplanted even if it is not a perfect match with the recipient's DNA.

Cord blood stem cells are being used at the moment to effectively treat a wide range of illnesses, including cancer, leukaemia, sickle cell disease and severe combined immunodeficiency. Cord blood stem cells have an advantage over embryonic stem cells of being able to be used without exact genetic matching taking place. Transplantation of cord blood stem cells was successfully performed for the first time in 1988 to treat a rare and fatal blood disease. To date, both the donor and recipient are living healthy, disease-free lives. Since then, the advantages of using cord blood for transplantation have become clear. Worldwide, 1,500 transplants using cord blood stem cells have been recorded. There are now private cord blood banks operating all over the world. Whilst Australia does have private cord blood service banks, sadly the people of Canberra are not able to contribute to these.

Adult stem cells, including cord blood stem cells, have proven to be more plenipotent or pliable and plastic than previously thought. Ethical stem cell research has a capacity to make experimentation on embryonic stem cells redundant. "It can be used for a variety of disorders: leukaemia, lymphomas and haematolgic malignancies and also genetic disorders," according to Dr Lucy Nam, medical director of the cord blood donation program at Inova Fairfax Hospital. Following on from these comments, scientists from Duke University in North Carolina in the USA have scientifically validated that stem cells in cord blood can infiltrate damaged heart tissue and transform themselves into the kind of heart cells needed to halt further damage.

On the national front, adult stem cells have been implanted in two Australian men with badly blocked arteries. The trial was aimed at assessing safety of procedure and so far the men have had no side effects from the procedure. Although it is too soon to identify health benefits, researchers are confident of achieving a positive result from the trial. Embryonic stem cells, however, have a natural propensity to form teratomas, and their exhibition of chromosomal abnormalities and the abnormalities that have been displayed in cloned mammals all present questions regarding the validity of using embryonic cells.

Adult stem cells and cord blood stem cells, on the other hand, do not present these problems, and when they are used to treat the person from whom they are drawn they have several advantages. There is a very small risk of rejection and virtually no risk of transferring genetic and viral diseases. The advantages of using adult and cord blood stem cells have been repeatedly and successfully demonstrated over the years. There are numerous examples and, although I do not have time to refer to them all, I will refer to a couple. Adult stem cells have healed broken bones and torn cartilage in a clinical trial. They were responsible for the first completely successful trial of human gene therapy, helping children with severe combined immunodeficiency disease to leave their sterile environment for the first time. Adult stem cells from a young paraplegic woman's own immune system injected into the site of her spinal cord injury cured her incontinence and enabled her to move her toes and legs for the first time.

In June 2002, research confirmed that adult stem cells are more effective than embryonic stem cells in blood formation, and a month later Canadian and Japanese scientists saw adult bone marrow cells show significant immune tolerance. The cells were incorporated not only into bone marrow but also into damaged hearts to help in repair.

I could go on, Mr Speaker, but it is clear that the health benefits and potential benefits of adult stem cells as derived from cord blood are significant. I think it is time we reopened the debate. We had a motion in this place in 2003, which was defeated, and it is time we looked again at this issue, at how the ACT, and women in the ACT, can contribute to this rich area of research—an area where there is so much potential, and so much potential benefit for Australians and people around the world. So I put it out there as something we need to talk about again, we need to debate again, in the community. We need to look at the feasibility of this again.

Colombia

DR FOSKEY (Molonglo) (6.14): Next week, on 23 February, it will be the fourth anniversary of the kidnapping of Ingrid Betancourt. Given that there seems very little we can do to bring her back, I think that at the very least I can give a short speech as an adjournment debate contribution.

At Easter 2001, the Global Greens Conference, the first ever, was held here in Canberra. There were people here from over 70 countries and one of the people who was most impressive to everybody was Ingrid Betancourt. She is a young, married woman who has two children and she is the lifeblood of the Colombian Greens party, which is called Oxygeno-Verde. I do not know how you say it in Spanish.

Ingrid told us at the conference that everywhere she moved in Colombia she had to have bodyguards. However, these were not enough, because on 23 February she and her campaign manager, Clara Rojas, were kidnapped by guerrillas from the Revolutionary Armed Forces of Colombia, colloquially known as FARC. At that time, Ingrid was standing as a presidential candidate, which I suppose, while she did not expect to get elected, was a very strong way of getting the Greens' message of environment and human rights out there. Since 2002, she has been held, along with an estimated 5,600 other hostages. Their last communication via a videocassette was in August 2003, and since then all requests for contact have been refused.

Nonetheless, we believe that Ingrid and Clara are still alive—we have no reason not to believe that—and globally the Greens are campaigning for their liberation. But, of course, their liberation alone is not what Ingrid would want. We believe Ingrid would say that if she is to be freed so should be all the other kidnappees in Colombia.

We all probably know that Colombia is in the grip of a civil war and that the contending forces include guerrilla groups, like the FARC, with armies in the tens of thousands, paramilitaries also armed by the government to counter the guerrillas, and the state's own armed forces of police and military. All are known to be implicated in human rights abuses. The victims of these are the poor, especially peasant farmers, indigenous people and Afro-Colombians, so there is a racist element to that. Colombia is second only to Sudan in its number of refugees: three million people, half of them under 18 years old,

have been forcibly internally displaced in the last three years. The situation is complicated by US intervention through Plan Colombia, which provides aid and training to the military and is attempting to control drug trafficking by aerial spraying of coca crops with herbicides, which also destroy legal crops, cause environmental destruction and displace farmers in the process. So we have a mess there.

As it turns out, there is another election coming up this year in Colombia—a congressional election in March and presidential elections in May—and the Global Greens have stationed somebody there. Dario Ghiladucci from the European Greens has gone to Bogota as a Green ambassador in the run-up to the elections, and that, I suppose, is partly to monitor what is happening, to try and keep some sort of honesty in the election process and also, more importantly, to inform the rest of us Greens of developments locally.

It is important to remember the courage of Ingrid, who continued to be a political campaigner for what she knew was right even though she knew she was always in danger of kidnap at the least, death at the worst.

Motorcyclists—training program

MR GENTLEMAN (Brindabella) (6.19): Tonight I rise to talk about something that has been a passion of mine since my early teenage years—motorcycle riding. I am not here to talk about the joys of jumping on my Daytona and going on a leisurely ride around the wonderfully maintained Canberra roads; instead I would like to raise awareness of a new safety training program that the NRMA Road Safety Trust and the Motorcycle Riders Association, supported by the ACT government, launched two weeks ago. The program is titled Ride ’n Thrive and it is a training program conducted by Honda Australia Rider Training, HART, on behalf of the MRA ACT. The program is a risk management rider development program, which will provide discerning riders with the necessary skills to perfect their road craft and survival skills.

I always practise road craft when riding for leisure, and particularly watch others learn to use it when participating in rides organised by the MRA ACT. As I have already mentioned, I have been riding motorcycles for a large part of my life and in such time I have ridden bikes of all standards and sizes. The bikes of today have quite different power and handling characteristics from the bikes of the past, which means that skill levels need to change along with the increased power and size of motorcycles.

Even though I have been riding for such a long time, I completed the Schuberg stay upright course so I could learn and feel more confident about riding both my old and new bikes. Ride ’n Thrive offers bike enthusiasts a chance to improve their skill levels and to monitor and improve motorcycle safety. The program is aimed at reinforcing or introducing riders to the simple but often forgotten strategies that help keep us safe on the roads. Some of the concepts covered while undergoing the course are observation and anticipation, road positioning, space selection and fatigue management, as well as risk selection. These concepts will be introduced through discussion, demonstration, practice and feedback during the on-road group ride. The course is designed to help promote safe and responsible road use, so the introduction of this course is very timely. With the tragic loss of eight Canberra motorcyclists in 2005, the MRA ACT have been vocal in working with riders to enhance safety and encourage more riders to attend these

types of courses. Ride 'n Thrive is not only a very comprehensive and compact course; it is very affordable to all members of the community.

The requirements for the course are simple, as long as you bring along your registered and insured motorcycle, sunscreen, a current riders licence, protective clothing, wet weather gear—we could all hope for a little more rain—a full tank of petrol and the sum of $90 to cover the costs of having a HART trainer for every six riders. With all these things, you can set off on a lovely day of riding, chatting and enjoying the company of others while engaging in and learning about safe riding practices.

The first two Ride 'n Thrive courses took place on the weekend of 4 and 5 February and I have been informed they were a complete success. I am proud to stand here tonight and congratulate the ACT government for supporting the MRA ACT in conducting these courses to, hopefully, assist in enjoyable motorcycling and fewer deaths on our roads.

Bushfires—Yarralumla brickworks

MR PRATT (Brindabella) (6.23): In question time on Tuesday, I spoke about the Yarralumla bushfire that occurred in late December, and I again referred to that bushfire yesterday in a motion that I moved here. I raised the fact that Yarralumla residents had written numerous letters to authorities and to Mr Stanhope over four years about the bushfire fuel load threat at the back of the brickworks and at the back of the fence line along the western edge of Yarralumla. I also submitted an FOI request to locate documents held by the government about those exchanges and I sent that request to the Department of Urban Services.

I have put a number of quite serious questions to the Minister for Urban Services about that FOI request and the response that I received from his department. I was advised in a letter dated 8 February 2006 from DUS that an FOI request that I had made seeking documents relating to "any and all correspondence" between the Department of Urban Services and the proprietors/bodies corporate of unit plans Nos 232 and 239 in Yarralumla could not be fulfilled: "Our searches have not identified any departmental documents that fall within the ambit of your request."

Mr Mulcahy: None?

MR PRATT: None. Not one document could be found—not one, absolutely zero. However, Mr Speaker, I do have a copy of one such item of correspondence, and I will table that here in this place at the next sitting. The copy that I have is a copy of a letter from Urban Services to the director of units plan 232 and I am sure that there must be more correspondence such as that.

I want to know why DUS, Urban Services, say that they do not have any such documentation when clearly it does exist. Are the department's records in such disarray, perhaps, that they cannot source their records properly, or is it simply the case that they are trying to hide information that shows this government's neglect of the residents of Yarralumla? I want to know what assurances the minister can give me that his department is neither incompetent in its record keeping nor deliberately breaching the FOI Act on what is a very, very important issue.

I would not want to think that the government seeks to conceal these hard issues about our bushfire fighting capability and preventive planning capabilities, and I would not want to think that this government would conceal issues that we have asked about—touchy questions about evacuation policy, evacuation management policy, and other such things—all of which start to give the opposition a little bit of concern, a bit of a slide in our confidence, about this government's capability with emergency management in general, the bushfire management threat and the counterterrorist management threat.

We will be pursuing this issue. I put on the record here today that we clearly have a very poor response on a very, very serious FOI request—not a flippant one—which goes to the heart of serious questions about our emergency management planning.

The Assembly adjourned at 6.27 pm until Tuesday, 7 March 2006, at 10.30 am.

Schedule of amendments

Schedule 1

Workers Compensation Amendment Bill 2005 (No 2)

<u>Amendment moved by Mr Mulcahy</u>

1
Clause 42
Proposed new section 161 (4), definition of *authorised person*, paragraph (c)
Page 28, line 14—

omit

Answers to questions

Charnwood—vandalism
(Question No 749)

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 15 November 2005:

(1) In relation to an article in the Northside Chronicle of 1 November 2005 entitled "Mail boxes vandalised", how many additional patrols have been implemented at the Charnwood shops;

(2) How many reports of (a) break and enter, (b) theft and (c) property damage have been reported over (i) the last 3 months and (ii) the last year;

(3) What evidence is there to show that this increase in crime is cyclical as described in the article;

(4) What steps have been undertaken to address this problem;

(5) Why was the Charnwood newsagency attacked on four prior occasions before any additional police resources were provided;

(6) Why didn't the intelligence based policing operations use information from these many prior attacks to construct a strategy to profile and hopefully intercept these offenders;

(7) Have any offenders been charged, convicted or otherwise in (a) the last 3 months and (b) the last year in relation to these attacks at the Charnwood shops; if so, how many and for what offences; if not, why not.

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

(1) Charnwood Shops are patrolled by Belconnen patrols which are also required to patrol other Belconnen and Gungahlin locations during the hours of darkness. While there have been no additional patrols implemented specifically for Charnwood shops, police have been asked to pay particular attention and to conduct patrols whilst in the area around Charnwood Shops. Statistics are not available on the actual number of patrols of the Charnwood shops.

(2) ACT Policing records show the following numbers of offences at Charnwood shops in the periods specified:

	(a) Break and Enter*	(b) Theft#	(c) Property Damage
(i) 3 months	5	14	2
(ii) 12 months	12	31	14

* figures are for offences recorded as "burglaries";

figures include stolen motor vehicles;

(3) While there is some evidence in the available data to suggest crime patterns for some offences committed at the Charnwood shops may be somewhat sporadic, the actual numbers involved are quite small and it would be unsafe to draw definite conclusions.

(4) Police routinely conduct mobile vehicle patrols and foot patrols through the car parks and shops located at the Charnwood Shops. ACT Policing has also recently implemented the Region Proactive Team which will from time to time supplement Belconnen patrol resources currently conducting patrols of this area. Victims of burglaries are offered crime prevention advice by attending members.

(5) Police have promptly attended each of the incidents that have occurred at the Charnwood Newsagency. Police have offered crime prevention advice to the proprietor and AFP Forensic members have attended and conducted analyses of the crime scene with no forensic evidence located. Operation Halite has also been notified in relation to the burglaries reported to Police.

During a recent burglary, images of the alleged offender(s) were captured on a security camera. Enquiries are continuing in relation to identifying the offender(s).

(6) ACT Policing Operations Monitoring and Intelligence Support has developed profiles of possible offenders in relation to these offences.

(7) (a) & (b)
No. Insufficient evidence has been obtained to identify offenders and secure convictions in relation to these particular offences. While ACT Policing records do not indicate apprehensions in relation to these specific offences, it is possible that the offenders have been apprehended and dealt with in relation to other matters.

Hospitals— ambulance bypass statistics
(Question No 775)

Mr Smyth asked the Minister for Health, upon notice, on 16 November 2005:

(1) Why does ACT Health no longer collect data on the number of patients affected by bypass at Canberra’s hospitals;

(2) Why was this information available previously but not available now;

(3) Why does the Minister no longer see it as important to monitor the number of patients affected by bypass at Canberra’s hospitals.

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

(1) ACT Health records show that patient level data on the number of patients affected by bypass at Canberra’s hospitals has not been collected on a routine basis.

(2) This information, when available previously, has been snapshot data provided by the individual Emergency Departments.

(3) The department monitors the number of patients affected by load sharing.

It is difficult to collect patient level load sharing data as patients present by many modes.

A more appropriate measure of by-pass is load sharing hours. ACT Health collects and monitors this data.

Public Safety is not compromised. Load sharing is an appropriate strategy for distributing the demand across the ACT public health system.

Hospitals—refurbishments (Question No 776)

Mr Smyth asked the Minister for Health, upon notice, on 16 November 2005:

(1) Have the (a) ACT Clinical Services Plan and (b) The Canberra Hospital and Calvary Hospital Master Planning exercise been completed; if not, why not, and when will they be completed;

(2) Given that in the response to question on notice No 525 the Minister stated that the intensive care unit (ICU) and coronary care unit (CCU) refurbishment at Calvary Hospital was delayed due to the need to complete the projects in part (1) above, will the ICU and CCU refurbishment now go ahead; if not, what was revealed in the projects in part (1) to cease the refurbishment; if so, (a) when will work begin and (b) what works will be undertaken as part of the refurbishment.

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

(1) (a) The Clinical Services Plan is being considered by Government.

(b) Master plans for both hospitals are in the process of completion. The Canberra Hospital Master Plan is being completed in three stages. Stage I – the conceptual plan – was completed in November 2004. The entire Master Plan is expected to be completed by June 2007. Calvary Hospital completed a conceptual plan in September 2002 and undertook a review of this plan in August 2004. The Hospital Executive is currently considering next steps.

(2) A Business Case for the refurbishment of the Intensive Care Unit and the Coronary Care Unit at Calvary Hospital is currently in development.

The answer to parts (a) and (b) is as follows:

The timing and nature of refurbishment works will be known following the consideration of the Business Case in the budget process.

Hospitals—patient transport (Question No 779)

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

(1) What patient transport services are used by hospitals in the ACT and under what circumstances is each option used;

(2) Are hospital staff often utilised to arrange transport for patients; if so, how often are staff called upon to arrange transport for patients;

(3) Does this interrupt those staff members in undertaking their normal duties;

(4) How are patients who reside in hostels and respite care, transported to and from hospital or to other health practitioners when they require blocks of treatment;

(5) Would the Government consider allocating a position that specifically looks after transport arrangements for patients rather than interrupting the work of other staff in their normal duties.

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

(1) ACT Ambulance and NSW Ambulance Services provide interhospital road and air transport for patients requiring transfer to another health facility for specialised medical care. For example burns patients and renal transport recipients.

The ACT Ambulance also provides interfacility patient transfer for treatments, for example radiotherapy is available at the Canberra Hospital not Calvary Health Care.

The ACT and NSW Ambulance Service provides a patient transport service, staffed with non-paramedic staff, for patients who require transport to home, return to another health care facility or residential aged care facility.

Hospital fleet vehicles are used by Hospital in the Home to transport patients home. Fleet vehicles are also used by allied health professionals to accompany a patient home to ensure the safety of the patient and/or conduct an assessment of the home.

On occasions patients are discharged home by taxi. This may be with or without nurse escort, depending on patient condition and destination and most frequently occurs when a relative cannot collect the patient form hospital.

The Crisis Assessment Treatment Team (CATT) transports mental health patients in a hospital vehicle to the Psychiatric Unit and to the Emergency Department.

The police transfer mental health & justice system clients to the Emergency Department, Psychiatric Unit and to the courts.

Patients are transported to clinics by the Home and Community Care (HACC) funded community transport. Patients arrange for this service.

The circumstances under which each option is used is determined by an assessment of the patient, the patient's medical condition, patient safety issues and discharge planning considering the patient's living and social support arrangements, determining if the patient resides interstate and the transport available.

(2) Staff are required to arrange transport for all patients. Transport requirements fluctuate, however it would be undertaken several times per day (significantly Monday – Friday).

(3) This is part of normal duties. There is no designated staff member with this responsibility. Unit managers, shift coordinators, bed managers, medical staff and nursing staff regularly undertake this duty.

(4) Patients who reside in hostels and respite care and require transport to and from hospital or to other health practitioners have their transport arrangements made by the hostel.

(5) ACT Health is currently reviewing the patient journey as part of the Access Improvement Program. If the booking of patient transport is identified as an issue, it will be addressed as part of the program.

Development—Gaunt Place
(Question No 785)

Mr Mulcahy asked the Minister for Planning, upon notice, on 17 November 2005:

(1) In relation to the proposed changes to The Canberra Hospital and their compliance with land development processes, what was the original purpose intended for the block of ACT Housing units situated at Gaunt Place, Garran;

(2) Has a variation to that intended purpose been announced or gazetted;

(3) What is the current planning status of the properties in Gaunt Place and do they remain part of ACT Housing or are they used solely by The Canberra Hospital staff;

(3) If the property has been assigned to The Canberra Hospital staff, why was the change not made according to ACT planning policies and processes.

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

(1) The initial purpose under the Territory Plan was residential. The lease provision included "to be used by the Lessee for any purpose pursuant to the Territory Plan".

(2) A Development Application for the lease variation to include 'health facility' was approved in 1996. The Development Application was publicly notified at the time.

(3) Currently the site is being used by The Canberra Hospital and is managed by The Canberra Hospital.

(4) The current 99-year lease over this block is for any purpose pursuant to the Territory Plan including health facility. The land use policy is residential and health facility is one of the permissible uses in this land use policy.

Housing ACT—property marketing services
(Question No 790)

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

(1) Further to the response to question on notice No 730, when will the public tendering process commence for the provision of property marketing services to Housing ACT;

(2) Is it the intention of the tender process to continue to maintain a number of different contracts with suppliers in the interests of competition and the maintaining of best value services provided to Housing ACT.

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

(1) The public tendering process will commence in March 2006.

(2) Yes

Currong apartments
(Question No 791)

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

(1) Further to the response to question on notice No 708, what forms of assistance were provided to the tenants of Currong Apartments by Northside Community Service during the period of decommissioning of the multi-unit complex;

(2) How did the $10 679 funding allocation provide support to the tenants who were undertaking the relocation process.

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

(1) Northside Community Service provided case management support to residents of Currong Apartments during their relocation to alternative homes.

(2) Funds allocated to Northside were utilised to employ this case manager.

Conflict Resolution Service
(Question No 792)

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

(1) How much of the $21 725 allocated to the Conflict Resolution Service (CRS) by the Department of Disability, Housing and Community Services has been expended to date;

(2) What services have been delivered as a result of this funding allocation to CRS;

(3) How do public housing tenants benefit from this funding allocation.

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

(1) The full amount of funding was expended in the 2004/05 financial year.

(2) Mobile mediation and conflict resolution services.

(3) Public housing tenants receive education in conflict resolution and assistance in resolving neighbourhood conflict.

Capital works
(Question No 794)

Mr Smyth asked the Minister for Health, upon notice, on 23 November 2005:

(1) Has the project Crisis Assessment and Treatment Team Feasibility Study, listed under new works in the 2004-05 capital works progress report, been completed as scheduled for

August 2005; if so, when was this project completed and what was the purpose of the study; if not, why not, when will it be completed and what is the purpose of the study;

(2) Will all the $100 000 in funds allocated to this project be expended and what is the current expenditure attached to this project.

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

(1) Parts of the Crisis Assessment and Treatment Feasibility Study have been incorporated in a broader mental health services infrastructure study. The purpose of these studies is to inform service planning and budget development relating to the provision of mental health services and emergency department services. The mental health services planning and campus master planning will provide a context for the planning of crisis services and will be completed prior to the feasibility study. The study is expected to be completed in early 2006.

(2) All of the allocated funds are expected to be expended. No funds have been expended to date.

Capital works
(Question No 795)

Mr Smyth asked the Minister for Health, upon notice, on 23 November 2005:

(1) What is the current status of the (a) Anatomical Pathology Laboratory Refurbishment and (b) Imaging Department Reception and work area refurbishment projects listed under new works for The Canberra Hospital in the 2004-05 capital works progress report;

(2) What is the current total expenditure on those projects listed in part (1);

(3) If either project has not been completed, (a) what is the reason for non-completion of these projects given the scheduled completion date was August 2005 and (b) what is the new completion date.

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

(1) (a) The Anatomical Pathology Laboratory Refurbishment is nearing physical completion. (b) The Imaging Department Reception and work area refurbishment project is currently in the design phase.

(2) (a) There have been no invoices received for the Anatomical Pathology Laboratory Refurbishment to the end of November 2005. Work has been progressing during November and December on this project and will be invoiced near and on completion with final payments and claims to be made in December 2005 and January 2006. (b) The Imaging Department Reception & Work Area expenditure to end of October 2005 was $98K.

(3) (a) The Anatomical Pathology Laboratory Refurbishment physical completion is expected by the end of December 2005 and financial completion early 2006. This project was delayed as the design phase needed to be extended to resolve operational and Occupational, Health and Safety issues. (b) It is anticipated that the Imaging Department Reception will be completed by May 2006. This project was delayed to allow for consideration of a multiple MRI installation within the TCH Imaging department.

Capital works
(Question No 796)

Mr Smyth asked the Minister for Health, upon notice, on 23 November 2005:

(1) Why is there a discrepancy in the figure of $219 000 that the Minister provided in response to question on notice No 523 regarding the 2004-05 end of year expenditure on the sub and non acute facility, when the 2004-05 capital works progress report shows that year to date expenditure was $272 000;

(2) Given that the response to question on notice No 523 stated that Phase 1 and 2 of the sub and non acute facility no longer exist and have been combined, what is the current total value of funding available to this project considering the combination of Phase 1 and 2;

(3) Has the construction documentation for the sub and non acute facility been completed;

(4) Given the state of the ACT budget and pressure on capital works funding, will construction on the sub and non acute facility still commence in January 2006 as anticipated; if not, what is the delay in beginning construction and is it related to budgetary constraints.

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

(1) I have been advised by Calvary Health Care ACT that the expenditure figure provided in response to Question On Notice (No. 523) ($219,000) did not include an accrual for outstanding invoices. The information provided for the Annual Report included the accrual and the correct figure of $272,000 was reported.

(2) The total project funding is $9.75M as reported on page 98 of the ACT Health Annual Report.

(3) Yes, Design and Construction documentation is complete. The project is currently in the ACT market place seeking tenders from pre qualified Construction Managers. Tenders close 20 December 2005.

It is anticipated that site establishment will occur during January 2006, with construction due to commence February 2006 and an anticipated completion/commissioning date of December 2006. The facility is not delayed by budgetary constraints.

Hospitals—haematologists
(Question No 797)

Mr Smyth asked the Minister for Health, upon notice, on 23 November 2005:

(1) How many patients requiring treatment from a haematologist have been referred interstate to date this calendar year;

(2) What percentage of Canberra patients are currently being referred to Concord Hospital in Sydney for treatment;

(3) How many haematologists (a) should the ACT have and (b) does the ACT currently have;

(4) What is the Government doing to recruit and hire more haematologists in the ACT given that Dr Phillip Barraclough has publicly stated that "it doesn't look too promising", in regards to the situation with haematologists improving in the ACT;

(5) Is the Minister concerned, following the airing of a story on Stateline on Friday, 18 November 2005, that one particular Canberra patient is packing up and moving to Port Macquarie because she can receive better treatment there than in the National Capital;

(6) Has the Government or ACT Health made contact with the woman featured in the Stateline story to apologise for the inconvenience caused to her as a taxpayer in the ACT; if not, why not;

(7) Why is it that a smaller scale town like Port Macquarie can attract haematologists but the National Capital cannot;

(8) What is the Government doing to change the perception of Canberra among medical professionals and attract them to Canberra given Dr Noel Tait's public comments that many people he speaks to believe Canberra is an awful place.

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

(1) Over the last six months, newly referred patients to the Haematology Department at The Canberra Hospital have been assessed using a triage system, based on the need for care. Only patients, who in the opinion of the Haematologists did not warrant immediate assessment or intervention, had letters sent to their General Practitioner offering them the option of either having a deferred appointment at The Canberra Hospital or a consultation with one of the Haematologists at Concord Hospital, NSW. As a result of this letter, a maximum of 20 patients were seen in the Haematology Department at Concord Hospital in this calendar year.

(2) A small proportion of non-urgent patient referrals (approximately 10 per cent of non-urgent referrals) are currently being given the option of seeking an earlier appointment in the Haematology Department at Concord Hospital. However, all patients requiring urgent or semi urgent assessment or treatment have been seen in the Haematology Department of The Canberra Hospital.

(3) (a) In order to provide a timely diagnostic and clinical service to patients in the ACT and surrounding areas of NSW, a total of up to five Haematologists is required.

(b) Currently, there are four full time Haematologists in the ACT, however one is on long term sick leave. It is anticipated that he will be able to return to work in 2006. In the 2004-2005 budget, funds were made available for an additional Haematologist, who has been recruited from overseas and will take up the appointment on 28 February 2006.

(4) ACT Health advertised for and appointed an additional Haematologist in October 2005 and this person will take up his position in February 2006. ACT Health has also advertised for a further Haematologist, to replace one of the Haematologists who is retiring in December 2005. No applications were received for this position but efforts are continuing to recruit to this position. Nationally, there is a shortage of Haematologists and there are consultant vacancies in other Capital cities. However, once the forthcoming vacancy is filled and the Haematologist who is on sick leave returns to work, we will have a total of five Haematologists.

(5) People have a right to choose where they will be treated and by whom. I am informed that the patient referred to in the story on 'Stateline' on Friday, 18 November 2005 had been followed up regularly by one of our Haematologists at Calvary Hospital and was last reviewed by him on 16 August 2005. When services in the Haematology Clinic at Calvary were suspended due to the illness of the Haematologist conducting the clinic there, this patient was offered the opportunity to attend for follow up in the Haematology Clinic at The Canberra Hospital, but did not choose to take up this offer.

(6) The patient was offered the opportunity to attend for follow up in the Haematology Clinic at The Canberra Hospital, but did not take up the offer.

(7) The *'Stateline'* story included a quote from an interviewee stating that Port Macquarie could attract Haematologists and that the ACT cannot. Our efforts to date indicate that we can attract a range of specialists and have put a range on initiatives to ensure we are competitive when seeking to recruit medical specialists. However, medical specialists take a whole range of factors into account when deciding to live in the ACT, Port Macquarie or elsewhere. I do not believe that the 'Stateline' story implied that Port Macquarie could attract Haematologists and that the ACT cannot.

(8) Recent years have seen a significant expansion in the number of Medical Specialists in the ACT. However, the Government continues to review the adequacy of the supply of Medical Specialists for the ACT and their working conditions. In the 2004-2005 budget, additional funds were supplied for additional Specialists including funds for an additional Haematologist, as part of growth funds for Cancer Services. In addition, the advent of the new ANU Medical School has been an important factor in attracting more high calibre medical staff to the ACT. The ANU medical school offers increased opportunities for academic, research and teaching pursuits. These are often significant factors which contribute to attraction and retention of qualified medical staff.

Karralika redevelopment
(Question No 798)

Mr Smyth asked the Minister for Health, upon notice, on 23 November 2005:

(1) What is the current status of the Karralika redevelopment project;

(2) What was delivered for the $124 000 expended as at the end of the 2004-05 financial year in capital funding for departmental work in progress regarding the Karralika redevelopment;

(3) Is the Karralika Consultative Committee still undertaking work for the Government regarding the redevelopment project; if so, what work is currently being undertaken by that group; if not, why not.

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

(1) The Government has not announced a decision in relation to the Karralika redevelopment.

(2) The $124 000 expenditure reported in 2004-05 delivered the following:

- $600 May and Russell Architect - work commissioned by ACT Health in 2003/2004 in relation to the original proposal, paid in 2004/2005

- $67 169 payment for Chair of the Karralika Consultative Committee (KCC)
- $7 163 Advertisements for tenders commissioned by the KCC
- $49 474 Consultancies commissioned by KCC

(3) The Karralika Consultative Committee (KCC) is not currently undertaking work for the Government with regards to the Karralika redevelopment. The group ceased work on the project in late June 2005 when they submitted their final reports to the Government outlining the preferred options for the redevelopment.

Canberra Medical School (Question No 799)

Mr Smyth asked the Minister for Health, upon notice, on 23 November 2005:

(1) What is the current status of the Canberra Medical School project;

(2) What was delivered for the $2.44 million in capital expenditure as at the end of the 2004-05 financial year for this project as part of The Canberra Hospital's works in progress;

(3) What was delivered for the $67 000 in capital expenditure as at the end of the 2004-05 financial year for this project as part of Calvary Hospital's works in progress;

(4) Given the completion dates for The Canberra Hospital and Calvary Hospital components of funding for this project is scheduled for January and February, respectively, next year, is this project running according to schedule; if not, why not and what is the new expected completion date.

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

(1) The Medical School Project is under construction and is 75% complete.

(2) Work status as of the end of June 2005 included all design work leading up to establishment of ground and basement level foundations and floor slabs, structural perimeter columns and external drainage.

(3) The $67,000 expended for ANUMS at the Calvary site included payment for the ACTIA insurance premium, application fees to ACTPLA, installation costs for IT connections to the ANU site, and design development fees post final sketch plans.

(4) The ANU Medical School at TCH is now scheduled for completion by the end of March 2006. The eight-week delay in completion is largely due to difficulties in procuring services during this tight construction market. The ANU Medical School at CHC is scheduled for completion March 2006. This minor delay is caused by demand in the tight construction market.

Housing ACT—property valuations contract (Question No 800)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 23 November 2005:

Further to the answer to question on notice No 729, has Housing ACT awarded a new contract for property valuations and market rent assessments on public housing properties; if so, who has been awarded the contract and what is the period of the contract.

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

The contract for property valuations and market rent assessments has been awarded to Herron Todd White (Canberra) Pty Ltd for the period from 14 March 2005 to 27 July 2007, with the option to extend for two periods of one year.

Housing ACT—property marketing services (Question No 801)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 23 November 2005:

(1) Further to the answer to question on notice No 730, when will Housing ACT commence the new public tender for the provision of property marketing services;

(2) Once the tendering process has been undertaken and contract(s) have been awarded, when would Housing ACT expect to have the new property marketing services in place.

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

(1) The question was answered in the response to QON 790.

(2) It is expected that the new property marketing services will be in place by 30 April 2006.

Canberra Hospital—pay parking (Question No 803)

Mr Pratt asked the Minister for Urban Services, upon notice, on 24 November 2005:

(1) In relation to an article on page 1 of the Southside Chronicle of 8 November 2005 entitled "Parking Pain – Fears Garran will become a giant street car park", what effect will the pay parking that is being implemented at The Canberra Hospital have on the streets in (a) Garran and (b) other suburbs;

(2) Has the Government conducted any studies into the effect of pay parking on suburbs surrounding The Canberra Hospital; if so, what were the outcomes and what supporting evidence was there to justify that pay parking would not have a detrimental effect on parking accessibility of surrounding suburbs; if not, why not;

(3) How can the Government be sure that the implementation of pay parking will not have a detrimental effect on parking accessibility of surrounding suburbs;

(4) Have any complaints been made regarding the implementation of pay parking at The Canberra Hospital; if so, how many and has the Government considered any of them to be valid complaints;

(5) Has the Government consulted with the residents in surrounding suburbs of The Canberra Hospital regarding the effect of pay parking on their neighbourhoods; if so, for how long and what were the outcomes; if not, why not.

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

(1) The availability of parking spaces at the Canberra Hospital will not alter in the short term. Streets adjacent to TCH in Garran either have time limited parking or no parking zones, which are enforced by the Department of Urban Services. ACT Health will be working with ACT Roads and DUS to put in place arrangements to manage potential overspill. This may include changes to parking limits and enforcement arrangements in surrounding areas.

(2) Consultants engaged to undertake the study of parking at both TCH and Calvary campuses, have assessed existing parking behaviours and current demand. Assumptions of future behaviour based on the proposed charging models have been made. At this stage very little impact is predicted on the surrounding areas, but this will be closely monitored and, in consultation with ACT Roads, remedial action will be taken if overspill issues occur.

(3) See above

(4) Yes. It is not possible to quantify the number of complaints. Staff, visitors and residents of surrounding suburbs were encouraged to raise issues of concern in the consultation process. All of the issues raised were considered to be valid and as far as possible the concerns were addressed in the development of the models for consideration. As a result of the consultation the following principles have been adopted.

- Segregation of staff and visitors.
- A split of 75% staff, 25% visitors, based on the observations on the campus during the study and on information gained from operators of carparks at NSW hospitals.
- Locating visitor car parks close to the hospital entrances.
- Disabled and short term drop off spots allocated close to hospital entrances.
- Locating day staff in car parks further from the hospital.
- Locating evening staff car parks close to the hospital entrances for security reasons.

A policy for exempting those in special circumstances is under development and volunteers recognised by the hospital will be provided with free parking

(5) Consultants have been engaged as part of the study team to manage a formal consultation process. They have held individual meetings with a number of stakeholders including unions, staff associations, members of the hospitals' communities, and government agencies. They have also invited submissions. In addition to these individual meetings and submissions, consultation sessions have been held as follows:

- Members of the public were invited to attend public information sessions held on 20 September 2005 (TCH) and 22 September 2005 (CHC) via notification in the Canberra Times and the Chronicle.

- Garran residents were invited to a special briefing on Thursday 27 October, 6-8pm at TCH and this was notified to the President of the Garran Community Association (by letter and phone call), a letter drop to all Garran letterboxes, a notice placed at the supermarket at Garran shops and notification in the Garran Primary School newsletter.

- Capital Planners provided a briefing to the Garran Primary School P&F on Tuesday 18 October at 7pm.

- Mr Chris Schelling, President of Garran Community Association, was unable to attend the special briefing to Garran residents. He attended a special briefing on 1 November 2005, along with Mr Adrian Roberts of ACT Kindred Organisations.

- Members of the public were invited to two update information sessions at the conclusion of Stage 1. These were held at TCH on Wednesday 23 November 2005 and at CHC on Thursday 24 November 2005. These sessions were notified in the Canberra Times and The Chronicle.

Every effort is being made to ensure that the views and concerns of the local community are taken into account in all the planning stages. Further consultation will occur as the next phase of the study and the master planning activities commence.

Emergency Services Authority—broadband data links (Question No 805)

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 24 November 2005:

(1) In relation to broadband data links between Emergency Services' departments and further to an answer to estimates question on notice No 181 (61) that stated that some of the $3 million for additional funding towards communication and information management was to be used for broadband data links, how much of the $3 million in funding was provided for broadband data links;

(2) What has been the total cost of installing broadband data links for the emergency services;

(3) How much over budget is this project, given that $1 822 000 was appropriated for funding these broadband data links over four years in the 04-05 budget;

(4) How many Emergency Services Authority suburban and volunteer stations have been connected using broadband data links and how many remain to be connected and when will they be connected.

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

(1) The ESA communications infrastructure has been enhanced with the introduction of broadband data links which provide increased connectivity and capacity. These comprise radio broadband data links as part of the overall TRN radio network and terrestrial links provided by InTACT between ESA facilities. Both combine to provide greater reliability in both fixed and mobile communication requirements. The TRN links are funded

through the 2005-06 allocation of $3.903m with expenditure of $356,444. The terresterial links are funded through the 2003-04 Second Appropriation with a total of $2.018m (Capital and recurrent) over four years. Funding referred to is at page 375 of Budget Paper 4.

(2) The total cost of installing broadband links to date has been $1,437,444. This comprises the TRN component ($356,444) and the terrestrial component ($1.081m)

(3) The project is not over budget.

(4) Twenty three ESA facilities are connected via broadband links. Tidbinbilla is not connected due to technical difficulties and connection to the Woden SES facility is in progress.

Housing ACT—heritage study (Question No 806)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 24 November 2005:

Has Housing ACT, in conjunction with ACT Heritage, conducted a heritage study of properties owned by Housing ACT covered by the multi-unit property plan report; if so, is the report available for public scrutiny.

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

Housing ACT is working with the Heritage Unit to meet its obligations under the *Heritage Act 2004*.

Development—Kippax Centre (Question No 808)

Mr Stefaniak asked the Minister for Disability, Housing and Community Services, upon notice, on 24 November 2005:

(1) Given that the multi-unit development on the old Kippax Pool and Fitness Centre site is nearing completion, how many of these units will be used by Housing ACT;

(2) Will the Government be buying the units; if so, how much has it, or will it, pay for each unit.

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

(1) Housing ACT is not considering the purchase of any of these units at this stage.

(2) No units in this development have been purchased or are in the process of being purchased by Housing ACT.

Bushfires—hazard reduction (Question No 810)

Mr Mulcahy asked the Minister for Urban Services, upon notice, on 13 December 2005:

(1) What specific measures has the Government taken to reduce fire hazards in the ACT this summer;

(2) What measures did the Government plan to have completed by the end of (a) November and (b) December;

(3) To what extent were the fire prevention targets achieved;

(4) When did the Government plan to have cleared the fire hazard, due to long dry grass, in the Ainslie Nature Reserve;

(5) When can residents adjacent to the Ainslie Nature Reserve expect to see the fire hazard in the Reserve removed.

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

(1) As required by the Strategic Bushfire Management Plan, a program of slashing, physical removal, grazing and hazard reduction burning is underway.

(2) As reported in the Canberra Times 6 January 2006, the ACT Government has undertaken extensive slashing along the urban interface as well as physical removal of bushfire fuels, grazing and prescribed burning.

(3) The program is progressing as planned with additional fuel reduction undertaken in response to current conditions.

(4) Fuel reduction, by way of slashing, of the area adjacent to property boundaries behind the suburb of Ainslie was undertaken in December 2005.

(5) The fire hazard has been reduced through the slashing works and the area will continue to be monitored and attended to as required.

Capital works (Question No 811)

Mr Seselja asked the Minister for Planning, upon notice, on 14 December 2005:

(1) What are the reasons for the failure of ACT Planning and Land Authority (ACTPLA) to spend a single cent on new capital works projects in the first quarter of the 2005-06 financial year;

(2) What is the current total expenditure for new capital works in ACTPLA, if any, and what has been delivered for the expenditure;

(3) Are all projects listed as new works in the capital works program for ACTPLA in 2005-06 running according to schedule and will they be completed by the completion dates listed in the September quarter report; if not, why not;

(4) What are the reasons for the failure of ACTPLA to spend a single cent on capital works in progress in the first quarter of the 2005-06 financial year;

(5) Have the two projects (a) East O'Malley Infrastructure and (b) North Watson Access Road and Stormwater Infrastructure, scheduled for completion in September 2005, been completed; if not, why not and when will they be completed.

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

(1) ACT Procurement Solutions (ACTPS) delivers the ACT Planning and Land Authority's (the Authority) new capital works projects. Works were carried out as programmed during that period, and the suppliers' claims were paid by the due dates by ACTPS. At the end of the reporting period, the expenditure had not been invoiced to the Authority (due to Oracle Database changes) and was therefore not debited to its account. The expenditure will be included in the next report provided by the Authority.

(2) The current total expenditure for the ACT Planning and Land Authority's new capital works funded in 2005-06 is approximately $330,000. This expenditure is mainly for the delivery of feasibility studies and design consultancies through ACTPS.

(3) Yes, the new projects are generally running according to schedule and will be completed by the completion dates listed in the September quarter report with the exception of the City West Infrastructure Stage 1 – Childers Street Precinct project. The completion of this project is delayed by one month. The completion date is revised from November 2006 to December 2006 because the negotiations with the Australian National University and other stakeholders have taken longer than expected.

(4) The Authority's capital works in progress are also delivered through ACTPS. The situation is the same as that for new works as per (1) above.

(5)

(a) Yes, it was completed on time.

(b) Yes, it was completed on time.

Works—expenditure forecasts (Question No 812)

Mr Seselja asked the Minister for Planning, upon notice, on 14 December 2005:

What are the reasons for the forecast underspends in the current financial year for (a) City West Infrastructure Stage 1 – Childers Street Precinct, (b) Belconnen Town Centre Infrastructure – Stage 1, Cohen Street Extension, Lathlain Street to Benjamin Way and (c) Sustainable Transport Initiative – Stage 1.

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

(1) (a) There has been a revision of the construction program to accommodate the master planning and ANU building program in Childers Street. The call tender date was reset to the end of February 2006 and the project is on track to achieve this milestone.

(b) This project has been delayed due to a number of issues that have arisen with the proposed sale of land, adjacent to the proposed Cohen Street extension. These issues include changes to existing land use classification and finalising land sale boundaries.

(c) The initial allocation of cash flows for the implementation of the Sustainable Transport Plan was made in 2004, prior to detailed project planning. When that project planning was completed the cash flows were revised to reflect the implementation time schedule. Revised cash flow forecasts are provided to Treasury at set time intervals. All projects are meeting their current project plan milestones.

Belconnen to Civic busway (Question No 813)

Mr Seselja asked the Minister for Planning, upon notice, on 14 December 2005:

(1) What is the current total expenditure for planning associated with the Belconnen to Civic busway;

(2) What has been delivered for each amount of expenditure associated with this project;

(3) What is the remaining budget specifically for planning and design work for the Belconnen to Civic busway and when does the Minister plan to exhaust that expenditure;

(4) What planning and design work (a) will occur in regards to this project in the current financial year and (b) is scheduled in regards to this project in the 2006-07 financial year;

(5) Has the cost-benefit analysis of the Belconnen to Civic busway been completed; if so, what were the results of that analysis and when will the analysis be released publicly; if not, when will this analysis be completed and when will the results of the analysis be released publicly;

(6) Will the cost-benefit analysis include figures regarding projected patronage of a Belconnen to Civic busway; if not, why not;

(7) When does the Government expect to make an announcement as to whether this project will go ahead.

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

(1) From July 2004 to November 2005, $1.8m has been expended on a number of projects associated with the Belconnen to City busway.

(2) The projects, some of which apply to bus services broader than the specific busway projects, over this period include:

(a) the development of Bus Station Design Guidelines for use not only on the dedicated busway, but also for all future major bus stops within Town centres.

(b) the identification of route options for the section of the busway between Aikman Drive and the ANU.

(c) extensive public information and consultation sessions undertaken as part of the route options analysis;

(d) initial engineering design work to provide information for the development and costing of route options;

(e) environmental, operational, social and cultural heritage impact identification and assessment for all proposed route options.

(f) engineering design of the bus priority roadwork within the Belconnen Town Centre. and

(g) development of initial concept options for bus operations within the City Centre and for access through the ANU / City West precinct.

(3) Works to be undertaken for the remaining funds of $4.2m are due to be fully expended in the 2006/07 financial year.

(4)

(a) It is anticipated that items such as concept designs, economic assessment, project scoping, finance models, preliminary assessment and cycling facilities will be undertaken in the 2005/06 financial year.

(b) It is anticipated that items such as patronage forcasting, detailed engineering design and cost benefit, business analysis forcasts will occur in 2006/07.

(5) For major infrastructure projects there are many levels of cost benefit analysis that occur as each level of design detail and as costs become known.

The first such analysis was completed as part of the Public Transport Futures Feasibility study (PTFFS). The PTFFS investigated the economic viability of a public transport corridor system (such as network of busways) to connect the town centres and Civic. The PTFFS estimated that for an investment of $550 million in a total public transport corridor system there would be a positive net benefit of about $1,490 million. The work is publicly available.

A second economic assessment, specifically on the Belconnen to Civic busway, will be completed after a preferred route is identified.

A third full cost benefit analysis will be undertaken when engineering design and costing has been completed. This is the normal cycle for major infrastructure projects – i.e. as each new level of engineering and cost detail becomes clear a further assessment is made before proceeding to further stages.

(6) The full cost benefit analyses will include patronage projections.

(7) Any decisions on the construction of the busway will be considered after the detailed engineering design, costs and justifications are completed and a business case prepared.

Children—brain injuries
(Question No 814)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 14 December 2005:

(1) How many children under the age of five with a brain injury are there in the ACT;

(2) What forms of assistance for therapy, other than through Therapy ACT, does the ACT government provide;

(3) What capacity does Therapy ACT have to provide a program of intensive therapy for children, particularly in the crucial first five years of their lives;

(4) Does the ACT Government offer assistance to families who wish to pursue a program of intensive therapy for their brain injured child, recognising that such a program can cost a family up to $20,000 a year.

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

(1) I am unable to give you any figures for the number of children under the age of five with a brain injury in the ACT. There is no specific research, database or register with this information.

(2) Where the brain injury is the result of a motor vehicle accident, the child would access acute medial and therapy services through The Canberra Hospital. Long-term therapy services are provided through Therapy ACT. Children with a disability are also able to access respite and some support services through Disability ACT, and from community-based organisations funded under the Home and Community Care program.

(3) Therapy ACT provides multidisciplinary therapy services and family support on a needs base. Therapy ACT follows the "Opportunity Model" where the opportunity for practice of skills and developmental experiences are incorporated into the child's daily life and environments. Therapists develop programs where families and teachers etc are educated to use the program principals in all aspects of the child's life.

(4) No.

Housing ACT—full market renters
(Question No 815)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 14 December 2005:

(1) Further to the answer to Question on Notice No 450, due to the decline over time of full market renters in the public housing system, what (a) efficiency measures and (b) alternative revenue options is Housing ACT considering;

(2) When does Housing ACT anticipate that, due to the decline in the percentage of full market renters in the system and the declining financial viability of the public housing system in its current form, other forms of financing will have to be sourced.

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

(1) Housing is undertaking further analysis of its costs compared to other jurisdictions to indicate areas where efficiencies and cost savings can be made. Comparisons are also being examined regarding revenue options.

(2) Alternate funding sources are continually being examined within the overall constraints and context of the Commonwealth State Housing Agreement.

Housing ACT—full market renters (Question No 816)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 14 December 2005:

(1) How many, in terms of numbers rather than percentage, full market renters are there in the public housing system;

(2) How many full market renters in terms of numbers have not received a rental rebate in the last three years;

(3) What percentage of full market renters in public housing maintain ongoing incomes above $50 000, and (b) $80 000;

(4) What is the estimated market value of all properties owned by Housing ACT that are occupied by full market renters.

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

(1) 1,555 as at 16 December 2005;

(2) 820;

(3) There is no requirement for tenants, once they are housed, to supply their income details unless they apply for a rental rebate. Therefore, Housing ACT has no current information on the income of those tenants that have not applied for a rebate;

(4) $412.321m.

Disability ACT—audits (Question No 817)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 14 December 2005:

(1) What forms of audits has Disability ACT conducted to gauge the levels of disability services it provides that match the specific needs of its clientele;

(2) What components of service delivery areas of Disability ACT have undergone an audit.

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

(1) Audits are not used to gauge that the level of service provided matches the need of individual clients.

Service provision to each client of Disability ACT Individual Support Service (ISS) is provided on an individually determined basis. The process to identify individual need and monitor the efficacy of the support plan occurs through the Individual Planning process, in collaboration with the clients' family and guardians.

(2) This information is reported annually in the Department of Disability, Housing and Community Service Annual Report.

Policing—taser gun trials (Question No 818)

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 14 December 2005:

(1) How long has the trial of Taser guns in the ACT been underway and when is it anticipated to end;

(2) Are there any preliminary findings; if so, can these be detailed without breaching any confidential information that ACT Policing may wish to remain classified;

(3) How many times have officers on duty utilised Taser guns in their possession, and on how many individuals were the Taser guns used;

(4) Have any injuries resulted as part of the trial; if so, what are they and were they previously documented side affects of Taser use.

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

(1) The initial Taser trial commenced in December 2004. This trial was set to run for six months concluding in June 2005. Due to the lack of data available from that first six-month period, the trial was extended until December 2005. An evaluation report is being produced for the Operational Safety Committee. The Taser will remain as an approved Use of Force option available to Specialist Response and Security (SRS) post December 2005 whilst the Operational Safety Committee considers the evaluation report. This report is not anticipated to be complete prior to March 2006.

(2) There are no formal preliminary findings from the trial.

(3) Since the commencement of the trial the Taser has been carried by SRS Tactical Response members in excess of 350 times and has been 'used', as defined in Commissioner's Order 3, on a total of seven occasions.

Of these seven 'uses' the Taser has been discharged on three occasions - once in the 'dry stun' mode and twice where the probes have been deployed. The other four occasions relate to the drawing and aiming, but not discharging, of the Taser.

During the trial period three persons have been exposed to the Taser as an electrical incapacitant.

(4) No.

Aerial Cabs
(Question No 819)

Mr Pratt asked the Minister for Planning, upon notice, on 14 December 2005:

(1) Does Aerial Cabs have a monopoly agreement with the ACT Government to provide taxi services to the ACT; if so, is the Minister able to say whether the telephone faults within the Aerial Cabs dispatch system that led to taxi passengers being unable to contact the Taxi call centre have been identified; if so, what was the problem; if not, why not;

(2) Who or what was responsible for the fault and what was done to repair it;

(3) Has the fault been fully repaired; if not, why not;

(4) When was the fault first identified and how long has it interrupted services to Aerial cabs in Fyshwick;

(5) Were any other businesses in Fyshwick affected by the fault; if so, what businesses were they and how long were they affected;

(6) How long have average queue wait times to the call centre been since the fault was discovered;

(7) Have residents made complaints regarding the length of delay in calling the taxi call centre, often claiming that they must wait close to 15 minutes in order to book a taxi; if so, is this acceptable and what is being done to quickly repair the situation;

(8) What has been done to ensure that this or a similar problem does not occur again.

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

(1) No.

(2) Aerial Consolidated Transport has advised that Telstra failed to comply with a maintenance contract under which faults must be attended to within two hours. Telstra did not respond to notification of a fault for over 48 hours. The problem was determined by Telstra to be a synchronisation problem on the ASDL lines and Aerial's PABX. The problem was fixed by the Telstra ASDL controller.

(3) Aerial has advised that the fault has been repaired.

(4) Aerial has advised that the fault was first identified on Sunday 20 November 2005 and reported to Telstra on that day. The fault was rectified by Telstra on 22 November 2005.

(5) Aerial advises that they believe other businesses, particularly some in Barton, experienced similar problems during the same week.

(6) Currently, taxi networks are not required to report on telephone queue waiting times. In relation to the fault in November 2005, queue waiting times were not the issue. The problem was that callers could not hear the responses made by Aerial call centre staff.

(7) Yes. Waiting 15 minutes to book a taxi is not acceptable. The Road Transport Authority is currently developing new Minimum Service Standards for taxi networks, including telephone waiting time standards, to be introduced in 2006. Aerial advises it will be installing new telephone technology commencing in January 2006, including providing full voice recognition facilities, to greatly reduce the time taken to respond to calls.

(8) In regard to minimising the occurrence and impact of any future telephone system faults, Aerial advises that Telstra is to install a new backup connection to Aerial's Fyshwick building and the maintenance contract with Telstra is to be updated to a 'priority' rating.

Environment and conservation—parks and facilities (Question No 820)

Mr Pratt asked the Minister for Urban Services, upon notice, on 14 December 2005:

(1) Further to an ABC News Online article entitled "Budget squeeze blamed for poor park upkeep" dated 10 December 2005, how many complaints have been made to Urban Services regarding the poor state of Canberra Parks and Facilities in the years (a) 2001-02, (b) 2002-03, (c), 2003-04, (d) 2004-05, (e) 2005-06 to date;

(2) Has the head of Urban Services blamed a lack of funds for the poor upkeep of many Canberra parks and facilities; if so, why;

(3) What is being done to address this lack of funding within the Department of Urban Services;

(5) Why has the maintenance budget for Urban Services been under strain for a number of years;

(6) Regarding the quote some of these things are less than desirable, (a) what things are less than desirable, (b) is this referring to complaints made such as Acton Park and the Belconnen Bus Interchange, and (c) are there any other things that are currently in a less than desirable state;

(7) Further to the quote that "while you're clearing up you're not fixing the usual day-to-day things," what day-to-day things are being neglected while the Department of Urban Services is helping to clear up areas as a result of the recent storms.

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

(1) Collectively, the number of enquires received, including complaints were:

(a) 2001-02: 6600 of which 3900 were tree related;
(b) 2002-03: 8467 of which 5231 were tree related;
(c) 2003-04: 10114 of which 7155 were tree related;
(d) 2004-05: 10656 of which 7344 were tree related;
(e) 2005-06: 5066 to date.

(2) The head of Urban Services has noted that the budget for maintenance of parks and open spaces has been under strain for a number of years. Over the last five years the overall budget for park and open space maintenance has generally kept pace with inflation. However, there has been some significant growth in assets over this period, which has had to be absorbed. One off funding injections have been made to assist with unanticipated costs such as those associated with the January 2003 fires, the drought and increases in water charges.

(3) The funding for park and facilities maintenance will be reviewed as part of the normal budget process.

(4) See response to (2).

(5) a & b) There is always more that could be done if there were more funds available.

c) No.

(6) Nothing is being neglected. However, whilst trees damaged by the storm are being cleared up for safety reasons, more routine tree maintenance work has been put on hold.

Capital works
(Question No 821)

Mr Pratt asked the Minister for Urban Services, upon notice, on 14 December 2005:

(1) Regarding the September 2005-06 Capital Works Program Progress Report, why is the revised project value for 'Tharwa Drive Upgrade Stage 1" listed as $0;

(2) Is the project listed in the 2005-06 budget under the roads to recovery section of the Capital Works Program as having a $5 million project value; if so, why does the September quarterly report not share this same value;

(3) Has the Tharwa Drive Upgrade Stage 1 project been cancelled; if so, why; if not, is the project still scheduled to receive its initial funding in 06-07 that will be continued through 2008-09 as outlined in the 2005-06 budget papers;

(4) When is it expected that construction work will begin on the Tharwa Drive Upgrade and when is it scheduled to be completed;

(5) Is the project still expected to cost $5 million; if not, how much is it forecast to cost and why is it expected to differ from the original valuation.

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

(1) The project has been deferred and the funds have been transferred to the Gungahlin Drive Extension project, which is a higher priority and which requires an increase in funds above that originally budgeted;

(2) Yes and refer to answer 1;

(3) The project has been deferred and the funds have been transferred to the Gungahlin Drive Extension project, including the funds scheduled for 2006-07 through to 2008-09;

(4) The Tharwa Drive Upgrade will be re-considered in future budgets; and

(5) The project cost will be revised at a time prior to inclusion in a future budget. The cost is expected to increase above $5.0m in line with inflation and the construction industry market at the time.

Majura parkway
(Question No 823)

Mr Pratt asked the Minister for Urban Services, upon notice, on 14 December 2005:

(1) Noting that in response to Question on Notice No. 576 the Minister said, in regards to the Majura Parkway, that during 2005-06 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, will this still occur given the Minister's recent comments that the Majura Parkway project is on hold;

(2) Why has the project value for the forward design for the Majura Parkway project been revised down by $400 000.

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

(1) The preliminary report will be released for public comment in 2005-06. The preliminary assessment and environmental impact study will commence in 2005-06 and continue into 2006-07.

(2) The revised authorisation provides the funding to complete the preliminary assessment and environmental impact study.

Kings highway
(Question No 824)

Mr Pratt asked the Minister for Urban Services, upon notice, on 14 December 2005:

Noting that in response to Question on Notice No. 575 the Minister said that $50 000 allocated to the Kings Highway was to study the current and predicted use of the Kings Highway, identify substandard areas and develop proposed remedies for any deficiencies identified, and noting that that funding was expended as shown in the 2005-06 September Quarter Capital Works Progress Report, what did that study reveal and is the Government considering future funding for improvements to the ACT section of the Kings Highway.

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

(1) The study has found that there are deficiencies in the cross section and the vertical and horizontal geometry at some locations. It has also found that there is likely to be increased travel times on the Kings Highway once the Defence Headquarters is constructed. Six options to address these problems have been identified. The options identified are being examined.

Capital works
(Question No 825)

Mr Pratt asked the Minister for Urban Services, upon notice, on 14 December 2005:

(1) Regarding the 2005-06 September Quarter Capital Works Program Progress Report, why has $2 200 000 of funding been withdrawn from the Roads to Recovery Capital Works Boboyan Road and Sutton Road Programs;

(2) Why has $5 000 000 been withdrawn from the Pialligo Avenue upgrade and Majura Parkway Forward Design within the Roads ACT Capital Works Program;

(3) Has the $7 200 000 from projects as listed in parts (1) and (2) been transferred into the Traffic and Road Safety Capital Works Program specifically for the Gungahlin Drive Extension; if so, why has this funding been transferred;

(4) Have the projects listed in parts (1) and (2) been cancelled; if not, when will they be completed;

(5) Why was funding transferred out of these other necessary projects, rather than being appropriated through additional financing.

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

(1) With the agreement of the Department of Transport and Regional Service, the funds have been transferred to the Gungahlin Drive Extension project, which is a higher priority and which requires an increase in funds above that originally budgeted;

(2) The funds have also been transferred to the Gungahlin Drive Extension project;

(3) Yes, as per reasons given at answers 1 and 2;

(4) The projects have been deferred and will be re-considered in future budgets; and

(5) Additional financing was not available. As a result of this the existing priorities in various road construction programs were reviewed to ensure funds were available to progress Gungahlin Drive Extension.

Bushfires—hazard reduction
(Question No 828)

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 14 December 2005:

(1) Regarding letter to the editor "A new fire hazard", on page 12 of *The Canberra Times*, dated 12 December 2005, has grass been allowed to grow up to 100% thicker and longer than it was before the disastrous January 18, 2003 bushfires; if so, why;

(2) Why have adequate prevention activities in the Weston Creek area not been conducted prior to this 2005-06 bushfire season;

(3) Why does it take more than the local Bush Fire Brigade agreeing that the current situation (on Cooleman ridge) is very serious in order to have some preventative measures undertaken;

(4) Why has the fire trail constructed two years ago been allowed to decay to the point that it is no longer visible;

(5) Why has the small amount of slashing that has taken place been minimal and ineffective in reducing fire hazards that have built-up in the area;

(6) How many complaints regarding fire hazards have been made to the Emergency Services Authority during (a) 2004-05, and (b) 2005-06 to date;

(7) Have all of the complaints for (4) above been rectified by having the hazards removed; if not, why not and how many reported hazards remain to be removed.

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

(1) The extent of heavy grass growth reflects the heavy spring rainfall in 2005. This level of rainfall and subsequent growth was not present in January 2003, where the Territory was in drought in the preceding months

(2) Fuel Management activities for Weston are detailed in the Bushfire Operational Plans (BOP) for both Urban Services and the Chief Minister's Department. They are evaluated on a strategic basis across the Territory. Prior to the 2005/06 bushfire season the risk did not exist – grass was green and growing, not long and dry. The Emergency Services Authority (ESA) is working closely with land managers from these Departments to ensure the programs are achieved as well as identifying and addressing any significant fuel management issues.

(3) In the context of bushfire mitigation across the Territory as a whole Cooleman ridge is important, but strategically it is not critical. Mitigation work is prioritised and preventative measures, including slashing of the urban interface and fire trails, as well as rock picking to increase the slashable area are identified in the approved BOP for Cooleman Ridge, prepared by the Chief Minister's Department. These works were identified in the draft BOP for the area which was developed in July 2005, well before the heavy spring rainfall, and will be carried out in the near future.

(4) In 2003-04, trails were slashed and maintenance works of trails was undertaken on Coolemen Ridge. Significant spring growth has covered the trail and slashing is to be undertaken by the Chief Minister's Department under the 2005-06 BOP.

(5) It is unrealistic and ineffective to expect all long grass across the Territory to be slashed on a regular basis. A significant amount of strategic slashing has already been undertaken by the Chief Minster's Department on Cooleman Ridge. This was completed consistent with the requirements of the Strategic Bushfire Management Plan (SBMP). The standards (ie: amount and frequency) in the SBMP are based upon a sound understanding of bushfire behaviour to allow the safe deployment of fire fighters and allow property owners to undertake protection of their properties, but it cannot be emphasised enough for the need of property owners to ensure they have undertaken effective prevention and preparatory works within their boundary.

(6) (a) 44 inspections resulted in a hazard being identified and a notice issued during 2004/05.

(b) 40 inspections resulted in a hazard being identified and a notice issued thus far for 2005/06.

(7) Of the 88 notices issued, 72 have been complied with and the hazard removed. Currently, there are 14 notices awaiting the initial 14 days compliance period, one final notice awaiting the 14 day compliance period, and one other final notice that has not been complied with. In relation to the latter notice, the ACT fire Brigade is making arrangements to have the flammable material removed. Generally, the public are actively complying with requests to remove flammable material.

Public service—consultants (Question No 829)

Mr Smyth asked the Chief Minister, upon notice, on 14 December 2005:

(1) What action is the Government taking to reduce the amount of spending on consultants and contractors being used by the ACT Government;

(2) Is this action working, given the Government recently corrected the figure of $117 million spent on "Consultant Fees, Contractor Payments and Professional Services" in 2003-04 Consolidated Annual Financial Statements to $153 million in the 2004-05 Consolidated Annual Financial Statements;

(3) What is the reason for $36 million of expenditure being misclassified, in 2003-04, from "cost of goods sold" to "supplies and services";

(4) What action has been taken to ensure that the misclassification of such a large amount of spending is not repeated;

(5) Did the ACT Auditor General have any comments to make on this misclassification; if so, what were these comments;

(6) Is the Government still committed to reducing the large expenditure on "Consultant Fees, Contractor Payments and Professional Services" in 2005-06.

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

(1) The Government has established a joint working party with the Unions representing ACT Government employees to provide advice to the Joint Council on strategies to minimise the use of consultants and contractors across the ACT Public Service. The Working Party met three times in 2005 and identified no problems with the Government's use of consultants and contractors.

(2) Any action being undertaken by the Government to reduce the amount of spending on consultants and contractors is independent of the accounting treatment used to recognise that type of expenditure.

(3) As indicated in the Treasurer's response to Question on Notice 46, Annual and Financial Reports 2004-05, Standing Committee on Public Accounts (25 November 2005), the $36 million increase in 'Consultant Fees, Contractor Payments and Professional Services', from the $117m presented in the 2003-04 Annual Financial Statements, is due to a change in the classification of expenses – not due to a misclassification.

The adjustment to the 2003-04 comparative year figure in Note 12 reflects a transfer of expenses from Cost of Goods Sold to Supplies and Services, following the change in classification of expenses incurred by the ex-Totalcare business units which were merged with the Department of Urban Services. The reclassification was undertaken to adopt a consistent accounting treatment throughout the Department of Urban Services for expenditure incurred on consultants and contractors.

(4) As stated in the response to question 3, above, there has been no misclassification of expenditure.

The accounting standards allow reporting entities the flexibility to change accounting treatments if the change will result in improved reporting. As required by the standards, the reclassification was fully disclosed in the notes of the financial statements.

(5) The financial statements of the Department of Urban Services were unqualified and the Auditor-General has made no specific comments on this issue.

(6) The Government is committed to efficient and effective management. Agencies are obliged under the *Government Procurement (Principles) Guideline 2002* to apply the principle of value for money when making a decision to engage a contractor or consultant. This includes consideration not only of initial cost but also risk, costs and benefits on a whole of life basis.

Convention centre
(Question No 830)

Mr Smyth asked the Minister for Economic Development and Business, upon notice, on 14 December 2005:

(1) What are the reasons for the forecast underspend in the current financial year of $29.103m on the Convention and Exhibition Facilities;

(2) Where is the Convention Centre upgrade project currently up to;

(3) What are the reasons for current delays;

(4) When does the Government expect to be able to progress further on the upgrade;

(5) Is the expected completion date for the upgrade still June 2007; if not, why not and what is the new completion date; if so, how will you meet the June 2007 timeframe given your admissions that heavy booking will delay work until well after Christmas.

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

(1) The project is presently at a pre-planning and stakeholder consultation stage that is a necessary step in determining an agreed Scope Of Works against Budget. Further, the Centre is heavily booked to the end of June 2006, which limits the ability to obtain access and undertake major on-site works. Accordingly, funds budgeted for works in 2005/06 have been rolled over for expenditure in the 2006/07 financial year.

(2) The formal building condition and audit report has now been finalised and an Industry Advisory Panel is also active and contributing key stakeholder views on expenditure

priorities. A number of small specialist consultancies have also been let to provide additional advice and information on key functional issues for the Centre. These inputs will come together early in the New Year and form an agreed and costed Scope of Works against Budget.

(3) There are no unanticipated delays to the upgrade project.

(4) With the building condition and audit report now finalised, and industry consultation nearing completion, the scope, costing and prioritisation of works will be finalised early in the New Year. The Government Procurement Board has approved the project and an EOI process for the Project Manager will be undertaken shortly to enable the design phase of the project to commence. Following this, a Prime Contractor will be appointed to manage the works at the Centre.

(5) It is not possible at this point in time to give a precise completion date for the upgrade works. Ultimately, that date will be negotiated with the Prime Contractor and will be dependent on matters such as labour and material supply, and obtaining necessary building approvals. However, based on the information currently available to the Government, the second half of 2007 seems a likely completion timeframe. The Government anticipates that most of the major upgrade works will occur from late 2006 and run into the first half of 2007. The Government is committed to providing regular updates on likely timelines as it becomes available. It will do this in conjunction with the Industry Advisory Panel.

Youth—illicit substance abuse
(Question No 831)

Mr Smyth asked the Minister for Health, upon notice, on 14 December 2005:

(1) Further to comments made by the ACT Health Chief Executive on ABC radio that there are greater pressures on the mental health system due to a greater abuse of illicit substances by young men which is placing a great deal of stress on our services that provide care for acutely psychotic people, what is the extent of illicit substance abuse by young men in the ACT;

(2) How do the figures for illicit substance abuse by young men compare to the figures for young women;

(3) What is the Government doing to reduce illicit substance abuse by young people in the ACT, in particular, men;

(4) How is the Government focussing on this issue to promote awareness about illicit substance abuse.

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

(1) According to the results of the 2002 ACT Secondary Student Alcohol and Drug Survey males (32.4%) were significantly more likely to report having used an illicit substance than females (26.8%).

(2) According to ACT Health data (2004-05), males account for 75% of clients aged between 12-18 years accessing treatment for illicit drug use.

77% of these young males aged between 12 –18 years accessing treatment for illicit drug use, identified cannabis as their principle drug of concern. A further 11% indicated heroin and 10% indicated psycho-stimulants as their principle drug of concern.

52% of young women in the ACT aged between 12-18 years accessing treatment for illicit drug use identified cannabis as their principle drug of concern. A further 23% reported heroin and 23% reported psycho-stimulants as their principle drug of concern.

(3) The ACT Government funds eleven non-government alcohol and drug agencies in the ACT to provide services including information and education, counselling, withdrawal, and rehabilitation to people in the ACT with a substance abuse problem. Of these eleven agencies ten provide services to men, with one service specifically targeting youth 14-18 years.

(4) Nine peer drug education projects have been funded under a joint initiative of ACT Health and ACT Department of Education and Training. The projects have been implemented in primary and secondary schools across ACT government, non-government and independent sectors.

The projects aim is to promote education and prevention of drug and alcohol issues and minimising the harm to children and young people in the ACT. The initiative will strengthen peer education and student voice within schools to enhance drug education

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Canberra Hospital—helicopter use (Question No 833)

Mr Mulcahy asked the Minister for Health, upon notice, on 14 December 2005:

(1) Was a helicopter used to move (a) furniture at The Canberra Hospital during December 2005; if so, what were the reasons for using a helicopter, (b) what was the cost and (c) what other options were considered for carrying out this task;

(2) Were any calls received for use of a helicopter when this task was being undertaken.

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

(1) A helicopter was not used to move

(a) furniture at The Canberra Hospital during December 2005; Telstra engaged a helicopter to move telecommunication equipment to the top of the main building (Building 1) at The Canberra Hospital.

(b) Not applicable; and

(c) Not applicable.

(2) No calls were received regarding the use of this helicopter when the task was being undertaken.

Christmas light displays
(Question No 834)

Mr Pratt asked the Minister for Urban Services, upon notice, on 15 December 2005 (redirected to the Acting Minister for the Environment):

(1) Has the Minister's attention been drawn to an *ABC News Online* story entitled "Late night Christmas light viewers irritate residents";

(2) How many complaints regarding the use of outdoor Christmas lights have been made by residents of the ACT and in what suburbs have these complaints been made for the years (a) 2003-04, (b) 2004-05, and (c) 2005-2006 to date;

(3) Does the Government see a need to regulate the use of outdoor Christmas lights and what are the problems that have been identified which have led to the Government to possibly regulate the use of outdoor Christmas lights;

(4) What will the Government do in order to regulate the use of outdoor Christmas lights;

(5) Will there be penalties associated with a breach of any regulations that the Government establishes; if so, what will these penalties be.

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

(1) Yes

(2) The Environment Protection Authority, Canberra Connect and Urban Services Ranger Service have not received any complaints about Christmas lights in:
(a) 2003-04
(b) 2004-05 or
(c) 2005-06 to date

(3) No problems have been identified with Christmas lights. Should problems occur there are, under the *Environment Protection Act 1997*, mechanisms available to manage any genuine environmental nuisance they may cause.

(4) The Government has appropriate laws in place should Christmas lights become a problem. There is no need for any further regulation.

(5) The Government is not establishing any new regulations.

Questions on notice—delays
(Question No 835)

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 15 December 2005:

(1) What is the explanation for receiving an answer to Question on Notice No. 534, placed on the Notice Paper on 24 August 2005, approximately three and a half months after it was submitted, or two and a half months overdue;

(2) Why was the answer dated 22 November 2005 by the Minister, but not received by the Assembly Secretariat until 12 December, approximately three weeks later.

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

(1) Since January 1 2005, the ESA has received a total of 50 Questions on Notice. Many of these were complex and contained multiple sub-questions. Tallying the sub-questions within all of the Questions on Notice, the ESA has answered a total of 390 questions, or an average of 28 questions per sitting week.

The information requested in Question on Notice 534 was complex, containing a total of 63 sub-questions, and required detailed research of financial and other records. The question came at a time when the ESA's workload was substantial and also coincided with positional changes within the office responsible for co-ordinating the response as well as the area specifically responsible for providing information in response to the question.

(2) Due to the sheer volume of questions to which the ESA has had to respond, the response to Question on Notice 534 was misplaced amongst other documents, resulting in the delay between the date of signature and date received by the Secretariat and I apologise for the delayed response to that question.

Emergency Services Authority—volunteers (Question No 836)

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 15 December 2005:

(1) Further to a letter to the editor by the Emergency Services Authority (ESA) Commissioner entitled "Inaccurate criticism detracts from effort by SES volunteers" in *The Canberra Times*, 13 December 2005, page 12, what is the longest amount of time that volunteers had to wait for a meal during the storm cleanup, how many SES members had to wait this long to receive meals and why;

(2) Of the various equipment that was hired, (a) what equipment was hired, (b) why was the equipment hired, (c) when was it hired, (d) from where was it hired, (e) for how long was it hired, (f) how much did it cost to hire and (g) did any equipment need to be paid for up front; if so, who paid for the equipment and were these costs reimbursed to volunteers;

(3) How many (a) chain saws, (b) elevated work platforms/'cherry pickers', (c) leaf blowers (petrol or electric), (d) helmets, (e) ladders, (f) harnesses, (g) protective eye wear (goggles) and (h) chain saw chaps are (i) available for operational duties, (ii) available as a backup resource and (iii) owned by the ESA or its agencies.

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

(1) Up to two hours. Of the 204 SES members involved in storm damage operations, 17 members were affected by these short delays.

(2) (a) (i) Portable toilet
(ii) Pole saw

	(b)	(i)	Personal hygiene
		(ii)	Capability
	(c)	(i)	Friday 2 December 2005 at 1930 hours
		(ii)	Sunday 4 December 2005 at 1530 hours
	(d)	(i)	Kennard's Hire
		(ii)	Kennard's Hire
	(e)	(i)	One week
		(ii)	Three days
	(f)	(i)	$239.00
		(ii)	$291.00
	(g)	(i)	Yes. Disregarding replacement arrangements put in place by the SES, one Unit purchased a pair of chainsaw chaps.
		(ii)	No claim for reimbursement has been made.
(3)	(a)	(i)	76
		(ii)	2 at ESA stores (is possible hire additional privately if need arises)
		(iii)	78
	(b)	(i)	1
		(ii)	0 (is possible to hire privately if need arises)
		(iii)	1
	(c)	(i)	0
		(ii)	0 (is possible to hire privately if need arises)
		(iii)	0
	(d)	(i)	1509
		(ii)	414 at ESA stores
		(iii)	1923
	(e)	(i)	26
		(ii)	2 at ESA stores (is possible to hire privately if need arises)
		(iii)	28
	(f)	(i)	47
		(ii)	0 (is possible to hire privately if need arises)

(iii) 47

(g) (i) 1457

(ii) 1601 at ESA stores

(iii) 3058

(h) (i) 79

(ii) 4 at ESA stores (is possible to hire privately if need arises)

(iii) 83

Children—Vardon report
(Question No 837)

Mrs Dunne asked the Minister for Children, Youth and Family Support, upon notice, on 15 December 2005, (redirected to the Acting Minister for Children, Youth and Family):

(1) Further to my question No 565 of 26 August 2005 and your response of 10 October 2005 on money allocated as a result of the Vardon Report for Early Intervention Programs, what specific reasons did the Office for Children, Youth and Family Support have for supporting the Reference Group recommendation to provide training for practitioners (government and non-government) in the Positive Parenting Program;

(2) What specific reasons did the Office for Children, Youth and Family Support have for not providing training for practitioners in the Parent Effectiveness Training program.

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

(1) Specifically, the Government supported the Reference Group's recommendation to provide training for practitioners in the Positive Parenting Program because the Positive Parenting Program promotes the following benefits to children and their families:

- The promotion of independence and health in families by enhancing parenting knowledge, skills and confidence;
- The promotion of the development of non-violent, protective and nurturing environments for children;
- The promotion of development, growth, health and social competencies of young children;
- A reduction in the incidence of child abuse, mental illness, behavioural problems, delinquency and homelessness; and
- The enhancement in the competence, resourcefulness and self-sufficiency of parents in raising their children.

(2) The Positive Parenting Program was chosen to compliment the existing range of parenting groups within the ACT. This will lead to a greater number of options for families to choose from based on their specific needs and presenting issues.

Housing—affordable
(Question No 838)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 15 December 2005:

(1) What percentage of affordable housing will be made available for sale at (a) Fraser Court and (b) Burnie Court to people on incomes between $35,000 and $55,000;

(2) What scope is there for such affordable housing options at the above-mentioned sites to be offered via a balloting process to eligible moderate income purchasers.

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

(1) There will be affordable housing provided at Fraser Court and Burnie Court which will be made available for rent through either Housing ACT or a community housing provider. The percentage of affordable housing will be determined as part of the joint venture negotiations.

(2) See (1).

Housing—tenant debt
(Question No 839)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 15 December 2005:

(1) Further to the response to Question on Notice HD 04, Annual and Financial Reports 2004-05, what is the current level of tenant debt within the COREHAP program;

(2) Why is this not reported as a separate level of debt by Housing ACT in order to provide a clear indication of the levels of debt held by tenants who reside in Housing ACT properties and tenants supported in the Community Housing sector.

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

(1) As at 3 December 2005, CORHAP debt was $155,660.13.

(2) Debt for CORHAP properties is not separated from debt owed by public housing tenants in order to report the total debt attributable to all properties managed by Housing ACT. The tenancies are managed by providers under the CORHAP program, whereas the properties are under the control of, and managed by Housing ACT. Information on the debt owed by all tenancies, including that by CORHAP providers is available to individual managers and to the Management of Housing ACT.

Education—student assistance (Question No 840)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 15 December 2005 (redirected to the Acting Minister for Education and Training):

(1) How many students currently receive funding assistance under the Student Centred Appraisal of Need program;

(2) What is the breakdown of students in each year from Year 7 through to Year 12 in ACT Government schools in receipt of this form of funding assistance;

(3) What programs have been put in place by the ACT Government to assist with the transition of these students into the workplace and what organisations has the Government engaged to assist in this activity.

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

(1) At the August 2005 census there were 1722 students who received special education resources in ACT Government schools.

(2)

Year 7	126	Year 10	82
Year 8	109	Year 11	70
Year 9	95	Year 12	100

(3) The Australian Government is responsible for funding and managing services that assist young people with a disability transition into the workplace. The ACT Government provides in kind support to the Australian Government's DisAbility Coordination Officer program, with the Canberra Institute of Technology (CIT) hosting the program. CIT also offers specific programs to assist school leavers with transition to employment. The ACT Department of Education and Training (DET) offers a range of services and programs to all students, including those with a disability to assist with transition to the workplace including: careers counselling, Vocational Education and Training programs and the School Based New Apprenticeship program (SNAPS). SNAPS encourages businesses to offer training to students with a disability who are able to participate in training. DET provides funding for the annual Canberra Careers Market which provides students with an opportunity to explore possible pathways. The Department of Disability, Housing and Community Services also offers funding under the Post School Options program which assist young school leavers with a disability who are not able to seek full time work or training after they graduate from school and who require transitional support services as they move from school to adult life. The ACT Government also provides funding to support transition programs operated by Capital Careers and works collaboratively with the ACT Chamber of Commerce and Industry who are involved in a range of programs to assist with the transition of students from school into employment.

Pierces Creek settlement—redevelopment (Question No 841)

Mrs Burke asked the Chief Minister, upon notice, on 15 December 2005 (redirected to the Acting Chief Minister):

(1) Has a development application been made with the ACT Planning and Land Authority to commence redevelopment at the Pierces Creek settlement; if so when; if not, why not;

(2) Given there are no impediments to the re-building of the public housing properties lost at Pierces Creek in the 2003 bushfires, when will re-building commence.

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

(1) At the time of answering this question no development application has been made to the ACT Planning and Land Authority.

The Government is currently considering the very complex issues of social, environmental and financial policy in this matter. When this consideration is completed information will be provided about the way forward.

(2) See (1) above

Belconnen to Civic busway (Question No 842)

Mr Seselja asked the Minister for Planning, upon notice, on 15 December 2005:

(1) In regards to the Belconnen to Civic Busway, what, if any, other options is the Government looking at for sustainable transport from Belconnen to Civic;

(2) When will the necessary environmental assessments of the proposed three routes for the busway be completed;

(3) Is the Government also considering, or has it previously considered, a bus lane on Barry Drive, rather than spending millions on a dedicated busway; if not, why not; if so, when will details on this research be available;

(4) Is any environmental assessment of a bus lane on Barry Drive being undertaken or has it been previously undertaken; if not, why not; if so, when will details on this research be available;

(5) Is the Government looking at alternate options to get people onto bus services from Belconnen to Civic rather than spending millions on a Busway; if not, why not; if so, when will details on this research be available;

(6) Is the Government preparing details of how successful a Busway will be in reducing (a) private vehicle use from Belconnen to Civic and (b) greenhouse gas emissions; if not, why not; if so, when will details on this research be available.

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

(1) The Government is looking at a range of complementary options for sustainable transport for all of Canberra, not just between Belconnen and the City. Our 25 year plan is detailed in the "The Sustainable Transport Plan for the ACT" (Transport Plan) which I launched in April 2004.

(2) In the route identification process to select a preferred corridor alignment, initial environmental assessments to assist in differentiating between the corridor options have been undertaken.

When a preferred route for the Busway has been selected a detailed environmental study in the form of the Preliminary Assessment (PA) Report, as required under provisions of the *Land (Planning and Environment) Act 1991*, will be undertaken.

(3) Barry Drive runs between Fairfax Street, O'Connor (Section 81) to Northbourne Avenue, Turner (Section 41). There are dedicated bus lanes travelling east and west (near the intersection of Clunies Ross Street and Barry Drive). These are used by ACTION Local and Intertown services.

A major initiative proposed under the Sustainable Transport Plan is improving the public transport system with the development of busways on all trunk routes, not just from Belconnen to the City. These busways will be a combination of exclusive bus roadways, exclusive bus lanes and buses sharing with cars along with bus priority measures at traffic signals and intersections. It is important to reserve the corridors for public transport into the future, which will be essential as Canberra grows and traffic congestion inhibits travel times.

(4) The Government has looked at a range of options to encourage Canberra commuters to choose more sustainable transport. The initiatives identified in the Transport Plan are a comprehensive package of complementary measures designed to have maximum impact in achieving a shift towards a more sustainable transport system.

The Transport Plan was based on an extensive and thorough analysis of the future transport needs of Canberra. Several significant pieces of work inform the findings and recommendations of the Transport Plan. These include The *Public Transport Futures Feasibility Study*, The ACT *Transport Costing Study*, The *Transport Elasticity Study* and The *Sustainable Transport Plan Issues Paper*. The ACT Planning and Land Authority has made these studies publicly available.

(5) Between Belconnen and the City, and elsewhere in Canberra, the Government is implementing and investigating a broad range of measures to encourage a modal shift of commuters away from low occupancy private vehicles to more efficient public transport. These measures have been flagged in the Government's Sustainable Transport Plan and announced at appropriate times such as budget time.

(6) Yes in the investigation under pinning the Sustainable Transport Plan. More detailed investigation on the level of reduction of private vehicle use, thus greenhouse gas emissions on the busway are subject to the detailed assessment of cost benefit analysis study.